

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: January 23, 2012**

Regular Meeting

Board Member Harold “Butch” Little called the Board of Zoning Appeals regular meeting to order at 7:02 p.m. at the Grove City Municipal Building, 4035 Broadway. Present were: Board members Harold “Butch” Little, John Brant and Kelly Reisling; Chief Building and Zoning Official Michael Boso; Planning and Zoning Coordinator Christy Zempter; and Asim Haque of Schottenstein, Zox & Dunn, representing the City. Also present were: Mike Hoy, representing Time Warner Cable, 4182 Buckeye Parkway; and Todd Huntington, representing Taco Bell, 040-013658.

Motion was made by Mr. Little to approve the minutes of the November 28, 2011, regular meeting.

Seconded by Mr. Brant. VOTE: Brant, YES; Little, YES; Reisling, YES. YES.

1.) Election of 2012 chair.

Mr. Brant nominated Mr. Little as chair and moved that the nominations be closed. The nomination and motion to close were seconded by Ms. Reisling

A vote was taken on the nomination of Mr. Little as 2012 chair of the Board of Zoning Appeals.

VOTE: Brant, YES; Little, YES; Reisling, YES. **APPROVED.**

Mr. Little then congratulated Ms. Reisling on her appointment to the board.

All who wished to address the board were sworn in at this time.

2.) **Hear the appeal of Michael S. Hoy, representing Time Warner Cable, 4182 Buckeye Parkway, for a variance to the BZA’s August 28, 2006, stipulations on Parkway Centre East signage to exceed the 36-inch maximum height for wall signage by 12 inches.**

Mr. Hoy explained to the board that his client faces a hardship related to its existing signage based on the fact that Time Warner occupies only two-thirds of the storefront at the site, and a portion of its section of the façade is interrupted by an architectural bump out. He added that the hardship is compounded by the fact that Time Warner’s corporate standards don’t allow for variations on approved logo displays.

Based on the sign criteria established by the BZA’s 2006 decision allowing signs up to 80 percent of the width of the tenant space and 36 inches in height, Mr. Hoy said his client would be entitled to a total of 72 square feet of signage. However, he added, they were seeking approval for a sign that would be only 41 square feet in area.

Mr. Hoy submitted photographs showing the existing signage throughout Parkway Centre East along with a document with the heading “Finding of facts” that listed that applicant’s arguments for approval.

Mr. Brant asked if the variance applied only to the logo and not the text, but it was determined that the stacked text also would exceed the 36-inch limit.

Ms. Reisling asked why the 1:1 logo was preferable to the 3:2 logo shown in the application package. Mr. Hoy said that the text in the 1:1 version lines up better with the logo, and the text in the 3:2 version is much smaller and would more likely be used in print or TV ads, rather than as signage.

Mr. Brant asked why disapproval was recommended in the staff report for the appeal. Ms. Zempter said the primary concern was the precedent the variance could set, given the fact that these sign standards were established for the smaller tenants throughout Parkway Centre in development plan approvals and the variance stipulation applied to Parkway Centre East. Mr. Brant asked how many smaller tenants are located in Parkway Centre. Ms. Zempter estimated that, among the three shopping centers and associated outlots, there are 20-25 smaller tenants who would be affected by these sign standards.

Mr. Little asked if the other elements of the sign complied with the established standards, and Mr. Hoy said that they did. Mr. Little asked if the sign would be illuminated, and Mr. Hoy confirmed that it would be internally illuminated.

Mr. Boso noted that staff was concerned that approval of this variance would set a precedent for the neighboring tenant space, which has an even more narrow storefront than Time Warner.

Motion was made by Mr. Little to approve the appeal of Michael S. Hoy, representing Time Warner Cable, 4182 Buckeye Parkway, for a variance to the BZA's August 28, 2006, stipulations on Parkway Centre East signage to exceed the 36-inch maximum height for wall signage by 12 inches.

Seconded by Mr. Brant. VOTE: Little, YES; Reisling, YES; Brant, YES. APPROVED.

Mr. Little advised the applicant that there is a 21-day period during which the board's approval of variances may be appealed to City Council, and that any work done during that time would be at the applicant's risk.

3.) **Hear the appeal of Adam Macke, representing Taco Bell, 040-013658 (London-Groveport Road outlot in front of Meijer),** for the following variances:

- a.) To Section 1145.16(a)(3) of Grove City's Codified Ordinances to exceed the maximum allowable area for attached signage of 38.2 square feet by up to 62.1 square feet.
- b.) To Section 1145.16(c) of Grove City's Codified Ordinances to allow roof signs.

Mr. Huntington, a representative of the architectural engineering firm GPD Group, spoke to the board on behalf of the applicant.

He explained that the proposed signage includes three bells and three Taco Bell "cloud signs" mounted on canopies on the north, west and east elevations, and non-illuminated steel bell cutouts on the east and west elevations.

Mr. Huntington noted that the project first came before the board in 2009 as a combined Taco Bell/KFC restaurant on an adjacent outlot owned by KFC. He added that Taco Bell and KFC are essentially separate companies under the Yum! Brands corporate umbrella, and that a decision was made to stop developing combined KFC/Taco Bell stores based on sales, operations, kitchen layout and other factors.

He said that Taco Bell wanted to move forward in the same location, so they arranged to purchase a separate outlot from the developer. He added that KFC has plans to move forward with a standalone KFC

restaurant on the original site, and, though his firm had represented both companies on the original project, GPD was representing only Taco Bell on the current project.

He noted that the monument sign would meet the code limitations of 8 feet in height and 50 square feet in area, and, because the outlots at that site have a lower elevation than the roadway, it would not be as visible as it might be at another location, making the visibility of the wall signage more important.

Mr. Huntington said that although the proposed canopy-mounted signs could be mounted on the wall, visibility of the signs would be compromised.

Mr. Huntington then referenced the staff report's recommendation that a signed document terminating the variances approved in 2009 for the neighboring outlot be submitted. While he said he understood the intent of the recommendation, he asked if there was a way to accommodate the staff's request by putting the burden back on KFC when they sought approval for a new development plan. As a representative of Taco Bell and not KFC, he said his company didn't have the authority to agree to the termination of the variances on behalf of KFC.

Mr. Brant asked if the applicant would be able to approach KFC in an attempt to resolve the issue if the applicant's request were tabled for a month, and if the tabling would create a hardship related to the timeline of the project. Mr. Huntington said the project still needed to go through development plan approval, so it wouldn't create a hardship from that standpoint, but it would require him to return from Akron for another formal meeting.

Mr. Little asked staff if the fact that the variances were approved in 2009 for a combined restaurant would nullify their use for a single entity. Mr. Haque stated that variances are granted to the property and not the applicant, so the variances remain in place even if a different development plan is proposed. However, he said, he believed the Planning Commission could refuse to recommend a plan that included all the signage permitted by the variance. However, Mr. Boso said that because the site fell under a standard zoning classification rather than a planned unit development designation, he believed the signage would not be included in the development plan approval and would be subject only to administrative review. He added that no stipulations were placed on the original approval, which led staff to consider the benefit of including stipulations in future approvals that would impose a time limit on developments related to variances or limit approvals to specific plans. He noted that development plans approved through the Planning Commission/City Council process are subject to time limits that require submission of building plans within one year, but variances don't have such a limit unless stipulations are included in the approval.

Mr. Huntington asked the board if a conditional approval could be granted contingent upon the applicant working out a solution with staff. Mr. Haque said that, if the board members were comfortable with the sign plan submitted by the applicant, they could place a condition on the approval that would reduce signage on the neighboring lot. Mr. Huntington stated that his concern with that suggestion was that Taco Bell couldn't move ahead with its signage until KFC worked out an agreement with the City, and he didn't know how soon KFC would begin development of its site.

Mr. Little noted that the board could approve, reject or table the variances. Given that the discussion concerned another entity with no representation present, he said, tabling the request would provide the best opportunity to gather all the necessary information to make an informed decision.

Mr. Little asked if the plan presented to the board had been submitted to the Planning Commission. Mr. Huntington said it had not yet been presented to Planning Commission. Mr. Little asked if any potential

changes arising in the development plan approval process could affect the signage. Mr. Huntington said the signage would not be affected.

Mr. Little asked if the bells proposed in the signage package could be reduced in size. Mr. Huntington said the proposed bells are part of Taco Bell's standard signage, and it would be significantly more expensive to create a custom sign.

Mr. Little asked how long the applicant had known about the stipulations mentioned in the staff report. Ms. Zempter said the staff report was e-mailed to the applicant on the Thursday immediately prior to the meeting. Mr. Huntington said the applicant had mentioned the stipulations to representatives of KFC but had not had time to hash out the details and repercussions of the requested agreement to termination of the previously granted variances.

Ms. Reisling noted that it seemed like a representative of KFC would need to be present to agree to the elimination of the previously granted variances.

Mr. Huntington agreed that tabling would be the best option to give the applicant more time to work with KFC to find a resolution to staff's concerns. He asked if any information would need to be submitted in addition to a letter agreeing to the termination of the 2009 variances. Ms. Zempter said the letter would be sufficient and Mr. Little agreed. However, Mr. Little asked if the City needed to send a letter to Yum! Brands indicating what conditions need to be met. Mr. Haque recommended that the applicant approach representatives of KFC first to gauge their willingness to agree to the stipulation, then staff could work with legal counsel to come up with acceptable language for the document.

Motion was made by Mr. Little to table the appeal of Adam Macke, representing Taco Bell, 040-013658 (London-Groveport Road outlot in front of Meijer), for variances to Section 1145.16(a)(3) of Grove City's Codified Ordinances to exceed the allowable area for attached signage by 56.5 square feet and to Section 1145.16(c) of Grove City's Codified Ordinances to allow roof signs.

Seconded by Ms. Reisling. VOTE: Reisling, YES; Brant, YES; Little, YES. APPROVED.

4.) Discussion of proposed changes to Sections 1135.10 and 1137.08 of Grove City's Codified Ordinances.

Mr. Little noted that information on Dublin and Gahanna code sections related to garage area and height limitations had been distributed and that he liked Dublin's use of a percentage of the overall building area as a benchmark for determining allowable garage area. He added that he also liked Dublin's use of lot size as a factor in allowable area.

Mr. Brant agreed that he preferred Dublin's approach, as well.

Mr. Little said that he also had put together three plans showing various roof pitches to address the issue of garage heights.

Ms. Zempter noted that although she hadn't received any written response from contractors who were solicited for input on the proposed changes, she had spoken briefly with William Creeksbaum of Castlestone Homes, and he liked the idea of a maximum wall height combined with a requirement that the roof pitch of a detached garage match that of the primary residence. She said that he mentioned a trend in southeastern states of incorporating guest suites above detached garages and suggested that the practice could be making its way to our area.

Ms. Zempter noted that the third category in Dublin's lot-size classification chart was for properties larger than 5 acres that have a rural zoning. Given the rarity of rural-zoned properties in Grove City, she asked if this classification needed to be included in any proposed zoning change. Mr. Little noted the possibility of annexations that could involve larger, rural properties. He said he felt comfortable with the format of the Dublin code as well as the limits imposed by it. He added, though, that he wondered when the Dublin code had been adopted and if any changes were being contemplated. Ms. Zempter said she would look into it and have the information for the board at its February meeting.

Ms. Zempter asked if the board would be comfortable with a strict height limit rather than a limit on wall height combined with a roof-pitch requirement. Mr. Little said he was comfortable with the strict height limit, and that the variance process would still be available if desired roof pitches could not be accommodated within the height limit.

Ms. Zempter said that if the board members were comfortable with the numbers, staff and legal counsel would work together to develop code language to bring to the board's February meeting for consideration.

Mr. Little asked if there was any new business to discuss, and Ms. Zempter indicated that she had no new business.

Adjournment.

Motion was made by Mr. Little and seconded by Mr. Brant to adjourn the meeting at 8:21 p.m.
VOTE: Brant, YES; Little, YES; Reisling, YES. **APPROVED.**

Harold "Butch" Little, Board Member

Christy Zempter, Secretary