



**MINUTES REGULAR MEETING
REYNOLDSBURG PLANNING & ZONING BOARD
June 6, 2024**

CALL TO ORDER

ROLL CALL

PRESENT: Kleckley, Brusk, Furst, Barnhart, Benner, Alabi

ABSENT: Ward

APPROVAL OF MINUTES

Planning & Zoning Board - Regular Meeting - 5/16/2024

Minutes stand approved.

APPROVAL OF AGENDA

Agenda stand approved

SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Furst.

PUBLIC COMMENT

Ethan Robertson asked the board not to change the Innovation Zone Conditional Uses. Mr. Robertson is the current owner of 2290 Ayers Dr. This property is adjacent to the Home Depot off Brice Road just north of route 70. Mr. Robertson purchased the property in 2014 after approval for the construction of an 8500 square foot facility to be used for medium duty trucks and maintenance repair of equipment, as well as a truck dealership called National Truck and Equipment Sales. The building has eight-fourteen foot overhead doors, a wash bay, and it was specifically built for trucks and equipment repair, as well as offices, and a lot for retail sales of vehicles. When the property was purchased, it was in a Community Commerce District, with the conditional use of automotive resale. Mr. Robertson states that since owning the facility, the city of Reynoldsburg has rezoned the property to an Innovation Zone. Mr. Robertson states in the code the Innovation Zone will incorporate mixed industrial uses and office use to facilitate economic centers to serve Reynoldsburg and the surrounding areas. The Innovation Zone is a traditional auto-oriented retail and commercial development. The

rezoning of this property will eliminate the use of any auto-oriented or commercial business contractor storage, which would be able to utilize his property, which this type of property is extremely hard to find as a building, as well as other uses that would require a building like his. He believes these changes are being made intentionally by the city and will cause significant financial hardship for his property. He believes this change will eliminate any economical use of this property, diminishing the value and use of his facility.

Mr. Robertson says this property is currently for sale and has been under contract three times, as well as multiple inquiries. The building has been shown to multiple companies and, due to the city's restrictive zoning, it sits available today. He is operating with limited weekly hours to keep the building in operation. This is a struggle financially for his business. He made a huge investment in the city of Reynoldsburg 10 years ago and now, with the restrictive zoning eliminating the auto-oriented, blue-collar jobs in the city, he feels the city is changing the deal. Mr. Robertson asked the board to protect his property from the city making the changes which would decimate his property economically. He asked the board not to change his current zoning, as well as the conditional uses within the Innovation Zone, and ruin his property.

Mr. Johnson is a real estate broker that is representing Mr. Robertson and the Ayers Drive property. Over the last nine months they have had many inquiries, tours and interested parties. Most of the parties have very similar uses to what was approved when Mr. Robertson went through the process with the city because of the newer zoning. They have had challenges getting approval or getting an owner to take the steps to gain approval to change the zoning as proposed and being voted on. The changes proposed will further limit the logical use of the property related to any vehicular uses, as well as contractor storage, which he considers a building supply contractor. This has a significant impact on the value of the property and with these further changes and limitations of what could operate there, it will considerably reduce the value.

UNFINISHED BUSINESS

An Ordinance to Amend Chapter Eleven - Planning and Zoning Code for the City of Reynoldsburg

Ms. Buathier: You're going to see supplementary use conditions and definitions for the licensed marijuana cultivation, processing and dispensaries. The reason that you're seeing the changes now and not two weeks previously or three weeks ago is that the state is currently working towards finalizing their regulations. And the city attorney is welcome to speak about this also. But, it's our understanding that they still have not finalized everything. The city attorney was waiting until, hopefully, the last possible moment to give us some clear directions. Before you is based on the

limited information from the state is before you to kind of reflect the recent change to allow recreational marijuana in the state of Ohio.

Mr. Shook: Just briefly, the state has more or less struggled since marijuana was legalized in Ohio to really address this issue from a legislative standpoint. The law that was approved by the voters back in November, creates a separate division of the Department of Commerce, the Division of Cannabis Control, and they are still working on some of the regulations, but they're going to be limited in some ways by what the state law is. The anticipation since marijuana was legalized was that the state would take some type of action that would give municipalities some idea of what it is that they intend to do going forward. But at this point, there's no indication that they intend to treat recreational marijuana, at least in terms of some of the conditions set forth by dispensaries, cultivators and processors differently than what they do with medical marijuana. So the way that we have changed it or drafted it is really very minor. It's simply to remove the medical designation, to add in a designation for licensing from the Division of Cannabis Control. And we do intend, although this is not a zoning issue, to amend, I believe it's chapter 1985 of the city's code, which addresses medical marijuana licensing with the city to remove the medical designation there. If we get any changes from the state, whether it's administrative or legislative, otherwise we'll come back to the board or to council, if we need to. But right now, there's just not a lot of guidance coming from them at this point.

Mr. Meyer: Just one note for the record. Our city attorney pointed this out. It was not changed in the PDF provided because it was correct, but there was a Scribner's error where in some sections marijuana was spelt incorrectly. That actually was not consistent with what was passed by City Council. That was a translation error. Just so folks know, the zoning code stuff you're getting in front of you and the current zoning code document are put together in Adobe InDesign, which is really designed for finished products, not edits. So it's a pretty labor-intensive process for us to make edits and then make sure they get back there. So it's been removed from your tracking sheet. What was actually passed by City Council had it spelled correctly. I just wanted to note that that's why that disappeared, but it hasn't changed in the code document provided because it was already spelled correctly. But I just wanted to note that.

Mr. Shook: There's more to that. I could be wrong because I think I'm looking at the most updated packet, but there are a lot of references to spelling changes or typographical changes and things that were correctly spelled when they were passed by you and by City Council. And then the formatting changed by OHM.

Mr. Meyer: To be clear, it may not have just been limited to marijuana, but there are some other changes. So to put another way, this was a Scrivener error, and

that it was not a legal review issue or anything like that. It was done in the translation, to be clear. The ones that we've noted, we've caught, and we fixed, but just wanted to note that. So, we apologize for that. As I mentioned, it's a pretty labor-intensive process, and we'd like to figure out how to do it better, but that's all we have right now, just based upon how the code was put together in the first place.

Ms. Barnhart asked if the map on page 22 that is being replaced could be compared, so they could review the parcel that was discussed during public comment.

Mr. Meyer explained that the parcel isn't being rezoned. That parcel was rezoned in 2020 and the speaker was referring to removing conditional uses in the Innovation Zone. There was a previous case that had a determination, but there's not an active case pending.

Ms. Buathier: Mineral extraction, self-storage, storage of vehicular and boat, tattoo and piercing, and then vehicular sales, automobiles, motorcycles, boats and recreational vehicles. Most of those have actually moved into the CC, Community Commercial. And part of the reason for that is, if you look at the purpose and intent of the Innovation District, it's focused towards creating those economic centers. And so and then it kind of lists out those kinds of uses. And we just felt that those didn't really fit into the innovation as the intent of the innovation. So they were removed from that. And most of them have been placed in the CC, Community Commercial.

Ms. Barnhart asked if the Ayers Drive property were to sell, if it could be used as what it was built 10 years ago for.

Ms. Buathier explained that 10 years ago it was under a different code and that use is a conditional use when a new business goes in. It will have to meet the current code as it is. If that use happens to be a conditional use, it will come before this board. If it is permitted outright, then that use is permitted, and they would have to meet all the basic standards.

Ms. Barnhart asked about the repair and maintenance of large machinery or vehicles.

Ms. Buathier explained that use is not currently in Innovation, it is in CC.

Ms. Barnhart's concern is that what the building was built for, can't be used for, moving forward.

Mr. Meyer: The application as of now was denied under the current zoning code, not under these proposed changes. They had an application that was not a board application, that did not meet the rules under the current zoning code, which staff has ruled on already.

Mr. Furst: I will say that having been here, when the zoning code was rewritten, and we came up with the purpose and intent of the Innovation district, I know that

many of the parcels were used for traditional commercial purposes, prior to the Innovation district. We did expect that there would be a period of transition.

Mr. Benner: Lots of things are being removed. And if I remember correctly, I'm sure staff will correct me if I'm wrong. I ask how we came about these changes because we didn't have anything to do with them. These are changes that came about by the two of you, plus looking around at various communities.? What exactly was the thought process behind some of the things that you've removed here? Because it seems arbitrary to me.

Ms. Buathier asked if he had one specific item he wanted them to address. Mr. Benner explained he has a whole page of them. Ms. Buathier asked them to address each one individually.

Religious assembly was removed in the Innovation Zone. Ms. Bauthier explained that religious assembly is permitted in every other district, and that doesn't fit the intent of the Innovation District.

Contractor storage was moved to the CC district because they considered that use more like commercial use, similar to the use of vehicle maintenance, vehicle repair, oil changes, etc.

Mr. Benner stated that storage of commercial gases was added.

Mr. Furst explained that he would prefer the storage of commercial gases to be next to the interstate, not next to thriving commercial centers.

Mr. Meyer explained that if you look back at the intent of the district, these changes align better with that intent.

Mr. Furst asked if this applies to all the districts, if they were trying to recalibrate them better.

Mr. Meyer explained they looked at each district as a whole to make sure they were tied together.

Mr. Benner asked if staff could tell the board how many current businesses within the Innovation District were going to be affected by these changes. He noted there are a few auto sales currently.

Ms Buathier explained that there are multiple strip centers already affected by the innovation because retail, restaurant and commercial type uses are not permitted.

Mr. Benner asked for a count. Mr. Meyer explained that staff doesn't have a tracking mechanism for this.

Mr. Benner asked about the open space reduction in the BMD and EMD. The open space went from 30%-20% and 50% to 30%.

Ms. Bauthier explained that the intent of this district is mixed use along our main corridor and to be more auto-centric. This is more of an infill area, so requiring more open space doesn't match the intent of this district.

Mr. Benner pointed out that we were able to solve the parking issues at The

Alliance with a variance. Mr. Meyer explained that this brought up the idea to change this to what makes sense to promote dense walkability. Ms. Buathier explained that public transit is also here with the potential for multi-modal forms in the future.

Mr. Benner asked to explain the changes being made to height on pages 48 and 50, and how they arrived at those numbers. Ms. Buathier said these numbers were already in the code. It was 40 feet for the townhouse and 60 feet for the apartment, so they kept it at a single 75 feet. This was to align with the dense, transit oriented development along the Brice and Main district.

Mr. Brusk asked what would happen if a big box store in the Innovation District needed to sell. Mr. Meyer said they are protected as a legal nonconformity. If the building was filled within a certain amount of time, it would be approved. That is not a change they are proposing and is already in the code that was originally passed in 2020.

Mr. Furst asked if a decision needed to be made tonight. It's at the board's discretion to table the vote. Mr. Meyer asked if it was tabled that it be passed at the next meeting, so they have ample time to get it to Council for the following two meetings since they are in recess in August.

Mr. Benner referenced the change on page 57, asking what the thought process was for changing lot coverage, including impervious surfaces changing from 60% to 70%. The code says 70%. This was noted as a Scribner's error.

Mr. Benner asked what prompted the change noted on page 113. Ms. Buathier: So part of it was that, just like previously before, they came over the code kind of with fences. We're seeing a lot of those sign variance requests from the applicants. It had been expressed, that maybe that needed to be looked at and reconsidered by fellow board members prior to us even starting the code changes. So it was something that we did look into and, based on how it was written, we looked at other codes and there's a decent number of buildings within the city. So this is an example from the last meeting. Where yes, you're permitted that sign up front. Maybe you have a road behind you. You're permitted that sign on the back, but your general parking area is off to the side, where most of your parking is. There are no signs because, technically, you do not face a road. The thought was taking the allowable square footage along your road frontage, like, let's say there's 50ft here, so you're allowed 100ft², you're allowed 100ft². It can be used now in the front and on the side where you have a public entrance, and it is only a public entrance. So part of it is to help applicants identify where you're going in. And obviously, larger buildings become more of an issue for people to find. But in this instance, staff kind of took the variances that we were getting. We took a look at

what was existing and what was in the new code, and determined that this might be more appropriate in terms of signage.

Mr. Benner confirmed this includes the monument sign and that they are only allowed one monument sign.

Ms. Buathier explained, there has to be a public entrance, and you are still limited to the size of the frontage.

The traffic impact studies were removed from the rezoning because traffic impact studies were due during the major site plan process.

Mr. Benner asked about the final plat requirement moving from 6 to 11. This change was made due to having a 7 member board versus a 5, including staff.

Mr. Furst: This is for the board on page 182. There's a proposed change of the planning and zoning administrator who shall conduct a major site plan and design review for all zoning districts except the old Reynoldsburg Commercial and old Reynoldsburg neighborhood districts. The Planning and Zoning Board shall conduct major site plan and design review for all projects located in those districts. Considering this is a fairly significant procedural change, given the nature of the applications that have come before us, I just wanted to bring it to the board's attention and make sure that everyone was agreeable. I will say that I have discussed the matter with staff, and I'm supportive of the change as it increases efficiency. Typically, we are not really well-suited to address the major site plan concerns such as, engineering and lighting studies and things like that are typically undertaken there. And, therefore, I think that it is better left with staff.

Mr. Furst proposed tabling the code and the board working with staff on further comments.

Mr. Furst: I move that we table this item for our next regularly scheduled meeting.

Mr. Benner: I second.

RESULT:	Tabled
MOVER:	Furst
SECONDER:	Benner
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Furst

NEW BUSINESS

App# 2024-0305; 2686 Taylor Rd; Shelby Nelson of SignAffects for Bobs

Discount Furniture; Sign Variance Application

Ms. Buathier read the staff report into the record.

Mr. Lyda: The client was requesting a variance for this. Basically, this is where the Babies R Us sign was located prior, when the other business was there. If you look, the majority of the traffic is going to be coming eastbound on Taylor Road. Our client's concern is that when they're coming eastbound on Taylor Road, they would not see the permitted sign until they really passed the main entrance of the building. So it basically brings them into the back side of the building. So that's why we really wanted to have a sign on the west side of the building. Because you can see the arc in the road there. You know, it's quite strong all the way through, up to that building. So that's the main reason. That's why we were asking for a variance to have the sign on that elevation.

Mr. Furst asked the client to explain how this building is different from the ones situated adjacent.

Mr. Lyda said he wasn't sure about the adjacent building, but this building's main entrance is not facing the road, where they are permitted to have a sign. When the client purchased or leased this building, they knew the previous tenant had a sign, so they didn't think it would be a concern. Mr. Furst explained the objection is the additional signage they are requesting. Mr. Lyda asked if they made a proposal to give up one of the other signs if it would be more amenable.

Mr. Furst explained that each sign is a separate application and needs to be discussed individually. Mr. Lyda said two of the signs are less than ten square feet and don't require a variance. Mr. Furst explained that the applications are based on the factors, so they will be applying the same calculus to each application, specifically the hardship. Mr. Lyda said the way the building was built and laid out is a hardship.

Mr. Benner explained this building was this way before purchasing and the code is available for all entities to review before purchase or lease to review steps to receive signage and variances. This is not unique to this building because Best Buy is not facing the road either.

Mr. Lyda asked if they could table the application and Mr. Furst asked if they would like to table all the applications. Mr. Lyda asked him to discuss each application, so he could have more of an understanding of what the board was looking for.

Mr. Benner: Based on the applicants request, I'll make a motion to table this application no later than the July 18th meeting.

Ms. Barnhart: I'll second.

RESULT: Tabled

MOVER:	Benner
SECONDER:	Barnhart
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Furst

App# 2024-0306; 2686 Taylor Rd; Shelby Nelson of SignAffects for Bobs Discount Furniture; Sign Variance Application

Ms. Buathier read the staff report into the record.

Mr. Furst: For the record. For all of these variances, but this one specifically because, as the application was discussing, I agree with the staff's findings. If the applicant would like to add any additional information that we have not already heard in previous applications, I'm interested in hearing it. The calculus before is for you to articulate how the land and the structures on it are unique, and how the strict application of the code creates a hardship. So I think what we would be looking for if you were to come back before us would be for information regarding those items specifically, but also to hear how the variance serves the purpose and intent of the zoning district in which this property is situated. I will also state that to Mr. Benner's point. These existing circumstances were known before the purchase of the property. Our zoning code has existed in this format for some time, and it was available for any member of the public, including the owner of this property, to review, and as such, we would consider this a self-created hardship, which our zoning code does not allow. Is the applicant also interested in having us table this application? I do understand that the applicant is interested in having us table this application. Are there any objections?

Mr. Lyda explained he would like to review with his client exactly what the objections are because this is the first he has heard of these. He wants to ensure the client understands this being a self-induced hardship.

Mr. Benner: I move that we table this to no later than the July 18th board meeting.

Mr. Furst: I second.

RESULT:	TABLED
MOVER:	Benner
SECONDER:	Furst
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Furst

App# 2024-0307; 2686 Taylor Rd; Shelby Nelson of SignAffects for Bobs Discount Furniture; Sign Variance Application

Ms. Buathier read the staff report into the record.

Mr. Furst asked the applicant if they would like to table the application. Mr. Lyda wished to table the application.

Mr. Benner: I motion that we table this application until no later than the July 18th board meeting.

Mr. Brusk: I'll second.

RESULT:	TABLED
MOVER:	Benner
SECONDER:	Brusk
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Furst

App# 2024-0308; 2686 Taylor Rd; Shelby Nelson of SignAffects for Bobs Discount Furniture; Sign Variance Application

Ms. Buathier read the staff report into the record.

Mr. Furst: I will state for your knowledge our recommendation when we have had variance requests similar to this in the past is that they use a directional plaque instead of asking for the variance, especially when it's not clear that you meet the variance factors as identified in the code, as this one would. In addition to the other sign variances that we've heard this evening.

Mr. Lyda: If I understand this correctly, if we remove the logo, is this not an issue? Customer pick up ring bell for service.

Ms. Buathier: Correct. That would be more directional based on the size and location. But because you have Bob's Discount Furniture, it makes it an official sign.

Mr. Lyda asked if this still needed a permit. Ms. Buathier explained that the way it sits, yes. If the logo was removed, it would not need a permit because it is directional signage.

Mr. Brusk and Ms. Barnhart asked if the logo was removed from the loading dock sign, if that would be considered directional signage and not require a permit as well. Ms. Buathier did not review that, but can take a look at it.

Mr. Furst asked the applicant if they would like to table the application.

Mr. Lyda asked to table the application.

Mr. Brusk: I move to table this application no later than July 18th meeting.

Mr. Furst. I second.

RESULT:	Tabled
MOVER:	Brusk
SECONDER:	Furst
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Furst

App# 2024-0309; 2686 Taylor Rd; Shelby Nelson of SignAffects for Bobs Discount Furniture; Sign Variance Application

Ms. Buathier read the staff report into the record.

Mr. Furst: For the record, I agree with staff's recommendation. So if you could just make sure that that statement of hardship is included in all the additional applications, please.

Mr. Lyda asked to table the application.

Mr. Furst: I move to table this application until no later than the July 18th regularly scheduled meeting.

Ms. Barnhart: I'll second.

RESULT:	TABLED
MOVER:	Furst
SECONDER:	Barnhart
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Furst

App# 2024-0319; 6549 E. Livingston Ave; Lins Bangaloko and Sabrina Mombey for BubbleJoy Daycare, LLC; Conditional Use Application

Ms. Buathier read the staff report into the record.

Mr. Brusk asked for clarification about the playground area. He was concerned they would be crossing a busy parking lot. Ms. Buathier showed the grassy area where they would leave out the back of the building into a fenced area.

Ms. Barnhart asked about only having two employees, and it seemed like a lot of space for that number of staff.

The applicant states they are starting with that number but may increase depending on enrollment. It is hard for them to gauge how many children they will have starting off.

Mr. Brusk asked if the increase in staff would require the board to reevaluate the parking spaces. Ms. Bauthier said there are 160 parking spaces, and 111 are only required, so unless they have 40 employees it would not be a problem.

Ms. Alabi asked if they had any intent to add playground equipment. The applicant said they plan to add equipment and fix the area.

Ms. Barnhart: I would like to make a motion that we approve this application for the conditional use as a daycare.

Mr. Furst: I second.

RESULT:	APPROVED
MOVER:	Barnhart
SECONDER:	Furst
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Furst

**App# 2024-0329; 1800 Brice Rd; Oline Denis for Fraternite Market, LLC;
Conditional Use Application**

Ms. Buathier read the staff report into the record.

Mr. Furst explained that fresh fruit has to be fresh fruit and not beef jerky, tobacco, etc. The applicant understands.

Ms. Barnhart: I would like to make a motion that we approve this conditional use application with the conditions presented by staff.

Ms. Kleckley: I'll second.

RESULT:	APPROVED
MOVER:	Barnhart
SECONDER:	Kleckley
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Furst

**App# 2024-0335; 1762 Brice Rd; Jenarius Taku for Global Grocery Store;
Conditional Use Application**

Ms. Buathier read the staff report into the record.

The revised square footage of the building aligns with the Franklin County Auditor. With adjusted square footage, the parking requirements allow the applicant to meet



the code and a variance is not needed.

Mr. Furst: I move that we accept the application as submitted with staff's recommended conditions as stated in their report.

Mr. Benner: I will second.

RESULT:	Approved
MOVER:	Furst
SECONDER:	Benner
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Furst

OTHER BUSINESS

ADJOURNMENT

Planning and Zoning Administrator

Chairman