

**City of Grove City  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
FOR: July 25, 2011**

**Regular Meeting**

Board Member Harold “Butch” Little called the Board of Zoning Appeals regular meeting to order at 7:00 p.m. at the Grove City Municipal Building, 4035 Broadway. Present were: Board members Harold “Butch” Little, John Brant and Jeff Davis; Chief Building and Zoning Official Michael Boso; Planning and Zoning Coordinator Christy Zempter; Urban Forester Jodee Lowe; and Asim Haque of Schottenstein, Zox & Dunn, representing the City. Also present were: Donald T. Feibel and Bruce Sommerfelt, representing City Barbeque, 2261 Stringtown Road; James R. Kerr, representing The Shoppes at Grove City, and Greg Nett, representing Panera, 1786 Stringtown Road; Ryan Shrimplin, representing Starbucks Coffee Co., 2191 Stringtown Road; Ballubhai Patel and Aman Patel, representing La Quinta Inn, 3962 Jackpot Road; and Greg Hanbaum and Darrell Cloud, representing Turkey Hill, 1910 Stringtown Road.

*Motion* was made by Mr. Brant to approve the minutes of the June 27, 2011, regular meeting.

**Seconded by Mr. Davis. VOTE: Brant, YES; Little, YES; Davis, ABSTAIN. APPROVED.**

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

- 1.) **Hear the appeal of Donald T. Feibel, representing City Barbeque Inc., 2261 Stringtown Road,** for the following variances:
  - a.) To Section 1145.16(e)(1) of Grove City’s Codified Ordinances to exceed the maximum 8-foot height for monument signs by 11 feet, 10 inches, and the 50-square-foot allowable area for monument signs by 68 square feet.
  - b.) To Section 1145.06(g) of Grove City’s Codified Ordinances to allow exposed neon tubing on wall and monument signage.

Mr. Feibel addressed the board, explaining that the location of the subject tenant space is set back quite far from the street and that section of the shopping center has not been able to keep tenants because the wall signage lacks visibility.

Mr. Little asked if it would be possible to achieve the applicant’s visibility goals with a smaller sign. Mr. Feibel responded that the proposed sign is already smaller than most City Barbeque signs, and the overall height of the sign with the proposed addition would still be lower than that of many signs on Stringtown Road. He added that the proposed sign is a scaled-down version of the company’s standard signage and that it was designed to accommodate the existing width of the monument sign.

Mr. Boso said that he and Ms. Zempter had examined other City Barbeque signage during meetings with Mr. Feibel and determined that the only way to install the signage without adding a second monument sign at the site was to place it on top of the existing sign.

Mr. Little asked if the exposed neon tubing was a standard element of the company’s signage. Mr. Feibel said it was part of the signature logo for the restaurants.

Mr. Little asked if any comments were received from adjoining property owners, and Ms. Zempter said that no comments were received.

*Motion* was made by Mr. Little to approve the appeal of Donald T. Feibel, representing City Barbeque Inc., 2261 Stringtown Road, for a variance to Section 1145.16(e)(1) of Grove City's Codified Ordinances to exceed the maximum 8-foot height for monument signs by 11 feet, 10 inches, and the 50-square-foot allowable area for monument signs by 68 square feet.

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

*Motion* was made by Mr. Little to approve the appeal of Donald T. Feibel, representing City Barbeque Inc., 2261 Stringtown Road, for a variance to Section 1145.06(g) of Grove City's Codified Ordinances to allow exposed neon tubing on wall and monument signage.

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

Mr. Little advised all applicants 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.

- 2.) **Hear the appeal of James R. Kerr, representing KJR Grove City LLC (The Shoppes at Grove City), 1786 Stringtown Road,** for a variance to Section 1136.06(b) of Grove City's Codified Ordinances to eliminate the parking setback and reduce the required landscaping along the north lot line.

Mr. Kerr told the board that he was requesting the variance to construct an additional 12-space employee parking area behind the building to achieve the minimum parking standards for the site.

Mr. Brant noted that the staff report indicated that lighting issues at the new parking area needed to be addressed. He asked the applicant if he had submitted a lighting plan to the building department. Mr. Kerr said he had discussed the lighting issue with the building department briefly. He added that he had learned that additional fixtures to match the existing lighting at the site are still available from the manufacturer, and that he planned to install one at each end of the new parking area.

Mr. Davis asked what would happen if the board didn't approve the variance. Mr. Kerr responded that Panera would not be able to open at the site.

Mr. Davis asked if anyone else was present to testify regarding the request, and Ms. Zempter indicated that a neighboring property owner was present. Doug Grossman, one of the owners of the Putt-N-Play Fun Center, located north of the subject property, told the board that he was not opposed to the request but wanted to address potential landscaping issues. Specifically, he wanted to ensure that if the portion of his property adjacent to the applicant's property were developed in the future, he would not be responsible for replacing any landscaping removed as part of the applicant's request. Ms. Lowe said that she was happy with the landscaping. Although the limited setback wouldn't allow for the evergreen trees required by code, the existing trees would be relocated on the site and shrubs would be in place to screen headlights. She added that all the affected landscaping is on the applicant's property and wouldn't affect Mr. Grossman's property.

Mr. Little suggested that angled parking rather than head-in parking would allow more room for landscaping. He noted that this would reduce the number of spaces for full-sized vehicles from 12 to 11 with an additional spot for small cars, but it would provide additional space for landscaping. Ms. Lowe stated that she was satisfied with the landscaping as proposed.

Mr. Brant asked if the required number of handicapped parking spaces were available at the site, and Ms. Zempter confirmed that they were.

*Motion* was made by Mr. Little to approve the appeal of James R. Kerr, representing KJR Grove City LLC (The Shoppes at Grove City), 1786 Stringtown Road, for a variance to Section 1136.06(b) of Grove City's Codified Ordinances to eliminate the parking setback and reduce the required landscaping along the north lot line.

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

- 3.) **Hear the appeal of Brian Lorenz, representing Starbucks Coffee Co. 2191 Stringtown Road,** for a variance to Section 1145.16(a)(3) of Grove City's Codified Ordinances to install three mural signs on the north side of the building that would exceed the allowable attached signage area by 27.5 square feet.

Mr. Shrimplin addressed the board in Mr. Lorenz's absence. He explained that the need for the variance was driven by staff's interpretation of what constitutes a sign. He said the code offers a broad definition of signage, and although City staff has interpreted the proposed panels as signage, he saw them more as public art akin to the murals painted on some of the buildings in the Town Center area.

He added that Starbucks doesn't have a prototype for store design, but rather seeks to combine art and architecture in a way that is unique and customized to each location as part of a national remodeling program. While the proposed panels do contain images of coffee, he said, they are permanent, framed photographs that show the origin of the coffee and the process by which it reaches the store rather than packaged images of the product or advertising text.

Mr. Brant noted that a precedent may already have been set with the board's previous denial of a request for a wall mural at Raising Cane's on Stringtown Road. He added that his understanding was that when the current zoning code was adopted, the City sought to prohibit this type of advertising.

Mr. Davis noted that the applicant defined the panels as mural signs and asked him to explain more precisely what the panels would be. Mr. Shrimplin said the signs wouldn't be painted on the building but would be framed, downlighted photographs on a rigid or flexible plastic panel. Mr. Davis asked if these panels had been installed at other Starbucks locations around Franklin County. Mr. Shrimplin said they were part of a new program and, if approved, this would be among the first locations in Ohio where they were installed.

Mr. Little noted that while the applicant presents the graphics as permanent, they are made of material that can be changed. He asked if the applicant was willing to reduce other signage on the building to bring the overall signage into conformity with the sign code. Mr. Shrimplin said he couldn't commit to that, but would be willing to discuss it with representatives of Starbucks. Mr. Davis asked who would have the authority to permit replacements for the proposed signs if the applicant decided to change them in the future. Mr. Boso noted that the board could stipulate that the graphics could never contain any advertising information. Mr. Shrimplin noted that Starbucks would not be opposed to such a restriction. Mr. Davis said he didn't know if imposing restrictions on the variance made sense.

Mr. Shrimplin asked what the restrictions were for window signage. Ms. Zempter stated that the code allows for informational signs in windows that do not exceed 15 square feet or 25 percent of the window area, whichever is less. It was determined that code would allow two such signs at this site. Mr. Little noted that it might be possible to place these signs in windows in a way that would meet code and not

require a variance. Mr. Shrimplin said he didn't know if the signs could fit into 25 percent of the window area at this site.

Mr. Brant asked if the signs could be relocated to the interior of the building. Mr. Shrimplin said that was possible, but the interior graphics package had already been laid out.

*Motion* was made by Mr. Little to approve the appeal of Brian Lorenz, representing Starbucks Coffee Co. 2191 Stringtown Road, for a variance to Section 1145.16(a)(3) of Grove City's Codified Ordinances to install three mural signs on the north side of the building that would exceed the allowable attached signage area by 27.5 square feet.

**Seconded by Mr. Davis. VOTE: Little, NO; Davis, YES; Brant, NO. DENIED.**

- 4.) **Hear the appeal of Ballubhai Patel, representing La Quinta Inn, 3962 Jackpot Road, for the following variances:**
- a.) To the requirements of Table 1135.12-II of Grove City's Codified Ordinances to add an architectural feature that would exceed the allowable building height by 10 feet, 8 inches.
  - c.) To Section 1145.06(d) of Grove City's Codified Ordinances to install a sign that would exceed the roofline.

Aman Patel addressed the board on behalf of the applicant. He stated that La Quinta was asking all franchisees with older properties to incorporate the tower as part of a renovation plan to help create a consistent architectural image for the brand throughout the country. He added that the signage variance would be contingent upon approval of the height variance.

Mr. Little noted that the board had received correspondence that included La Quinta's design manual, brand standards, elevations and sections through the elevations as requested by the board at its June meeting.

Mr. Brant asked if La Quinta representatives had been asked if the scale of the tower could be reduced. Mr. Patel asked what height would be acceptable to the board. Mr. Brant said he thought it would have to be something closer to the code requirements and that he believed the requested height seemed exceptional.

Mr. Patel said that the proposed design was brought to the applicant by La Quinta. He added that he didn't believe the increased height of the signage would provide an advantage, given that several surrounding properties have high-rise signs.

Mr. Davis asked if this design had been implemented at other La Quinta locations in Franklin County. Mr. Patel said that similar renovations had been implemented in Hilliard. Mr. Davis asked if variances were required for the Hilliard renovation. Mr. Patel said he didn't know, but that the tower feature had not been there before the renovation.

Mr. Little noted that the building standards submitted to the board referenced local building standards and local building authorities, going so far as to indicate that the more stringent requirements would apply. Although that statement was probably intended to relate to building and fire codes, he said, the standards further indicated that plans would meet all legal requirements and obtain all government approvals. He asked if the La Quinta architect had reviewed Grove City's code requirements. Mr. Patel said the architect had been given the codes. Mr. Little asked if La Quinta had told the applicant that they want him to

comply with the company standards. Mr. Patel said that the plans were what they had been given but he didn't think the company had insisted that they had to comply with them.

Mr. Little asked what would be inside the tower. Mr. Patel said it would just be an aesthetic feature and nothing would be inside it. Mr. Little then noted that if the applicant returned to La Quinta and requested a scaled-down version of the tower, there would be nothing inside to be affected by the change.

Mr. Little further noted that at the last meeting the applicant had indicated that he ran the risk of losing his franchise if he could not meet the La Quinta standards. Mr. Patel said that was always a possibility. He added that within five years of entering the La Quinta system, franchisees were required to do a complete interior and exterior remodel of their buildings.

Mr. Little asked what height would be agreeable to the architectural review group. Mr. Patel said he thought they might agree to 5 or 6 feet above the existing building. Mr. Little asked how their business plan would be affected if the variance were limited to 5 feet. Mr. Patel said it wouldn't have much effect on the applicant's end and that they were only trying to accommodate what La Quinta had requested.

Mr. Little asked Mr. Boso if there would be any specific conditions for an uninhabited space at that height. Mr. Boso said it would probably be treated as an attic.

**Motion** was made by Mr. Little to approve the appeal of Ballubhai Patel, representing La Quinta Inn, 3962 Jackpot Road, for a variance to the requirements of Table 1135.12-II of Grove City's Codified Ordinances to add an architectural feature that would exceed the allowable building height by 5 feet.

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

**Motion** was made by Mr. Little to approve the appeal of Ballubhai Patel, representing La Quinta Inn, 3962 Jackpot Road, for a variance Section 1145.06(d) of Grove City's Codified Ordinances to install a sign that would exceed the roofline, in proportion to the approved 5-foot increase in building height.

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

5.) **Hear the appeal of Dennis Clark, representing Turkey Hill, 1910 Stringtown Rd.,** for the following variances:

- a.) To Section 1145.06(c) of Grove City's Codified Ordinances to install LED price fonts on an existing ground-mounted sign.
- b.) To Section 1145.16(e)(3) of Grove City's Codified Ordinances to exceed the maximum 8-foot height for monument signs by 8 feet, 10 inches.

Mr. Cloud addressed the board on behalf of Turkey Hill. He submitted photographs of several signs in the area, including those for the Speedway station across Stringtown Road from the subject property, which contained LED price fonts and/or exceeded the allowable height for ground-mounted signs. He also submitted a photograph of the standard Turkey Hill ground-mounted sign, which is 15 feet in height.

Mr. Brant noted that variances had been granted to the provision of the code related to LED price fonts at least seven or eight times during his tenure on the board. He added that he would like to see the photographs added as exhibits.

Mr. Cloud said that Turkey Hill had told him they were losing 20,000 gallons a week in business to Speedway because of traffic and the visibility of the Speedway signs.

Mr. Little noted that recent height variances granted for signs near the 665/I-71 interchange and at the PNC bank location on Stringtown Road were based on changes in elevation that affected the visibility of the signage. He asked if the applicant's sign was on level ground with no impediments to visibility such as elevated roadways or bridges. Mr. Cloud agreed that it was. Mr. Little asked if Turkey Hill representatives believed they were losing money because of the size of the sign, and Mr. Cloud said that they did believe that, and that the sign was less noticeable without the LED price fonts.

Mr. Brant asked what the height of the existing sign on the site was, and Mr. Cloud said it was approximately 12 feet tall. The sign was in place before Turkey Hill bought the site, and the existing sign was simply refaced. Mr. Cloud reiterated that the standard Turkey Hill sign was 15 feet tall, but the proposed sign added a third pricing area, increasing its height to 16 feet, 10 inches. He added that Turkey Hill would be willing to remove the third pricing area if they were allowed a 15-foot-tall sign.

Ms. Lowe noted that landscaping would be required for any monument sign at the site. Mr. Cloud acknowledged her comment and said that landscaping had previously been installed at the site.

Mr. Little asked if a 12-foot monument sign could accommodate all the information the applicant needed to have on the sign. Mr. Cloud said it could.

**Motion** was made by Mr. Little to approve the appeal of Dennis Clark, representing Turkey Hill, 1910 Stringtown Road, for a variance to Section 1145.06(c) of Grove City's Codified Ordinances to install LED price fonts on an existing ground-mounted sign.

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

**Motion** was made by Mr. Little to approve the appeal of Dennis Clark, representing Turkey Hill, 1910 Stringtown Road, for a variance to Section 1145.16(e)(3) of Grove City's Codified Ordinances to exceed the maximum 8-foot height for monument signs by 4 feet, with the following stipulation:

- Landscaping shall be installed in compliance with the requirements of the City Code and the Urban Forester.

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

Mr. Little asked if there was any new business to discuss, and none was indicated.

### **Adjournment.**

**Motion** was made by Mr. Little and seconded by Mr. Brant to adjourn the meeting at 8:22 p.m. VOTE: Brant, YES; Little, YES; Davis, YES. **APPROVED.**

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Harold "Butch" Little, Chairman

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Christy Zempter, Secretary