

MINUTES OF THE REGULAR MEETING
WORTHINGTON ARCHITECTURAL REVIEW BOARD
WORTHINGTON MUNICIPAL PLANNING COMMISSION

May 9, 2013

The regular meeting of the Worthington Architectural Review Board and the Worthington Municipal Planning Commission was called to order at 7:30 p.m. with the following members present: Richard Hunter, Chair; James Sauer, Vice Chair; Kathy Holcombe, Secretary; Mikel Coulter; Amy Lloyd (arrived at 7:45 p.m.) and Jo Rodgers. Also present were: Scott Myers, Worthington City Council Representative for the Municipal Planning Commission; Lynda Bitar, Development Coordinator and Clerk of the Municipal Planning Commission; and Melissa Cohan, Paralegal.

A. Call to Order – 7:30 p.m.

1. Roll Call
2. Pledge of Allegiance
3. Approval of minutes of the meeting of April 25, 2013

Mrs. Rodgers moved to approve the minutes, and Mr. Sauer seconded the motion. All members said, “aye”.

4. Affirmation/swearing in of witnesses

B. Architectural Review Board

1. New

- a. Existing Cell Tower Equipment Modifications – **300 W. Dublin-Granville Rd.** (Tom Paine of SBA Network Services/Verizon) **AR 26-13**

Mrs. Bitar reported a request from the applicant to table this application. Mr. Sauer moved to table this application and Mr. Coulter seconded the motion. All members said, “Aye”.

- b. Fence – 143 **Lake Ridge Rd.** (Timothy Meacham) **AR 27-13**

Discussion:

Mrs. Bitar reviewed the facts from the application. Photographs of the proposed fence were shown to the Board members. Mr. Hunter asked if the applicant was present. Mr. Tim Meacham approached the microphone and stated he lives at 143 Lake Ridge Rd., Worthington, Ohio. Mr. Meacham said he has lived at this address since 2006 and consistently sees people entering his property on the wooded side and said they are up to no good. He has found beer

cans, and people also go into the wooded area very late at night. Mr. Meacham said he has to chase the people off of his property and he has had a few confrontations with people cussing at him. Some of the other neighbors have told him they have seen homeless people living in the same area. Mr. Meacham said he wants to put up a barrier to keep the intruders away from his children that play across the ravine. Mr. Meacham said the fence would be located on his property and would not be visible from the park because there is about forty feet of brush in that area. Mr. Meacham said he constantly sees people going into the secluded area of the park for thirty to forty-five minutes at a time, and he has no idea what they are doing.

Mr. Hunter asked Mr. Meacham to explain where on the photographs the fence would be located. Mr. Meacham explained the fence would be located underneath the cable wires. Mr. Meacham said the fence would only be visible in the winter time. Mr. Meacham explained that his neighbor to the west already has a fence installed, and he would like to have a six foot privacy fence. He said people walk their dogs in the park without being on a leash and the animals frequently come into his back yard. Mr. Meacham said he would like to prevent a confrontation between his dog and other dogs running around at the park. Mr. Meacham said he contacted his attorney before purchasing the property because the former owner had several no trespassing signs up, and his attorney did not recommend using "No Trespassing" signs because he felt that might create friction with his neighbors.

Mr. Coulter asked Mrs. Bitar what was indicated on the map as a ten foot private walkway easement. Mrs. Bitar said that area would not be affected because the fence is being proposed on the other side of the creek. Mr. Coulter asked who had access to that easement. Mrs. Bitar said it is a public easement. Mr. Myers asked if the easement ran to the south of Rush Creek in Park Boulevard Park, and Mrs. Bitar said yes.

Mr. Myers asked if the fence would be located in the far western edge of Park Boulevard Park and at the corner of Bromley and Park Boulevard near the church, and Mr. Meacham said yes. Mr. Meacham said there are about eighty feet of brush in that location. Mr. Myers and Mrs. Bitar discussed where the property lines are for the Park. Mr. Hunter asked the record to show that Board member Mrs. Lloyd arrived at the meeting at 7:45 p.m.

Mr. Meacham said he does not want to police the area, but just wants security to protect his children. Mr. Hunter asked if Mr. Meacham has tried to contact the City of Worthington's Community Relations Officer, Officer Floyd, or the Zone Officer that is assigned to that neighborhood. Mr. Meacham said he has not contacted anyone from the Worthington Police Department yet. Mr. Hunter asked if Mr. Meacham considered a less visible fence, such as black iron, or black aluminum. Mr. Meacham said he felt the cedar would look really nice in the woods because he is not going to paint the fence. Mr. Meacham said his intentions are not to take away from the ravine, but he wants to secure the area where his children play.

Mr. Sauer asked what type of fence Mr. Meacham's neighbor had. Mrs. Bitar said the neighbor's fence is split rail. Mr. Meacham said it would be really easy for someone to get in and out of a split rail fence. Mr. Sauer said one of his concerns is the Board has tried to avoid solid fences and fences higher than four feet tall. Mr. Sauer said there have been a few exceptions but they are usually involved with a property owner backing up to a commercial

parking lot. Mr. Meacham felt his backyard is a unique area, and he just wants to protect his children from strangers that frequent the woods on his property. Mr. Meacham said he does not want to be liable for strangers that go back in the woods and drink beer and create mischief. Mr. Hunter said he understood Mr. Meacham's concerns.

Mr. Sauer asked if Mr. Meacham would consider what is normally accepted in the community such as a fence that is four feet high and fifty percent open. Mr. Meacham felt the park patrons would not be able to see the fence. Mr. Myers said he disagrees with Mr. Meacham. Mr. Myers said he lives near the area and frequently goes to the park. Mr. Myers believes the fence would be visible at least six months out of the year. Mr. Myers said that F.L.O.W. (Friends of the Lower Olentangy Watershed) and the City intend to keep the park in a natural state. If a tree falls, the tree will not be removed. Mr. Myers feels strongly against fences, and also mentioned that F.L.O.W. is always looking for volunteers. Mr. Sauer said he was not comfortable with supporting the fence either.

Mr. Hunter asked if there was anyone present that wanted to speak either for or against this application and there were several speakers.

The first speaker was Mr. Joe Decker. Mr. Decker said he lives at 50 Kenyon Brook Dr., Worthington, Ohio. Mr. Decker said he has not had the chance to discuss the fence with Mr. Meacham yet, but he did speak with his other neighbors about the fence. Mr. Decker said that November through April, the area is deciduous and you will be able to see the fence. Mr. Decker said he understands Mr. Meacham's concerns because he has two daughters himself, and he feels it is part of the price they pay for living next to the creek and park. He said the area is very beautiful and does look untouched. The area is home to deer, coyotes, foxes and too many birds to count. Mr. Decker feels the fence that is proposed would feel unnatural, and the Worthington Police Department could address some of Mr. Meacham's concerns. Mr. Decker feels the fence would impede the wildlife in the area.

The next speaker was Mr. Greg Kuss. Mr. Kuss said his address is 90 Kenyon Brook Dr., Worthington, Ohio. Mr. Kuss said he agreed with Mr. Myers, and that this area is meant to be untouched. Mr. Kuss also said he and his wife wanted to voice their negative concerns about the aesthetics of the proposed fence.

The third speaker was Mr. Bob Padberg. Mr. Padberg said his address is 80 Kenyon Brook Dr., Worthington, Ohio. Mr. Padberg said the original plans that Graham Brown developed for their Home Owners Association, would include lots 11 through 15, which number 15 is owned by Mr. Meacham. Mr. Padberg said the Home Owners Association is responsible for upkeep in the area, the bridge, and the roads, and there are no fences. Mr. Padberg said that during the winter months, they see nothing but mud and the children's slide, and they do not want to see a fence. Mr. Padberg was okay with the smaller version of the fence, such as what the neighbors have next door. He also said the police department should be contacted if the intruders get out of hand. He would like to preserve the reserve, and all the other neighbors he spoke with want to keep the beauty unobstructed.

Mr. Hunter said he was conflicted with the issue. He said he agreed with the natural beauty, and that the proper authorities should be brought in to deal with some of the issues, but at the same time he said he was conflicted with property rights, and the individual property owner who owns the property. Mr. Hunter said he is not comfortable telling someone that they cannot do something on their property, but he feels there are better solutions to this situation, such as a less visible barricade, arborvitae and tall evergreens planted as a hedge that might offset a lot of the deciduous plants in the winter time that could provide an even stronger barrier than a six foot fence.

The applicant came back to the microphone. Mr. Hunter explained that there may not be enough positive votes for Mr. Meacham to move forward with the fence, and he could have the application tabled until he had a chance to come up with another solution to the safety barrier. Mr. Meacham discussed his neighbor to the west as having a fence, and he would be okay having a similar fence. Mr. Coulter offered a suggestion of using chicken wire to make the fence more secure without being so intrusive. Mr. Coulter said this was a solution to keeping pets contained in a yard, and the wire mesh could also be used to keep pets out. Mr. Meacham said that would be fine. Mr. Hunter confirmed that the maximum height of the fence would be four feet high, not six feet.

Mr. Meacham said he preferred not to table the application, and he would build a split rail fence with the wire mesh to match the dimensions of his neighbor's fence. Mr. Hunter asked the audience if there was anyone else that wanted to speak about this application since changes were proposed. Mr. Decker said he was fine with the split rail fence. Mrs. Sue Rutter approached the microphone and stated she lives at 64 Park Blvd., Worthington, Ohio, which is directly across from where the proposed fence would be located. She asked for clarification of the mapping as to where the fence would be located. She asked if the creek would be blocked. Mrs. Bitar said the fence would not block the creek, and if people wanted to, they could still walk down the middle of the creek.

The final speaker was Mr. Steve Babbert. Mr. Babbert said he lives at 464 Rosslyn Ave., Columbus, Ohio, but his father lives at 5736 Bromley Ave., Worthington, Ohio. Mr. Babbert said he grew up in this area at his father's house, but his father was too ill to come to the meeting. Mr. Babbert asked if people were still allowed to walk their dogs where the fence is proposed and Mr. Hunter clarified to Mr. Babbert the area is private property owned by Mr. Meacham. Mr. Babbert read the letter that was written by his father. His father did not want the proposed fence built.

There were no other speakers.

Findings of fact:

1. The applicant originally wanted to install a 6' high solid cedar fence along the northwest corner of his property, but has agreed to install a split rail fence to match the size and style of the fence on the property to the west. Dark colored wire mesh will be added to the inside of the fence, not higher than the top rail.

2. Rush Creek separates this part of the property from the house, which has access from Lake Ridge Rd. The fencing would be located adjacent to the southwest portion of Park Blvd. Park.
3. Some encroachment into the drainage easement for Rush Creek is being requested, so an agreement between the property owner and the City is needed.

Conclusion:

1. The proposed split rail fence is appropriate in this location, with the necessary agreement in place.

Mr. Coulter moved:

THAT THE REQUEST BY TIMOTHY MEACHAM FOR A CERTIFICATE OF APPROPRIATENESS TO INSTALL FENCING AT 143 LAKE RIDGE RD. AS PER CASE NO. AR 27-13, DRAWINGS NO. AR 27-13, DATED APRIL 26, 2013, BE APPROVED, CONTINGENT ON AN AGREEMENT WITH THE CITY BEING REACHED FOR THE ENCROACHMENT, AS AMENDED TO INSTALL A SPLIT RAIL FENCE TO MATCH THE ADJACENT FENCE WITH A DARK COLOR WIRE MESH NO HIGHER THAN THE TOP RAIL, AND BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mrs. Rodgers seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mr. Sauer, aye; Mrs. Holcombe, aye; Mr. Coulter, aye; Mrs. Lloyd, aye, and Mrs. Rodgers, aye. Mr. Hunter said the motion has been approved.

c. Fence – **124 W. North St.** (Theresa & James Maher) **AR 28-13**

Discussion:

Mrs. Bitar reviewed the facts from the application. A sample of the proposed fence was shown to the Board members. Mr. Hunter asked if the applicant was present. Mrs. Theresa Maher approached the microphone and stated her address is 124 W. North St., Worthington, Ohio. Mrs. Rodgers asked if Mrs. Maher would be painting the fence, and she said yes, the fence will be painted Colonial White. Mr. Sauer explained the supporting members will have to be on the inside. Mr. Hunter asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Findings of fact:

1. A 48" high cedar picket fence is proposed to enclose the rear yard of this property.
2. The proposed dog-eared pickets are 3 ½" wide, and the spacing between pickets is proposed to be 3 ½". The fence would be painted white.

Conclusion:

1. The proposed fence is appropriate.

Mrs. Holcombe moved:

THAT THE REQUEST BY THERESA & JAMES MAHER FOR A CERTIFICATE OF APPROPRIATENESS TO INSTALL FENCING AT 124 W. NORTH ST. AS PER CASE NO. AR 28-13, DRAWINGS NO. AR 28-13, DATED APRIL 26, 2013, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mrs. Lloyd seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mr. Sauer, aye; Mrs. Holcombe, aye; Mr. Coulter, aye; Mrs. Lloyd, aye, and Mrs. Rodgers, aye. Mr. Hunter said the motion has been approved.

- d. Rear Addition & Front Porch Expansion – **45 W. Stafford Ave.** (Ross Builders and Design/Jha) **AR 29-13**

Discussion:

Mrs. Bitar reviewed the facts from the application. Mr. Hunter asked if the applicant was present. Mr. Rakesh Jha approached the microphone and stated his address is 45 W. Stafford Ave., Worthington, Ohio. Mr. Jha said they moved to the area almost ten years ago, and they really enjoy living in Worthington. Their family has grown so they have decided to enlarge their house in a manner that is considerate to the neighborhood. Mr. Jha said he wanted to clarify that all of the roofing materials will be matching, including the shingles on the carport. The front porch is falling apart and they thought it would be a good opportunity to make it more inviting, with a stronger connection with the streetscape and sidewalk.

Mr. Coulter asked Mrs. Bitar if there were any side yard issues. Mrs. Bitar said there were not any side yard setback issues, but there is a front yard setback issue for the porch and an application has already been submitted to the Board of Zoning Appeals for a variance.

Mrs. Holcombe said she liked the architecture of the current porch and how the new porch keeps the same style. Mrs. Lloyd said she thought everything was very well done. Mrs. Rodgers asked if the house will be painted as part of this project. Mr. Jha said he believes so, and the house will be kept a similar color. Mrs. Bitar asked if the siding will be able to be matched, and Mr. Jha said yes.

Mr. Hunter asked if there was anyone present that wanted to speak either for or against this application and one person came forward. Mr. Kevin Stotts approached the microphone and stated his address is 39 W. Stafford Ave., Worthington, Ohio. Mr. Stotts said he lives directly west of the Jha family. Mr. Stotts said the Jhas' are lovely neighbors, and he is not opposing the project. He said he brought six pages of emails between himself and the Jha's former contractor they hired for a previous project. Mr. Stotts said materials were left in his yard a couple of times

and it was a nightmare to deal with their former contractor. Mr. Stotts was happy to hear that Mr. Jha hired a new contractor, and he just wanted to have on record the problems with the previous contractor. Mr. Hunter said that if anything happens in the future, to make sure his neighbor is aware of the problems since he is paying the contractor's bills. Mr. Myers suggested that Mr. Stotts introduce himself to Mr. Jha's new contractor since he was present at the meeting.

Findings of fact:

1. The homeowners would like to expand the front porch and construct a two-story addition for their home. The materials are proposed to match the existing, except the entire shingle roof would be replaced to match the roof on the garage that was installed several years ago.
2. The applicant is proposing removal of the existing front porch and construction of a porch that extends across the front of the house and wraps around the northwest corner, ending at the chimney. The proposed porch includes a shed style roof that extends to form a gable at the west end, and a gable is proposed above the front door. The design is proposed to be complimentary to the existing house, including a rake detail at the ridge of the gables, and columns to match the carport columns.
3. The proposed rear addition would add approximately 1000 square feet of living space to the home. The first floor would be expanded, including conversion of an existing enclosed porch. At the rear, a single-story "Nook", deck and mudroom with a rear entrance are proposed. An existing porch and entrance on the east side are slated for removal.

On the second floor, a gable running north and south is proposed to expand the living space to the rear, which would accommodate a master suite.

Conclusion:

1. The proposed changes are appropriate for this house and the District.

Mrs. Rodgers moved:

THAT THE REQUEST BY ROSS BUILDERS & DESIGN FOR A CERTIFICATE OF APPROPRIATENESS TO EXPAND THE FRONT PORCH AND CONSTRUCT A REAR ADDITION AT 45. W. STAFFORD AVE. AS PER CASE NO. AR 29-13, DRAWINGS NO. AR 29-13, DATED APRIL 26, 2013, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mrs. Holcombe seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mr. Sauer, aye; Mrs. Holcombe, aye; Mr. Coulter, aye; Mrs. Lloyd, aye, and Mrs. Rodgers, aye. Mr. Hunter said the motion has been approved.

e. Signage and Parking – **660 High St.** (Robert Couchman/Jet’s Pizza) **AR 31-13**

Mrs. Bitar reviewed the facts of the application and added there are minor changes to the roof and cooler mechanicals for review. Mr. Hunter asked if the applicant was present. Mr. Michael Lambert approached the microphone and stated he represents Jet’s Pizza and works for Shremshock Architects. Mr. Lambert’s address is 2749 Royal Dornoch, Delaware, Ohio. Mr. Lambert said the Building Official asked them to relocate the fan further back on the south side of the building for code reasons and they have done that. Mr. Hunter asked what color the goose neck light fixture would be. Mr. Lambert said dark green to match the building trim, dark bronze or dark brown, whatever the Board would prefer. Mr. Brian Couchman approached the microphone and stated he was present at the meeting to represent his brother because his brother was on vacation. The Board members and Mr. Couchman agreed to use a dark colored light fixture.

Mr. Hunter asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Findings of fact:

1. This application is a request to place a wall sign and two directional signs at the rear of the building.
2. The proposed 36” x 9.5” wall sign has been designed to look like the signage approved for the front of the building. The wall sign would consist of raised metal lettering and a border mounted on a metal panel painted “Cordovan” (Sherwin Williams #6027). The proposed border would be applied in gold (Sherwin Williams #6395 “Alchemy”) and the letters in white (Sherwin Williams #7010 “White Duck”).

A dark colored gooseneck lamp is proposed above the sign for illumination. The fixtures on the front will be replaced with matching fixtures. The LED lamps be a warm color, not bright white.

A variance to have an additional wall sign on the back of the building was granted previously, and would apply to this sign which is smaller than what was approved.

3. At the last ARB meeting, the Board requested additional information about delivery driver parking. Two head-in spaces facing the walk-in cooler are proposed, with 12” x 18” signs mounted on the fence and cooler reserving the spaces for pizza delivery vehicles only.
4. Placement of roof mechanicals has been modified. A condensing unit for the cooler is proposed beside the cooler, and will be screened by the proposed fence.

Conclusions:

1. The proposed signage and lighting are appropriate.

2. The changes to the mechanicals plan are appropriate.

Mr. Coulter moved:

THAT THE REQUEST BY ROBERT COUCHMAN FOR A CERTIFICATE OF APPROPRIATENESS TO INSTALL REAR SIGNAGE AND PARKING AT 660 HIGH ST. AS PER CASE NO. AR 31-13, DRAWINGS NO. AR 31-13, DATED APRIL 26, 2013, BE APPROVED AS AMENDED THAT THE REAR LAMP SHADE BE A DARK COLOR; THAT THE LIGHTS IN THE FRONT BE REPLACED WITH THE SAME FIXTURE; AND THAT THE LED LAMPS BE A WARM COLOR AND NOT BRIGHT WHITE, AND BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mrs. Lloyd seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mr. Sauer, aye; Mrs. Holcombe, aye; Mr. Coulter, aye; Mrs. Lloyd, aye, and Mrs. Rodgers, aye. Mr. Hunter said the motion has been approved.

f. Signage – **45 E. Old Wilson Bridge Rd.** (Not Your Daddy’s Buzz Cuts, LLC) **AR 30-13**

Discussion:

Mrs. Bitar reviewed the facts from the application, including an Extira sign, and added information about window replacement, asking for clarification. Mr. Hunter asked if the applicant was present. Mrs. Paula Sauer approached the microphone and stated her address is 6707 Oak Shadow Dr., Westerville, Ohio. Mrs. Sauer said they just signed a lease for the property and would like to address the issue about the windows. Mrs. Sauer said she did not realize that the one window existed because the former tenant used drywall over the window to cover it up inside, and the other south facing window is being replaced because it was completely destroyed. A board is covering up the space until the new window is ready.

Mrs. Sauer said the existing windows are wood windows and she is proposing using new vinyl windows. The windows will have the grids and look similar to the old windows. Mr. Sauer asked if the windows would be the same color, and she said yes, they will be beige. Mrs. Bitar asked if there are windows on the west side of the building that will not be replaced. She was concerned that if only some of the windows were replaced that it would not look appropriate because there would be two different styles of windows and would look mismatched. Mrs. Sauer said she could replace both windows on the south side so they would match. Mr. Terry Sauer approached the microphone and stated his name.

Mrs. Sauer said her daughter will be running the salon. Mr. Terry Sauer said the windows in the rear of the building will be painted to match the new windows. Mrs. Sauer said prior to her meeting with Mrs. Bitar she had a designer come up with a logo, so she would like to change the look of their sign. Mrs. Sauer brought a rendering of the new logo to show to the Board members. Mr. Hunter asked how many colors were on the sign. Mrs. Sauer said red, blue, black, silver and white. Mrs. Bitar asked how the lettering would be applied. Mrs. Sauer said the lettering would be screen printed onto the material.

Mrs. Bitar said the City has been working on guidelines for the Wilson Bridge Road corridor. The type of sign that Mrs. Sauer has proposed does not meet those guidelines. Mrs. Bitar said the City would like to see something proposed that would be within the guidelines. Mrs. Bitar said the sign does not have the look of natural material, and is without dimension or texture. Mrs. Sauer said their lease with AAA states they are able to build a sign in the grass area near the street, and they were going to put a very nice sign out there. Mrs. Sauer said the City of Worthington shows the land as three separate parcels, and was told by the City they were not allowed to have a sign by the road. Mrs. Sauer is hoping the zoning changes so they can place a sign out in front of the building. She said they would remove the wall sign after they are able to install a monument sign. Mrs. Bitar said the parcel is currently zoned residential, so a variance would be required to place a sign on the property.

Mr. Hunter said the solution could be a temporary ninety day banner granted by the City for this area. Mrs. Bitar felt the proposed sign would look better than a temporary banner and Mrs. Holcombe agreed. Mrs. Bitar said the Board could approve the current sign for a specific period of time, and in the meantime the applicant could go to the Board of Zoning Appeals for a variance to put up the monument sign. Mrs. Holcombe said she was okay with the temporary sign until the monument sign is ready.

Mr. Coulter asked Mrs. Bitar if there was an issue with the number of colors used in the sign. Mrs. Bitar said the sign has five colors and the City Code only allows four colors. Mrs. Sauer said they will change "NOT YOUR" and "BUZZ CUTS" on the sign to blue, bringing the number of colors used down to four.

Mr. Hunter asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Findings of fact:

1. A hair salon is proposed to occupy the former barbershop building immediately east of the AAA building. A Conditional Use Permit request has also been submitted (see next application).
2. A metal wall sign is proposed for the east side of the building for a maximum of 6 months, and also must be removed if a permanent monument sign is placed before 6 months. The proposed sign has a white metal background with red and blue lettering/logo for Not Your Daddy's Buzz Cuts.
3. New vinyl windows are proposed that will look similar to the existing for the east and south sides of the building. Other existing windows will be painted to match the new.

Conclusion:

1. The proposed sign is appropriate for this location.

Mr. Coulter moved:

THAT THE REQUEST BY NOT YOUR DADDY’S BUZZ CUTS, LLC FOR A CERTIFICATE OF APPROPRIATENESS TO INSTALL A WALL SIGN AT 45 E. OLD WILSON BRIDGE RD. AS PER CASE NO. AR 30-13, DRAWINGS NO. AR 30-13, DATED APRIL 26, 2013, BE APPROVED WITH THE CONDITION THAT THE SIGN AS PROPOSED WILL BE TEMPORARY FOR NO MORE THAN SIX MONTHS OR UNTIL THE MONUMENT SIGN IS DESIGNED, APPROVED AND CONSTRUCTED; “NOT YOUR” AND “BUZZ CUTS” WILL BE BLUE IN COLOR; THE WINDOWS ON THE SIDE AND FRONT WILL BE REPLACED WITH NEW; AND THAT ALL REMAINING EXISTING WINDOWS WILL BE PAINTED TO MATCH THE NEW WINDOWS, AND BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mr. Sauer seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mr. Sauer, aye; Mrs. Holcombe, aye; Mr. Coulter, nay; Mrs. Lloyd, aye, and Mrs. Rodgers, aye. Mr. Hunter said the motion has been approved.

C. Municipal Planning Commission

1. Conditional Use

- a. Personal Services in C-3 Zoning District – **45 E. Old Wilson Bridge Rd.** (Not Your Daddy’s Buzz Cuts, LLC) **CU 05-13**

There were no other comments from the Commission, and no other speakers regarding this application.

Findings of fact:

1. As mentioned in the previous application, a hair salon is proposed to occupy the former barbershop building immediately east of the AAA building.
2. The salon is proposed to have 5 styling stations staffed by full time employees at its busiest. Approximately 75-100 haircuts would be performed per day. There is an existing parking facility adjacent to the building.
3. Proposed hours are Monday – Friday from 9:00 am – 8:00 pm, and Saturday from 9:00 am – 5:00 pm.
4. This case also includes the Architectural Review Board application approval conditions.

Conclusions:

1. The effect on the traffic pattern and on public facilities and utilities would be similar to when the barber shop was in this location. The impact should be minimal.
2. No safety or health considerations have been identified.

Mr. Coulter moved:

THAT THE REQUEST BY NOT YOUR DADDY'S BUZZ CUTS, LLC FOR A CONDITIONAL USE PERMIT TO OPERATE A PERSONAL SERVICE IN THE C-3 ZONING DISTRICT AT 45 E. OLD WILSON BRIDGE RD. AS PER CASE NO. CU 05-13, DRAWINGS NO. CU 05-13, DATED APRIL 26, 2013, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mrs. Holcombe seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mr. Sauer, aye; Mrs. Holcombe, aye; Mr. Coulter, aye; Mrs. Lloyd, aye, and Mrs. Rodgers, aye. Mr. Hunter said the request has been approved.

2. Rezoning

- a. C-3, Institutions and Offices to C-5, Central Commercial – **579 High St.** (Erma, LLC/Joel Mazza) **REZ 01-13**

See comments under the Conditional Use Permit application.

Findings of fact:

1. This application is a request to change the zoning for this property to C-5, Central Commercial. The parcel is 0.359 acres in size.
2. The requested C-5 Zoning District is the primary zoning for the Central Business District, and allows a variety of uses such as retail, office, residential and personal services.
3. The properties north and south of this property are zoned C-5; the property to the west is AR 4.5, Low Density Apartment; and the property across the street to the east is zoned C-3, Institutions and Offices.

Conclusion:

1. The C-5 Zoning District is appropriate for this property.

Mr. Sauer moved:

THAT THE REQUEST BY ERMA, LLC FOR APPROVAL TO CHANGE THE ZONING DISTRICT FOR THE PROPERTY LOCATED AT 579 HIGH ST. FROM C-3, INSTITUTIONS AND OFFICES TO C-5, CENTRAL COMMERCIAL AS PER CASE NO. REZ 01-13, DRAWINGS NO. REZ 01-13, DATED APRIL 10, 2013, BE RECOMMENDED TO CITY COUNCIL FOR APPROVAL BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mrs. Holcombe seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mr. Sauer, aye; Mrs. Holcombe, aye; and Mr. Coulter, aye.

1. Conditional Use - Continued

b. Residential in C-5 Zoning District – 579 High St. (Erma, LLC/Joel Mazza) CU 04-13

Discussion:

Mrs. Bitar reviewed the facts from the application. Mr. Hunter asked if the applicant was present. Mr. Joel Mazza approached the microphone and stated his address is 155 W. Southington, Riverlea, Ohio. Mr. Mazza said he just sold his home in Riverlea and would like to move to this new building that he just purchased. Mr. Hunter said he was glad to see someone take an interest in this building. Mrs. Bitar said Mr. Mazza will need a building permit for a change in uses.

Mrs. Bitar said the Commission could approve the conditional uses this evening contingent on City Council approving the rezoning and they will be making a recommendation to City Council on the rezoning. Mrs. Bitar said Mr. Mazza would like to know if he can move ahead with plans for what he wants to design for the property and he would not be allowed to get an approved building permit for residential or new office until such time when City Council approves the rezoning, and it becomes effective in June.

Mr. Hunter asked if there was anyone present that wanted to speak either for or against this matter and no one came forward.

Findings of fact:

1. This request is contingent on approval of the application to rezone the property to C-5. The applicant would like to have permission to use at least part of the building as a residence, and part as an office, which are both Conditional Uses in the C-5 Zoning District. A mix of uses is anticipated for this building.
2. The structure on the site is a two and ½ story brick American Foursquare that was constructed in the early 1900s as a residence. The house was later used for commercial activities.
3. Exterior changes to the house and property would require Architectural Review Board approval, and a building permit will be needed for a change of use even if there are no physical changes.

Conclusion:

1. Allowing a mix of residential, office and other uses is appropriate for this location and structure.

Mrs. Holcombe moved:

THAT THE REQUEST BY ERMA, LLC FOR APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW RESIDENTIAL AND OFFICE IN THE C-5 ZONING DISTRICT AT 579 HIGH ST. AS PER CASE NO. CU 04-13, DRAWINGS NO. CU 04-13, DATED APRIL 10, 2013, BE APPROVED, CONTINGENT ON APPROVAL TO REZONE THE PROPERTY TO C-5, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mr. Sauer seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mr. Sauer, aye; Mrs. Holcombe, aye; and Mr. Coulter, aye.

D. Other

There was no other business to discuss.

E. Adjournment

Mrs. Holcombe moved to adjourn the meeting at 9:34 p.m., and Mr. Coulter seconded the motion.