Reynoldsburg
OHIO • 1839

MINUTES REGULAR MEETING
REYNOLDSBURG PLANNING & ZONING BOARD
September 19, 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 sworn in by Mr. Furst.

PUBLIC COMMENT

UNFINISHED BUSINESS

App# 2024-0514; 976 Waggoner Rd; Abigail Curtis; Variance

The applicant sent us an email requesting that we hold their application until November 7th, 2024. They are working with the city to resolve this to potentially not need a variance.

RESULT:	Tabled until November 7th
MOVER:	Furst
SECONDER:	Benner
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley Ward, Furst

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NEW BUSINESS

App# 2024-0577; 6821 E. Main St; Andy Gray of Mann Parsons Gray Architecture for Grease Monkey; Conditional Use

Ms. Buathier read the staff report into the record.

Mr. Furst asked how the board can approve any conditional use when they don't know if any variances are required.
Ms. Buathier explained there are some unknown factors and if the applicant can address those then staff would recommend approval.

Ms. Call provided a document regarding the stacking to the board.

Mr. Meyer explained that we do not have an engineer on staff. Staff would prefer to have the engineers look over the documents and provide feedback before they could give a complete evaluation of the new plan. They are not able to let the board know if they now meet all the standards.

Mr. Furst asked if tabling the application to the next meeting would be a sufficient amount of time. The deadline for that meeting has already passed so they suggested tabling until the October 17th meeting.

Mr. Furst: Hearing that the applicant is amenable to tabling this until the October 17th meeting, I so move.

Ms. Kleckley: I second.

RESULT:	Tabled until October 17th
MOVER:	Furst
SECONDER:	Kleckley
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Ward, Furst

App# 2024-0565; 6014 E. Livingston Ave; John Gleason for Caribbean Grocery Store LLC; Conditional Use

The applicant didn't get staff's comments on time. They will likely need to change items within the building and not just the conditional use of the tenant space. They asked for the application to be tabled.

Mr. Furst: I understand that the applicant would like to table this application until the October 17th regularly scheduled planning and zoning board meeting. I so

move.

Ms. Alabi: I'll second.

RESULT:	Tabled until October 17th
MOVER:	Furst
SECONDER:	Alabi
AYES:	Furst, Ward, Kleckley, Brusk, Benner, Barnhart, Alabi

App# 2024-0564; 2290 Ayers Dr; Glen Dugger of Smith and Hale for HERC Rentals; Conditional Use

Ms. Buathier read the staff report into the record.

Mr. Duggar: I represent the applicant, Herc Rentals. The property is described by staff. We have a couple of quibbling issues. I don't think they're relevant in terms of disagreements with staff. I do believe as an attorney that the prior conditional use is still in effect as a non-conforming use, the property has been used by Robertson Rentals and that conditional use has not expired. So, from 2014 to the present. Ethan Robertson is the current owner of the property and has continued to operate that business. I looked at those pictures, looks like there was not much going on there and there isn't. But I have notified him that he needs to continue to maintain to sell and lease trucks out of that location, which he has done. In my opinion, not that that's necessarily totally irrelevant. The property has been used and the conditional use which was obtained in 2014 is still in full force in effect. The second thing, I guess I just a minor disagreement. I think it's probably a labeling error. And I have to apologize this the largest conditional use application I probably ever filed north of 80 pages, and it would have been easy to miss something in there. We filed 2 or 3 documents in there that were as built surveys. These were the site plan for this. It's indicative of what the actual property looks like, the way it was developed in accordance with the 2014 approvals. It would be my client's intention to use the property as it has previously been used without essentially any change other than to trim the bushes and clean a parking lot. The building was built in 2014, and I think a lot of this the next two cases are going to be a discussion about what happened in 2014, what's happened since then, and then how staff is interpreting that. There was a conditional use granted to Mr. Robertson in 2014. He can tell you more about that since he was here. I wasn't. All I've done is read the minutes. I think it's informative for all of you to have read the minutes of that hearing as well. Some of you may remember that this was a Bob Evans concept Mexican restaurant that was built there 25 or 30 years ago. It closed and sort of unceremoniously and the building sat vacant for a long time. The reason it sat vacant was that there was a deed restriction on the property that didn't allow it to be used for restaurant use. So the property is sort of zoned in accordance with

that. Mr. Robertson acquired the property from the Bob Evans people and obtained a special exceptional use staff noted to permit the sales of automobiles or vehicles, which includes trucks, automobiles and other things. It does not, I think a staff pointed out, include construction equipment, and that's not what we're here to try and sort out. We are not asking for construction equipment here. I think that there needs to be a greater clarity as to what exactly construction equipment means. What we did was, we submitted to you as a part of the package, probably 20-page pictures of the types of vehicles that Hecr would be leasing. Herc is a national company. It's a publicly traded company. It's a $4 billion a year company. This is not something that sort of fly-by-night deal. They have one other location in Columbus where they do lease different types of machinery, but this would be their truck location. Mr. Robertson is here. If there's any question about what Herc wants to do, its contents are in your application package. We think that that's perfectly appropriate and consistent with the way the property has been used for the last ten years. One of the challenges with this, and I think staff would admit, is that in 2014, Mr. Robertson built a building that was sort of a special purpose, single-purpose building. You saw it in the pictures. It has high overhead doors. It has a very large parking lot. Quite frankly, it doesn't fit with the way the property is zoned today. So the city has made a couple of changes to the zoning codes that provide us with a package of uses. But that package of uses doesn't really translate well into this particular building. There have been an awful lot of people who've looked at it, and because of the problems with the incongruity between the building and the land use, they've had to walk away. What we are saying is that Herc is the closest we've found to continuing the type of activity that has been there for a long time, at least since 2014 by Mr. Robertson. He's here. I'd like to have him describe to you kind of how that fits and how that works. Then I'd like to talk to you briefly about some of the additional factors. I again, disagree with the staff that this is a more intense use, this is a consistent use with what has been made of the property. And if that's okay, Mr. Furst, I'd like to bring Mr. Robertson up.

Mr. Robertson: This property was purchased by myself in 2014. We went through a lot of these same questions and big trucks through the neighborhood was staff's major concern. One of the main things that we spoke about was that trucks go into the neighborhood, CDL drivers are required, they're drug tested. They go through background checks. The type of trucks that are already currently running through the neighborhood are not much different from the type of trucks that we sell. There's garbage trucks, which are heavy use vehicles. There's Gordon Food services trucks, there's delivery trucks, there's Amazon, there's UPS, there's a bunch of different trucks. COTA bus services go through there. Those vehicles are all exceeding 33,000 pounds. And when it states 33,000 pounds, that's not the actual empty weight necessarily of the vehicle. It's what the vehicle could actually potentially haul, called gross vehicle weight rating. Looking back at it, there's a lot of concerns. The main feel if you were to read back through the minutes, back from

2014, was that the major concern with staff was not that we were selling trucks or equipment there, because we sold medium and heavy-duty trucks and equipment. The main concern was, was that semis would pull off the side of the road and try to seek us out for possible repairs, maintenance or possibly to buy a truck. And they were concerned about traffic flow and how people would get back to the facility. That was one of the main issues that they were concerned about of the facility itself. And I think we've addressed it. Never had an issue since we purchased the property. There's never been any incidents in the neighborhood. Like I said, all the drivers, a CDL is required, medical cards required, we know they're safe drivers, as far as I could go. As far as the vehicular sales automobile, there was no classification back in 2014 for trucks. Even though the trucks aren't an on a road vehicle, they have a 17 digit vin. They're required to do all the permitting that you would have any other vehicle rentals. Reynoldsburg did not have that in the zoning code. So that's where the special exception, I believe, with the conditional use permit came from, because it wasn't specifically spelled out for trucks as opposed to automobiles. We didn't do any outside maintenance on vehicles. We kept it all in house where we service only our own vehicles that we sold. Very in line with what Herc is doing. They're only servicing vehicles that they are leasing or selling. They're not doing outside construction or outside work for other people in the city. So they're working on their own fleet of vehicles, which was another concern back in 2014 with the city asked the questions. They didn't want to see a lot of truck traffic back and forth in the facility. Were a low-use facility, as far as truck traffic in and out, maybe 6 to 8 vehicles a day as far as trucks would be coming in and out of the the facility itself. I know it's very close to what Herc was looking at as far as their truck traffic in and out. Our drivers coming in, we would have some customers come in. We weren't a high-volume dealership. It wasn't that we were selling 50 to 100 trucks a month. We were selling 20, maybe 30 trucks and trailers a month. So those are kind of some of the things that we did at the facility. But as far as on some of the staff questions with the construction equipment, I believe is what was the concern with Herc. Herc is not running construction equipment, from what I understand, at this location. This is their truck rental division, and I believe they provided a packet for that. And I'm not speaking on behalf of Herc. Just kind of giving a like for like. They're leasing out anything from pickup trucks to tandem axle dump trucks to water trucks. Trucks that we sold, we've been selling since the facility was built. That was our business model back in 1983 when my dad started the company, and it hasn't changed since then. So we always sold medium and heavy-duty trucks. Back in 2014, the trucks that we were currently selling were displayed on the screen for staff to see. Unfortunately, my email has changed back from 2014, and I couldn't find the actual email that was sent to Dan Havener at the time, but it was showing a cluster of different trucks, which were single and tandem axle trucks. Single axle day cabs, and tandem axle day cabs. The main concern was within the minutes and I believe if you guys have read them. The class eight trucks were sleeper trucks that I was speaking of. We don't sell sleeper trucks.

That's not our business. And that was the main concern that these sleeper trucks would be installed would be drawing these big 53 foot trailers being pulled with these trucks 80 foot long into the facility. That's never been our model. I don't believe Herc is selling sleeper trucks or leasing sleeper trucks as well. I guess that's about all I have for kind of the background of the facility and where we are and how we got to this point. If there's any questions, the staff might have for me. It is just the property owner and business owner. I'd be more than happy to answer them.

Mr. Brusk asked while the business was running if they had access through Home Depot.
Mr. Robertson explained that road was never a viable option. That has always been gated off and shut off as a private access road.

Mr. Robertson brought up the weight issue that was brought up in the staff report. He explained that their trucks were never loaded and the Herc rental trucks would be empty as well. These would not have additional weight like other trucks already on the road, like garbage trucks or service trucks. Double axle trucks distribute the weight differently than a single axle, actually causing less damage to the roadways.

Mr. Furst: Thank you, Mr. Robertson. Frankly, this is a difficult application for us because the applicant is Herc Rentals, and I believe Mr. Duggar is here to speak on their behalf, but it's difficult for your experience to map directly to theirs because we just aren't certain what they're going to be doing. You are claiming that it is similar, but you know, we do need some certainty on that. There are two factors here. We're trying to decide whether or not the use under this application, and it's been submitted as vehicular sales automobile, whether Herc's intended use of the property meets that. And then also do you meet the conditional use factors. It's a little difficult for me to understand given that they're Herc rentals if it meets vehicular sales/ automobile as the use is defined in our code. Could you elaborate on that for me?
Mr. Duggar confirmed Herc will sell and lease. Primarily lease, but they will sell.

Mr. Furst read the definition of vehicular sales automobile for the applicant.
Mr. Furst: The way I understand this to read is that the primary use is the sale/ rental lease of new motor vehicles and then used motor vehicles would be an ancillary use. So I think, in order for us to resolve whether or not Herc's intended use meets that definition, is the majority of the trucks on the lot new sales?
Mr. Duggar explained the percentage was included in the packet.
Mr. Furst explained that he reads the business plan as the opposite of the definition, so he was asking if they could provide some additional testimony to

correct his mistake.
Mr. Duggar is not certain if he is correct or not.
Mr. Furst is satisfied with Mr. Robertson's testimony that construction equipment is not involved. He asked the applicant to speak about the other factors.

Mr. Duggar explained they did address that the proposed use should not adversely affect the health, safety and morals residing in the neighborhood. Mr. Robertson testified they haven't had any problems and this is substantially the same use that has previously been there.

They provided a site plan in the package that Mr. Duggar believes it to be more accurate because it is an as-built plan, indicating how the property was actually built.

Mr. Duggar agrees that they are not asking for construction equipment. They are talking about over the road trucks, which are licensed and titled as such. They would have their own CDL driver.

The 33,000 pound issue Mr. Duggar feels it is a misunderstanding. Mr. Robertson discussed in 2014 that there would be no class eight vehicles. There is no mention, limitation, or distinction on the 33,001 gross vehicle weight. Mr. Robertson provided ample evidence that he has sold and leased numerous vehicles over the last 3 to 5 years that were more than 33,000 pounds.

Mr. Furst asked Mr. Roberston if he could address the percentage. Mr. Robertson isn't able to address the percentage that Herc's plan is for new and used vehicles. He explained that they always sold used vehicles and some new trailers. He does not have a new truck dealership license.
Mr. Furst explained that the challenge is that used motor vehicles was an allowable use, and it is no longer allowed.

Mr. Duggar explained he feels that the 2014 special exception use permit is still in effect, although staff disagrees. Based on his conversation with Mr. Robertson, the property is still vested as a non-conforming use.
Mr. Furst asked if he had operated continuously. Mr. Duggar said, "Yes".

Mr. Leist: The burden of proof is on the applicant to prove that.

Mr. Benner does not have a clear enough vision of how Herc will operate the business since they are not present. It is not clear enough to make a decision.
Mr. Benner asked when the last time they sold a vehicle out of that office. Mr. Robertson said they have been working out of the offices. A sales rep was there yesterday. They are running the facility and still doing some shop work on a limited

basis.
Mr. Duggar explained that he told his client to continue the business and there's no provision in the code that a non-conforming use has to operate at the same intensity as it had previously.

Mr. Meyer explained that the site plan does not show outside storage and recommended Mr. Furst speak about that.
Ms. Buathier: The site plan submitted with an application for conditional use permit shall indicate the types of merchandise or materials to be stored and, if applicable, any seasonal changes of merchandise or materials. So they're required to meet these standards.
Mr. Duggar asked the board to pull out exhibit 4A. This exhibit shows the property, the bays, landscaping, and drainage.
Ms. Buathier explained the requirement for outdoor storage is to show where the merchandise would be located and what they would be selling in those locations.
Mr. Duggar explained it is a parking lot. This is not like a convenience store where they put merchandise outside.
Ms. Buathier: The definition of outdoor storage is the keeping of property in an open area of a lot for the purpose of sales, storage or display.
Mr. Duggar showed them the parking lot and that is not adequate for staff.
Ms. Buathier explained, standards in a parking lot are for maneuverability. Another is any potential screening for outdoor storage.
Mr. Duggar: Mr. Chair, apparently staff has concluded that the designating of the property as a parking lot is inadequate to identify as outdoor storage. We will correct the site plan as a part of this application if we get to that point.

Mr. Meyer pointed out exhibit 3A showing Herc rental did include information on their intent.
Mr. Meyer: Herc Rentals Pro Truck Division will repair and sell light, medium and heavy-duty trucks and trailers for the local contractor industry. This will be a business-to-business retail store, not consumer focused. Approximately 90% of the traffic will involve Herc employees with movements of rental trucks to and from job sites. Maintenance services will be solely dedicated to the preventative maintenance of our Herc rental trucks and any major repair work will be conducted at other locations. Trucks will be stored onsite when not in use, or if available for sale. It also says Herc Rentals and Robinson truck sales carry a very similar inventory primarily focused on various types of light, medium and heavy-duty trucks, and they provide the hours of operations below. That is my understanding of what they submitted. If I missed something, I apologize.

Mr. Furst doesn't question the intended types of vehicles being sold. His contention is whether it's primarily used vehicles or new vehicles to satisfy the vehicular sales automobile definition. He reads the definition to require primarily the sale of new

vehicles and used vehicles would be ancillary.
Mr. Duggar: Herc doesn't want to misrepresent that they are primarily a rental company.
Mr Duggar was confused about which application they were discussing. Mr. Furst explained that the board can't render a conditional use until they understand what the intent is.

The information submitted says the business will be 90% used sales. Mr. Furst explained the percentage given is for traffic inflow and outflow, not for the actual percentage of sales.

From the application Mr. Furst understands the intended use is primarily for used vehicles. That does not conform with his understanding of the use. He doesn't feel that the board can render a conditional use because they are applying for a use which they do not meet.
Mr. Duggar explained they filed the application in an attempt to sort out what happened in 2014, and hope to enable Herc to occupy the building. The city has rezoned this property twice and each time has moved further away from the use, and provided fewer uses for this building.

Mr. Brusk asked staff about the definition and how leased vehicle seems to be a use and not ancillary. The wording seems to allow it, but he asked for clarification.
Ms. Buathier read the definition again. The sale or lease was brought up. The sale OR lease, but not both.

Ms. Buathier: As you can see on the first page under the project summary C, the applicant's request that the applicant is requesting to obtain a conditional use for vehicular sales automobile in order to operate a Herc rental business on the subject site. The applicant is requesting to intensify the use of the previously approved special use exception permit in 2014 in order to also rent and sell construction type trucks, including, but not limited to dump trucks, delivery trucks, box trucks, flatbed trucks, vacuum trucks, utility trucks, ladder trucks, boom trucks and other similar trucks, and trucks above 31,001 gross vehicle weight ratio, but not over the road trucks, semi trucks and semi-trailers. Therefore, the applicant is asking for a new conditional use for vehicle sales automotive under the current zoning code regulations.
Mr. Leist: The question is not what the definition is. The question is this a continued use prior to the application.

Mr. Duggar offered to table the application so they could discuss the appeal. I think there's a fundamental misunderstanding on the staff's part. The staff objects to this idea of construction vehicles. Our understanding of the 2014 approval was that they were talking about tractors and graters and construction equipment. The

things that we listed here are dump trucks, delivery trucks, box trucks. They're all over the road trucks that have a license and have to have a CDL driver's license to drive them. And we think that's what was approved in 2014. The 31,001 gross vehicle weight, I think, was just devised by staff as a way to demarcate between those two based on what they thought a Class eight vehicle was. But I don't think that was a clear reading. A fair reading of the minutes from that time was that those were construction vehicles or construction things that require an over the-road license. That's not what Ethan was asking for. And that, quite frankly, it's not what we're asking for. So I think there's some confusion about the nature of this application, and maybe we should table it and go do the appeal first. I don't know if I would defer to the board.

The applicant is requesting that this be tabled until the board resolves their next application for the appeal hearing.

Mr. Furst: I so move.

Ms. Barnhart: I will second.

RESULT:	Tabled until October 17, 2024
MOVER:	Furst
SECONDER:	Barnhart
AYES:	Alabi, Barnhart, Benner, Brusk, Kleckley, Ward, Furst

App# 2024-0438; 2290 Ayers Dr; Glen Dugger of Smith and Hale for HERC Rentals; Appeal

OTHER BUSINESS

2025 Planning and Zoning Board Meetings

ADJOURNMENT

_____
Planning and Zoning Administrator

Reynoldsburg
OHIO • 1839

_____
Chairman