

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
JANUARY 16, 2014
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Presents: Mr. David Stoffel
 Ms. Libby Wallace
 Mr. Anthony Rettke
 Ms. Bonnie Armintrout
 Mr. Aaron Enfinger

Others Present: Mr. Justin Robbins

2. APPROVAL OF MINUTES OF NOVEMBER 21, 2013

3. APPROVAL OF AGENDA

4. SWEARING IN OF SPEAKERS

5. PUBLIC COMMENT

A. UNFINISHED BUSINESS

1. SPECIAL EXCEPTION USE PERMIT APPLICATION, 6415 E. LIVINGSTON AVE., REYNOLDSBURG, OHIO; PRESENT ZONING, CO; PROPOSED USE, CHILD CARE FACILITY. CONTACT: BRANDI N. FOSTER (#162840).

Mr. Rettke: Okay. Reverting back to Unfinished Business. Is the applicant here?

Mr. Robbins: Yes.

Mr. Rettke: If you could please come forward, we'll go ahead and go with the presentation.

Mr. Robbins: Applicant is for Unfinished Business, Item No. 1. Address is 6415 E. Livingston Avenue, Special Exception Use Permit for Kids in Need Childcare, Application #1662840, Special Exception Use Permit. The property is located on the south side of E. Livingston Avenue across from Steckel Road. The existing zoning is CO, Offices and Institutions. They are requesting a Special Exception Use Permit to

operate a childcare within the Offices and Institutions District. Current use is Medical Office but I believe tenant space is vacant, if I'm not mistaken. Applicant is Brandi Foster.

A little bit of overview at the last meeting. I know some of the Board members weren't here for the last meeting so I'll just kind of try and paraphrase what was said. Staff had concerns regarding the original submission that showed the play area to the west of the parking lot. What that would do is for children to actually access it, they would have to come out onto the parking lot, walk down the side of the parking lot to access the play area. There was some discussion at the meeting that a more appropriate place would be to the rear of the property. Staff has been in contact with both the applicant and the landowner and one thing that the property owner did mention was excessive noise to the south side of the building for medical tenants. Using that same standard, I think there could be some issue with the residential properties to the south as well. Let me flip to a bird's eye view here. So if the Board looks at the screen, this is the area that was originally proposed on the west side of the parking lot for the play area. The property line runs just to the southern edge of that parking lot. So, again, an issue of children walking through the parking lot and then there's an issue if there's some sort of fence or bollards that are placed in the parking lot, you would basically be reducing the dimension of the drive aisle which would reduce the amount of parking that you would have in there, which would be moving you away from conformance in our code.

As far as the play area to the southern side of the building, this could be a potential issue for some of the neighbors to the south. Typically with zoning, with land uses you try and buffer land uses that are a little bit more mutually compatible. So with things like schools and sometimes with larger religious institutions will have a setback of 100 feet for the school or for the play area away from a residential district. The intent is kind of the same as you get issues of noise, a lot of noise I guess, from kids playing outside when you have a large concentration of them.

So, again, there were two submissions that were given to staff. There was one by the – let's see – this one's a little bit turned so if you look, the play area that you see on the left hand side where the cursor is – I'll kind of move it around. This is the area to the south where I think it was originally meant for dumpsters but we drove back there and there are no dumpsters back there. It's really not used for anything at the moment. It's a paved parking lot. The applicant for Kids in Need came back with a site plan showing that to the south and that dumpster being relocated to the western edge of the property. Later we got a submission from the landowner in a letter something that was suggested by, and disregard City Council, but you could say the BZBA is kind of a more appropriate place to the southern part of the building. And then he countered with basically the play area in the same space as was originally proposed and the possibility of a 42-inch chain link fence along the edge of the property and then anchoring points for a portable safety barrier. Next sheet. And you'll see that as we go down.

This was another proposal by the landowner, property owner, with possible guard rails along that access point and these are the guard rail and the mobile barrier that was proposed. A couple of things code-wise as far as the materials of the fence, in our code we can't allow guard rails as fences. That's something that's outright forbidden. And, again, the issue with the parking lot is placing a walkway along the edge of that parking lot would be really problematic because either you could have the potential conflict between cars and children walking back and forth or you could have, as it encroaches in the parking lot you have less places for parking spots. And one of the things with the parking lot there is you have a house that's directly next door to that, so a play area here would basically be putting something very, very loud next to some existing property. And, again, staff does have concern with either the adjacent medical tenants if it's placed to the south of the building and then the residential to the south. I'm going to turn the lights off real quick so you can see what I'm – so you can see right here there's an existing residential building and if you placed the outdoor play area here it would put it right next to it. And even here we're looking at about a distance of I want to say 60 feet to the back edge of their deck and, at this point, you're looking at about 80 feet to their house and the same over here.

Staff would like the Board to consider whether or not the proposal meets the test as outlined in Section 1145.09. We'll go ahead and read that off. This is test for all Special Exceptions. 1145.09(a) the proposed use shall be in harmony with the existing or intended character of the district, nearby affected districts and shall not change the essential character of the districts. (b) the proposed use shall not adversely affect the use of adjacent property. (c) the proposed use shall not adversely affect the health safety morals or welfare of persons residing or working in neighborhoods. It's the recommendation of staff that the proposed site is probably not the best spot for the intended land use as actually having an appropriate place for children to play without disrupting an existing neighborhood or presenting a safety hazard for children and/or cars passing by. I think anything else – any questions the Board would have or the applicant, anything you'd like to fill in.

Mr. Rettke: Is there – would you like to speak to on behalf of this or?

(speaking off mic)

Mr. Rettke: Okay.

(speaking off mic)

Mr. Rettke: And you weren't here for oath, correct?

(speaking off mic)

Mr. Rettke: The gentleman at the – go ahead.

Mr. Foster: What was the question?

Mr. Rettke: Were you here for the oath?

Mr. Foster: I wasn't able to – I was in traffic.

Mr. Rettke: Well, then we'll get that out of the way first. If I can find it now. (Mr. Rettke administers the oath.) Go ahead and state your name and address for the record.

Mr. Ray Foster: My name is Ray Foster. Address is 2567 Fostoria Road in Fostoria, Ohio.

Mr. Rettke: Any questions, concerns or comments, discussion?

Mr. Stoffel: I just still have real concerns about the safety. I mean, the guard rails – Justin pointed out that those aren't considered sufficient barriers and one of the other things you show here is one of your details of portable safety barrier and I don't know. I don't see it being safe. I see there's a pinch point there where they're going to cross. I don't know if that's an existing 20 feet or if that's 20 feet after you take away the area that you would put the chain link fence in.

Mr. Foster: (speaking off mic)

Mr. Stoffel: It's existing 20. So it would be reduced by whatever the width of that—

Mr. Wong: (speaking off mic)

Mr. Rettke: If you – sir, just come up and we'll -- you're testifying now so.

Mr. Wong: (speaking off mic)

Mr. Rettke: Wait until you get to the mic.

Mr. Wong: (speaking off mic)

Mr. Rettke: That's fine.

Mr. Wong: -- 270 at 70 East.

Mr. Rettke: So you've been sworn in?

Mr. Wong: No.

Mr. Rettke: Okay. (Mr. Rettke administers the oath.) Okay. State you name and address.

Mr. Tai E. Wong: Tai E. Wong, PO Box 205038, Columbus OH 43231. Yeah, I just _____ are probably more than half a square foot because it's flexible. You use it, it comes down or you don't use it, it goes up.

Mr. Stoffel: Yeah. The word flexible just does me because it's not safe and also what was the distance going to be from the existing edge of pavement to this chain link fence? Was that going to be a 2-foot area, a 3-foot area? How wide is it?

Mr. Wong: _____ walkway enclosed by the chain link. We haven't decided. If you guys want to propose something, it would be I would say about maybe 2 to 3 feet, 2½ feet because we try to accommodate walking _____.

Mr. Rettke: My thoughts, the current proposal, counter proposal B, are off the table, plain and simple. I don't like the playground near an intersection. There has to be some security there, so for me, I wouldn't consider the first or the counter just for the mere fact of the location near the intersection. There's no security there. We've had issues with other applicants wanting to put them on front of the structure. It's just – to me, it's not a safe environment for the kids. I don't know if the Board wants to speak on that or support that either way so we can move on to the other proposal. But to me, the first and the second with the chain link, yeah, you're protecting them from the parking lot but you've got an intersection there, very dangerous in my opinion.

Ms. Armintrout: I have to agree. I'm very uncomfortable with kids being on that intersection.

Mr. Wong: How about the location proposed by the Council last time near the dumpster? _____ accoustical perspective _____. Those are brick walls and they have insulation. It may not be an issue.

Mr. Rettke: That would be the only proposal I would consider right now.

Mr. Wong: Well, I really appreciate that. You've got to approve it – near the dumpster?

Mr. Rettke: With the playground on the back side or on the south side where there are no existing windows on that side. It's total brick. We wouldn't have to necessarily – we wouldn't have to worry about noise necessarily as much to the—

Mr. Wong: To the residential property about 50, 60 feet away.

Mr. Rettke: Are you the landlord or the owner?

Mr. Wong: Owner but you know the bank owns the place.

Mr. Rettke: And you've talked to the physicians or whatever--

Mr. Wong: It's a—

Mr. Rettke: --doctor's office?

Mr. Wong: A maintenance management company. It's called City Wide Maintenance.

Mr. Rettke: Okay.

Mr. Foster: It's a medical building, but there isn't medical staff.

Mr. Wong: For now. _____ dentists and people like that.

Mr. Foster: And the only thing I would like to address is that the area that the Board had proposed, I heard concern about noise and we're talking the oldest kid is a five-year-old, so I'm not sure how loud five-year olds, four-year-olds can get. And I just wanted to address that because I kept hearing noise, noise and it's really not that much noise especially where it's located and how the buildings are actually designed and where the neighborhood location from the area where we want to propose the playground.

Ms. Wallace: How far from this depiction here with the playground on that end of the building, how close are the nearest houses to there? Because I know kids yell, young kids yell and scream and I'm concerned about all the neighbors there.

Mr. Foster: I counted the closest house is almost directly behind it, is 8 feet but there's a school right in that area also, a high school, but they've got all the kids right there, so as far as noise is concerned. It's not a retirement community or elderly community, it's just a residential area.

Ms. Armintrout: Isn't the high school down further though?

Mr. Foster: Yes, ma'am.

Ms. Armintrout: Yeah, so.

Mr. Foster: Those houses there, the majority of the kids are going through that neighborhood right there or they live in that neighborhood and across the street neighborhood. It gets pretty noisy as far as the older kids are concerned.

Ms. Armintrout: You mean as they're coming home?

Mr. Foster: Coming home and playing outside.

Mr. Robbins: There is one thing the Board should consider as well and this is outlined in Section 1181.10. So the City has requirements for buffers between different districts. My guess is this property was developed before the zoning code was adopted or at least this particular part of the zoning code. So I'm just going to read it off verbatim from the code and can discuss a little more from there. It says, "Property buffer requirements, grass or ground cover shall be planted on all portions of the required buffer not occupied by other landscape. Trees do not have to be equally spaced but may be grouped. All landscape requirements shall be met by the applicant if his or her property is contiguous to property fully developed prior to the passage of this chapter. Landscape plan meeting requirements of this section shall be approved by the Planning Commission before land clearing." It's a little more specific when it says, "When one zoning classification abuts another zoning classification, a minimum buffer zone shall be required as follows: Any residential zone adjoining any office zone, required buffer zone is 15 feet adjacent to all common boundaries except street frontage and shall include one tree for each 40 feet of linear boundary or fraction thereof in a continuous 6-foot high planting hedge, fence, wall, earthbound or combination thereof." As far as boundaries go, the parking lot's existing so there's not a whole lot that the Board should do to force the removal of that parking lot so long as it acts as a parking lot, however, it's kind of the position of staff that if a new use is in there that's not necessarily offices and institutions, I think that would constitute something that would make that requirement need to be fulfilled. We're talking about a 15-foot buffer between the two properties so it's up to the Board to try and figure out whether or not the buffer is between land uses, structures or a requirement that this buffer exists without being able to be inhabited, because I think that would make this problematic I think if it's an uninhabited buffer; whereas if it's basically a 15-foot landscaping area with a hedge on one side and a fence, then it's something that I think could count as a play area. And if you look on page three, Section 1181.10, that's the portion of code that I'm kind of reading off of.

Mr. Foster: Could you clarify that a little bit when you talk about buffers?

Mr. Robbins: So, in our code we have setbacks and that's how far a building has to be placed off the site. Sometimes parking can be placed close to the property line. When you have, let's say, an office next to an office, the uses are primarily the same so there's really no need for a buffer to separate those uses, separate the effects of those uses. When you have two different zoning districts such as CO, which is what this is being proposed as and R3 to the south, then if you were to develop that right now you have to put a 15-foot buffer in between those two land uses that would seek to minimize some of the adverse effects that each of those land uses bring to each other. So the buffer requirement doesn't get affected if nothing is getting redeveloped. So this property as it stands is considered existing non-conforming because it doesn't have a buffer. So we can't force the landowner to change that. It just exists. However, if there's something that's substantial that gets changed such as a Special Exception or use that's dissimilar to what's normally done on that property, I think it could be at the Board's discretion to take a look at the property buffer requirement to see if a 15-foot minimum would need to be observed. And that 15-foot minimum, again, we have

property buffers and it's not like people aren't allowed there. It's just that certain things have to be placed further than 15 feet away from that buffer and a certain amount of landscaping has to be placed and a fence and a hedge and, again, it's to block the view and to block noise and things like that. Does that answer your question?

Mr. Foster: Kind of, sort of, yeah. When we're talking about the buffer, are we talking two separate properties where the buffer would have to be if there are two separate owners and we're going to put the playground in there, the buffer has to meet the other owner's building or—

Mr. Robbins: It would be whichever property is undergoing change or being developed. So the property to – this is switched around here. I don't want to get everybody— Okay, so the property to the east which says Pet Lover's Animal Hospital, it's the same zoning district. It doesn't require a buffer between properties. The use is the same. When you have two different zoning districts such as office and residential, the code requires a buffer that starts to separate those land uses. And the question to the Board is by placing a Special Exception in there, which doesn't conform to the CO, Offices and Institutions District, does that kick in the requirements for a buffer? Is that something that the Board would place as a condition upon approval of this? And that's largely to negate the impacts of one land use upon the other. So if the kids have a drum set out there, hopefully the property buffer would help to lessen those impacts.

Mr. Foster: Right. Now, based on what I've noticed in the last month, month-and-a-half going around Columbus looking at the different daycares and playgrounds, I'm not too sure I've seen too many buffers, hedges or walls, or things of that sort.

Mr. Robbins: As far as it goes and within Reynoldsburg we have our own code so things that you see in Columbus—

Mr. Foster: Well, it was Reynoldsburg.

Mr. Robbins: Okay. It's difficult to tell without looking at the exact instance. I can say that sometimes things are done not necessarily according to our code. Some things are done that happened before the code. Some things are done before daycares required review like this. I can tell you that there is a little bit of – there's a sharper eye paid to daycares because they do involve children. They do involve things that can be – there is noise associated with them. There are children running around so the Board tends to take a look a little bit harder – I don't want to say harder but a closer look at safety concerns with these things so that's, I think, some of what you're asking about. As far as other daycares are concerned, again, it might be the fact that it doesn't abut another zoning district. There's no buffer. I can tell you that fences are required for any daycare that operates in the City that comes through this Board.

Mr. Foster: Right. Now, would a buffer be considered on that backside where that house is? Let's say the playground fence is 30 feet, so we're talking a 5-foot wall.

Is that considered a buffer on the other side of that 30-foot fence or does it have to be hedges or—

Mr. Robbins: The code does state that it has to be – I'll read it again. "One tree for each 40 feet of linear boundary in effect thereof in a continuous high planting hedge, fence, wall, earth mound or combination thereof. Again, it's just to keep those land uses separate. I know Mr. Rettke's been serving on the Board for a long time and so has Mr. Stoffel and I think you guys have dealt with property buffer requirements in the past, so possibly you might have some input on how the Board has tended to view those.

Mr. Stoffel: Well, that entire playground area is all on asphalt, right?

Mr. Foster: At the present time.

Mr. Stoffel: You're going to keep that?

Mr. Wong: We can convert if that's what the Board wants us to do. We can attempt to convert it. I don't know how much.

Mr. Foster: It can be converted through rubber.

Mr. Wong: We are very flexible.

Mr. Stoffel: Okay.

Mr. Foster: I did my homework on that. It can be very easily converted.

Mr. Stoffel: And you know also that if it does go back here, the dumpster has to be relocated?

Mr. Foster: It has to be relocated and it has to be covered.

Mr. Stoffel: Right. Well, it has to be--

Mr. Foster: Well, not covered but—

Mr. Stoffel: --three-sided.

Mr. Foster: Yeah.

Mr. Stoffel: And you know where you're going to locate that, too? If this location is approved, you know where you're going to put that?

Mr. Robbins: I believe the drawing showed right here.

Mr. Stoffel: I see it.

Mr. Foster: Where that brown barn is, more closely in that corner. That way they can easy access the entrance to it.

Ms. Armintrout: Let's say the playground is where the dumpster used to be.

Mr. Foster: Um-um.

Ms. Armintrout: Will the children still have to come out and go through part of the parking lot to get to the playground?

Mr. Foster: No, ma'am. There's a grass fill line all the way around the building away from the—

Ms. Armintrout: I'm not seeing that.

Mr. Foster: Can I show you mine?

Ms. Armintrout: Sure.

Mr. Foster: There's a 5-foot lawn area right here that comes all the way from the building. There's an entrance here and an entrance here. This is all grass.

Ms. Armintrout: Okay.

Mr. Rettke: No, I see it.

Ms. Armintrout: Oh, I see. Okay.

Mr. Robbins: Is that clear on the screen? Can the Board see that? Okay.

Ms. Wallace: My concern still is for safety. If they walked out of the door into the fenced-in playground, then that seems more safe to me than a couple of teachers and 10 or 12 or 15, whatever the ratio is now for that age group, taking those kids outside going like down the edge of a building, along the edge of a parking lot into the fenced-in area. They have to go—

Mr. Foster: There is no parking lot in the area they're going to be walking.

Ms. Wallace: But, I mean, you're still outside with one or two teachers taking the kids from one end of the building to the other to get to the playground, correct?

Mr. Foster: Here's an entrance here and here's an entrance here. This is the walkway here. This is a barrier here. There will be no cars can come through here. That's a 6-foot barrier here. The playground is located here. This is all walk area.

Ms. Wallace: But this is open and if a kid decides to not hold his partner's hand and take off across the parking lot, he could because this isn't fenced in right here, correct?

Mr. Foster: No, that's fenced in, that's _____.

Ms. Wallace: Okay. So you're just trusting that the kids are going to hold hands and that the two adults can monitor the kids when they're walking at that age?

Mr. Foster: I'm trusting that the administration will take the kids out and be aware it's a parking lot and I don't think anybody could want more than that.

Ms. Wallace: Oh, I understand that is their mission but—

Mr. Foster: That's their responsibility.

Ms. Wallace: --as a parent, you know, you're walking with 10 or 15 kids, you can't hold everybody's hand.

Mr. Foster: Right.

Ms. Wallace: So that's my concern.

Mr. Wong: We can put up a fence at the location.

Mr. Foster: If need be.

Mr. Wong: Yeah. Right.

Ms. Wallace: Mine is about the safety issue.

Mr. Enfinger: I wasn't here. I'm a newly appointed – it's my first evening but the problem I'm having, all the changes that we're having to make is going to be drastically affecting the overall intent, character of the area. So as far as I'm concerned, I think that we're kind of heading in the wrong direction from the beginning. So, as far as I'm concerned, I think that it's not in conformance with what the character of the area is for and especially if we put up chain link fences everywhere so that we specifically have the children walking through fenced areas where they can't run out into the parking lot, we aren't solving any problems, we're creating more because this facility is not designed to be used as a childcare facility. It wasn't originally designed in that area, to be that facility. So, I mean—

Mr. Foster: But if one purchased a facility or rented whole facility, childcare facility?

Mr. Enfinger: Possibly could, but we still have the consideration of the other tenants, the overall purpose of the building and the character of it and we're just not in conformance with that. So, to me, I think we're chasing our tail with where we're going to put the playground, where we're going to put the dumpster. To me, I think we've gotten too far off field when I don't even know if we've established that's a good place to have it all.

Mr. Foster: Have you seen the area?

Mr. Enfinger: Yes, I have. I've been by there. I've read the minutes from the last meeting, so I was up to speed – wasn't here, but I am familiar with what was going on and even at that time, it was still my opinion that it just isn't going to work as far as I'm concerned. And all the other considerations of where the playground is going to be with the guard rails, without the guard rails, with the fencing, we are just creating more of a patchwork look to the whole thing. And as far as I'm concerned, I'm going to vote no. I don't know if that's—

Mr. Foster: Well, the patchwork look is what we're asking for. Safety, it's like that's our biggest concern is safety.

Mr. Enfinger: And that goes back to my point where maybe we need to look for another location altogether. So, those are just my comments. I don't know if anyone else is in agreement with me but those are my comments concerning it.

Mr. Foster: Okay. Now, keep in mind this area here that we designated as a playground, this was recommended by the Board.

Mr. Enfinger: Correct. I'm aware of that.

Mr. Stoffel: Part of my concern, too, with the playground and the dumpster area, there's a route to get them back there but, again, it's – although you don't have cars, there's not vehicle access back there you're kind of doing the same thing that you proposed with the guard rail. You've got kids walking along the side of the pavement to get around the corner of a building to get into an area. They're walking along a 5-foot or whatever grass area to get back there. I agree with Aaron a lot that it's hard to picture this in the context of the area of what it is, of what that building is meant to do. Obviously, it was never meant or designed to have this kind of facility, so that's what I'm struggling with is how much does this – no matter what we do, how much does this drastically change the intent of this building in this area, you know.

Mr. Foster: If I had it my way, I would change it dramatically because the whole entire building would eventually build a daycare center.

Mr. Stoffel: But it's not now and I would imagine if you were changing that into an entire daycare center you would probably do something perhaps like, I don't know, cut off the whole back half and put grass in and make that a more legitimate playground

area. If you were to do that I think it'd be a little bit different conversation, but this, regardless of what we do, is going to look patchwork. Not that I'm always against patchwork, I am patchwork but the intent of what this area and the surrounding neighbors, what they are expecting of the tenant beside them, I'm just not sure they would be comfortable with that even with landscape buffering.

Mr. Foster: Are you talking about the tenants presently in the building?

Mr. Stoffel: No. Excuse me, the residents in the homes to the south.

Mr. Rettke: Any other concerns, comments, discussion, questions? (No response.) I'll move for approval of Item A1, Unfinished Business, Special Exception Use Permit Application 6415 E. Livingston Avenue, #162840.

Mr. Stoffel: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "no." Ms. Wallace voted "no." Mr. Rettke voted "no" and states, "I do not believe it satisfies the requirements of Section 1145.09(f), Section 1171.06(c)(2), Section 1175.08(a and b), Section 1181.0(a and b) as well." Ms. Armintrout voted "no." Mr. Enfinger voted "no.")

Mr. Robbins: Any motion made by the Board is able to be appealed to City Council so long as it's submitted in writing within 30 days and that has to be to the Council Clerk. Is that right, Mr. Rettke?

Mr. Rettke: So there's other recourse for our decision so you can appeal it, like he said, to City Council and they'll take it up.

Mr. Robbins: And City Council is a fresh Board, seven different people, I think seven.

Mr. Rettke: I apologize. Like I said, I just – under all the items I cited I just don't think the area is conducive for this.

Mr. Foster: Thank you.

Mr. Rettke: Thank you for your time. Again, I apologize.

B. NEW BUSINESS

1. VARIANCE APPLICATION, 6294 E. MAIN ST., REYNOLDSBURG, OHIO;
PRESENT ZONING, CS; OWNER'S NAME, 6294 REYNOLDSBURG, LLC;
REQUESTING A VARIANCE FROM SECTION 1181.03)c)(1) OF THE ZONING CODE
TO ALLOW THE ERECTION OF A WALL SIGN ON A BUILDING WALL THAT DOES

NOT PARALLEL A PRIMARY STREET. CONTACT: BRUCE/SIGNCOM INC.
(#163142).

Mr. Robbins: And I just want to say that I might have forgotten to press record on the audio tape. I'm going to restate the variance real quick and I'll restate the recommendations, if anybody doesn't mind to hear it again.

Applicant is requesting a variance from Section 1181.03(c)(1) of the variance code to allow the erection of a wall sign on the building wall that does not parallel a primary street, Application #163142 for 6294 East Main Street. I just want to state that for the record.

Mr. Rettke: Thank you. Any questions, concerns or comments from the Board? (No response.) If we could have the applicant or the representative please step forward. Go ahead state your name and address for the record.

Mr. Zornes: Excuse me. I'm sorry, I didn't hear you.

Mr. Rettke: State your name and address for the record, please.

Mr. Trace Zornes: Trace Zornes and you want the address of the proposed site or are you asking for my personal?

Mr. Rettke: It's never come up. Personal.

Mr. Zornes: Okay. 351 Lake Crest Street, Canton, Ohio.

Mr. Rettke: Now, Justin, the existing sign that they've been approved for on the site plan was at the westerly property corner?

Mr. Robbins: That would be the south edge, if you're speaking of the wall sign.

Mr. Rettke: Yeah. The westerly line or—

Mr. Robbins: It would be on the southern edge of the building, so Main Street is on the bottom here and then the signage that was approved for the wall face, the only signage allowable by our Overlay code, is on the south side of the building. What they're requesting is a variance for signage on the westerly side.

Mr. Rettke: But they've also got another one on brick, don't they?

Mr. Robbins: They have a monument sign on the very westerly corner. You're correct, excuse me.

Mr. Stoffel: There's no signage on the east side of the building, though, correct?

Mr. Zornes: There's no sign.

Mr. Rettke: Any discussion or comments? (No response.) I'll make a motion that we move to approve Item B1 Variance Application for 6294 East Main Street, #163142.

Mr. Stoffel: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Ms. Wallace voted "yes." Mr. Rettke voted "yes." Ms. Armintrout voted "yes." Mr. Enfinger voted "yes.")

Mr. Rettke: That was easy.

Mr. Zornes: Thank you.

2. MAJOR SITE PLAN APPLICATION, 1636 GRAHAM ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING, S-1/R-2; PRESENT USE, CHURCH; PROPOSED USE, CHURCH; PRESENT OWNER, REYNOLDSBURG UNITED METHODIST CHURCH. CONTACT: SETH R. TRANCE (#163480).

Mr. Rettke: Moving on. Item B2, major site plan application, 1636 Graham Road. Can we please have a presentation?

Mr. Robbins: Yes. Again, this is Application #163480, major site plan review for 1636 Graham Road. The property is located on the east side of Graham Road south of Burkey Avenue. Existing zoning is S1 Special District and some of the smaller parcels to the south are zoned R2 single-family residential. Again, the applicant is requesting a major site plan review for a proposed parking lot addition. Current use is religious assembly. Applicant is WSA Architects, Seth Trance.

The existing site, when you take all the parcels together is 14.3 acres. It is composed of seven different parcels. The property to the east and north are zoned R3 single-family residential. The property to the west is zoned R2 single-family residential and S1 Special District. The property to the south is zoned R2 and R3 single family residential. Adjacent land uses include public worship and single-family dwellings. I just want to say the applicant has worked with staff throughout the development of this project trying to get this to a point where it does meet the intended code. Some of the recommendations and review that we have for the Board, the applicant contends that the provisions within the community within the code requires reduced -- it's my -- printout is wrong. Excuse me for one moment, please. My apologies. The applicant has submitted a complete application as outlined in 1143.03(c). Some of the significant things I think they're doing with the project is with the parking lots, the parking spaces are proposed to be pervious pavement. They want to put bio-retention and bio-swales in between the bays of parking and that will act as a detention for kind of larger storm events. They do have some, I believe, storm detention that will be onsite as well to cope with some additional water flow. As far as setbacks go, the parking lot is required

a 5-foot setback. It's proposed at 5 feet. Staff finds the proposed plan is in conformance with Section 1179.04 which is parking building standards. The parking lot is located on the same side as the use. The parking lot is greater than 5 feet away from the right-of-way. Driveways are included and do not exceed 30 feet in width. The proposed parking lot contains 110 parking spaces and is closer than 50 feet to the lot line, which means screening at each edge of the parking lot is required. The design does meet the intent and standards and matches the character of the _____ district as defined by staff.

As far as the street tree requirements, while not strictly following the spacing minimums and maximums as outlined in Section 1180.08, the applicant has attempted to meet the intent of the code and match the surrounding character of the district. The existing Streetscape is more rural in character and is probably unsuitable for uniform planting of street trees. The proposal shows trees that are clustered near the roadway to match the existing Streetscape. The finding of staff the proposed plan is meeting the intent of Section 1180.08. As far interior lot landscaping, this is something I think we've dealt with in the past. The way the code is written is basically to address large parking lots for suburban areas so you have an enormous parking lot. The code is written so you would have tree plantings and landscaping islands that would be broken up and would break up the extent of asphalt. The finding of staff is that those requirements don't necessarily – shouldn't be applied to the full extent here. The landscaping provided is well over the minimum areas, but the code does specify maximum areas in the interior lot landscaping. So, again, we believe, as staff, that they are meeting the intent of what the code is meant to do and that's to break up large expanses of parking through carefully placed landscaping. The bio-swales and tree plantings that separate the head-in parking does serve to add a large amount of vegetation within the parking area.

As for property buffers, staff finds the proposed site plan is in conformance with 1181.10. The buffers aren't adjacent to the abutting eastern property ranges from 15 to 40 feet which is greater than the required 15 feet. Parking lot landscaping, staff finds proposed parking lot landscaping is in conformance with 1181.11. 74 parking spaces are being proposed which requires at least 1,480 square feet of interior parking lot landscaping. Plan meets the standard by incorporating in approximately 4,600 square feet of landscaping. And this, again, is the interior lot portion of it where it says that it doesn't meet the maximum of 500 square feet, but the proposed design meets the intent of the standards. Perimeter landscaping has been provided with one deciduous tree per 50 linear feet of parking and this is something going back with the landscape architects among our talks that a portion of these plantings in the bio-swales would act as screening for some of the headlights that area facing toward the roadway. You can see the landscape plan here and I believe the Board was given – I can't tell if you have color renderings or not of the site plan. It's the recommendation of staff that the Board approve the major site plan with the following conditions. Staff would ask that the Board consider the intent of Section 1180.11. It's our finding that the intent of code is to encourage landscaped areas be properly disbursed and to break up large expanses of parking. Their plan contains landscaped areas greater than 50 square feet in the

parking lot. Staff finds the intent of the code has been met. Staff would also ask the Board to consider the intent of 1180.08. Again, staff finds the code is meant to maintain the consistency of tree placing along this street. However, of the proposed tree placement does not follow the maximum/minimum standards between trees. It's the intent of the applicant that the layout resembles the surrounding properties and the Board should consider whether a reasonable attempt is being to follow that intent.

One other thing that I want to add that is not in the staff report is lighting. This is something that's not spelled out too much on the site plans and I think one thing we should address with the applicant. You can look on the site plan here, lighting is shown. It's basically on each side of each one of the parking islands in small little blocks. And I'll move my cursor over them real quick. There's one right here, there's one over here, we've got one here, right there and there. Those are the lighting as we could find. I believe there are seven lighting fixtures that are proposed. Again, I think this is something we should talk with the applicant about.

Following proper consideration of the above items by the Board, the applicant has met all the criteria for major site plan approval as outlined in Section 1143.03(c) of the zoning code. The proposed project will not have a negative impact upon neighboring properties and general public and it is the finding of staff that we would recommend approval on the project. If there's anything the Board would like to see, I wouldn't mind changing these images around.

Mr. Rettke: Would the applicant or its representative please come forward? Go ahead and state your name and address for the record, if you would.

Mr. Seth Trance: Seth Trance with WSA Studio and their address is 982 S. Front St., Columbus OH.

Mr. Rettke: Any comments, considerations or requests?

Mr. Stoffel: Just a question concerning the headlight screening. I know you said with the bio-swales that will serve the purpose. How high do those plantings get? I mean, do they grow high enough to actually—

Mr. Trance: I'm going to request Jeannie Martin comes up for the landscape questions. I could probably guess.

Ms. Jeannie Martin: Jeannie Martin, CYP Studios, 212 Loveman Ave., Worthington OH 43085. The shrubs that are proposed there are going to be kind of in a layered effect. There will be some that are up on either side of the bio-retention basins and they get approximately 3, 4 foot in height so it meets the intent, but we didn't want a solid wall that was kind of created, had more of a layer so it's a little softer look that's there.

Mr. Robbins: In our conversations, I just want to make the Board aware that the church was considering an expansion of the structure to the south at some point in the future, so that'll be a major site plan review that the Board would likely get in the future and maybe Seth could talk a little bit more about it. But if you look at the footprint of the building it's basically going to move south a bit and add some more square footage there. I believe this parking lot was an attempt to—

Mr. Trance: It was intended to plan for the future, yes.

Mr. Robbins: Okay.

Mr. Trance: Essentially, it's a gymnasium and family life center. We'll be more prepared to show that now with the intent of the major site plan.

Mr. Rettke: I just have a simple comment. I mean, this is very, I don't want to say detailed but it is – seems like a huger undertaking than just paving asphalt down, which is what we typically would see. I mean, we've got all sorts of bio-swales, pervious pavers, stone. I mean, this is very well thought out. Is this what the church originally went for or is it something through working with Reynoldsburg you altered severely?

Ms. Martin: The intent – the overall intent, the existing campus of the church is very pastoral, meaning there are no curbs, there's a lawn, kind of open. We wanted to try to preserve that character, also realizing where it is in a very residential area. So when we started to look at doing the parking lot expansion, if we did something that was going to be curb and gutter, it's going to stand out a lot if we did exactly what the code had said. So we were trying to – which also would include doing the storm water in the traditional method of putting in a hole in the ground and having it sort of there. So we wanted to go with something that would be more in line with what the vision of the church has long term. So this is what we proposed, came before the City to talk about it, worked with City staff on it, and they were very receptive of what we were proposing. So it's kind of a combination of the two.

Mr. Rettke: Yeah. I think it's maybe overkill, you know, but I like it. It's creative. It's probably one of the first in the City to go to such extent, so I don't see many other things I would comment on other than that. I'm thinking out of the box, so to speak, so—

Ms. Martin: Thank you.

Mr. Rettke: I like that.

Mr Stoffel: Just a question. Justin, are those bio-swales that they have at the Summit Campus in their parking lot? I think they are.

Mr. Rettke: They're supposed to be, I think.

Mr. Stoffel: Supposed to be.

Mr. Rettke: They're more like detention _____.

Mr. Stoffel: Yeah.

Mr. Robbins: I couldn't tell you off the top of my head.

Mr. Stoffel: Yeah. I think they are.

Mr. Rettke: But they didn't go through all the landscaping. They're just grass medians between the _____ that hold a lot of water. And what Justin commented on about the lighting, was that accurate, about seven of them?

Ms. Martin: Yes. The intent, again, did initially – knowing that the majority of the traffic, evening traffic will probably be entering the church from the back, we were trying to kind of meet minimum light standards that we would need out front without trying to blind all the neighbors. We're trying to be very cognitive of where it is and not standing out like a – highlighting the fact that it is a parking lot.

Mr. Robbins: The lighting that we can see on the plan as proposed are a pretty significant distance away from the property line.

Ms. Martin: Yeah.

Mr. Robbins: To the north and south so it would have very little effect on the neighbors.

Mr. Stoffel: Yeah. I agree with Tony. I think it's really well thought out, a good looking plan.

Mr. Rettke: I mean, because you're dealing with the frontage of this property, something everybody's going to see and from what it was to what it is going to be, it's just huge I think, huge.

Mr. Robbins: One think I just recognize as well is you guys are proposing to move the sign, is that correct? They have an existing—

Mr. Trance: That is what we're looking at. We will relocate the sign. They've just recently bought a new sign and placed it there. But being that's an entry only it's on the side. We're trying to locate it more directly in the center of the—

Mr. Robbins: Okay. I believe that's shown on the plan. I just wanted to make sure that the Board's aware that approving a major site plan would also approve a relocation of their existing monument sign.

Mr. Rettke: And then staff doesn't have a problem with the sign?

Mr. Robbins: No.

Mr. Rettke: And then they'll have to go through Design Review on that?

Mr. Robbins: They would not because it is, as far as the site plan goes, Design Review is for commercial properties. Since this is not commercially zoned nor commercial use, it doesn't necessarily need Design Review so this is the only Board that will be reviewing this plan.

Mr. Rettke: Any consideration we need to place on how the sign is constructed or look with natural materials or anything along those standards that we typically would see?

Mr. Robbins: I think we could, if you wanted to, we could request some landscaping at the base of the sign to be approved by staff at a later date if the Board would consider that.

Ms. Martin: Our intent is to take the existing sign and literally just move it down.

Mr. Rettke: Oh, okay. It's not a new sign?

Ms. Martin: Right. That's what he's saying, there was recently a new sign that was put in so it's already been—

Mr. : I think that was—

Mr. Robbins: Yeah. They have gone through Design Review earlier this year for a new sign on the existing base and what they're proposing.

Mr. Rettke: I thought he said there was a new sign that they had recently purchased. I didn't know if it—

Mr. Trance: It's already in place and everything.

Ms. Martin: So it would just be moving it down to be more centrally located so you can it better from both entrance and exits.

Mr. Stoffel: Is it the same offset as the current location?

Ms. Martin: Yeah. It actually might be a little bit further back off the road than what's currently there. That's a good question, but it's back behind the—

Mr. Trance: We don't have a dimension on here. I think their intent is to keep it — the dimension as required, yes.

Mr. Stoffel: The right-of-way of setbacks weren't labeled so I was trying to—

Mr. Rettke: It's right on the edge of the roadway it looks like.

Ms. Martin: Actually, I believe that's the parking setback line that you see it right on—

Mr. Stoffel: I think it's right on the setback line, would be my guess, too.

Mr. Rettke: Any other questions, concerns or comments? (No response.) Well, again, I'll commend you on a job well done. I really like that. I think it'll look nice there. I think the church will be super pleased when it's done and I think that anybody that lives around there and travels that will be highly impressed. So I'll move for approval of major site plan application for 1636 Graham Road, #163480.

Ms. Wallace: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Ms. Wallace voted "yes." Mr. Rettke voted "yes." Ms. Armintrout voted "yes." Mr. Enfinger voted "yes.")

Mr. Robbins: One thing I do want to say is it still requires plot grade utility through our Engineering Department, so just make sure you're in contact with them and the requirements are met. This done require a zoning certificate and I don't know off the top of my head if one has been submitted already. Once it is, it's something we can approve.

Mr. Martin: Thank you.

Mr. Trance: Thank you.

Mr. Rettke: Thank you. Again, like I said, I'm impressed.

C. OTHER BUSINESS

1. ELECTION OF OFFICERS

Mr. Rettke: I always put a smile on my face. Election of officers.

Mr. Robbins: Does anybody—

Mr. Stoffel: I nominate Tony to remain as Chair.

Ms. Wallace: I'll second that.

Ms. Armintrout: I'll second.

Mr. Rettke: Before we accept that, I have some other commitments that I'm currently involved with so, again, you'll have to bear with me through softball season. I am now the junior high coach for Reynoldsburg so—

Mr. Robbins: Congratulations.

Mr. Rettke: --I will try and keep those days open but, for the most part, Thursdays aren't bad except for that schedule. So that's my only commitment at this time.

Mr. Robbins: Should I take a vote on the Chair appointment?

Mr. Rettke: I think we voted before.

Mr. Robbins: Okay.

Mr. Rettke: Now this would be my third straight year so.

Ms. Wallace: We're all good with that.

Mr. Rettke: As Chair. I sat on the Gallery for a year and when Norm stepped down last year, I was renewed.

Mr. Robbins: It's the recommendation of staff that his Chairmanship be granted.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Ms. Wallace voted "yes." Mr. Rettke stated, "abstain." Ms. Armintrout voted "yes." Mr. Enfinger voted "yes.")

Mr. Rettke: Well, in that case, I nominate Dave Stoffel as Vice-Chair.

Ms. Wallace: I'll second that one.

Mr. Robbins: Bear with me for a second.

Mr. Rettke: Can I third that?

(Mr. Robbins called the roll. Mr. Stoffel stated, "abstain." Ms. Wallace voted "yes." Mr. Rettke voted "yes." Ms. Armintrout voted "yes." Mr. Enfinger voted "yes.")

Mr. Rettke: Are there any other officers that we have? I think it's just Chair and Vice-Chair.

Mr. Robbins: I believe that's the case.

Mr. Rettke: I hate to keep you here longer but I do have an issue. Some of the issues we've discussed here in the past with the Wendy's, the chicken place on Livingston, you know, we talked about that. Can you explain to the Board because it still irritates me that we spend time discussing these issues and mainly, in particular, I think with the chicken place we had asked for screening around the perimeter. It may be closed. I went by there the other day and it looked closed.

Mr. Robbins: One of the things—

Mr. Rettke: Can you explain what happened there?

Mr. Robbins: You had mentioned at the meeting we do send out letters after the fact to these folks. I think maybe a day or two after that meeting, the gentleman actually called me and said that he was looking to sell. Some of the leverage that we have is somewhat diminished when they're basically defunct at that point. It was something that staff didn't follow-up on, but I think we can. If it would please the Board, we can bring him back in here and we do have the power to revoke the Special Exception permit if they don't meet the conditions as outlined upon approval.

Mr. Rettke: Well, that was Special Exception correct?

Mr. Robbins: That's correct.

Mr. Rettke: So we need a new occupant or--

Mr. Robbins: They would have to come through us.

Mr. Rettke: They'd still have to come to us.

Mr. Robbins: And I've had several calls of people wanting to move in there, so it wasn't an idle proposition by the gentleman.

Mr. Rettke: Well, that's good so we'll get that re-fixed. And I think there were some issues we had with Wendy's when we approved that, that went unfulfilled.

Ms. Armintrout: In the back?

Mr. Rettke: Yeah. I was surprised to see that with the back and the striped walkway.

Mr. Stoffel: Yeah.

Mr. Rettke: I'm thinking some of that went unfulfilled.

Mr. Armintrout: So what happens when it is not fulfilled, what do you do?

Mr. Rettke: That's what I posed to him.

Mr. Robbins: We start issuing fines, basically \$250 a day for violating the zoning code.

Mr. Stoffel: They were to extend the wall—

Mr. Rettke: I don't know if it's the case but I think I noticed, and it was in the evening when I went through and I thought, you know, I thought we had asked for this, asked for that and it just didn't – I mean, they put the trees up, but I don't think where the walkway is—

Mr. Stoffel: Well, there were at least three specific things. There was the trees, there was the extension of the fence to the east to wrap around farther and there was the striped crosswalk.

Mr. Rettke: Yes.

Mr. Stoffel: I'd have to look back on the minutes, but at least those three things were a problem.

Mr. Rettke: Yeah. I think we had six things total.

Ms. Wallace: Wasn't there a dumpster issue? Were they going to move it or something or have new fencing around it?

Mr. Rettke: I think the revised plan fixed the dumpster issue but—

Ms. Armintrout: What was the timeframe for them to have all the stuff done?

Mr. Rettke: Before they get occupancy is what I would presume.

Ms. Wallace: Yeah.

Mr. Robbins: We will follow-up with the applicant.

Mr. Rettke: That's just my point. We sit here for 30 minutes, 45 minutes, we argue with them, have good discussion, and then – it's not – those two aren't the only things I've noticed not been fulfilled to the letter that we had asked.

Mr. Robbins: Okay.

Mr. Rettke: With Harbor Freight coming in, some of these other ones, we want to make sure that what we reviewed or what we commented on and they agreed to gets—

Mr. Stoffel: Say, is there any other than us just noticing this? You don't go out and do inspections of these variances and stuff, do you?

Mr. Robbins: Typically not, no.

Mr. Rettke: I just didn't want other things to slip through the cracks as we go along. I had emailed you about that but that wasn't to berate you, that was just to let them know they see something what a recourse would be.

Mr. Robbins: Yeah. If there's something by the Board and, as staff, we don't necessarily have the opportunity to scour the City for things that we know shouldn't be there, but if there's anything that does come to mind that you have approved or disapproved that is there, that is something that we can address.

Mr. Rettke: Oh, the motorcycle shop was the other one. Remember at the Hostess and he swore he would never park motorcycles outside? Within the first week he had eight of them lined up.

Mr. Stoffel: Hostess?

Mr. Rettke: Yeah, where the old Hostess day old was.

Mr. Stoffel: Across from Century City?

Ms. Wallace: Oh, on Brice.

Mr. Robbins: How long ago was that?

Mr. Rettke: That was right after I came on Board. He had submitted that he wanted a tattoo shop and tattoo parlor in there and Norm about went nuts. Right there, yeah. And then we said something about because there was a question if he was going to sell them and that he was just going to repair and do customization. There wouldn't be any stored on-site or it wasn't a used car lot for motorcycles. And at the grand opening he had them all lined up with balloons on them.

(discussion)

Mr. Robbins: In this building right here?

Mr. Rettke: At the very end.

Mr. Stoffel: The very south tip.

Mr. Robbins: Oh, that's a hair salon now.

Mr. Rettke: So that was another one that he broke his promise on and I forget who I called. Lucas, and I think Lucas went down and gave him a nice reminder. So that was the only thing I wanted to know or follow-up with is to make sure if you see something, let's let Justin know.

Mr. Stoffel: Yeah.

Mr. Robbins: And, again, we do have the power if they don't meet any conditions set forth in a Special Exception to bring them in front of the Board at the next meeting and basically the Board has the power to revoke a Special Exception that was granted or demand that it be fulfilled with the threat of removing that approval.

Mr. Rettke: Any other discussion? I'd like to welcome our new Board members since I didn't meet you last time and it's your first day. I'll move for adjournment then.

D. ADJOURNMENT

The meeting was adjourned at 7:46 p.m.

Anthony Rettke, Chair

Justin Robbins, Planning Administrator

This document was transcribed by:
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