

MINUTES

REYNOLDSBURG BOARD OF ZONING AND BUILDING APPEALS JANUARY 21, 2010 6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Lucas Haire Mr. Patrick Feeney Mr. Norman Brusk
Members Absent:	Mr. Stoffel
Others Present:	Mr. Aaron Domini, Planning Administrator

2. APPROVAL OF MINUTES OF NOVEMBER 19, 2009 MEETING, DECEMBER 3RD.

Chairman Feeney: Is there any changes, deletions to the minutes? (No response.) Hearing none, will stand approved.

3. APPROVAL OF AGENDA

Mr. Feeney: Any changes? Did everybody get the—

Mr. Haire: We approved minutes for December 3rd as well. We got some – a special meeting on there, too.

Mr. Domini: Oh, yes. Thank you.

Mr. Haire: It was not on the agenda.

Mr. Feeney: Well, any changes to the minutes for—

Mr. Domini: No. No changes.

Mr. Feeney: Those stand approved. Approved the agenda. Did everybody get their new agenda?

Mr. Domini: I'd like to add D-1, election of officers.

Mr. Feeney: D-1.

Mr. Haire: I move that we amend the agenda.

Mr. Feeney: Second. We all say “aye.”

Mr. Brusk: I agree.

Mr. Haire: Aye.

Mr. Feeney: Aye.

4. SWEARING IN OF SPEAKERS

Mr. Feeney: Anyone that wants to get up and talk in front of the Board, if you’ll stand and raise your right hand I’ll swear you in tonight. If you want to talk in front of the Board you have to get sworn in.

Mr. Haire: If you have several you should probably do that.

Mr. Feeney: Okay.

(someone speaking off mic)

Mr. Feeney: If you have an item on the agenda and you want to speak to it and if we have questions, yes, we’d like you to come up and explain what you would like to—

Mr. Domini: You need to get sworn in.

Mr. Feeney: Yeah. Is there anybody else? You can just stand right there, that’s fine.

(someone speaking off mic)

(Mr. Feeney administers the oath.)

5. PUBLIC COMMENT

Mr. Feeney: Is there any public comment other than the items we have tonight? Is there any? (No response.) Seeing none, we’ll move on to Item B-1 which is Unfinished Business.

B. UNFINISHED BUSINESS

1. VARIANCE APPLICATION, 8145 REYNOLDSWOOD DRIVE, REYNOLDSBURG, OHIO: REQUESTING A VARIANCE FROM TABLE 1175.03 TO ALLOW A STRUCTURE TO ENCROACH INTO THE REQUIRED REAR YARD SETBACK. CONTACT: AARON BUEHRER (62-ZV).

Mr. Domini: Mr. Feeney, I've had no further contact with Mr. Buehrer. I did initially after our last meeting and believe the last meeting, this was for a deck on Reynoldswood and there was not sufficient information presented to the Board specifically relating to the property lines at that time. The applicant – I think the Board charged the applicant with getting a survey or verifying where the property lines were and, to this date, I have not received any communication from him. So my recommendation would be not to approve this on the grounds of not having sufficient evidence from the applicant to show a hardship.

Mr. Feeney: Right. Is there anyone here to talk to this item tonight? (No response.)

Mr. Brusk: I'll move that we – I guess it has to be in the affirmative, so that we approve variance application 62-ZV.

Mr. Feeney: I'll second.

(Mr. Domini called the roll. Mr. Haire voted "no." Mr. Feeney voted "no." Mr. Brusk voted "No, because the applicant is not here and has not contacted us.")

C. NEW BUSINESS

1. VARIANCE APPLICATION, 6790 TANYA TERRACE, REYNOLDSBURG, OHIO: REQUESTING A VARIANCE FROM SECTION 1175.03 TO ALLOW THE CONSTRUCTION OF AN ADDITION AND GARAGE WITHIN THE REQUIRED EIGHT FOOT (8') SIDE YARD SETBACK IN THE R-3 DISTRICT. CONTACT: CHUCK KIRK (64-ZV).

Mr. Domini: I don't see the applicant here, Mr. Feeney, and I know there may be questions regarding this application. I'll just give you a history on it real quick.

Mr. Feeney: Okay.

Mr. Domini: This Board in 2006 approved a variance for the construction of a 3-car garage at this residence. The garage would encroach approximately 5 feet into the required 8 foot side yard setback. The Board did grant a variance for this in 2006 for the applicant. The applicant did not take action within 12 months to construct the garage, this variance then is void at that point. This has been an ongoing issue, I think with the Building Department to get this garage built. Recently I met with the applicant and addressed a number of issues with various properties that he has to get them corrected, this being one of them, and indicated he needed to re-submit to get the variance and finish the job. So he's well aware of this issue and I'm a little disturbed that he's not here tonight as he was notified of the meeting. So—

Mr. Feeney: So it it—

Mr. Domini: --he may come late, I don't know. Sometimes we just kind of put this off until the end of the meeting or we can take action on it now but—

Mr. Feeney: Is the garage under construction now. I mean, did he start it and just had a—

Mr. Domini: Well, he's enclosed an existing garage which is what was part of the plan was to enclose the garage that he had and then build a 3-car garage attached to it. So here's the plan. See here, this is the existing garage.

Mr. Feeney: Okay.

Mr. Domini: And then this rectangle that's outlined here is the proposed 3-car garage. So what he's done is he's enclosed the existing garage so right now he doesn't have a garage. He has no enclosed parking spaces.

Mr. Feeney: Which is required.

Mr. Domini: Yeah. And then these are pictures that I took recently. He's got _____ on the house right here. It's sat like that for that for over a year.

Mr. Haire: So he's basically just enclosed where the door area was and then never finished anything on the exterior.

Mr. Brusk: Does the inside meet the building code requirements because the garage is considerably different than the _____?

Mr. Haire: I don't know. I don't know if the Building Department has been in there. They're trying to—

Mr. Brusk: Because it's terribly -- it's a terribly unsafe situation if he did not re-vamp the garage because otherwise, carbon monoxide buildup and—

Mr. Haire: It's my understanding that Mr. Kirk received no plans, didn't submit any plans to the City to do any of this work, which was the next step after receiving his variance.

Mr. Domini: It's like I said, this has been an ongoing—

Mr. Haire: I know the neighbors have complained about the state of the garage being unfinished and that's what kind of led the Building Department to go figure out what was going on there.

Mr. Domini: So I guess the Board is in a -- I mean, it's a tough situation. I'd like the applicant to answer some questions and to kind of give us a timeframe of what his

plan is. At the same time, I hate holding it up because I want to see it done, but I don't see how we can do anything without him here.

Mr. Brusk: With that in mind, I'd like to move that we put – give him a hold on this for—

Mr. Haire: Just table it then?

Mr. Feeney: Table it.

Mr. Brusk: I'd table it for one more meeting.

Mr. Domini: Okay.

Mr. Feeney: And if something comes up and he comes in before we adjourn--

Mr. Brusk: Well, we've done that before.

Mr. Domini: Sure.

Mr. Feeney: --and we can bring it back up.

Mr. Domini: Put a vote on the table?

Mr. Haire: I'll second that.

(Mr. Domini called the roll. Mr. Feeney voted "yes." Mr. Brusk voted "yes." Mr. Haire voted "yes.")

C. NEW BUSINESS

2. SPECIAL EXCEPTION APPLICATION, 1733 BRICE ROAD, REYNOLDSBURG, OHIO: PRESENT ZONING, COMMUNITY COMMERCE (CC); PRESENT OWNER'S NAME, MASON EQUITY GROUP; EXISTING USE, DAYCARE; PROPOSED USE, STATE LICENSED DAYCARE. CONTACT: MELINDA WILLIAMS (31-SE).

Mr. Feeney: This is an application for a state licensed daycare facility in the Brice Center, formerly the Astor Center. The proposed hours of operation are Monday through Saturday, 6:30 A.M. to 11:00 P.M. The applicant notes in the application that the number of employees and children is yet to be determined by will meet state requirements. To the rear of the property there is a proposed outdoor fenced-in area which I believe is to be used as the outdoor play area. The adjoining uses in this center are a thrift shop, a carry out, a staffing agency, and then this space directly next to this space is vacant. Oh no, I'm sorry, it's not vacant. The end cap where Sign-A-Rama was is vacant. In the atrium there, there is a dog groomer and a driving school and

Wonder Bread Outlet on the end cap to the south. This is an aerial of the property as it is now. The proposed fenced-in area is going to take up the parking spaces here, but will not encroach into the alley as the applicant has drawn and the space in question is right here. This has actually somehow got inverted but no, I'm sorry, this is correct. I don't know. These two are shaded but that's not the address. 1733 is right here and here's the proposed fenced-in area where it says "Additional Parking Overflow" and then you say the two-way alley traffic just behind that.

Mr. Brusk: Does that include both 1735 and 1733?

Mr. Domini: It's not my understanding, that it takes in 1735.

Mr. Brusk: Because they show that fence behind both buildings.

Mr. Domini: We can let the applicant address that, but it's not my understanding.

Mr. Brusk: Okay.

Mr. Domini: Yeah. That's all I have, Mr. Feeney.

Ms. Melinda Williams: No. It doesn't include the 1735. The back of the building is where we're going to do some -- where the building at 1733 and 1735 kind of meet, but not going to 1735. But it has the overhead garage that we are going to frame in so, therefore, it's just going to be directly behind the building.

Mr. Haire: What was your name, ma'am, for the record?

Ms. Williams: Melinda Williams.

Mr. Haire: Thank you. Ms. Williams, you'll just go between the two doors? Is that my understanding? You won't go behind the door at 1735 and the man door that goes out?

Ms. Williams: Right. Just in between. 173 -- we didn't know if we were going to, you know-- They have the overhead garage door, so I didn't know how we were going to implement that, but now we're going to frame it and put the door in the center, so we're just going to have the kids go directly from the middle of the building and it's just going to be fenced off around 1733.

Mr. Feeney: Do you have the dimensions of the outside fenced-in area?

Ms. Williams: No, I don't. The architect--

Mr. Feeney: Do you know how many square feet it's going to be or--

Ms. Williams: Well, you got to have at least like 60 square feet per child and that will determine how many kids can be outside at any given time, but at this time, the architect hasn't finished drawing the plans, so he would have that dimension and all of that stuff for the fencing.

Mr. Domini: On this plan it looks like definitely 20 feet deep. This _____ for those parking spaces, 20 by 30, 20 by 20, something like that, so 400-600 square feet.

Mr. Brusk: How do you intend to do the fence? Is it just posts in the ground and chicken wire type fence or—

Ms. Williams: We're going to do a privacy – with the wood – a privacy fence.

Mr. Brusk: Is that what your intention is?

Ms. Williams: Um-um.

Mr. Brusk: Okay. My biggest concern is that – can you show the overhead with the driveway? As you can, where cars go up and down that's fairly close to that fence and it probably—

Ms. Williams: But we were going to get, like after we post the fence up, we're going to get some cement blocks that go behind there so that it would never be able to come to the fence, but you know—

Mr. Brusk: Okay. Is that – are you familiar with what her plan is?

Mr. Haire: We've done that in the past—

Mr. Brusk: Yeah.

Mr. Haire: --something like the parking blocks.

Mr. Brusk: Yes.

Mr. Haire: Yeah. The oversized parking blocks usually.

Mr. Brusk: But they have to be secured enough to stop a vehicle. I'd be – I just wanted to make sure of that.

Mr. Haire: I'm not sure there's much traffic back there, Mr. Brusk. I mean, there's obviously—

Mr. Brusk: Well, there could be.

Mr. Haire: --there's obviously some but—

Mr. Feeney: Yeah.

Mr. Brusk: Yeah.

Mr. Haire: There's not much, you know – I know we talked about this before, it was on the corner of a building and I'd be a lot more concerned with that with people turning but with this one being in the center, I'm not nearly as concerned with people running into it.

Mr. Brusk: I would've – I'd agree with you generally, but the big problem is that's a relatively narrow road.

Mr. Haire: 16 feet.

Mr. Brusk: Yeah. And there could be large trucks, delivery trucks, if one of these stores became – had some business that would require large deliveries. That was the reason I'm concerned about that.

Mr. Feeney: Is it going to be a 6 foot high fence? Is that going to be a—

Ms. Williams: 6 foot high, yes.

Mr. Haire: You'll be open Saturday, you say, 6:30 A.M. to 11:00 P.M. on Saturday also?

Ms. Williams: Yes.

Mr. Haire: So it's 6 days a week? Do you have any ideas about how many children will be there?

Ms. Williams: Right now the architect is – we're putting all of that together, like how many infants we're going to have, how many preschoolers and, you know, because based on the square foot in the class where you can allow so many kids and the square feet of that building is 2,400 square foot, but all of it is not going to be used for class, so—

Mr. Haire: Right.

Ms. Williams: --you know, I'm thinking we're going to have like 5 infants and we're in this position because I want more school-agers, kids.

Mr. Haire: Have you operated a daycare in the past or worked at a daycare in the past?

Ms. Williams: Well, I do one in my home. I do an in-home daycare center – well, in-home daycare. I’ve been doing that since 1999, so I just want to bring it out of my home.

Mr. Feeney: Just a little – somebody should have brought it up before. There’s only three members of the Board here. We usually have 5 members. But you have to have the majority vote in order to pass, so it has to be unanimous. We all have to vote in favor for it to pass so for anybody on the agenda that’s going to be the same case, so tonight’s just – they usually have a full Board, but everybody has to vote in favor, so I just wanted to bring that to your attention.

Mr. Haire: With this one, Mr. Feeney, you know we’ve approved many daycares in recent history here and we’ve, I think, just a few months ago we approved one in the building right next to this building. So to me it meets all the requirements as set forth in our code in regards to Special Exceptions, so I don’t have any issues with voting to approve this this evening.

Mr. Brusk: And I agree with you on that.

Mr. Feeney: I’m in agreement, too, so I’ll—

Mr. Brusk: Why don’t you do a vote?

Mr. Feeney: I’ll accept a motion.

Mr. Brusk: Why don’t you do the motion?

Mr. Feeney: I’ll do the motion that we accept the Special Exception 31-SE.

Mr. Haire: I’ll second.

(Mr. Domini called the roll. Mr. Brusk voted “yes.” Mr. Feeney voted “yes.” Mr. Haire voted “yes.”)

3. SPECIAL EXCEPTION APPLICATION, 1922 BRICE ROAD, REYNOLDSBURG, OHIO: PRESENT ZONING, COMMUNITY COMMERCE (CC); PRESENT OWNER’S NAME, DIMO KUSMANOVSKI; EXISTING USE, VACANT; PROPOSED USE, EATING AND DRINKING ESTABLISHMENT. CONTACT: CARLOS ALMONTE (32-SE).

Mr. Domini: Board, this is an application for a Special Exception Use Permit in the CC District where eating and drinking establishments are an approved Special Exception. This is what I will refer to for lack of a better term, the Big Lot Center and surrounding businesses. There’s Subway, Golden Dragon, Popeye Chicken, Sunoco, and the Bingo Hall which is also in that center. The applicant in their – in the application would like to operate an upscale eating and drinking establishment with sports activities

and bar games. The total area of the proposed establishment is roughly 4,200 square feet. Alcohol will be served from 2:00 P.M. to 2:00 A.M. The parking ratio is there for your reference, but I'll note this is a very expansive parking lot and I don't – 1 to 100 and they need 42 spaces and they have more than that in the parking lot there. And they also just put in the – one of the objectives from the Brice and Livingston Strategic Area Plan, which is a land use plan that we, I guess, would turn to most in this case, which is most relevant and most timely to reference in regards to this application. This is the center here and the location that I believe is under consideration is this corner space here with the paper in the window.

Mr. Haire: I think it's the middle here.

Mr. Domini: This one?

Mr. Haire: Yes.

Mr. Domini: And then just another shot on the right kind of looking back towards the _____, so it kind of gives you a panorama. He switched them around. And I didn't scan and include all the drawings that the architect did for the applicant, but they are in your packet for reference. It looks like a one-story space, kind of a loft area for a D.J. booth and then a bar area and more of a game area to the – looks like to the rear. So that is all I have, Mr. Feeney. I'll turn it over to you and the applicant.

Mr. Brusk: I'm a little confused because it shows them as the end cap in the drawing that was submitted, the sketch, the last page.

Mr. Domini: Was that A or E on the drawing?

Mr. Brusk: It's in the overhead view of the last page in the packet. Is that correct or is that a mistake?

Mr. Haire: Yeah. There's a – on the south side there's a grocery store to the— further south and it's the space right next to that.

Mr. Brusk: Okay. Then this is incorrect on the drawing where they put 1922?

Mr. Haire: Well, that's – it's—

Mr. Feeney: It's right in the middle.

Mr. Haire: Yeah.

Mr. Brusk: Oh, there's 3 of them.

Mr. Haire: There's 3 in that portion of the building.

Mr. Brusk: I see.

Mr. Haire: It's the middle one.

Mr. Domini: Yeah. This is—

Mr. Brusk: Oh, I see.

Mr. Domini: This is the Mexican Market right here.

Mr. Brusk: Okay. I take back my question.

Mr. Feeney: Is there anyone here to speak to this?

(speaking off mic)

Mr. Feeney: You want to come on up and I'll swear you in.

Mr. : My English is not that good. The owner's behind me and his representatives, they said they're going to be here and put them in the third row.

Mr. Feeney: You're going to be the operator?

Mr. : No, his daughter is going to be the owner, but he doesn't speak English, so I'm his son-in-law.

Mr. Feeney: Okay.

Mr. : Anything that I could help.

(Mr. Feeney administers the oath.)

Mr. Domini: Mr. Feeney, I'll note that apparently the agent for this application contacted the Council's office and said she was running late.

Mr. Haire: It's half-an-hour late so I don't think we have to wait for them.

Mr. Domini: No. I just wanted to state that.

Mr. Feeney: If you'll state your name also for the record.

Mr. : My name is _____.

Mr. Feeney: Thank you. Okay. So the hours of operation?

Mr. : We're going to start around 2, 2:30 up to 4 in the morning. We also – we're going to start at that time because we have the sports club, we have a softball team, volleyball team and they do meetings and stuff in there and _____ time in there and we would have a _____ club, for the more of the _____ community. Normally, that's why _____.

Mr. Haire: Do you operate a bar currently or does the owner operate a bar currently somewhere else?

Mr. : His daughter that I married. He's the one that _____ out of there and everything.

Mr. Haire: But does he have a current bar?

Mr. : No.

Mr. Haire: No. He used to be a _____--

Mr. : He has a business in New York _____.

Mr. Haire: And there's a dance floor here and 4 pool tables? Is that—

Mr. : They're going to have a sports bar, dance club because they sometime they're going to rent it for birthday parties, 4 pool tables.

Mr. Brusk: We had an issue come up recently on pool tables. Again, I ask what the ordinance was? What's the ordinance read now?

Mr. Domini: In terms of pool tables?

Mr. Haire: I don't know what it says. In terms of numbers _____ considered a billiards hall.

Mr. Brusk: I've been told one was the—

Mr. Haire: Do you know, Matt?

(speaking off mic)

Mr. Domini: I'll look _____ the definition section _____.

Mr. Haire: I have many other issues besides the pool table, so we don't further discuss this but I-- You know, you referenced the Brice and Livingston plan, Aaron, and I think one of the main things that we discussed there is us working on our end for the City of Reynoldsburg and also working with the City of Columbus to get rid of liquor establishments in this area. We've had a number of problems in this area. There's

been multiple murders on Livingston Avenue. There's been shootings there in the last 3, 4 years. I don't believe that this district is appropriate for this type of establishment. I don't have a problem with necessarily a bar/restaurant that serves alcohol, but for a big dance club, things like that, there's just been too many problems. I don't think that this is the appropriate district and I don't think it's in harmony with the intended character of that area. (Someone speaking off mic) Sure you can come in and get sworn in and—

(Mr. Feeney administers the oath.)

Ms. Rose Oberst: But this is not a nightclub, per se, place. It's more sports. They have pool tables, they have darts, they have dominoes, they have food, they're having sandwiches. It's more of a food and drink establishment and it's going to be high-scaled, up-scaled, much more up-scaled than Scotty's and a lot of the other ones you already have in Reynoldsburg. Those are more bar, low type end bars. This is much more higher end where people can hook into the Internet or come after work and be able to do business. I don't know if you got a chance to look at the architectural drawings, but this was hundreds of thousands of dollars being invested in here. And you know, you might want to consider that the owner owns Odd Lots. He has taken extreme care of that property and he has in his leases, because I do his leases, he has in his leases that they have to maintain a certain quietness, they have to maintain a certain cleanliness, they have to clean their sidewalk, and he's been a very good client of Reynoldsburg. He just repainted his shopping center, he's repaving his shopping center and he's willing to comply. And I also want you to take notice that this was a bar at one time. There was nothing else since then that's ever been in there, so it's a vacant space which hasn't been rented in awhile, but before it was a bar and it was zoned a bar. But this is not a wild nightclub type of location. It's going to be an up-scale place where people can go and it's going to be open earlier for sandwiches and for older people like Mr. Almonte that can come and play dominoes and something like that and darts and things like that in the area. And we're very aware of what you're trying to improve and we're willing to work with you on it. We're willing to do the landscaping. We're willing to do anything that you want added and we're willing to keep it within the quiet environment. We have a bingo establishment over there and it's done very well. We've had no complaints from the tenants. We've had no complaints from the people in the surrounding area. We've had no police reports on that shopping center. So I think, you know, the owner who has invested thousands and thousands of dollars in Reynoldsburg's taxes every year, I think that he cares as much about that area than all of you here, too. I think it's important to him. He just got a 10-year renewal on Odd Lots. That says something good about the community. And, I mean, real estate-wise and I do have the Schottenstein Center down the street here. I represent Schottenstein and I have 12 other centers including I own my own business here on Main Street. So take into consideration, too, that a lot of these areas on Livingston and Brice are a lot vacant and hard to rent. And to keep people in and show that there's people opening businesses and doing well in this area will bring more business to the area. But if they come and they see vacant, vacant, vacant, vacant, and vacant and Big Bear stays vacant, then people are afraid to open businesses in the area. And so it's something that I would want to consider, too, that we can work with

you and make sure that we comply to what you want and we're willing to do that, but I'd like – I think you need to at least give us a chance to try to prove that we can do that. And I think if you took a look at their architectural drawings you'll see that's what we're trying to achieve, a more up-scaled place.

Mr. Haire: Ms. Oberst, I'm looking at the architectural drawings and you mentioned – I heard food in there multiple times in your comments, but I don't see a kitchen, so I wonder where the food's going to be prepared—

Ms. Oberst: We're doing—

Mr. Haire: --and I see 3 tables for people to sit down at. So if this is going to be geared towards food and towards people in the daytime, why are there 3 tables?

Ms. Oberst: We have – there's other tables. That was just a drawing for the sketch drawing but we have other drawings went in but we do have sub sandwiches—

Mr. Haire: These are your architectural plans – so this is what you're submitting to the City to say—

Ms. Oberst: Right.

Mr. Haire: --this is what you're going to lay out--

Ms. Oberst: But there are tables. There's going to be chairs along some of the walls and things like, but we have sandwiches, we have chips, we have drinks, we have dart games, we have dominoes, we have pool tables already in there.

Mr. Haire: I guess I just don't see it. I see a D.J. booth and I see the large dance floor. So, to me, that's the clientele you're catering to.

Ms. Oberst: No. The first half of that 4,000 square feet is all sports. And I can honestly tell you the owner owns Classic Pizza and 10 other places including Victory's. He owns a Classic Pizza at Maxtown, the owner of the shopping center, so he's very well aware of what up-scale means and would not have moved forward with these people if he felt that there was any chance that it would not be up-scale.

Mr. Brusk: Again, I have the same question. Half of the floor area is dance floor.

Ms. Oberst: That's half of the 2,000 square feet, but the first half of the 2,000 square feet is sports.

Mr. Brusk: This side?

Ms. Oberst: Um-um.

Mr. Brusk: But that's still a large—

Ms. Oberst: Well, there is going to be a – I mean, there's going to be a dance floor—

Mr. Brusk: It's a large—

Ms. Oberst: -- but there's also a dance floor—

Mr. Brusk: But we were just saying—

Ms. Oberst: -- at many of the ones in Pickerington, you know, there's dance floors.

Mr. Feeney: But you say it's an eating establishment. Where's the _____

Ms. Oberst: It is. They're going to have eating available. It's not going to be a restaurant. There will be sub sandwiches served and chips.

Mr. Brusk: How is that upscale?

Ms. Oberst: There's granite countertops, there's upscale tile. It's going to be a very nice clientele. It's not going to be some place like you walk into Scotty's and see – it's going to be an upscale bar.

Mr. Brusk: The drawings don't show that, I'm sorry. The drawings show tables, several tables and that's it, not primarily an eating place, no kitchen. That means that you're bringing in food—

Ms. Oberst: I didn't say it was a restaurant. I said it was an eating and drinking establishment.

Mr. Brusk: But you said upscale and that doesn't ring—

Ms. Oberst: The quality of the restaurant and the construction, what's going into that restaurant, if you've gone – any of you, I invite you to go into the Classic Pizza. I did the Iron Skillet in Pickerington myself. If you go in you'll see there's leather chairs, there's granite countertops and it's upscale. It's not some place like the in-between or one of these kind of places. It's not that kind of establishment.

Mr. Brusk: A pizza place is not upscale.

Ms. Oberst: I'm sorry?

Mr. Haire: I'm not worried about that. I'm just worried about what we have to look at in terms of Special Exceptions. We have to look at is it in harmony with the surrounding character of the area and the zoning district, and will it adversely affect the health, safety and morals of the area. I believe that it will adversely affect the health, safety and morals of the area. We have a plan. We've had numerous public comments about trying to rid the area of liquor establishments, not bring new ones in. So I don't agree that it meets those requirements and I don't agree that it's in harmony with the existing district, and it also doesn't comply with approved _____ plans that we have, which is the Brice and Livingston Plan, which I believe you have a copy of.

Ms. Oberst: I did get a copy of that.

Mr. Haire: Then you saw in there where it says that we are trying to work with Columbus and work with ourselves to get rid of the existing problem liquor establishments.

Ms. Oberst: I understand that you've had problems and I understand some of the problems that have taken place, but this establishment is not like the other establishments and the owner is not – the landlord is not somebody who has had a proven track record in Reynoldsburg of keeping his area nice, keeping his area upscale, and keeping decent people as tenants, and I think that needs to be taken into consideration. I believe that he is in harmony with what you're trying to do, because when you bring a place, even like Iron Skillet, even though it's a Japanese steakhouse, it serves liquor. When you bring a place in that is a better quality than what you've got in your area and it's better than staying vacant in your area, you are improving the area and more better quality people will move in.

Mr. Haire: And I agree with you in that aspect. I just don't think this is the appropriate location for this type of use. There are other areas in Reynoldsburg where we'd love to have this establishment, but this is just not in the right area. That's what we have to specifically evaluate when we look at these Special Exceptions is, is this appropriate for that district and, in my opinion, it is not.

Ms. Oberst: I'm sure we're both entitled to our opinion, that's why we're here. But I want all of the Board members to understand that this is an owner that does take pride in his shopping center and these people own two stores in New York. They have another store at the Patio Shops on Morse Road and they've done very well as merchants and we are willing to work with the City. We're willing to comply with anything you'd like us to comply with or update the area. We're willing to put money into whatever it is you want, but we want to be given a chance to show you that it is a good thing for the neighborhood, that it is something that would complement the area.

Mr. Feeney: I think there's a lot of questions that the Board has. I don't think you were here when we mentioned that there's only three members tonight. The Board consists of five members and there's one vacant seat and one person had a previous

commitment, so you'd have to get all three of us to vote yes on this issue. So just so you know the situation.

Ms. Oberst: So what's my alternative? Do I have a choice?

Mr. Feeney: You can always ask for it to be tabled and bring back more information.

Ms. Oberst: When would that take place?

Mr. Feeney: We meet once a month. (Inaudible)

Ms. Oberst: I could bring pictures of what it would look like finished possibly and give you an idea, but I would say, you know, you're looking at a sports type environment with a bar in the back, sports in the front, and serving sandwiches and chips, and coffee and drinks for lunch, and sports activity during the day between 2-6. And I think if you look at Classic Pizza in Pickerington, that's almost a prime example of that, other than they don't have the dance floor. It's been an improvement to Pickerington. I even got a letter from Pickerington telling me that it was an improvement. So I think that it's worth at least giving them a chance to see if—

Mr. Brusk: There's another issue I wish you would make sure that you check up and that is the Ordinance we have as to the number of pool tables allowed in an area without getting a variance, and I believe the number is one. You need to check that as part of your plans.

Ms. Oberst: Okay, I'd be happy to do that. And we would be happy, like I said, if there's green space that needs to be added, if there's improvements that need to be done to Main Street, this landlord's willing to do that.

Mr. Feeney: I don't think that's the question that the Board has. I think it's the establishment that the Board's questioning, the operation, the type of-- You know, we do have a lot of problems in that area and I know that there's a lot of concern.

Ms. Oberst: They've never had a problem in this center. You've never had any type of problem in this center. We've had bingo there for five years now and we just got a renewal on the bingo. We've never had a problem.

Mr. Feeney: And we hope to keep it that way. We really do.

Ms. Oberst: Like I said this owner is willing, he's put it in the lease that there will be a noise – if there's anything that's gone against anything that's in your Plan that it would be cause for a breach of lease. So we are more than willing to comply with what you'd like. I'm sure you take into consideration in this economy, too, that it's very hard to get good tenants in those areas on Livingston and Brice right now. A lot of people are scared to even move into that area because it's so vacant. I've got several

restaurants that have declined and I do a lot of leasing. I have 12 centers in Columbus, Ohio, and I've had several of them decline to move into that area. So it's hard for these landlords, too. They're giving a lot of tax dollars to Reynoldsburg. I think if they're willing to comply and they're willing to improve the space, they're willing to make sure that it doesn't cause any safety issues to the people, even if it meant them having-- You said, "Well, we want full time, round-the-clock security," if that's what you wanted, I'm sure this owner would comply. All I'm saying is I think they should be given a chance. And he has a proven track record in that center of never having any problems for Reynoldsburg.

Mr. Feeney: Have we had any comments from the Police Department? Have they looked at this at all?

Mr. Domini: I did not receive any comments from them.

Ms. Oberst: I know which centers have had problems. I can tell you that.

Mr. Domini: (Inaudible)

Mr. Brusk: Right across the street in Columbus, of course; directly across Brice Road, we've had problems—

Ms. Oberst: And across from K-mart's in that center, and not because of the bar, but they've had problems there.

Mr. Brusk: It is important for you to understand that we are trying to reassess and redevelop that area of the City.

Ms. Oberst: I agree, but when you take a nice place like the Nail Restaurant in Gahanna, a nice establishment like Classic Pizza versus a little _____ bar, you're talking at two different kind of levels.

Mr. Brusk: Yeah, but the pizza place doesn't serve liquor as a general rule, just a little bit, and, secondly, they don't have a dance floor. Both of those are the type of places that have caused problems in that area and that's where our concern is.

Ms. Oberst: I understand that.

Mr. Brusk: What happens if a new owner comes in there once we approve this afterwards, we have virtually no control after that other than to respond after the fact.

Ms. Oberst: I thought anybody going into that area had to come through you.

Mr. Haire: They do.

Ms. Oberst: That's what I understood. So that wouldn't be an issue. But, also, please take into consideration the owner of the shopping center owns nine bars and restaurants, including Victory's, Traditions, Classic Pizzas, I can numerous ones that he owns – Holiday Inn Express. So he's very familiar with the situation and, believe me, it's more important to him to keep that upscale than it is to you, because he has Odd Lots who's his main tenant, and he has the bingo who he can't lose on a Saturday night. They've open Monday and Saturday. So it's more important to him to make sure that everybody complies and gets along with the community.

Mr. Feeney: Well, I think we've heard what we need to hear. I'll entertain a motion.

Mr. Haire: I move that we approve Item 32-SE.

Mr. Feeney: Do you want to have us vote on this or would you like to have it tabled—

Mr. Brusk: If you have it tabled, then there's more people that would be voting.

Mr. Feeney: We'd have to vote on the table also.

Ms. Oberst: If it's voted today, do I not get another chance next time?

Mr. Brusk: You would be able to take it to Council.

Mr. Haire: You can appeal our decision.

Ms. Oberst: I'll go ahead and vote tonight.

Mr. Feeney: I'll second.

Mr. Domini: Can you restate the motion?

Mr. Haire: I make a motion to approve Item number 32-SE.

(Mr. Domini called the roll. Mr. Brusk replied, "I'll pass right now." Mr. Feeney voted "no." Mr. Haire voted "no." Mr. Haire stated, "I'm voting no because I don't believe that it meets the requirement that's set forth in 1145.09, specifically letters A, B, C and F that I mentioned earlier." Mr. Brusk stated, "With that being said, I will make it unanimous and vote no.")

Mr. Feeney: You can appeal to the Council.

Mr. Domini: You need to appeal to the Clerk of Council within 30 days from the date of refusal.

D. OTHER BUSINESS

1. ELECTION OF OFFICERS

Mr. Haire: Can I propose a slate of officers? Mr. Brusk as Chair, and Mr. Feeney as Vice Chair.

Mr. Feeney: I'll second.

(Mr. Domini called the roll. Mr. Haire voted "yes." Mr. Feeney voted "yes." Mr. Brusk voted "yes.")

E. ADJOURNMENT

The meeting was adjourned at _____ o'clock, p.m.

Patrick Feeney, Chair

Aaron Domini, Planning Administrator

This document was transcribed by:
Area East Secretarial Service
7668 Slate Ridge Blvd.
Reynoldsburg OH 40368