



**MINUTES REGULAR MEETING
REYNOLDSBURG PLANNING & ZONING BOARD
August 1, 2024**

CALL TO ORDER

ROLL CALL

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

APPROVAL OF AGENDA

Agenda stands approved.

SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Furst.

PUBLIC COMMENT

UNFINISHED BUSINESS

NEW BUSINESS

App# 2024-0462; 1371 Brice Road; Rynya Carey and Sarita Penn of Pathways II Destiny Childcare Center, LLC; Conditional Use Application

Mr. Meyer read the staff report into the record.

Ms. Rynya Carey and Ms. Sarita Penn presented their proposal for establishing a childcare center at 1371 Brice Road. They believe this is a thriving and growing community with many families who require safe, reliable and quality childcare services. They have been operating a childcare facility out of their home for three years. They have reached their capacity and are looking to expand their services. They currently have several families on the wait list that reside in Reynoldsburg, and this center will help address the critical need by providing a nurturing and

educational environment for the children of working parents. The proposed location is strategically chosen to be accessible and convenient for families in Reynoldsburg. They have decided to implement an auto share policy, as well as a designated area for bike parking, which will include a bike rack. The building is equipped with a shower and storage for staff who plan on cycling to and from work. There is also public transportation available very close to the building. They have implemented a traffic system to ensure smooth and safe traffic flow during peak hours. Their childcare facility will comply with all state and local regulations, including health and safety standards. The staff will undergo rigorous background checks and receive continuous training in childcare safety and protocols. The curriculum will be designed to foster the physical, emotional, spiritual and intellectual development of children, providing them with a solid foundation for their future education. They are committed to creating a sustainable and environmentally friendly facility. They will be installing a new playground next to the building that will be large enough to allow up to ten children at a time. Approving their childcare facility will address a pressing need for quality childcare services in Reynoldsburg.

Mr. Furst asked if they were able to review the staff's recommendations, including the list of conditions. Ms. Penn confirmed they did not have any concerns, and they felt that they could meet everything.

Mr. Furst's major concern is in regard to the parking. They have ten spaces, but are required to have 14. He asked if they had plans to expand the parking. They do not have any plans to expand, but hope to utilize ride-share, public transportation, and bike racks. They also have a plan to schedule drop off at tiered times to eliminate congestion. Mr. Furst has concerns that the applicant would not meet the requirements for a variance if they went that route.

Mr. Brusk's concern is what the qualifications for being a school versus a daycare center are. Mr. Meyer explained there is no definition of a school child daycare center in our zoning code. The board is to determine if this is considered a school child care daycare center. Mr. Brusk asked if there is a state requirement to be called a school or certain qualifications by staff. Mr. Shook told the board that without a definition being provided, the board should apply common sense, to determine if it fits the definition of a school child daycare center. We do define child daycare centers in the code and schools in the code, so school child care daycare centers has to be differentiated from both of those. Which means it can't be your standard child daycare center. For it to meet a common sense definition of school, there has to be a clear, articulate educational component to the services they provide. Mr. Shook suggested the board inquire more into the education component to see if their answer satisfies the board. One general rule is that if there's any ambiguity in the code, ambiguities are legally required to be interpreted

in favor of the property owner or proposed use.

Ms. Penn explained that this is set up for a daycare center. It was a daycare center for many years. The previous owners moved next door. She understands parking is an issue, but there are places up front they plan to use and, with the auto share, they have a total of 12 spaces.

Mr. Furst asked the applicant to go into further detail regarding the instructional component to their programming.

Ms. Penn explained they do have a curriculum and they have a Pre-K classroom. They have milestones for the kids to achieve, and they will go over areas of improvement and areas of advancement with the parents. Ms. Penn says they work with them a lot when it comes to their educational development. Ms. Carey explained that by being licensed they have a lot of resources at their disposal. They have been sent teaching strategies from ODJFS to make sure the children are hitting their milestones.

Mr. Benner asked if either of the applicants had teaching credentials.

Ms. Penn said they do not have teaching credentials. They both have business degrees and are in classes now to become certified teachers. They do plan to hire a teacher for the Pre-K classroom, or someone with teaching experience.

Mr. Benner asked about the closing they mentioned. Ms. Penn confirmed they would be signing a lease.

Mr. Benner believes that school and teacher go hand in hand and the applicants don't have that.

Mr. Benner asked about the adjoining parking lot and how close it is to the play area. Ms. Penn explained they are relocating the play area to the side. If zoning was not OK with the play area on the side, they would put it in the backyard. It will be fenced in. The children would come out the back door where there would be a barrier, and then they would go inside the fenced area. Mr. Benner confirmed they were talking about the side next to the strip mall. They were doing this to make the play area closer to the building.

Mr. Meyer explained that staff took a deeper look into the playground and thought that the rear would be the safest. They could create a dedicated walking area in the grass or the zone markings across the parking lot.

Mr. Benner asked how many children they had right now. They have six full-time children and two before and after school children. They range from 14 months to eleven.

Ms. Alabi asked when they planned to open. The applicants are ready to open as

soon as possible. They have already had contractors at the site and ordered tables and chairs.

Ms. Alabi asked how long it was until they completed their certifications for teaching. Ms. Penn said they both have degrees and she runs another business. Ms. Penn said this is a childcare center, but Reynoldsburg wants a school and a teacher, so they can speed up and take more classes. They weren't in a rush because they were focused on children under four, so it wasn't a priority.

Ms. Alabi asked if they were in compliance with the rules regarding daycare workers. The applicant said they are in compliance.

Ms. Kleckley asked how long it would take them to get the certifications and if they had started. Ms. Penn stated they have already started, so they are hopeful that it will be within six months. Ms. Kleckley asked what that entailed. Ms. Penn, it is just a teaching certificate to just learn the best strategies and increase their skill set. Ms. Penn has substituted in the past, and they take education seriously.

Mr. Brusk asked if they would have any children that would need extra care or have challenges. They explained they had a child with a speech delay, and they helped by meeting with the speech therapist. Mr. Brusk asked if they were prepared to handle ADA children with challenges. They have taken many classes and training to make sure they feel comfortable and ready to handle ADA and children with disabilities.

Mr. Brusk asked if the state has a requirement or definition of a school. He is worried we may not be meeting that requirement. Mr. Meyer said that we are not the organization that applies state law. The definition that this board gives, and you would be providing somewhat of a definition today if you approve the application as a conditional use, is the definition that our zoning code will have. We are not limited to whatever the Ohio Revised Code might define as a public, private or online type of school. And there's going to be different definitions for those kinds of schools. Mr. Shook told the board they will have to make the determination whether you think this fits within what you believe to be the proper definition for a school daycare center. Mr. Furst believes that defining a school would include a facility that primarily employs certified teachers to instruct a curriculum. This is a child daycare center that seems to be intended primarily to serve pre-school aged children or school aged children before or after attending regular schooling. That is what he would use to interpret the definition of a school child care daycare center.

Ms. Barnhart explained she is looking at it as not necessarily a grade school, but a preschool. She is not sure if those are certified teachers. They tend to have a degree, but not always in child development or education. They do have a

curriculum, they are teaching and preparing those preschoolers to go to school. She thinks a preschool is considered a school. She also believes a school has different rules, like fire suppression, but she isn't sure.

Ms. Meyer explained that the zoning code doesn't have a school definition. It defines school-primary, school-secondary, but it is not broken down by age, or singularly as a school.

The examples Ms. Barnhart was thinking of their use is not specifically preschool. They have preschools, but that's not their primary use.

Ms. Kleckley asked the applicant for a definition of their after-school care. The applicant mentioned 11-year-olds, which is outside the range of pre-K.

Ms. Penn explained in the morning that they are not there very long, that it is generally just to eat breakfast and go out the door. In the evenings, they get a snack and read or do homework. They help them with homework or whatever the parents need them to help with.

Ms. Kleckley stated there is no educational piece.

Ms. Penn said they do work with the kids a lot. She gave an example of a child that had made great strides that was struggling for a while.

Ms. Kleckley asked if these were certified teachers.

They are not certified teachers, but they spend a lot of one on one time with them in the afternoons.

Ms. Barnhart believes this is more along the lines of educational support or tutoring, which does not have to be done by a certified teacher. Ms. Penn agreed.

Mr. Furst confirmed with Ms. Penn that they are pursuing certification as a teacher. If the board were to require that there be a certified teacher employed at the facility, Mr. Furst could be persuaded that it would meet the definition. The two main issues would be to better understand the parking and the play area. Along with the aspect of curriculum. He asked for more details about the parking plan, how they plan to adjust the play area, and the details of the curriculum. He offered them more time to prepare the documentation to present at a later date, if they wished.

Ms. Carey explained they are licensed through the Department of State through a program called Teaching Strategies. The program lays out milestones of where children should be for their age. They recently reached out to them about expanding to get more information on the curriculum. Mr. Furst asked if they identify where the children are in the curriculum and place them at the appropriate level to reach their milestones. Ms. Penn said that is exactly what they do. They also meet with the parents to identify challenges they are having. These milestones are skill and knowledge-based.

Ms. Penn explained they planned to put up a four-foot lumber fence around a ten-foot by ten-foot area next to the building for the play area. The second option was

to make a designated route to the play area in the back.

The auto share would be for staff members. They plan to have one space for now, since they only have two staff members. They would support the use of shared vehicles among staff, reducing the need for personal vehicles and separate parking spaces. They plan to make this spot convenient and thought to use the front parking space.

The bike rack will be along the back of the building.

Ms. Penn asked about other daycare centers that had been approved and if they were in different districts. Her concern is that they weren't prepared to provide curriculum based on previous applications that she reviewed. Ms. Barnhart confirmed it was on Livingston and is in a different district.

Ms. Ward asked what their maximum occupancy they expected was. They were expecting 50 to 60, but are waiting for the building department to give them the occupancy standards. The max would be 60, but they want to stay between 45 and 50. Ms. Ward asked how many staff members. The applicant said four staff members. They also said staff and enrollment depend on state requirements. They prefer to keep the class sized to about ten with three in the infant room.

Mr. Benner: There are entirely too many unanswered questions. I think, for this to even be presented to us. And just in the testimony tonight, we've talked about moving the play area, but we don't know exactly where. We've talked about making a designated area for them to walk across the parking lot that's already too small and doesn't have enough parking spaces. The chairman offered you an opportunity to table this and maybe answer some of those questions that would certainly would make me feel better if it was. I guess if there were that many questions on your lease, would you sign it?

Ms. Penn explained that they were trying to satisfy zoning with the playground. They really don't want to move it, but would if zoning required it. Mr. Meyer explained that, in retrospect, moving the playground to the front is not a great idea. Leaving the playground in the back does bring up other questions regarding parking and other items that would have to be further reviewed.

Mr. Benner expressed again that there were too many unanswered questions in order for him to approve the application.

Ms. Penn started to talk about the auto share policy. Mr. Furst explained that limiting the use of spaces does not remove the requirement to have a certain amount. If the code says you need 14, and you don't have 14, they would need a variance. Based on the testimony tonight, Mr. Furst does not believe they would be granted a variance. Mr. Furst explained that if this was denied, the applicant would

have to wait one year to reapply. He suggested that the applicant table, and come back with additional information.

Ms. Barnhart's concern is the limited parking. She also shares the concern that the board would not approve a variance.

Mr. Meyer explained our code does allow discounts on parking due to certain provisions, but staff does not have enough information to determine that. Ms. Penn read some of those provisions to the board. Mr. Meyer said they would be happy to review that information, but a determination would not be made at the meeting.

Mr. Meyer reviewed what the board was looking for; confirming the number of employees and students, confirming the provisions regarding parking and determining if that needs a variance, showing materials and site plan of the proposed fencing, including dumpster enclosures and screening.

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

Mr. Brusk expressed his concern for the teacher certification and explained he would be more comfortable knowing timelines for certifications and what the curriculum is. At this point, he can't call this a school.

Ms. Penn asked us to table the application until the September 5th meeting.

Mr. Furst: I move that we table this application at the applicant's request until our regularly scheduled meeting on September 5th, 2024.

Ms. Barnhart: I'll second.

RESULT:	Tabled until September 5th
MOVER:	Furst
SECONDER:	Barnhart
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Ward, Furst

App# 2024-0467; 2353 Taylor Park Drive; Arsalaan Abdul-Malik of No Zero Corp for Unique Gahana Ghar; Variance Application

Mr. Meyer read the staff report into the record.

Mr. Abdul-Malik, the applicant and contractor, told the board this used to be a nail

salon that they are converting to a small jewelry store. This is in a strip center with Ashley Furniture and the fire department. At the busiest time, he saw about 20 cars there. The business owner doesn't expect more than three customers at a time. They don't think they will be bringing as much traffic as the previous nail salon brought. The current code says they need 40 more spaces, but their operation won't affect what is currently happening at the facility. The parking lot is usually empty.

Mr. Furst asked the applicant to confirm the square footage listed on the application was correct. He did confirm it was correct. He didn't measure it himself, but he got the measurement from the lease.

Mr. Furst confirmed with the applicant that the building was originally compliant with the zoning code. The code changed, therefore the building became non-compliant, and that is why he is asking for the variance.

Ms. Barnhart asked about the difference in the square footage depicted. The applicant said even at the smallest measurement they still need more parking. Ms. Barnhart said even at the busiest times there are 20-30 cars max, but mostly empty.

Mr. Meyer did the calculation and the code that City Council passed, but it hasn't gone into effect yet. They would meet the parking with that code.

Ms. Barnhart asked why they didn't wait the referendum period out versus asking for a variance. The applicant has already signed a lease, and they are eager to get started on their business. Ms. Barnhart asked about the process and this application is holding up the building permit, which would allow them to start renovations to open the business.

Mr. Benner asked Attorney Shook about a hardship and whether we can look past this due to the code changing. Mr. Shook asked if staff looked at this as prior nonconforming, because they were in compliance with the code at the time they constructed the parking lot. Mr. Meyer confirmed they did not consider this a prior non-conforming because the space has been vacant for over three months. Mr. Shook then said he then looked at the space and there's something unique that we allowed the building to be built with these tenant spaces because there's not enough parking. To him, that's a hardship because they can't put any more parking. We would then leave this space vacant, and that would be a problem defending in court.

Mr. Benner: I move that we approve this variance.



Mr. Brusk: I second.

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

OTHER BUSINESS

ADJOURNMENT

Planning and Zoning Administrator

Chairman