

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
JANUARY 17, 2013
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. David Stoffel Mr. Patrick Feeney Mr. Anthony Rettke
Members Absent:	Mr. Norman Brusk
Others Present:	Mr. Justin Robbins

2. APPROVAL OF MINUTES OF NOVEMBER 15, 2012

Chairman Rettke: Do we have any changes or corrections to the minutes of November 15, 2012?

Mr. Robbins: Not from staff.

Mr. Rettke: So moved. I guess we'll go and approve the minutes.

3. APPROVAL OF AGENDA

Mr. Rettke: Are there any changes or corrections to the agenda?

Mr. Robbins: A clarification that Item No. 3 on the agenda which is a Special Exception use permit transfer from 7616 E. Main was removed. It will likely be on next month's agenda.

Mr. Rettke: Okay. With that change being made, we'll go and approve the agenda.

4. SWEARING IN OF SPEAKERS

(Mr. Rettke administers the oath.)

5. PUBLIC COMMENT

Mr. Rettke: Are there any Public Comment? (No response.) Having none, we'll go and move to Unfinished Business.

A. UNFINISHED BUSINESS

Mr. Rettke: Is there any Unfinished Business before the Board today?

Mr. Robbins: No, there is not.

Mr. Rettke: Okay. Flying right along.

B. NEW BUSINESS

Mr. Rettke: Can you please read Item B1, please?

1. MAJOR SITE PLAN APPLICATION, 1675 TRURO AVENUE, REYNOLDSBURG, OHIO; PRESENT ZONING, AR-1 (c); PRESENT USE, VACANT AND PARTIALLY DEVELOPED; PROPOSED USE, SINGLE FAMILY RESIDENTIAL COMMUNITY; PRESENT OWNER, REDWOOD ACQUISITIONS; CONTACT: GLEN A. DUGGER (#157950).

Mr. Rettke: The property is located on the west side of Lancaster Avenue approximately one-quarter mile to the northeast of the Livingston intersection. The property is currently zoned AR-1 which is a multi-family residential district. The property consists of two lots, I believe, which is approximately 17.2 acres in area. A little bit of background. It was zoned AR-1 in 2002 and the project was partially started in 2003. Utilities and the roadway were completed for the portion of the site and the project stopped short of constructing any buildings. So the property has changed hands and a new developer is seeking to begin construction again.

Upon review of the project, staff did not find any major issues except for one and that was the portion of the code that recommends tree replacement. We've come upon this previously in, I believe, the Creative Housing Project, and the code says that any tree that's taken down must be replaced with one of a, I think, 2 inch caliper diameter trunk. The issue that we have is since the lot is heavily wooded, staff believes that it would rob – not rob, but it would be a decline in value from the site for the applicant to use, so I think the Board should take that into consideration with the site plan. I believe the applicant might have a small presentation to make, if you'd like to go ahead?

Mr. Glen Dugger: Sure. Thank you, Justin. My name is Glen Dugger, 37 W. Broad Street, Columbus OH 43215. I represent the applicant. I'm here with Linda Menerey from EMH&T. Linda is the site plan designer for the project. As Justin pointed out, this property is located on the west side of Lancaster Avenue. To the immediate north is John Street, to the immediate west is Blacklick Creek. It was – I think Justin was kind to it in that it did have a bit of tortured history. The property was annexed, I think, in 2000-2001 and went through the zoning process at that time. It was -- the Carlisle Perry Company was the driving force behind that, actually owned the property, purchased it and intended to construct a plan that's virtually identical to this one.

However, after they built the first road entrance and then the road to about right here – you go out there and drive it, maybe some of you have, but they built part of that road and then Mr. Perry died. He had, as I recall, cancer of the sinus and it was really awful. The last time I saw him he looked like the Phantom of the Opera because of the – but anyway, enough of that. But the property then went through his estate process and they got all that straightened up just in time for the real estate crash in 2008. So the property – actually they had this road built in 2002-2003 and, unfortunately, the Perry Company was never ever to complete it because of the untimely death of their principal and so the property is now in contract to Redwood Acquisitions, Redwood Construction. Redwood Construction is, I think at this point, the largest developer of housing of this type in Central Ohio.

Linda has put up the plan. So John Street's to the north, creek's to the west, Lancaster Avenue is to the east and the property is essentially vacant. As Justin points out, it is very heavily treed and that's one of the issues that we probably have to work through tonight. But what I'd like to do is just briefly walk you through, I guess, two relevant points that are applicable here. This is virtually indistinguishable, I think, in many respects from the plan that was originally approved as part of the Carlisle Perry program with one exception. The Perry plan actually had a connector road through the middle of the site to the middle of. The middle is fairly large _____. The second is it did have an access out to Truro or John Street at that intersection there but in that previous plan, that was identified as an emergency access only. If you take the old plan and look at the old plan, look at the new plan, we believe that this thing has very, very significant compliance. It actually has more open space, it has a better relationship to the creek from the previously approved plan.

Ms. Menerey: That's the original plan.

Mr. Dugger: That's the original plan. I believe some of you, Mr. Feeney, were on the Board at that time possibly. In any event—

(someone speaking off mic)

Mr. Dugger: There you go. In virtually all measurable respects the plan has more open space, has less pavement, it has significant improvements over the prior plan primarily by virtue of the elimination of that east-west street. So all four unit buildings with a couple of three's in order to kind of make the plan work. We've installed some, at the suggestion of staff, in meeting with the administration, we thought it was important to have these walking paths to circulate through the site and those are included as shown on the plan. I think that what we have now is a plan that's a bit of a more appropriate walkable plan than perhaps the prior plan; has probably a better relationship to the creek. And, clearly, for the types of residents which Redwood has which tend to be towards the older end of the demographic spectrum, that this will be a very appropriate place for them because most of the internal recreation can occur within the site, within those walking paths. This is not the type of place that has a huge pool and a clubhouse and tennis courts and a workout facility and that kind of thing. This

tends to be – Redwood’s profile of their residents, once again, is towards the older end of the spectrum. I think starting with me and getting older from there. So, Linda, do you have anything that you felt was important?

Ms. Menerey: I’m Linda Menerey from EMH&T and I always kid Glen and his partners that they take all of the presentation and tell you guys everything; leave me a little left to talk about. So I just want to introduce you a little bit to Redwood and, as Glen mentioned, they are – Central Ohio, right now we’re working on five projects; they have six that are either in process or other construction; Pickerington. We just got one approved in New Albany that we’re going to get started on hopefully in the next two or three months once we get our engineering approved. Marysville, City of Columbus, I said Pickerington, Johnstown; Pickerington, Marysville, New Albany, hopefully Reynoldsburg, Johnstown and Columbus. So they’re pretty happy here in the market and are making great strides to get their product out there. As Glen mentioned, it is a one-level product and is a rental product. It’s a large unit, you know, you’re in the 1,300, 1,400 square feet, two bedrooms, two baths, attached two-car garage. With it being rental everything is all maintained. They strive really hard to keep it peaceful and quite and that’s kind of their mantra. The people that come here don’t want a clubhouse, they don’t want a pool, they like their walking paths, and they like their peace and quite. They are relatively active. We don’t see a lot of kids at all in these developments.

But Glen mentioned a little bit about the road that went through that’s been taken out and the fact that if you look at that color rendering that’s in your packet, you’ll see those paths that kind of inter wind through. In terms of just a little couple of light things on engineering, this pond was existing and built as part of the original. We’re utilizing that and trying to work within the original true boundaries and make the storm drainage and the rest of the infrastructure consistent, for the most part, with what it was prior to this new site plan. And then we had some back and forth on traffic and I think we’ve got that resolved as well. We’re more than happy to discuss tree preservation. We feel like we have perhaps done a better job in terms of saving those trees in the core and then around the perimeter as well. In terms of kind of a few of the other amenities about it, fencing along Lancaster not a huge entry feature, it’s just a sign and landscape at the frontage and it feels just more like a residence as you come along Lancaster. We are providing fire access as well up to John Street which we need to do as part of this, so with that, we’ll entertain any questions that you all may have.

Mr. Robbins: Discussing the traffic, I do want to make the point that our City engineer has been in contact with the applicant throughout the majority of the process, I think, and had requested a traffic analysis or traffic impact study on whether or not a turn-in would be required. The original study was done with senior housing, but since there’s nothing kind of in a deed that would restrict that they changed it to apartments and, I think, still it was within safe range without having to put in a turn lane.

Mr. Dugger: Yeah. There’s just some points out there. There’s just a significant amount of maybe give and take or conversation over the last three weeks about the

traffic study and the challenge obviously of it was that the – was trying to pick the right ITE manual category for the actual use of this property. So once that was determined, they ran the traffic study. It's been submitted and I think I saw an email, I think, yesterday from the City engineer that indicated he felt that the traffic study was well done and also that he agreed with the conclusion that no additional turn lane movements were necessary over those which were originally identified in the traffic study that was done in 2002 as part of the original entitlement of this property.

Linda's got a couple of the material boards from when this project was originally zoned to today. As you know, Reynoldsburg had some fairly significant revisions to its multi-family residential code with reference to natural materials. Those have fairly significantly increased as a part of the code changes that were adopted, I think, a couple of years ago, so what we have with this are all the material codes, the stone—

Ms. Menerey: (Speaking off mic) Primarily the lower portion of the building, your dimensional asphalt shingle, the _____ sample. This is _____ from the vertical _____. And then the siding portion of the building this is the Hardy plank and we have _____ colors that we utilize throughout. And you can see those _____ so that you know which unit is yours _____. We like to be able to vary color a little bit so you know which unit is yours as you're driving through.

Mr. Dugger: So they won't be all the same. They'll be--

(speaking off mic)

Mr. Dugger: Right. As you go through the project. As a part of the submittal we have a cut sheet that had those elevations with identification. I think you have all those. Again, we're more than happy to answer questions you might have.

Mr. Rettke: Is this the same type of siding and color that you use in all the developments that you're working on?

Mr. Dugger: You know, each city has their own preferences with reference to materials. In fact, Reynoldsburg has a much higher all natural materials requirement than most cities that we're building in, so there's actually more of the stone and more of the natural siding materials used here than there would be perhaps in other places. For instance, right down the road in Pickerington, the project that they have there has a much lower use of stone and of other natural materials. So Reynoldsburg has gotten a little bit better natural material component than most places.

Mr. Feeney: And on the photo metrics, if you could touch on that, the lighting – trying to read all those numbers on there—

Mr. Dugger: If you can read it—

(several people talking)

Mr. Dugger: Yeah. That is tough to read those things.

Mr. Feeney: So it doesn't look like there's any site lighting, it's just lighting on the units.

Mr. Dugger: That is correct. And I think that that was always the case on this particular property. It didn't have an exterior site lighting. As I recall, the original approval had a coach lamp kind of thing and we're duplicating that with the building light.

Mr. Feeney: Do lights come on automatically or do you have the tenants turn them on?

Mr. Dugger: I think the tenants have a choice.

Mr. Feeney: Okay.

Ms. Menerey: It's automatic.

Mr. Dugger: It's automatic? There you go.

Mr. Stoffel: I have what, I guess, would be a design question. Is it permissible to have that storm water management over top a sanitary sewer?

Mr. _____: That's a good question.

Mr. Stoffel: There on the south end? Look at the--

Ms. Menerey: We'll coordinate on that. I'm not an engineer so I can't tell you exactly, but I'm thinking that's pretty deep there. If it isn't we'll end up splitting it, either way.

Mr. Feeney: What was the question?

Mr. Stoffel: Well, that their storm—

Ms. Menerey: _____ sanitary line.

Mr. Dugger: You've got a sanitary line _____. I think Linda's right. That's one of the--

Ms. Menerey: Deeper—

Mr. Dugger: _____.

Mr. Stoffel: And it may be an issue regardless of depth. There may not be allowed to be standing water over top of that. I'm not sure what Reynoldsburg—

Ms. Menerey: I feel comfortable we can accommodate it either way.

Mr. Stoffel: I mean the true issue to me is a big deal and I understand, you know, that you'll do whatever you can to save the trees that you can and I didn't critique the grading plan that hard, but I want to believe that EMH&T will do their best to save whatever trees they can.

Mr. Dugger: The issue really is a numbers count and they're really – once you take the trees out that we have to take out for the building pads, the drive and the detention bases, there isn't enough room to put back the trees because the site's already fully wooded. I mean, I don't know how you've resolved that issue before. It tends to be, you know, there's a number of ways in which you can work it out. I think what we're willing to do is, obviously, we would have some number of replacement trees that would have to go back into the site. This is, again, what is an unusual set of circumstances where you can't put the number back in that you are required to put in. We'll put back what we can in accordance with approval of the City forester, but we obviously couldn't put the number back in that we're going to have to put back in. That's what I propose that we do is that we on a, you know, is that we have – we're going to end up with a number of trees that we've taken out that we're permitted to take out and then others that we do the count for, we would then have some number to put back in. We will put back in as many as we can, but there just isn't an adequate place to put likely that number of trees.

Mr. Stoffel: Yeah. It's just because this is such a flat site it'll be interesting to see how they're able to get it to drain somewhat even in the wooded areas. I mean, we're not going to take out trees to put a storm sewer in there but, hopefully, there's a real conscious effort about doing whatever can be done in that central cluster because those are some very mature trees and me being one of the people that would probably end up – like to be in this kind of thing. I love trees and I would really like to see a real effort put toward whether it will be tree wells or whatever it would take to make that central place, because that's the only place you're going to be able to save trees except on the very fringes, that there would be a real effort put toward saving whatever we can.

Mr. Dugger: The bank of the creek is pretty well defined and so on the western edge of the site you're going to have a pretty solid tree mass along the creek where you've got the-- You're absolutely right though that the real amenity to this site beyond the proximity of the creek is that tree mass in the middle. That was one of the things that didn't make sense to us. In the original approval the prior approved plan had a road running through the middle which we're not – I mean, why are we running the road through the nicest part of the whole project. So, kind of one of the planning components when Linda started working on this was how do we do this in a way that really tries to save the best amenity to the site which was this tree mass. And if you notice, I think – I

did a count. I think it's like 36 of the residences would only back up to that tree mass, so fully a third of the units are going to look out their back door, which is really the more active component part of the unit and that's what they're going to see. So you're absolutely right it's important. I think that from a grading standpoint it's really nobody's desire to get into a tree well type situation, but the idea is to try and leave that area alone to the extent that we possibly can. I think we even called for – Linda, correct me if I'm wrong, these are a mulch paths so that they wouldn't actually be a physical invasion. We would just be putting the mulch down which is probably from an environmental standpoint and in terms of a disturbance of those trees, it's actually the best thing you could be putting there. It's not a concrete path, it's not an asphalt path. You actually have to run equipment in there to install it. Now would that be optimal when it's raining two inches on some day? Probably not, but in terms of the long term health of that tree stand, that's probably the best thing for it. So we totally – we're in the same place, I think, with the Board on this with reference to that primary centralized tree standpoint.

Ms. Menerey: And as I was reading through the code, I don't know if I was misreading how the tree preservation section was written, but when you look at the tree preservation it says all trees shall be preserved unless exempted and then it gives you the exemptions and those read if they're located in a public right-of-way, if the site cannot be arranged in a manner to avoid removal of the trees permitting the desirable and logical development of the lot which, I mean, I feel like we've done that. We may have some trees that are undesirable in here which wouldn't count towards that as well, but I don't think it makes sense to go out and do a big tree survey and take down a whole bunch of trees just to do whatever. But then you go to the tree replacement section that says major trees removed during the course, blah, blah, replaced and then failure to replace shall be a violation of the Chapter 155, but it references you back to 1180.06 which says you can be exempted if you guys approve that based on those other standards. So, to me, it seems like you have the ability to allow the logical development and allow those trees to be taken down without having to do a big hit on replacing it.

Mr. Dugger: I think we did, as part of the submittal, we did indicate that we would replace or replant – I can't remember the terms, Linda – but there were 26 trees that we identified as would be put back in addition to that (inaudible).

Ms. Menerey: (Inaudible)

Mr. Dugger: Except that there are a couple of places, for instance along that south boundary and perhaps along the north boundary, where the replacement of some of those trees would be very appropriate and we, as the developer, would want to have some trees in that location.

Ms. Menerey: That's along this edge here. This is pretty good along the north and real good along Lancaster Avenue.

Mr. Stoffel: So all the trees shown there are existing?

Ms. Menerey: No, on this rendering not. Primarily this is what's existing here, there. These would be ones that we're adding in.

Mr. Dugger: And the submittal, I think, calls for 26 trees to be added and those would be those ones here. Theoretically you could put some more trees in here or here, but, really, those areas are pretty heavily treed and there's some questions as to either utility or whether those trees would do too well because you're basically planting them in a place where you already have a pretty existing tree mass. That's why it shows how really strong that centralized tree area is. It also shows, I think pretty well – Linda just read the code sort of guidance that you try and develop the lot so you're not disturbing existing tree stands. And if you look at that area where the road is, where the existing road is and then swing around up along the creek and then to the north towards John and Truro Streets, I mean those are areas that really aren't very heavily treed. So from that standpoint we've really got the road development, the buildings all kind of in the right place and it's just a function of is it acceptable for us to get a waiver from the tree requirement with the understanding we're going to put these 26 trees back along that _____.

Mr. Rettke: Any more discussion or clarification needed?

Mr. Robbins: No, none from staff.

Mr. Rettke: Do you remember when this tree issue came into being? It alludes that this started in 2003 and it wasn't a consideration.

Mr. Robbins: As far as when the actual resolution was passed, I'm not for certain. I don't know exactly what happened on this site previous so, to my knowledge I'm not sure if it was wooded and taken down with the roads and the pads that are supposed to be here or what exactly happened. _____ kind of tangled with that part of the code as previously mentioned, the property that was behind _____.

Mr. Rettke: Because it seems like we're kind of beating our heads against the ground on this, struggling with what to do. The way it's written, a wooded lot like this would be impossible to—

Mr. Robbins: Part of the code was passed in '03. The original approval on this was in '02. And I think the big caveat is, you know, we're looking at kind of the intent of the code as well and the intent is to preserve existing tree masses to the best of the ability without denying the reasonable use of the property and it seems to me, at least to staff, that the applicant has done that.

Mr. Rettke: This is not unique to Reynoldsburg. There are other cities that have this issue. These tree replacement requirements tend to work pretty well for projects

where you're doing development in a green field or a bean field where – something where there's—

Ms. Menerey: Where it's not heavily wooded.

Mr. Dugger: Right, that's what I was getting to. They don't work very well in a situation where you have a property that is real heavily wooded, because the idea that you have to replace that, on some sort of a basis, that which you've taken out, the typical issue is the same as you were having here tonight. There just isn't any place to put it. So these sorts of true replacement levers are not uncommon. You're not the only one stuck with this. They do work in situations where some portion of the site has been farmed or some portion of the site has been previously developed. They don't really work very well in situations where you have an unusual situation quite frankly. The times and places where we had a property that is virtually all wooded is pretty unusual anymore. So this is really the exception rather than the rule but we do need to think about it and manage it in a way that makes some sense. I remember being in a meeting one time and they were asking me to put more trees in and the landscape architect said, "Look, guys, I can put some more trees in, but they'll all die." I mean that's really kind of where we are with this. If you ask us to strictly meet the code requirements, we can plant them; but there's really some very questionable utility as to what's to be gained by that.

Mr. Stoffel: You've taken out that road from the original plan, that helped preserve a lot of the trees and I think you did a good job with preserving all the creek which is important to me and you've got trees all around. I don't think there's any place else you could put trees, so I'm happy.

Mr. Rettke: Can we entertain a motion?

Mr. Feeney: I'll make the motion that we approve major site application Item B1, number 157950.

Mr. Rettke: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

2. VARIANCE APPLICATION, 1819 CHIMNEY HILL COURT, REYNOLDSBURG, OHIO; PRESENT ZONING, R-1; OWNER'S NAME, MICHAEL C. MOTZ; REQUESTING APPROVAL FROM SECTION 1175.03 TO REDUCE THE REQUIRED 25'0" SIDE YARD SETBACK TO A REQUESTED 8'0" SIDE YARD SETBACK. CONTACT: MICHAEL C. MOTZ (#158072).

Mr. Robbins: The applicant is proposing to install a backup generator to the side of his house. The property is zoned R-1. The side yard setbacks within the R-1 district are 25', which to follow that exactly would give him about less than 50' straight

down the center of his yard to put a generator. I think it's a reasonable use of the land to put a generator at the side of the house and it's the recommendation of staff that the Board grant the variance as requested _____ as stated in 1147.05. Is Mr. Motz here?

Mr. Feeney: I have some questions about the noise and how frequent does it run, maintain itself. I know those things usually have an every other week or monthly maintenance and I'm kind of curious if he's talked to his neighbors about that noise. I know some of them you can't hear at all.

Mr. Robbins: The brand, I believe, is a Generac. It's a natural gas generator. As far as the noise, etc., that I can't speak to.

Mr. Stoffel: I wanted to ask him also if that is the most ideal location for that, because it is – it's close to the house which I understand that's important, but it's also close to the neighbor's house. Would it make any sense if he could bring it back farther away, you know, more towards the back lot a little bit. I would like to have asked that question.

Mr. Feeney: And one question I would desire, did anybody look to see if that's in a platted easement before we go forward with that. I had luck trying to find a plot through the Licking County website.

Mr. Stoffel: It makes sense to have it between those two pines, kind of hide it; I like that—

Mr. Rettke: I'd like additional screening.

Mr. Stoffel: Yeah, regardless.

Mr. Robbins: Not on his side, but more than two pine trees, junipers, something like that.

Mr. Rettke: Well, we can table it and see if he can come next month. I'd hate to just say no, but I'd hate to say yes.

Mr. Stoffel: What's the time table on this, I mean with the application being submitted and the required action, do you know?

Mr. Robbins: Well, some of those have 45 days, but I don't know if he's submitted a building permit yet. I know those have a turnaround time of 60 days. I'll check on it if you'll bear with me for a moment. Okay, Section 1147.04, Action by Board, "Within 60 days after the public hearing, the Board of Zoning and Building Appeals shall either approve or disapprove the request for the variance. If the Board determines to approve the requested variance, it shall, after specifying such conditions

as it deems necessary, direct the Zoning Officer to issue a zoning certificate describing the variance and the conditions subject to all applicable provisions of this code.”

Mr. Rettke: So we have 60 days from today?

Mr. Robbins: Correct.

Mr. Rettke: Can you pass along our questions to him so he can be ready? Determine if there’s an easement down through there, just pull the plat for us and make sure there’s no easement; additional screening; and any idea about a noise; has he talked to his neighbors. (Inaudible).

Mr. Robbins: As far as the placement goes, would you make any recommendations assuming there was no easement, the neighbors have no issues?

Mr. Fenney: I’m assuming, but I hate to make assumptions, but I’m assuming that’s where his gas line is, that’s where his electric service is, maybe it’s right between or close to them, so to put it on the other side of the house might be crazy. So, anyway, just those questions we have.

Mr. Robbins: I know there was a mix-up last week. I believe his agent, who’s the electrician actually showed up for the meeting and we were not here.

Mr. Rettke: I guess that I’ll move that we table Item B2, Variance Application 158072 until the next meeting.

Mr. Stoffel: I’ll second.

(Mr. Robbins called the roll. Mr. Stoffel voted “yes.” Mr. Feeney voted “yes.” Mr. Rettke voted “yes.”)

3. SPECIAL EXCEPTION USE PERMIT (TRANSFER), 7616 E. MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, C; PROPOSED USE, FUELING STATION. CONTACT: Z. BALL, TRIUMPH SIGNS (#158214).

Mr. Rettke: Item B3 has been removed so we’ll move on to Item B4, Special Exception use permit for Radekin Road.

Mr. Robbins: Just to clarify there is a little bit of a mix-up in the staff report. Number 4 and 5 are turned around so, and the staff report is Number 5 _____ and on the agenda it’s Number 4.

4. SPECIAL EXCEPTION USE PERMIT, 6475 E. MAIN ST., REYNOLDSBURG, OHIO; PRESENT ZONING RI; PROPOSED USE, RECREATION FACILITY. CONTACT: KIM MIKANIK (#158035).

Mr. Rettke: Moving on, Item B5, Special Exception use permit for 6475 E. Main St. Will you go ahead and present that?

Mr. Robbins: Yes. Item #4 on the agenda as mentioned, 6475 E. Main Street, Special Exception use application #158035. The property is located on the south side of E. Main approximately ¼ mile to the east of the Brice Road intersection. The building sits behind the properties that front E. Main. The property is zoned RI, Restricted Industrial and the current use – well, the use that they're going for is the Ohio Combat Sports Academy which is an instructional, recreational business which is a Special Exception within the district. A bit of background on the existing site. All surrounding tenants' spaces are zoned RI, Restricted Industrial. The adjacent properties to the east are zoned CC, Community Commercial and the use is of a storage unit facility. The tenant is proposing a renovation and expansion into an existing adjacent space with a total area of 4,977 square feet. I believe we have a representative.

Mr. Rettke: They'll have to be sworn in before we – who is not here?

Mr. Robbins: Okay. Hold on for one moment. As staff reviewed, the operating hours for the Special Exception are proposed to be after 5:00 on weekdays and from 8:00 A.M. to 4:00 P.M. on Saturdays. The existing businesses in the area typically operate opposite the hours to that business. The classes are anticipated to have two instructors and 12 students at the site at a given time. No deliveries are expected. Parking requirements for the proposed use are 25 spaces. Proposed instructional, recreational use is in keeping with the character of the surrounding businesses and properties and will not negatively affect the operation of adjacent businesses and properties. And we'd like to mention that it does have adequate access to roads, storm drainage, water, sanitary, and fire protection. The finding of staff of the proposed use will not adversely affect the morals, health, welfare of the community as a whole. And if you would like to swear him in.

(Mr. Rettke administers the oath.)

Mr. Rettke: If you'd to state your name and address.

Mr. Todd Dillon: Todd Dillon and I'm at 6475 E. Main Street, Suite 136, Reynoldsburg, OH, 43068.

Mr. Rettke: And before you leave we'd appreciate it if you sign in.

Mr. Dillon: I already got that one. Basically, we bought the facility two to three years ago. There was 20,000 square feet of the building. It was a shelled then. No too long ago we put in all underground plumbing and concrete and were approached by Ohio Combat to basically facilitate them building out the space and expanding, so that's why we're here with you today.

Mr. Rettke: Do you have an overview of that area?

Mr. Robbins: It's the u-shaped building that's just to the right of the storage facility and where that little "A" guy is is approximately where the space is going to be as well and here's a close-up of the building.

Mr. Dillon: Car Quest is in the front right where Kraco's used to be.

Mr. Rettke: What's out back there? I mean, is it fully occupied?

Mr. Dillon: It's not fully occupied now. It's what they call flex space. In the Commercial Overlay it's basically for small contractor type users, electricians, the Glass Doctor, people that need a little bit of office and warehouse. There's _____ Cash Logistics is back there, a carpenter and it's just a diverse group of small business owners.

Mr. Feeney: I know there's a lot of parking there, but you have the potential for a lot of businesses. Have you looked at the square of footage of the building for the parking for something like this?

Mr. Robbins: Not for the whole site, no. The building as they're proposing it at roughly 5,000 square feet is about 25 spaces which we require. Which if they're operating at opposite hours of the existing businesses, it's more than enough parking to satisfy their business.

Mr. Dillon: Yeah. And just to add to that. I mean, there's parking both on the interior ring and the exterior perimeter in between where the Car Quest building is and the space, there's a wide open space that you could fit another close to 50 parking spaces in there, you know, if the density required it.

Mr. Feeney: I saw it wasn't striped. I saw some vehicles parked out there, something I just wanted to bring up.

Mr. Rettke: Yeah. I think since the main focus is it's after normal business hours of the contractors, you might have a little issue, but I don't see a big issue.

Mr. Feeney: Well, there are 25 parking spots inside and there are at least 25 on the outside, if lot more.

Mr. Dillon: It just requires the 20. There are much more than 25 in the interior. That's with the 47 and change would require for that Combat facility.

Mr. Rettke: There are four to five depending on handicap in each section so you've got one, two, three, four, five, six, seven, eight. You've got almost 80 in that middle.

Mr. Feeney: How many units are you taking?

Mr. Dillon: It's three units, yeah--

Mr. Feeney: _____ 11.

Mr. Rettke: Yeah. So that's three units immediately in front of it, you're looking at 10 spaces. You've got 12 plus two instructors. That's four more they're going to have to grab from somebody else.

Mr. Dillon: And the way they operate, too – when the weather permits they have those garage doors in the rear, and they open those up to – for the flow, so they actually park in the back and the front.

Mr. Rettke: There are no other issues with the staff report. Out of curiosity, what type of activities does the Ohio Combat Sports Academy?

Mr. Dillon: Mixed martial arts, judo, I mean, just standard combat style.

Mr. Rettke: Okay. I'm just curious.

Mr. Dillon: And instructional sports.

Mr. Rettke: Kind of like what it used to be there in the Astor Center.

Mr. Stoffel: That's exactly what I was thinking.

Mr. Rettke: Astor and Brice.

Mr. Dillon: The gentleman that owns it and runs, he's a Master, a black belt in Brazilian jiu jitsu but he also has other instructors. He has lots of stories.

Mr. Stoffel: I was really hoping he would come in tonight.

Mr. Dillon: He's very unassuming, so, yeah.

Mr. Rettke: Give us a little demo.

Mr. Dillon: And if you don't approve it, no.

Mr. Rettke: I guess I'll move for approval of Item B5, Special Exception use permit #158035.

Mr. Stoffel: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

Mr. Rettke: Pass along our good luck with them.

Mr. Dillon: This still goes before Council, right?

Mr. Robbins: Council has the option to pick it up. If Council does not take it up, then it stands as approved.

Mr. Dillon: When do we know?

Mr. Rettke: You know, off the top of my head, I'm not real sure when they meet. I believe you'll be contacted by the administrative staff once it goes through for _____.

5. SPECIAL EXCEPTION USE PERMIT (TRANSFER), 6161 RADEKIN ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING CC; PROPOSED USE, CHILD CARE FACILITY. CONTACT: MELINDA WILLIAMS (#158336). Xxx

Mr. Robbins: The location of the property is on Radekin Road near the northwest corner of Brice Road and East Livingston Avenue. The zoning is CC which is the Community Commercial District. The applicant is requesting the transfer of the Special Exception Use to operate a childcare facility within the district in the building of an existing daycare facility. The existing daycare is the Supreme Childcare Academy and the contact for that is Constance Dowdy and that was issued in 2011, January, the Special Exception.

The review from staff, we have considerable concern of parking, so a bit of background is the applicant is moving into the building. The building is actually, you can see on the image, kind of two separate structures. To the best of my knowledge, the white structure on the left-hand side of the image is what's actually a daycare at the moment and the applicant was going through the process of getting the second building ready to operate as a daycare. The issue that we have is that the parking requirements for that basically would double, the amount of children and the amount of staff that would require, basically double the amount of parking. Within the daycare area, we see that as a big concern when you have a lot of people coming and going at the same time and not a lot of room for maneuvering, children running around so as it stands, staff is not in favor of the application and this is something we would like the Board to consider.

(someone speaking off mic)

Mr. Rettke: Come on up and state your name, address, if you will and then you can speak.

Melinda Williams: Hi. My name is Melinda Williams and I am—

Mr. Rettke: Address?

Ms. Williams: 6161 Radekin Road and I am currently already there occupying the space now as a childcare center. I was recently – I transferred from one daycare to that place and I didn't know that I had to come to another Special Exception. I was given the permission to go ahead and move in and everything and when I was trying to get my permit to occupy, then I found out I had to come through a Special Exception all over again. But I've been occupying since December 21st. And the parking – I mean, I didn't know that that was a concern, but the parents just come, drop off and pick up their kids so we always have plenty of parking, so we haven't had a parking situation.

Mr. Robbins: I would like to mention that Reynoldsburg does lack specific parking standards for daycares, so it's a part of our code that is missing. We did consult the APA Urban Design Standards, American Planning Association. They state that a daycare shall provide .35 spaces for each licensed inhabitant of the daycare facility, so at its current capacity of 50 people, that's 18 spaces. With the doubling of capacity, you would have 98 occupants which would require an additional 17 spaces for a total of 35.

Mr. Feeney: So they recommend 35 and you have 19, is that right?

Mr. Robbins: Well, as it operates with half of capacity, they have 18 spaces and that's with 50 children, 50 inhabitants and to double that you're at 98 and that's an additional 17 spaces that would be required which the site cannot accommodate.

Mr. Rettke: How many employees are we speaking of right now?

Ms. Williams: We do two shifts so we have first shift and second shift, so we have nine total, four in the mornings and four in the evening.

Mr. Rettke: And how many children do you have?

Ms. Williams: During the daytime – well, we have a total of 50, 51 kids, but that's Saturdays and evenings and daytime. So if we do two shifts and Saturdays.

Mr. Rettke: In your peak. I'm sure kids are coming and going if you're running two shifts.

Ms. Williams: Our peak is when the school is out.

Mr. Rettke: After school? And is that when you have 50?

Ms. Williams: No, we never have 50. We only have about 40 people total in the building, 40-43 people total.

Mr. Rettke: But your goal is to get to 50, is that right?

Ms. Williams: Well, actually, my goal was to get my fire alarm system and be able to operate at full capacity so, therefore-- Like I said, this is all new to me. I didn't know that this was an issue, because I came from over on Brice Road at the Brice Center and I was able to operate over there and there was never a problem. But, like I said, the parents – since I've been there, I mean the parking, we only have about 4-5 cars and that's always staff cars. The parents are always just coming and dropping off.

Mr. Rettke: I know there's a big parking lot—

Ms. Williams: I mean I don't know how far – I never inquired. I would have had I known there was a problem – all of the space for the owner, how much of his is his because I shovel everything. I don't just shovel where those parking spaces is. I mean I shovel the whole thing.

Mr. Robbins: Out of curiosity, what is the longer portion of the building currently used for, the one that's being—

Ms. Williams: The whole thing is being used for daycare.

Mr. Robbins: At the moment?

Ms. Williams: Uh-huh. I thought that it was all for daycare when the fire people came.

Mr. Stoffel: So you're currently operating both sides and you're currently running about 40-50, but with – you anticipate and hope growth to be to 98, correct?

Ms. Williams: With the fire alarm stations put in. That's what we're currently trying to do right now.

Mr. Robbins: And those numbers, are those governed by the State of Ohio?

Ms. Williams: Well, once you get to the fire alarm system – I never knew what the full capacity was, because we only addressed what I could have without the fire alarm system. So I had to go back and revisit it with the fire alarm system. I had to call the fire inspector back.

Mr. Rettke: So what-- Are you licensed now with the state, right?

Ms. Williams: Uh-huh.

Mr. Rettke: What's your license? How many students can you have?

Ms. Williams: I can have a total of – the fire people said 49 staff and kids. So we do 43, you know making sure we don't go under 43 kids.

Mr. Robbins: Okay, so the full building's being used and the capacity is about 45. And with the completion of the fire sprinklers, the capacity could—

Ms. Williams: Well, I wasn't going to get sprinklers. I was going to get alarm stations.

Mr. Robbins: Oh, excuse me. So with the fire alarm, the capacity could rise to—

Mr. Williams: Right, but I had to call the fire inspector back out.

Mr. Rettke: So we don't have a solid number on that. That's just the best guess on the 90.

Ms. Williams: Yeah, I don't have a solid number on it. When the lady who had it before I took over, I guess it was all operating as a daycare center, she just didn't have the kids, and that's why she let it go.

Mr. Rettke: Well, the question I was going to ask earlier was so the parking lot that's adjacent to yours is – and you said the owner of your building owns that parking lot too?

Ms. Williams: I don't know. I shoveled the whole driveway.

Mr. Rettke: The light grey area is owned by – I forget who – O'Ryan or something like that, and Donato's owns the black area according to the Auditor's GIS. I know we had that daycare that was trying to get in right next to Tim Horton's there on Main Street and they came back with an agreement with their neighbor about using their parking and that satisfied the code.

Ms. Williams: Well, okay. I mean had I known, I would have did my homework. I didn't know. And Justin, you know, I didn't know.

Mr. Rettke: Well, that might be a solution if you can get some kind of an agreement with that property owner.

Ms. Williams: With who? Because, you know, I've been with the snow removal and everything, I shovel everything. So I didn't know that it belonged to somebody else, because I don't feel that I should be responsible for shoveling their snow, but the cars they just come in there. We've never had a parking problem ever.

Mr. Stoffel: That parking there, the dark area that you're talking about, Patrick, for reciprocal, is that – what business uses those parking spaces?

Mr. Rettke: I think there's a Donato's right there.

Ms. Williams: Donato's is over by—

Mr. Rettke: Yeah, but that's owned by Liv Rice, which Liv Rice also owns Donato's. I'd like to imagine that as remote as those parking spaces are to the business that they may be associated with, I'd like to think you could maybe work – get some kind of agreement with them to use those spaces in a spillover.

Ms. Williams: Where at? Are you talking about on this side? Back in the back? Cause there's no parking spaces, Donato's parking spaces. It's just like an open drive.

Mr. _____: Yeah, but it's not owned by your owner, it's owned by the Donato's owner. You would be trespassing to park there or have your clientele potentially park there.

Mr. Robbins: -- that makes almost an ell – Peppers which is now, I believe, The Sultan's Restaurant, but it comes back and this is the Donato's-- (inaudible).

Mr. Stoffel: So, yeah, it's kind of a weird lot. I think they've got an agreement with the guy you were pointing at to cross that and share that, but I don't think I saw anything that was with that particular parcel.

Ms. Williams: With all due respect, may I ask a question? How was she able to have a permit to occupy as a daycare owner if she didn't have that situation?

Mr. Rettke: Well, I think we were looking at the volume. She never projected a volume that large. You know the volume that we were told probably was in line with that percentage of parking. If you keep the current volume, I don't think we have a big problem with it, because you're at the 19 spaces or 18 spaces and you've got 19 total. When you double that volume, you're looking at 35 spaces as a model rule and you just don't have that. You know, the majority of your pickups probably would be, let's say, 5:00 p.m., you know, that 5-5:45.

Ms. Williams: And we've never had a problem. I mean if you were to come there at that time—

Mr. Rettke: Yeah, but that's not our concern. Right now you wouldn't have a problem, because you're meeting the model. If you increase that, double, you may have a problem and we've got people sitting out on the side road, we've got people cutting through Donato's. Under the standard we apply, the proposed use shall not adversely effect the use of adjacent property. If you have people parking on there that has an effect on the adjacent property and it would also have an effect on the roadway, so that's where we have the hang-up, on the increase. Of course we don't have a condition where we say you can't have X amount of people. Now that you're talking about upgrading a fire system, at that time the state wouldn't give her state. So now you're talking about increasing the building, bringing it up to more stringent code and doubling it, so now we've got a bigger problem with the parking. Did I explain that?

Mr. Stoffel: It's a solvable problem. I mean if you had houses and businesses that didn't have parking, you have a great location. All you need to do is just have an agreement with them. You're not buying it or renting it, you're just, you know, "Can we use it for an hour or two in the evening or something." And that's what the other couple did. They went next door and got an agreement. So if you approached Liv Rice, which is basically Jim and Nancy Grody, Donato's, worked out some sort of agreement where it wouldn't be an intrusive issue, it would be just in case of overflow only-- I mean that's where people don't realize that that's not your property and they're going to park on it. If it becomes an issue, he could literally put up a fence so you can't access this, put up no trespassing signs, have a wrecker sitting there waiting on somebody to park there and walk into your establishment and tow them. So then we get into the issue, now they're going to line the streets of Radekin or they're going to park on the edge of the berm on Radekin and then we've got a public issue. We've got two issues in the standard 1145.09 that need to be addressed. So it would be nice if we could say you can't have any more kids, but we just can't do that. We can't police it. We can't stop you from doing that. That would fall more in line with the state. I think that's more in line with what her projected value said.

Mr. Stoffel: I would suggest— I think there's a solution for the parking and we could table this and you could come back next month with hopefully a letter, or recorded easement, or agreement. Is that the only issue?

Mr. Robbins: That's pretty much, I think, the only issue staff had was the potential increase to 96, even though it's not a requirement, it would be a parking issue.

Mr. Stoffel: I was thinking that she's in business and she's trying to move on, she can get that letter relatively fast. If the letter allows her to use that as parking and we can -- no sense in her waiting till next month for us to say, "Okay, you did it. Fine." If you do it next week, we can give staff the authority to approve it if the letter comes through.

Mr. Rettke: Is that a possibility, Justin, putting a conditional on there seeking at least a minimum of 9 additional off the adjoining lot. I'm just thinking timewise. Instead of waiting 30 more days, if you can get the letter next week, you can have it next week. If you don't get it in 30 days, it's non-void or something like that, too. We can't let the thing go on.

Mr. Stoffel: Yeah, and you may get the agreement where he may just say that whole parking area is okay to use. To me that's the thing to do, do whatever you can to get some kind of agreement to use that parking in an overflow situation.

Mr. Robbins: There are some issues that have been raised with agreements of that nature such as the landowner that you're having the agreement with, they sell the property and if somebody else buys it then you're kind of stuck in a situation where—

Mr. Rettke: Well, that's easily rectified with the recording of the agreement. You know, if they say heirs, assignees, it's a legal issue. But I would ask for it in writing and make it recorded. Don't put it on the back of a napkin and make sure that it's going to be binding and run with the property. Once he extends that offer to you, then it's yours to keep until you so release it. You know, it can be just between you two. I would say for your sake, if that ever sold, you'd want it to run with the land, or at least run with your possession of the property, your tenancy. It's more of a legal issue but if you get it recorded and there's certain things in place, I think it would be okay. Coming from a business where we do this a lot, the worst thing you can do is not get it recorded. You know, if it's not at the Recorder's Office then it's his word versus yours. A new owner comes in and says, "How are you using this?" "Well, I've got an agreement." "Well, that was between him and you." You kind of have to be careful of the wording.

Ms. Williams: When you say get it recorded, you mean get it notarized?

Mr. Rettke: Get it notarized and there has to be specific language to run with the land. You're dealing with Donato's and I'm sure they have their own attorney. You know, whether you take it at their word or use your own, that would be advisable, but that's sort of what we're looking at is something to run with at least your – because if she ceases to exist, we'd have to have another transfer, so they would have to deal with it. So as long as you're the operator and it's in your license, that would be the advisable thing.

Ms. Williams: So if I don't do no increase right now, will I be okay and just don't worry about no increase?

Mr. Rettke: Well, the problem is we can just say – in my opinion the exception, we can't control the increase. If we grant it, it's granted with whatever you want to do, so that's where we're hung up at. You can say, "Well, I'll just back it off and I'm not going to increase it," but then you turn around and increase it and our exception still is valid.

Ms. Williams: I mean because right now I'm already operating and I probably could have just stayed – I could have just stayed where I was had I known that I was going to have this issue, because I contacted everybody and I already got the approval from the City to move in before I even went to the State and it was just a matter of me getting my permit to occupy. I didn't even move in right away. I could have just stayed where I was at because I didn't have that problem. But now that I'm here and I had a problem, you know, I'm at the same capacity that I was with the other place.

Mr. Rettke: My suggestion is you ask us to table it, speak with Donato's. They're right there on Taylor Road just north of Mt. Carmel East. Speak with them, see if you can get some sort of agreement on additional parking spots as an overflow; tell them it's not going to be needed, but I would pursue it with the understanding that there's no definite ownership lines out there necessary and people would park there,

you just want to be a good neighbor, work out some sort of agreement, see if they'd be willing to go with that. Come back to us. Is tabling it going to cause her a problem?

Mr. Stoffel: I would think tabling it would be better.

Mr. Rettke: That will allow us to work with Aaron a little bit on it maybe. He had some objections to it and we can work behind the scenes. You may touch base with Aaron tomorrow. I can contact him and let him know our feeling on it and then he can advise you maybe a little bit further. But that's sort of what we did with the old Ink Well. They only had 7 parking spots and it was going to be a big issue because of the way it was configured, so they went and – they actually rented 12 extra spots on an adjoining property.

Ms. Williams: Could I go, cause at this time, I go to Donato's, can I go to the other side in that little strip area if need be?

Mr. Rettke: The Donato's owns that. See those 18 spots that kind of look like a triangle right in here where his mouse is pointing? That's owned by Donato's from what the Franklin County Recorder. Those 18 are actually owned by Liv Rice from the Auditor's records.

Ms. Williams: But that's a drive. I mean that's where the cars go in and out. All of the cars go there.

Mr. Rettke: Well, there's room for parking and it would satisfy your needs and it's striped and everything.

Ms. Williams: Oh, I never even seen that.

Mr. Rettke: If you have a relationship with the next property either side, if you can get an agreement with them-- Right now, based on 1145.09, I would say I'd have to object because of Item J and Item M and you'd have to carry at least 3 of us and that's all we have. So I think trying to work out an agreement with Donato's aka Liv Rice would probably be your best avenue.

Mr. Stoffel: And having said that, if you can't work out something with them, yeah, I'd probably suggest and see if you can get some kind of an agreement with the property right on the other side of you, because we feel pretty strongly that you'll need extra parking if you do reach capacity. So this gives you some time to investigate that and hopefully get them to work with you.

Ms. Williams: Okay, so as of right now, what's the status? I'm not open tomorrow?

Mr. Stoffel: Well you're open now, right? How are you running now?

Ms. Williams: We're running just fine.

Mr. Robbins: But they're in violation of the parking.

Mr. Rettke: I have a question. How did we find out that this was in violation?

Mr. Robbins: It was tripped by the Building Department when they went in for the fire alarm.

Ms. Williams: No one went for the fire alarm yet. They probably inquired about it.

Mr. Robbins: We were contacted by the Building Department and Melinda had contacted us as well over the phone.

Ms. Williams: So what happened was, like I said, when I had inquired back in October of the status, what to do, and I was told to see Lieutenant Shriver with the fire place and then go to the City for my permit to occupy. So, I've been talking to the building inspector, Fred Slogal (I think his last name) in November or Lieutenant Shriver he came and inspected the building and everything and we were just waiting on Mr. Slogal. He told me to _____ Mr. Fred and I brought him the paperwork or whatever he needed at the time and he was on vacation a lot so I kept inquiring about my permit to occupy. So I just moved in December the 21st, and it was like sometime in December when I kept calling Mr. Fred about my permit to occupy and that's when he told me that I needed to go through Aaron, Justin and the Zoning Department for another Special Exception. I asked if I had to go to another Special because I already had that Special Exception and she had one. So he said he had the one I – you know, it took me a minute to get in touch with Aaron and I finally got in touch with Justin and then he told me everything to do and I just did what he told me to do and then he said that, you know, set the hearing, when to come for the hearing, so I did what I was supposed to have done. I just didn't know.

Mr. Robbins: I understand it can be a little confusing, because it's the Special Exception that stays with the business to operate on that property and it makes sense that it's confusing.

Ms. Williams: Yeah, so, I mean, I didn't know.

Mr. Rettke: I'd say since you're probably working with us they're probably not going to shut you down. That'd be my—

Mr. Stoffel: Yeah. I would like that approach because when we talk about hardships, if we were just to say right now – I feel that she's trying to do this in good faith and so I would like to table it to where she does her due diligence and tries to see if she can get some extra parking, plus if it all – if we were to vote right now I don't think it would be good so it's a hardship for us to do that, put that vote now it's a hardship for

you, it's a hardship for all the people you have there right now and I don't like that. So I really would strongly encourage you to contact whoever you can about getting some extra parking.

Ms. Williams: I'll do my homework tomorrow. I just knew if it was an issue, Justin—

Mr. Stoffel: Aaron is your king.

Mr. Robbins: You know, we were aware that you were also in the building so it's best to come to the Board and we sort these things out.

Ms. Williams: Yeah. I'm going to do my homework tomorrow.

Mr. Feeney: Yeah. The sooner the better on that because if there are any issues—

Ms. Williams: I don't like to be in violation and I like to find out—

Mr. Rettke: And I'd be open if there's an issue with it that we could call a special meeting. If they're going to shut you down and you've got the necessary paperwork, I would be fine with calling a special meeting, you come there and we vote on it, if you've got the paperwork. If you don't, you know you're going to be in some issues. Talk with Aaron and see if there's a way. There's not going to be this 96 kids in there and that's our main concern.

Ms. Williams: We don't have 96 kids now.

(several people talking)

Mr. Rettke: Our main concern is if we approve it you can have x amount of them and then we've got two issues that we've got to vote no on in my opinion, so.

Ms. Williams: I don't have Aaron's number.

Mr. Rettke: Justin will give you everything you need to know. Justin can speak with Aaron tomorrow about our concerns and he can tell you the different options for you to present back to us.

Ms. Williams: Okay.

Mr. Rettke: We want to work with you but we don't want to have some issues.

Ms. Williams: Okay, me either.

Mr. Rettke: I move that we table Item C4, Special Exception Use Permit to Transfer, Item 158336.

Mr. Feeney: Second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

Mr. Rettke: So like I said, speak with Aaron tomorrow. I'll probably put a call in to him and Justin can brief him on the situation. You guys work together, correct?

C. OTHER BUSINESS

1. ELECTION OF OFFICERS

Mr. Feeney: I make a motion that we keep the officers as is.

Mr. Stoffel: Absolutely. I'll second that.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

Mr. Stoffel: I'm only speaking for myself when I express this to Nadine, but can we please express some urgency in filling the remaining two seats. The way I understood it the public voted and said, you know, we don't want like a Mr. Hansen or Mr. Lucas sitting on the Board. We want another party. (Inaudible) That was supposed to be filled by an At-Large general public person, not a staff. That was on the November General Election, if I understood that right. So if we can kind of expedite that, cause I had a rare situation tonight that worked out, but it was a little hectic. I know there's items that I have to abstain due to conflicts of interest with work or my wife's _____ and Mr. Stoffel has some so it just puts us in a precarious position.

Mr. Robbins: We'll be sure to follow all the leads that we can get.

Mr. Stoffel: If you need a lead, I might have a guy. I don't know his name, but I know how to get ahold of him, but we can probably help you there. He has some engineering background.

D. ADJOURNMENT

The meeting was adjourned at 8:03 p.m.

Anthony Rettke, Chair

Aaron Domini, Acting Planning Adm