Reynoldsburg
OHIO • 1839

MINUTES
REYNOLDSBURG Planning & Zoning Board
June 1, 2023

CALL TO ORDER

ROLL CALL

PRESNET: Zollars, Furst, Benner, Bivens, Alabi
ABSENT: Barnhart, Kleckley

APPROVAL OF MINUTES

Planning & Zoning Board - Regular Meeting - 5-18-2023

Minutes stand approved

APPROVAL OF AGENDA

Agenda stands approved

SWEARING IN OF SPEAKERS

Speakers for the evening were sworn in by Mr. Zollars.

PUBLIC COMMENT

None

UNFINISHED BUSINESS

App#2023-5162; 8555 E. Main Street; Skilken Gold LLC; Variances

Ms. Buathier read the staff report into the record.

Mr. Benner questioned the report given by OHM because it was indicated that Mr. Littleton said there appears to be no reason for the sign to be higher than the permitted height of six feet. Later in the document, Mr. Litltleton recommends approval. Mr. Benner questioned moving forward if an applicant reduces the number of signs, like this applicant did. Is it going to be a precedent that we approve the variance moving forward for future applications?

Ms. Buathier explained that the decision is up to the board, but the applicant did reduce the number of signs, gave a more detailed description of their hardships, and stated some safety issues.

Mr. Benner explained that with gas apps and the recognition of the Sheetz brand, he doesn't feel that the sign needs to be taller due to traffic. Mr. Benner doesn't see one-time travelers going down this road, but rather repeated traffic and they will know the Sheetz is there. He feels like approving these variances will set a precedent that he's not willing to set.

Mr. McFarland told the board that the hardship decision is based on the code and the exhibits they showed provide visual distractions and disruption from vehicles. Mr. McFarland said it comes down to the ability for people to safely make a turn into or out of the location. He is concerned that without a higher monument sign, it will decrease the ability for people to recognize the gas stations and gas prices.

Mr. Benner brought up that the Kroger gas station sign sits about four feet down and you can't see it from the road, but people find it. He does not see the importance of the monument sign varying from the code.

Ms. Green explained that their research shows that most people purchase gas on a whim and start looking for prices when their tank is low. Due to purchasing on a whim, this becomes a secondary decision, and having the visual gas prices makes a big difference.

Mr. Furst shared with Mr. Benner's concerns and thanked the applicant for trying to reduce the number of variances. Mr. Furst explained that he struggles to find the hardship for a Greenfield development. If there were structural impediments or refuse of an existing structure, the hardship could be persuaded more. Based on the evidence that was submitted, Mr. Furst does not see the hardship.

Ms. Alabi asked how large the monument signs are around Columbus. Ms. Green said that they range greatly, but anywhere from 10-20 feet.

Ms. Green asked if the signs could be voted on separately. Mr. Shook confirmed this could be done if the board chooses this route.

Mr. Zollars asked if there was a motion to approve any of the four variances. Due to only having five members and needing four yes votes to have the motion pass, Mr. McFarland asked them to table the variance application.

Mr. Furst: I move that we table this application until our next regularly scheduled meeting,keeping the hearing open.

Ms. Alabi: I'll second.

RESULT:	Tabled
MOVER:	Furst
SECONDER:	Alabi
AYES:	Alabi, Benner, Bivins, Furst, Zollars

Ms. Buathier: Ms. Alabi. Yes. Mr. Benner. Yes. Mr. Bivins. Yes. Mr. Zollars. Yes.

App# 2023-5185; 7335 E Livingston Ave; Hopewell Health; Variance for Monument Sign

Ms. Buathier read the staff report into the record.

Mr. Zollars recused himself from this application due to being the contractor on the project.

Lisa Polling has taken over the application on behalf of the original applicant that is no longer with the company.

Mr. Furst asked why they had four color choices and the applicant explained that they wanted to have multiple options due to material shortages and they wanted to meet the liking of the committee. Mr. Furst has no preference for the colors, but thinks it looks better matching the building. Mr. Furst is not certain that the applicant was given truthful information regarding a brick shortage, but feels that maybe this is just a smaller project that nobody wants to take on. Mr. Furst does appreciate the applicant working to the best of their ability to meet the intent of the code and that the materials look like stone.

Mr. Benner asked if staff was involved with verifying that this wasn't a cost issue and was indeed a material issue? Mr. Meyer explained that we do not have the resources to investigate and deem the applicant to be truthful. Mr. Meyer explained that the city has a project that is larger and they have also been unsuccessful at securing a contractor or for them to provide materials.

Mr. Benner asked, but where does that put the city with precedents with not only signs, but buildings?

Mr. Shook: The concern about precedent relates to the ability of this board, if they were going to approve a variance to be able to articulate the unique characteristics of the site, the application itself, so that you don't create that precedent so that it doesn't apply to a similar application that doesn't have the unique characteristics of this application. That's how you avoid accidentally rewriting the code from this position.

Mr. Furst explained the unique configuration of the site, how the sign is off the road and how it is adjacent to other buildings. He explained this is not a typical development on Main or 256 where a typical monument sign would be because it does sit significantly back from the right of way. This sign sits off a private road. This case is unique and he would argue that this would not set a precedent.

Due to needed a unanimous vote the applicant preferred to table the application until the next regularly scheduled meeting.

Mr. Furst: I move that we table this application until our next scheduled meeting.

RESULT:	Tabled
MOVER:	Mr. Furst
SECONDER:	Mr. Bivens
AYES:	Alabi, Benner, Bivens, Furst

NEW BUSINESS

App# 2023-5194; 6672 E Main St; JP Morgan Chase; Conditional Use

Ms. Bauthier read the staff report into the record.

Mr. Furst agreed with the staff's finding for the conditional use based on the factors stated.

Mr. Furst: I move that we accept this application for a conditional use based on the factors submitted.

Mr. Benner: I'll second.

RESULT:	Approved
MOVER:	Furst
SECONDER:	Benner
AYES:	Alabi, Benner, Bivins, Furst, Zollars

App# 2023-5195; 6672 E Main St; JP Morgan Chase; Variances

Ms. Buathier read the staff report into the record.

Mr. Benner asked about easements along Rose Hill and Main Street and whether they were asking for extra or just what was needed. Mr. Benson explained that on the east side fronting Rose Hill they are as close as they can in order to add a couple of street trees and avoid fiber optic cables. This also allows for the required screening. On the Main Street side, they are right on the electrical easement with the pavement. They tried to get as close as possible without making curves that would make the drive-thru difficult for some drivers.

Mr. Bivens asked if these variances would stay with the site permanently and Ms. Buathier confirmed that was correct.

Mr. Furst: There are clearly some structural impediments here imposed by not only the code, but factors that are absolutely outside of your control, but mostly by the code. Seeing how the setback requirements do not at all contemplate easements in this manner, and as you can see from the adjacent properties, this has been a problem all along that section of the main street corridor. To staff, I do hope that any variances that we consider here you do when thinking of new code calibration, just consider those in your mind at any time. I'm certain that you do. As Mr. Benner's question alluded to that these do seem like they're the minimal amount necessary to accomplish your purpose here. Certainly the screening on the dumpster. I actually think that's probably an improvement over what you would have. I don't know that those trees would survive there. Completely opaque screening certainly is better than not completely opaque shrubbery. I do move that we accept this application as submitted and grant all the variances for this property.

Mr. Benner: I'll second.

RESULT:	Approved
MOVER:	Furst
SECONDER:	Benner
AYES:	Alabi, Benner, Bivens, Furst, Zollars

APP# 2023-5176; 6336 E. Livingston Ave; Nick Madonia; Appeal

Ms. Buathier read the staff report into the record.

Mr. Furst is not convinced that this is accomplishing the intent of this particular zone and asked the applicant to explain.
Mr. Shook wanted the applicant to be aware that the property does have outstanding code violations related to the condition of the parking lot.
Mr. Zollars asked if one of the applicants were the property owner. They are not, they are the design developers and the engineering firm.

Mr. Benner stated that, according to the staff report, that this doesn't meet financial services and asked the applicant to dispute that.
In Mr. Shiflett's interpretation of the code, he feels that an ATM would fall as a financial service with a drive-thru or financial services and banking. He agrees it is something a little different but they are providing banking services directly to the occupants of motor vehicles.
Mr. Furst pointed out the variance they just approved that has an ATM attached to it and would contend that this case would be different if there was a building attached to it.

Mr. Zollars asked them how much space this would be taking up on this lot and if this was excluding anything else from being built here. Mr. Shiflett explained this is on the green space on the property that the landlord has chosen to lease to US Bank.

Mr. Shiflett explained how the banking industry is changing and that branches are very expensive and it takes a lot of land. The banking industry is seeing a huge drop in branch attendance due to banking on an app. An app can't exchange cash or make deposits with cash. You can deposit checks on an app, but most banks limit the amount the check can be processed for on the app. An ATM can accept any amount of cash or checks. Banks are trending to remote drive up ATM's because this is what the customer is demanding. It's safe, secure and 24 hours.
Mr. Zollars argued that, with his experience, this is not attached to a building and is not serviced by any person, so this is not a bank, this is an ATM. Mr. Shiflett said these are smart ATM's that can do 90% of the banking of routine transactions.
Mr. Furst pointed out that the same forces that are driving people to the app are also driving them to visit ATMs less. From the code, Mr. Furst pointed out that this does not lend money. No loans or credit-type products attached to it. If these smart ATMs could deploy these products, it would fit the definition of financial services.
Mr. Shiflett asked if they provided an ATM with these services. Would that classify as the proper definition? Mr. Furst indicates that if they could provide all the services listed under the definition, the applicant would have a much stronger argument.

Ms. Buathier explained the timeline for the appeal and the board discussed next steps based on approval or denial from this board, but a decision had to be made.

Mr. Meyer explained that this is just for use and the board is not discussing any other components that the applicant would have to meet.

Mr. Shiflett told the board that a branch does 30 different things and there's not a person in that ATM, so the ATM will never be able to meet all of the definitions of a financial service, so their application will fail, until the code changes. He asked the board to vote now.

Mr. Furst: I move based on the factors discussed here this evening pertaining to the application, not meeting the definition of financial services with a drive through that, we deny this application.

Mr. Benner: I'll second.

RESULT: Denied
MOVER: Furst
SECONDER: Benner
AYES: Alabi, Benner, Bivins, Furst, Zollars

OTHER BUSINESS

None

ADJOURNMENT