



AGENDA

PLANNING COMMISSION
THURSDAY, FEBRUARY 2, 2017 6:00 PM

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

A. CALL TO ORDER

1. ROLL CALL
2. APPROVAL OF MINUTES

1. Planning Commission – Regular Meeting – November 3, 2016

3. APPROVAL OF AGENDA
4. PUBLIC COMMENT

B. BUSINESS OF THE PLANNING COMMISSION

1. Annual Organizational Meeting to Elect a Chairman, Vice Chairman, and a Secretary; and to Appoint a Representative to the Design Review Board
2. Discussion Regarding the Adoption of Summary Minutes
3. Proposed Planning Commission Rules Update

C. ADJOURNMENT



MINUTES

PLANNING COMMISSION THURSDAY, NOVEMBER 3, 2016 6:00 PM

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

A. CALL TO ORDER

PRESENT: McKenzie, Cullinan, Comeaux, King
ABSENT: Welday

2. APPROVAL OF MINUTES

1. Planning Commission – Regular Meeting – September 1, 2016

Summary minutes stand approved.

3. APPROVAL OF AGENDA

Mr. Snowden: Mr. Chairman, I request that Item number 4 be added to elect a new Vice Chairman for the Commission, given the resignation of Mr. Wren.

Chairman McKenzie: Where would you like to add that?

Mr. Snowden: Under Item 4.

Chairman McKenzie: And we would need to vote on that?

Mr. Snowden: That is correct.

Chairman McKenzie: I mean to make a change.

Mr. Chairman: Oh, to make a change. I think you should vote by acclimation, by voice vote.

Chairman McKenzie: We have decided to add an item to the Agenda tonight, to add a Vice Chairman. Is that agreeable to the Committee, by acclimation say "Aye." (*Multiple audible ayes.*) Any opposed? (*Silence.*) All in favor of the Adopted Agenda say "Aye by acclimation.

Mr. Snowden: Chairman McKenzie, we should get a second on that.

Mr. Cullinan: I will second.

Chairman McKenzie: Any discussion. All in favor say "Aye." (*Multiple audible ayes.*) Any opposed? (*Silence.*) I believe I saw the people speaking tonight sign in, we ask that you

Minutes Acceptance: Minutes of Nov 3, 2016 6:00 PM (APPROVAL OF MINUTES)

swear in as well. So, please stand and raise your right hand. Do you swear that the testimony that you give in front of the Commission will be truthful? If so, please answer "I do." (*Multiple audible I do's.*)

4. PUBLIC COMMENT

B. BUSINESS OF THE PLANNING COMMISSION

1. **6960 E. Main St.; Application #175308; Applicant: the Daimler Group, on Behalf of OhioHealth; Major Site Plan**

Mr. Snowden: 6960 E. Main Street - OhioHealth Stand-alone Emergency Medical Facility - Major Site Plan. Application: #175308 - Major Site Plan. The property is located on the northeast corner of E. Main Street and Briarcliff Road. Existing Zoning: CC Community Commerce / CCO Community Commercial Overlay. The request is for the Board to review a major site plan in order to construct a new building and related improvements. Current Use: Eating or Drinking Establishment (Vacant). Applicant: The Daimler Group/OhioHealth. The applicant is requesting the Board review and approve a major site plan in order to construct a new stand-alone emergency medical facility and related improvements on an existing commercial lot. The .77 acre site consists of an existing fast-food restaurant prototype building with drive-thru and related improvements. The out-lot is part of a larger 14.84 acre commercial shopping center with various commercial business uses. It is known to our long time Reynoldsburg residents as the old Kroger center since the late 1950's. To the north the property abuts single family homes in the R-3 district. To the east, west, and south, the property is adjacent to other commercial uses in the CC, CS, and CO zoning districts. All parcels that front E. Main Street are within the Community Commercial Overlay. You see the standards for Site Plan approval under Considerations, as well as the items that Staff has done to review on page 2 of the Staff Report. The applicant has already been granted variances from several sections of Chapter 1196 by the BZBA. Three of the four variances were from provisions of the Community Commercial Overlay. The intent of the CCO regulation, and the purpose of that overlay district was to unify the development along East Main Street. Given that the majority of East Main Street was developed with commercial retail, it was sort of geared toward retail. For example, the applicant got a variance from a requirement to have clear glass. When you have retail establishment, it is more visibly appealing to have clear glass into a commercial retail establishment. Given the use here, that is causing some challenges for the applicant. Staff, in conjunction with the BZBA, felt that overall the applicant was meeting the intent of the regulations. They moved the building forward to the "build to" line. They were proposing compliance with the materials, and that is why staff supported the variances. The applicant also got some parking variances. The applicant is requesting two variances for parking requirements. This development is part of a larger shopping center complex with a mix of uses. The applicant requested and was approved for a variance from the on-site parking space requirements to reduce their parking count by 6 spaces to 28 spaces. Given that the center has over 300 spaces on site, Staff had no concerns about this reduction. The proposed landscaping for the parking lot islands meets the minimum requirements of Section 1180.11, except that additional screening of the parking lot area is required on the Briarcliff Road frontage of the lot. The intent of that regulation is to have some greenery within large parking lots. Pedestrian Circulation - The applicant has provided a defined pedestrian path between the E. Main Street frontage of the property and the main entrance, which is partially

covered by their overhead canopy. The sidewalk is separated from the traffic circulation and does not cross any drive-aisles. Landscaping & Buffering - Staff has reviewed the application for compliance with the requirements of Chapter 1180. Generally speaking, the applicant meets those minimum requirements. Based on the requirements for interior lot landscaping contained in Section 1180.09, the existing trees on the site exceed the code requirements by .5IN caliper. To accommodate stormwater, the applicant is proposing to utilize an underground catch basin on the along the east side of the property. At this phase, what Staff likes to do is consider whether the applicant has thought about stormwater. It is the responsibility of the City's Engineer to determine if the catch basin is adequate to meet the needs of the space.

Lighting - The applicant has provided a lighting plan indicating the location of proposed fixtures, as well as a cut sheet of their technical specifications. Lighting levels along the southern, eastern, and western edges of the property do not exceed 0.5 foot candles. This is consistent with the lighting standards contained in Chapter 1182. Lighting intensity along the north side of the property is slightly more due to the existing shopping center lighting. I am comfortable they have met the requirements we have put in place there.

Building Architecture - The applicant provided architectural elevations showing the proposed building. The building as proposed meets the intent and natural materials requirements of the Community Commercial Overlay. The applicant received a variance from a requirement for clear glass on the main facade of the structure, which Staff supported given the need for privacy in a medical setting. The applicant is also going to come back to the Design Review Board with a Comprehensive Sign Plan, in order to address the signage. They have kind of a four sided building here, and the building is on the corner of two public streets and is a medical use here. So there are some additional signage considerations. But, they are meeting the intent with the glass and the brick, and the metal wall panel. We don't have concrete block, corrugated steel, an excessive amount of efface, especially at the height of pedestrians. They have some rhythm here, with the different architecture here, bringing these elements together. They have a continuous water table in this area. One final comment regarding the parking, the only item that I could find where the applicant was not meeting the minimum requirements of the code was in the landscape plan. Since this is going to be a parking lot here, there is existing parking here, and the applicant is keeping the existing Day Lilly's in this bed, but they need to provide some sort of screening to meet the requirements of the landscape chapter. I am going to recommend as a condition of approval that if approved, the Commission places the requirement to submit a new landscape plan to me so that I can confirm that they are meeting that regulation. It is just a matter of the applicant placing some sort of shrub, boxwood or something, to block the vehicle light. Right now that is just a mulch bed, with the two existing trees. With that, the Board should determine if the applicant has met all the criteria for major site plan review and approval as outlined in Section 1143.05 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: That the applicant submit to Staff, in conjunction with an application for a zoning certificate, a revised landscape plan meeting the requirements of Section 1180.09 for screening along the parking lot that fronts Briarcliff Road. I would be happy to answer any questions and will turn things back over to our Chairman.

Chairman McKenzie: This is the time that you would generally address us, if you have anything that you would like to tell us.

Mr. Tomlin: Good evening and thank you for your time. My name is Chris Tomlin and I am with the Daimler Group. We are the owners rep for OhioHealth on this project. I think Eric has done a nice job presenting the site plan building. I would like to talk a little bit about the project itself. First off, OhioHealth is very excited about this opportunity to come to the Reynoldsburg community. As you may know, health care has changed quite a bit and one of the major initiatives is bringing health care facilities to the communities. In this example, this is going to be an emergency room facility, and their goal is to have an opportunity for residents of Reynoldsburg to have a higher level of care than you may have at your physician's office, or urgent care office, and close to home. This is a close to home opportunity, and is more convenient than many other larger facilities and you don't have the waiting room time you have at larger facilities. This facility will hold about six full time, and will operate on a 24 hour basis, which is also a nice amenity where some other urgent cares don't have that. So if it is late in the evening, there is an accident of the nature that requires emergency care, this is an option for residents to go to this facility and get treatment. With that, I would be happy to answer any questions you may have about the project.

Mr. Cullinan: One question I had because you mentioned there is a parking variance, the site plan says there are 28 spaces, how many is that decreased by staff parking on site?

Mr. Tomlin: Six spaces will be used by staff at peak times. The most number of employees that will be there at any given time are six. From OhioHealth, they study this pretty significantly, and they have facilities here in town and they have studied emergency room uses in other locations across the country, and they don't anticipate having any more than 6 patients at a given time. So, having the 28 parking spaces, we do not see as a major issue.

Mr. Cullinan: I was just curious being a small footprint, how many patients they expected at a time.

Mr. Tomlin: I think maximum six at a given time. It is not a huge volume, and the length of stay is not similar to a physician office where you may have a higher count parking lot requirement.

Mr. Snowden: Mr. Cullinan, to answer your question a little more specifically. Right now there is not a separate parking requirement for office, medical, it is all the same, one for every 250SF. However, on a Parking Code revision that I would like to bring in based on some national standards and looking at some other communities, one for every 350SF in medical office is more typical. These guys would meet that. They are at one space for every 301 right now. Although they are not meeting our code, and they got the variance from BZBA, our code is a very high standard for medical office, and a lot of other communities are doing one for 350. I am comfortable that they are meeting that rather than our code, which is a higher standard.

Mr. Comeaux: Eric had mentioned the landscaping, how are you with adding that additional landscaping?

Mr. Tomlin: We are fine with that.

Mr. Comeaux: This is a holdover from its prior use I know, but you have a proposed pavement striping at the very top. Was any thought given to a little curb or something. I know when it was a drive thru, people would come out of the drive thru, is anyone else concerned about people backing out from the parking spots into oncoming traffic?

Mr. Cullinan: I was thinking about that as well.

Mr. Comeaux: I have no idea of the cost involved with that, or if the safety person wants to chime in or anything like that, but I know having driven through the drive thru and that parking lot that there can be a traffic flow issue coming out of there sometimes.

Mr. Snowden: Mr. Comeaux, we can explore that. My concern would be that if you don't have something that is elevated there and it is just a curb, that folks are going to hit that, and that is a problem.

Mr. Comeaux: I am not sure I have an opinion one way or the other, but I just wanted to make sure that people thought about it. And, if I could address a question with Eric, this is beyond our purview here, signage, is that part of the BZBA exception, or are multiple signs ok because they are directional and that nature?

Mr. Snowden: The answer to that question is that it is multi-faceted. Some of the directional signage is going to be included in the directional. This is a good example of the new updated sign code in action. They are going to go to Design Review Board with a Comprehensive Sign Plan. That will allow them to use their wall signage in the way they want. We are not setting them up for failure by showing signage that they are not going to be allowed.

Mr. Comeaux: I did not think you would have done that, but I just wanted to make sure that you had thought or that.

Mr. Tomlin: We just wanted to provide an idea of what the signage would probably look like.

Mr. Comeaux: Perfectly fine.

Chairman McKenzie: Mr. Snowden, I notice in the plans that were done, that the trees that are out by Main Street that they were part of the trees that were required here, and I have been in Reynoldsburg long enough to now that they were planted there. Are they not considered part of the revitalization of Main Street? We have to pay money to maintain along Main Street.

Mr. Snowden: So, they are included because if there were no street trees the applicant would be responsible for installing street trees to their site. In this case, the trees here do belong to the City. As you can see here, they are located in the public right of way. The City has a general purpose easement there, that they utilize to access that. Those trees will continue to be maintained by the City, and be property of the City.

Chairman McKenzie: Ok. Within the plan it said that the applicant would be trimming them up to meet the clearance. That is another reason I had that question. On the plans it said that you would be trimming up to 10 - 15FT clearance and that the applicant would be taking care of that.

Mr. Snowden: That is probably just a general landscape note that they have dropped in there. But, what I would suggest to the applicant is that their landscape designer and installer speak with our city arborist before they do any cutting. And those will continue to be maintained to be property of the City, especially the four on East Main Street side that you can see.

Mr. Cullinan: The plans actually do say that the contractor has to consult with the City Arborist before doing that work.

Chairman McKenzie: One other question, the emergency aspect of it, within 800FT you have a firehouse with a squad, is this facility capable of taking emergency squad patients?

Mr. Tomlin: Within most cases, the emergency squad would not be going to this location. It would probably be going to Riverside, Grant, or one of the other facilities.

Chairman McKenzie: Obviously, they would be going to Mt. Carmel because of location.

Mr. Tomlin: Yeah. You can look on the north or east side of the building, there is a backup area for an ambulance entrance for people who are being transported by an ambulance, but it depends on the seriousness of the injury, rather it would go to this facility, or to a larger hospital facility. A major heart attack would go to a larger facility. Someone who has broken an arm, they can come into our facility. In a lot of cases, it is our thought that the ambulance traffic would be more out bound. If someone came in for treatment and it was determined they needed a higher level of care, then an ambulance can take them from our facility to one of the large facilities, where they can receive the appropriate care.

Chairman McKenzie: My concern was that the labeling of the building as emergency. This is a term that doesn't have a more, that specific of a definition. It has changed dramatically over the last 30 years with trauma centers and everything else, still called emergency centers. So, I was somewhat interested in the labeling of the building as emergency.

Mr. Song: I am Todd Song with Daimler Group. Together we spend a lot of time with OhioHealth on what the strategy is behind these facilities. The same physicians that work at Grant or Riverside, or any of the large hospital emergency departments, will work at this facility. So, if you wake up and you feel that you need to get to the emergency department, and you want to take yourself some place, you can come here opposed to loading up and going to Mt. Carmel or Grant, and you will be treated with the same level of care. An urgent care will have a nurse practitioner, or something like that. This is truly staffed as an emergency department and capable of taking on full emergencies. The difference is that 95% of emergency care is not what you see on tv. It is not the your car wreck and you are getting transferred by an ambulance to an emergency department. The Emergency Department serves a lot of acuities that are much lower than that. Part of the strategy with these facilities is to take that lower acuity and bring it out of a Grant, Riverside, or Mt. Carmel so that when you are like that and are in the position where you need care, if you go to a Grant, Riverside, or Mt. Carmel, based on your acuity, you are stacked, with high acuity first. So, wait times in the large departments now are very long. They range from 69 minutes wait time before you are seen by a physician. The goal with these facilities, and OhioHealth is building several of them around Central Ohio, is to take acuity out of the major system hospitals, and treat them locally so that your wait time is less. As Chris said, the volume is expected that within five minutes you walking in the front door to see a physician. So, it's a much shorter care period, and treats a lot of acuities that go to the Emergency Department today, but get put to the back of the line because there are higher acuity cases. So, as it relates to ambulance traffic, if an ambulance goes to a house for an elderly couple and one of the people is showing signs that they need to be reviewed, they could come here. It is probably not a lights on squad, they unload them and they are looked and it allows them to get home quickly. If there is a car accident in front of this building, because of the acuity, they are going to want to take them to a hospital. A lot of that education takes place with the ambulance drivers who have the expertise and the knowledge to know where they need to go and are in constant contact with all of the hospital systems about these types of strategies.

Chairman McKenzie: Thank you. Any other questions for the gentlemen? Hearing none, would anyone like to make a motion?

Mr. Comeaux: I make a motion that we approve with the caveat that the Staff makes sure that the landscaping is appropriate.

(Vote)

Mr. Snowden: Mr. Tomlin, if you look on page four of our staff report, you will see what remains in your process, and you will note that #1 is what will be taking place at the Design Review Board following this meeting. If you have any additional questions, you are welcome to give me a call.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jim Comeaux
SECONDER:	Ivan King
AYES:	McKenzie, Cullinan, King, Comeaux
ABSENT:	Welday

2. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1181 Signs and Graphics; and Chapter 1196 Community Commercial Overlay. (Second Reading 11/14/2016, Planning Commission 11/3/2016).

Mr. Snowden: Gentlemen, good evening. I can assure you that the days of the very thick zoning code amendments are now over. However there are many challenges that still remain for us to address in the zoning code. I brought two here this evening. The item listed as #2 is as follows, it deals with electronic signage at gasoline stations. It was brought to my attention based on an application that we have a very mixed bag in terms of regulations for signage, in terms of electronic message centers, especially gas stations. Situation as of now, is as follows: It is prohibited city wide, per the general sign code. It was permitted by the signage regulations of the community commercial overlay, in a way that I feel is not consistent with the Supreme Court decisions on signage, because it is not content neutral. It attempted to regulate the pricing and say that the sign could only be used for pricing. At that point, you are regulating speech, rather than regulating signage. Because this is such a common thing to gasoline stations, there were many gasoline stations that had gotten variances at various times, in order to have the electronic message centers. Given that I had such a mixed bag, and I am telling them that the code said they can not do it, and they are looking across the street and seeing somebody that has it, just simply because they got a variance for it 10 years ago, and we don't even know why, I propose this legislation. The item you are seeing here, and you should see the revision date of earlier today at the bottom...

Chairman McKenzie: Could you bring that up on the screen?

Mr. Snowden: I can.

Chairman Mckenzie: When you start talking about revision date of today.

Mr. Snowden: You should have received a copy. Look at the back of your Staff Report, you should see one. Gentlemen, I apologize, does everyone see what I am referring to? Basically, what I have proposed is that this electronic signage will be allowed at gas stations. It will be limited to one color per panel, so you will not have multiple colors. It will be limited to the ground sign only and will not be permitted on the canopy or any wall signage. It will be limited to 1/3rd of the ground sign. If you look at all the existing ones in Reynoldsburg, they only are 1/3rd of the ground sign. And, I am not exempting any other

signage from the provisions of the code, or any overlays. That will give us a consistent city wide policy that I can more easily implement. The reason that there was a revision earlier today was because I have been in discussion with the Central Ohio Sign Association, which is an organization that represents the industry professionals in signage that design, install, and craft signage, and they pointed out that I was using the term LED signage, and their concern that LED is a lighting mechanism. For example, you can have cabinet signs that are lit with LED's internally. So, I did the revision to remove the reference to the LED's, and simply stated electronic signage, because that is clearer, given the rest of the Code. So, with that, I would just ask for your support of this item. If you chose to support the revision, you would simply make a motion to recommend approval of the item to City Council based on the revision that you received as of today's date. City Council will need to amend the legislative version to this version as well.

Mr. Comeaux: First, on the new revision, I think something is missing. Such "signs" shall be subject?

Mr. Snowden: Yes, correct.

Mr. Comeaux: I was there when they started to do community overlay stuff so I don't have right of ownership or authorship, or anything like that. But, one of the concerns was that if you gave them too much flexibility, they are going to go from advertising, to pricing their gas, to saying "lowest prices for beer."

Mr. Snowden: Correct.

Mr. Comeaux: So, that would be permitted under here?

Mr. Snowden: That is a great point. As I pointed out, attempting to restrict by restricting the content is something that even very recently, it has been a Supreme Court document for a number of years, even within the last couple of years, new Supreme Court cases, for example the case out of Arizona's village of Gilbert, dealt very much with the content. You can not regulate content in any real way. So, in this case, if you look under Item c., the graphics of such electronic signage shall only be changed, once per day. That has the effect of cutting down on the constant change. If they wanted to say "sale", or they wanted to advertise another product, it would be allowed. But given that I am restricting it to one color per type, 1/3rd of the sign, and changing it once per day, I think it is going to keep it pretty limited. I think the most that somebody could do there might be advertise another product. I also restricted it to gasoline stations only. It is not retail uses. It is specifically to this fuel center use. If you become more complex in dealing with seconds, and intensities, and these sorts of things, it can become very cumbersome for our team here to manage. You could create a full time for an inspector, just making sure the signage is changing.

Mr. Comeaux: That is perfectly fine, just curious. Can you give me an example of a station that is pointing across the street saying that they have it and we don't?

Mr. Snowden: I can tell you specifically how this started. The Shell station on 256, which is attached to the McDonald's, has a changeable copy sign, where they are pulling out a physical sign component and placing it back in the sign, and that place was probably built back in the early 90's. Across the street, something built in the late 90's, with the Taylor Square project, is BP. They have electronic signage that they got through the variance process. The reason that I want to have a standardized process is because the variance process can become very non-standardized when you start getting into these things.

Mr. Comeaux: I would not be surprised if BP predated the overlay.

Mr. Snowden: The overlay does not apply to 256 at all.

Mr. Comeaux: But, predated this change.

Mr. Snowden: Could be.

Mr. Comeaux: It might be grand fathered as well as the hand changed sign.

Mr. Snowden: Could be.

Mr. Comeaux: I am not sure that the sign change has been 10 years or not.

Mr. Snowden: The overlay went in place in 2009. But the BP was not built under the overlay regs, it was built under the signage code which had been around since the 80's.

Chairman McKenzie: I am glad you removed the LED, not for the reasons you did, but because it was redundant. Number C., I have a problem with it. If the signage is indicating price of gasoline, it seems to be a constraint of trade to allow them to only change their prices once per day. There is no regulation for gas stations. There is no regulation that they must put out signs. It is just something the industry has always done.

Mr. Snowden: Correct.

Chairman McKenzie: Anyway, regulating that way, nor as you point up here, is an industry wide requirement that they do so. They just do. What we do know from case law that is if the sign you have out front, advertising the price for gasoline, is different than what you have on the pump, for more than one hour, you will lose that case. So, it does seem to be a constraint of trade to say that by the signage policy, they can only change the price of their gasoline once per day.

Mr. Snowden: Dr. Mckenzie, I am open to alternatives to that provision. Do you have a suggestion?

Chairman McKenzie: As you had pointed out at the public hearing, when you went around and surveyed all the signs, you found none that were not in compliance with these new regulations. While you said that meant your regulations were correct, I interpreted that to

mean that the regulations were not really needed. So, I don't like to over-regulate when we don't have to. As a second problem with Number C is enforcement. There is no way you can enforce a change of the signage once per day. If they do it twice a day, you would never know it. You would only come to the case, and there is no penalty for it.

Mr. Snowden: The overall penalty in the Zoning Code applies to any violation of the Code. There is an overall penalty for the entire code.

Chairman McKenzie: Anyway, I do not believe it is enforceable. If you would try to enforce it, and they take it to court, I believe you would lose it. I don't think it is particularly good regulations. I understand what you are attempting to do. I am not an expert on this. I did try to do a little research on it, and what I found, in fact the news article about this was that many, some cities, I don't know if it is many or some, were actually reducing their signage requirements such that advertisements could change from price of gas, to price of milk for example. This was back during the recession, and cities wanting to encourage economic development were reducing their regulations on signs, not increasing them. So, I am disturbed by a couple of items here. I suppose one could go with the conditions of the 1/3rd and the colorage and things like that, but really C is a problem for me.

Mr. Snowden: Dr. McKenzie, I would support the Commission, if the Commission chose to strike Item C as it stands and re-designate Item D as Item C for this regulation. I would like to point out that the City of Columbus, which again has many more resources in terms of inspectors and enforcement, regulates an 8 second change for electronic signage.

Chairman McKenzie: What does that mean, 8 second change?

Mr. Snowden: It means the entire face of the signage may change every 8 seconds. I don't disagree with anything you are saying. I firmly believe you don't want to have a regulation in search of a problem. The other goal that I grapple with when I write regulations is who is the outlier, who is going to do something so outlandish and grievous, and can we just stop them and keep the most number of people in compliance with the regulation once it is in place. So that is the intent of it, although I would still support it even if that item is struck. Right now, if I look through the variances, the variances have time on them. So, if you are talking about an enforcement problem, if I have got one variance that says the item can change every 5 seconds, and I have another variance that says it can change every 6 seconds, to actually do enforcement, I have to go and be able to confirm what each variance was. So, you want to talk about a cumbersome mixed bag, what is existing is much more cumbersome and difficult to enforce than this.

Chairman McKenzie: I agree with you and that may be, but my concern was for this new regulation and its enforceability. Just because I have no responsibility for many on the Boards that are not enforceable, and I'm not concerned about, but since you are adding more that are not enforceable, I am concerned about.

Mr. Snowden: I am always trying to move toward a situation that approves the overall situation, even if one particular regulation you may find an issue with. But, in this case, I

would say to you sir, and the other three members of the Commission, I will still support it if the Commission would chose to strike that item and re-designate Item D as Item C, and we could simply go back to Council and say we feel that this is a regulation in search of a problem, and simply remove it. I support it either way.

Chairman McKenzie: That was not my main objection to C.

Mr. Cullinan: I agree with C from the standpoint of restricting trade if you are on the corporation line, or something like that, where you have gas stations that are able to do price war type scenarios, they could only change it once per day, maybe that is what you are eluding to. I believe Eric's answer to Mr. Comeaux's question, answered mine. We use the term gasoline station, and you said we could advertise anything so we could still advertise diesel prices?

Mr. Snowden: Correct. But it is only a gas station use. So, for example, you must have an approved gas station use at the location in order to be exempt from the requirement. If you look at how I wrote it, the exemption from 1181.05(p) which says that nothing that is changeable without changing a component to the sign, whirls, spins, thing that are distracting. That is the regulation you are exempting from. Which is the regulation that prohibits electronic signage, city wide.

Chairman McKenzie: By the first paragraph, I would say that we are limited, because it says price of fuels for sale. So, by this new thing, we are not going to have a sign that can change from fuel to milk for example, cause it is stating, "price of fuels". That is both gasoline and diesel. I think he has got that there.

Mr. King: So, I have a question about the gasoline stations. I kind of look at it and think, could we do vehicle fueling stations? With the new coming of electronic vehicles, it has become very popular to have them.

Mr. Snowden: To Mr. King, you are one step ahead of me, Sir. The reason I am using the term gasoline station is because that is the use definition that is used in the code today. I actually have new definitions and a use table that are being drafted now. I would change that to fuel center. The fact is, it has to be changed throughout the code, in several different locations. Great observation.

Chairman McKenzie: So, how do we as a group feeling about striking C, and re-lettering D as C?

Mr. Comeaux: I understand your thing where we think of pricing, and you change it multiple times a day. I also understand concerns of perpetual change and flashing. Is there any way to get from where you can only change it once a day to you can't change it every 30 seconds. For example, when the church came in, and The Limited came in with signage, Part of their agreement was that they could change the images but are limited to timing. Now that gets to your concern about how to enforce every sign in the City. Is there a way to limit the changes to a specific amount.

Chairman McKenzie: Is your concern that they would be having a slow enough or fast enough rate of change that you would say flicker, that it would be flashing.

Mr. Coemau: It would amount to flashing if you changed it frequently, or it would be a distraction. When the church was coming in, there marquis was to advertise church times and different sorts of things. But, if you are driving down the street and you see the sign change, how often does that happen and is it distracting? That road is not necessarily a problem, but if you saw something that changed, would it be distracting? Again, just as you do not want regulations in search of problems, I am not trying to create a problem either. So, if you all think eliminating that is fine, I am fine with eliminating as well.

Chairman McKenzie: If that is a problem, it would seem it could be handled with a slight addition to B, which is talking about the background, and one illuminated color. You could simply add in that it appears to be steady.

Mr. Snowden: Must appear to be steady?

Chairman McKenzie: A steady illumination. Something to the effect that it is steady. Realize that human beings, it is like on an old television set, the persistence or our eyes make something that is really flashing look like it is steady state. I do not want to get into too much of a technical discussion here, but we could say something to the effect that it appears to be steadily illuminated.

Mr. Snowden: In the main part of the sign code there is already a section that prohibits flashing, and the intent of that originally was flashing bare bulbs, and things you use to see on signage. If you feel that is sufficient, let's just stick with that. I do not disagree with you. If there would be some reasonable standard there that Staff could step in if you had something that was continually changing, and write that as a zoning violation for changing too often. It does become a mixed bag when you have all these different times.

Chairman McKenzie: Even within the variances, I know that The Limited has their sign. Is there something in their variance? What is the timing?

Mr. Snowden: I looked up and BP's is different. I looked up and UDF's is different, because people did not remember what they had agreed to. At this point, if the Commission wants to strike C and re-label item D as item C, and recommend this version as amended back to City Council, and require Staff to amend this version and send to Council, that would be what would need to get accomplished in a motion.

Chairman McKenzie: As chair, I typically do not make motions, but since I am doing this, I would make a motion to that effect, also the addition of the word signs between such and shall.

Mr. Snowden: Very well, I will draft that and send it out to the Commission for an informal review before I kick it back to City Council.

RESULT:	REFERRED TO COMMITTEE [UNANIMOUS]	Next: 11/14/2016 7:30 PM
AYES:	McKenzie, Cullinan, King, Comeaux	
ABSENT:	Welday	

3. **ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Chapter 1143 Zoning Certificate; Site Plan; Plot-Grade-Utility Plan; Chapter 1171 General Regulations; and Chapter 1175 District Regulations. (Second Reading 11/14/2016, Planning Commission 11/3/2016).**

Mr. Snowden: There are a handful of items here in the generally regulations and district regulations. There was some confusing language in regards to corner lots. Corner lots always present a challenge because corner lots have two frontages. It was incorrectly, or confusingly worded in the zoning code, as to how Staff would determine where the rear is, or where the side is. So, Staff has outlined to be more clear, that corner lots will have two frontages, and that the rear lot will be the one that is the furthest distance from either one of the frontages. Secondly, I am also proposing under 1171.04, a maximum lot coverage. There currently is no maximum impervious lot coverage in the city. I am proposing to implement a 60% max lot coverage for residential, 70% for commercial. Under section 1171.06(d)(4), I'm also proposing to reduce the storage building requirement to be exempt from the zoning code from 100SF, down to 50. I know Dr. McKenzie asked me about this, so let me at least clarify my position. We implemented this. This is a regulation that I borrowed from the City of Westerville because I think it makes a lot of sense. People ask me all the time about how small an accessory structure has to be before it is exempt from the zoning code. And the answer, prior to the last round of changes that we did as a commission and City Council was that there isn't a minimum. In this case, we implemented 100SF, because that is what Westerville had implemented, and it seemed to work for them. What I have found in the last six months of moving that forward and implementing that is that it is just a little bit too big. My recommendation is down to 50SF. The intent of this, and my rationale behind requesting this, and implementing it initially, is that when you have an accessory structure like a lawn cabinet, hose reel, or play house, to be able to categorically say, if they are under 50SF that I am not going to deal with them from a zoning standpoint as long as they are behind the house. That is why I am requesting that specific change. There are also a couple of minor test edits for ADA. Because we are dealing with getting a lot of variances for ADA, rather than make people wait a minimum of 30 days to get approval for an ADA ramp, we needed to have some sort of ADA ramp that I could approve administratively on structures that are already sitting on the required setback. That is what that deals with, and with that, I will turn things back over to our chairman.

Chairman McKenzie: Do any of the commissioners have any thoughts? I had asked for this on the public hearing on these. Remember back to the first really big set of these packets that Mr. Welday and I spent what we considered to be an inordinate amount of our volunteer time, proofing the documents. And, once again there still is some presented on the thing, an inconsistency of style throughout the document used, referencing dimensions. And, while I pointed that out at the public hearing, it appears from the documents that were put up on the IQM2 site that they still persist. And so, I am a little bit disturbed by that. And, secondly, as Mr. Snowden said, for reasons of enforceability, these things do occur in the back yards of

property, so code enforcement officers are not likely to see them. But right now, if you have a 200SF building, which would be 14FT by 14FT, it requires a building permit, and I understand it may even require a floor. Is that correct.

Mr. Snowden: I can not answer that. Two-hundred square foot is what triggers the building permit.

Chairman McKenzie: Right, and that is a building that is 14x14. Now 100SF is a 10FT by 10FT building. To take it down to 50SF is a 7x7FT, 49SF. I think this is really impositional on property owners, to make them come out on any little accessory structure that they could purchase from a big box store would require a zoning permit now and I feel it is excessive for something that is differenced just 3FT dimensionally. So I have stated as I did in the public hearing that I am opposed to that particular change and that is as far as what is going on there. The second thing is, I would really like to see a clean document before we submit it to Council for improvement. There are several places in the document where the stylistic presentations are still not consistent. Anyway, that is what I have to say.

Mr. Snowden: Mr. Chairman, my only response would be that up until early this year, there was no minimum, so we put in the 100SF minimum and I am telling you that as the person that deals with it that 100SF is too big and continues to cause issues and that is why I am requesting the change to 50SF. That is the one and only reason.

Mr. Cullinan: So, when you say it is too big, people are putting 100SF buildings on really small parts of yards. I am just trying to get a flavor for this.

Mr. Snowden: Correct. And, since I am not reviewing a zoning certificate which requires them to meet the setback, they are putting them very close to their neighbors property in a manner to purposely annoy their neighbor which then causes an enforcement problem on the other side.

Mr. Comeaux: I think the chair's concern is, I want to put a shed in my back yard to store my lawn mower, and I can do that if it is 100SF but if it is down to 50SF my lawn mower does not fit. Your point is that other people are, because they do not have to go before a board are putting them in the...what is the term?

Mr. Snowden: They are putting them in the accessory structure setbacks. The purpose of the accessory structure regulation is to stop people from antagonizing their neighbors with accessory structures.

Mr. Comeaux: You said you looked at Westerville, have they gone to 50, and have other communities gone to smaller?

Mr. Snowden: Westerville is the only community that I have seen have the regulation formatted in this way. No, they are still at 100SF. Again, I am not sure exactly what the difference is. I am just stating from my experience what I believe will work better from here.

Chairman McKenzie: We have had a request from the people following after us and we are going into their time. I will just let you know that.

Mr. Comeaux: I will make a motion that we approve this item as presented, with the caveat that Mr. Snowden take whatever conforming commentary from folks about references to square footage into account before presenting it to Council.

Chairman McKenzie: That would require a redraft, would it not?

Mr. Snowden: I spent a lot of time reviewing them, but I will review them again. It would simply be a matter of me taking a revision and having City Council do the amendment to their version. It really would not be a problem.

RESULT:	REFERRED TO COMMITTEE [3 TO 1]	Next: 11/14/2016 7:30 PM
AYES:	Cullinan, King, Comeaux	
NAYS:	McKenzie	
ABSENT:	Welday	

4. Election of Vice Chairman

Chairman McKenzie: Item number 4 is a little housekeeping item, to elect a vice chair. Any nominations?

Mr. Comeaux: I nominate Mr. Cullinan.

Mr. Cullinan: I will accept the nomination, but I was going to nominate Mr. Comeaux.

Chairman McKenzie: We can entertain multiple nominations and then vote. So, if you would like to nominate Mr. Comeaux.

Mr. Cullinan: I would.

Chairman McKenzie: So we have nominations for Mr. Comeaux and Mr. Cullinan. So, we have two nominations.

Mr. Snowden: I would recommend, vote by acclimation in the order they were received.

Chairman McKenzie: By acclimation, all in favor of Mr. Cullinan, *(Two "Ayes" heard)*. All in favor of Mr. Comeaux, *(Two "Ayes" heard)*.

Mr. Comeaux: I rescind any offer to be vice chair. So, I decline the nomination at this point. Can we re-vote based on me declining?

Mr. Snowden: Sure.

Chairman McKenzie: All in favor of Mr. Comeaux as vice chair, *(multiple "Ayes" heard)*. By acclimation, Mr. Cullinan, you are now vice chair.

Mr. Snowden: For the remainder of 2016.

C. ADJOURNMENT

Chairman

Planning Administrator

Minutes Acceptance: Minutes of Nov 3, 2016 6:00 PM (APPROVAL OF MINUTES)

Rules of the Reynoldsburg Planning Commission

The Reynoldsburg Planning Commission, in order to carry out the general powers conferred upon it by the Ohio Revised Code and the City of Reynoldsburg's Charter and Codified Ordinances, does hereby adopt the following rules to govern its proceedings:

ARTICLE I AUTHORIZATION

Section 1.1 - The authorization for the establishment of Reynoldsburg Planning Commission is set forth in Article VII, Section 7.01 of the City Charter.

ARTICLE II MEMBERSHIP

Section 2.1 - The entire membership shall be the same as that provided for in Article VII, Section 7.01 of the City Charter.

ARTICLE III OFFICERS AND THEIR DUTIES

Section 3.1 Officers – The officers of the Planning Commission shall consist of a Chairman, a Vice-Chairman, and a Secretary.

Section 3.2 Chairman – The Chairman, shall preside at all meetings of the Commission. He shall call special meetings of the Commission when required. The Chairman may appoint committees or sub-committees comprised of Commissioners and others whenever he feels that such committees can further the work of the Commission. The Chairman shall act as spokesman for the Commission, and shall have such other duties as are normally conferred on such officers by parliamentary procedure. Unless otherwise restricted by the Planning & Zoning Code or Charter, the chairman shall have a vote on all matters before the Commission. The Chairman shall sign all documents of the Commission and see that all actions are properly carried out.

Section 3.3 Vice-Chairman – The Vice Chairman shall serve as Chairman during the temporary absence or disability of the Chairman, and shall upon those occasions be vested with the full authority attendant to the position of the Chairman.

Section 3.3 Secretary – The Secretary shall be elected by the Commission from within or without the membership. A Secretary elected from without the membership of the Commission shall not have a vote. The Secretary shall keep the minutes of all meetings of the Commission in an appropriate location. The Secretary shall also give or serve all notices required by law or by the rules of the Commission and prepare the agenda for all meetings of the Commission. He shall be custodian of Commission records and shall inform the Commission of correspondence relating to business of the Commission. The Secretary shall attend to such correspondence as required by the Chairman and handle funds allocated to the Commission in accordance with its directives, the law, and City regulations.

ARTICLE IV ELECTION OF OFFICERS

Section 4.1 - At an annual organization meeting, which shall be the first regular meeting in January, the Commission shall elect a Chairman and Vice-Chairman. Nominations shall be made from the

floor, and the candidate receiving a majority vote of the voting membership shall be declared elected and shall take office at the close of the meeting. The officers shall be elected for a period of one (1) year, shall be eligible for re-election, and shall serve until their successors take office. Vacancies in office shall be filled immediately by regular election procedure.

ARTICLE V MEETINGS

Section 5.1 - Regular meetings shall be held at 6:00 P.M., on the first (1st) Thursday of each month.

Section 5.2 - Special meetings may be called by the Chairman or Vice-Chairman at the request of three (3) voting members to act on those matters necessary and germane to the duties of the Commission, in accordance with the Ohio Revised Code.

Section 5.3 Quorum – A quorum shall be necessary at any regular or special meeting in order for the Commission to take official action or carry on its business. A quorum shall consist of a majority of Commission members. Each member of the Planning Commission who has knowledge of the fact that he will not be able to attend a scheduled meeting shall notify the Planning & Zoning Administrator or Secretary at the Municipal Building at the earliest possible opportunity and, in any event, prior to 5:00 p.m. on the date of the meeting. The Planning & Zoning Administrator or Secretary shall notify the Chairman in the event that the projected absences will produce a lack of quorum.

Section 5.4 - Action of the Commission on any application properly brought before it shall be effective only when the matter being considered by the Commission receives at least three (3) votes on the prevailing side. Questions on procedure shall be decided by a voice vote in the usual manner.

Section 5.5 Parliamentary Process – Unless otherwise specified herein, Robert’s “Rules of Order”, as filed in the Clerk of Council’s Office, shall govern the proceedings at the meetings of the Commission.

Section 5.6 Designation of Voting Order – Votes of the Commission will be by verbal vote and the order of voting will rotate in sequential alphabetical order. The Chairman shall always vote last.

Section 5.7 Reconsideration – Reconsideration of any decision of the Commission may be had when the interested party for such reconsideration makes a satisfactory showing to the chairman that without fault on the part of such party, essential facts were not brought to the attention of the Commission.

Section 5.8 Conflicts of Interest – Any member of the Commission who feels that he has a conflict of interest on any matter that is on the Commission’s agenda shall voluntarily excuse himself and refrain from discussing and voting on said items as a Planning Commissioner.

ARTICLE VI AGENDAS & ADMINISTRATIVE PROCEDURES

Section 6.1 Open Meetings and Records – All proceedings and records of the Commission shall be open to the public in accordance with the City Charter, Codified Ordinances and the Ohio Revised Code. All maps, plats, and other matters required by law to be filed with the Commission shall be

filed in the office of the Planning & Zoning Administrator or Clerk of Council as required by the Planning & Zoning Code.

Section 6.2 – Referral - Matters referred to the Commission by the City Council shall be placed on the calendar for consideration and action at the first meeting of the Commission after such reference.

Section 6.3 – Deadline for Application – The deadline for filing applications for placement on the agenda shall be thirty (30) days prior to any given meeting of the Commission unless otherwise stated by the Planning & Zoning Code. Requests for continuance of matters scheduled for a particular agenda shall be filed with the Planning & Zoning Administrator or Secretary by noon on the Thursday prior to the Thursday of the meeting so the printed agenda will reflect the required continuance.

Section 6.4 – Agenda - The Secretary, under the guidance of the Chairman, and with the assistance of the Vice-Chairman, shall prepare the agenda for the regular and special meetings. Agendas for regular meetings shall be prepared at least seven (7) days in advance of each regular meeting. Commission members shall be provided an agenda, a copy of each application and all related exhibits and materials, and a report from Staff at least seven (7) days in advance of each regular meeting.

ARTICLE VII ORDER OF BUSINESS

Section 7.1 Agenda Order – The order of business at the regular meetings of the Commission shall be as follows:

- A. Call to Order
 - 1. Roll Call
 - 2. Approval of Minutes
 - 3. Approval of Agenda
 - 4. Public Comment
- B. Commission Business
- C. Adjournment

Section 7.2 Presentation Order – The following procedure will normally be observed; however, it may be rearranged by the Chairman for individual items if necessary for the expeditious conduct of business:

- A. Staff presents report and makes recommendation.
- B. Applicants make presentation.
- C. Any opponents make presentations.
- D. Applicant makes rebuttal presentation of any points not previously covered.
- E. Commissioners ask any remaining questions they may have for the proponents, opponents, or staff, and then take a vote.

ARTICLE VIII AMENDING THE RULES OF THE COMMISSION

Section 8.1 Changes to these rules may be proposed and discussed at any regular meeting. At the next regular meeting, the proposed amendments will be eligible for adoption. The adopted rules will supersede any and all other rules and will take effect immediately.

CHAIRMAN

VICE-CHAIRMAN

ADOPTED (Date)