

**CITY OF GROVE CITY, OHIO
PLANNING COMMISSION MINUTES**

REGULAR MEETING

February 22, 2011

The meeting was called to order at 1:36 p.m.

Chair Holt began the Meeting with a moment of silence and the Pledge of Allegiance. Roll was taken with the following members present: Mr. Marv Holt; Mr. Mike Linder, and Mr. Dan Havener; Mr. Phil Honsey and Mr. Gary Leasure were not in attendance. Others present: Kyle Rauch, Development and Planning Officer; Christy Zempter, Planning and Zoning Coordinator; Jodee Lowe, Urban Forester; Tami Kelly, Clerk of Council; Jennifer Readler, SZD; Chuck Boso, Development Director Kimberly Dooley, Planning / GIS Specialist; and Molly Frasher, Secretary.

Chair Holt noted a quorum was present. There were no changes to the minutes of the January 25, 2011 regular meeting. They were approved by unanimous consent.

ITEM #1 Wood Bookkeeping & Tax Service – Development Plan (Project ID# 201009300043)
3751 Broadway

Applicant: Donald E. Wood, 3751 Broadway, Grove City, OH 43123

The applicant is proposing to install a parking area on the south side of the structure, paving the area between the existing structure and the south property line. The applicant is proposing to install continuous pavement along the south property line; Mr. Wood has obtained an easement agreement from the property owner on the south, Mr. Underwood, to do so. Additionally, the applicant was granted two variances from the BZA to reduce the required parking on the site and to eliminate the required parking set-backs and associated landscaping on the north, south and west side lot lines. Both variances were approved contingent on the applicant obtaining approval of a development plan from City Council. The site will be accessed by a single 40 foot curb cut along Broadway which is also shared by two residential properties to the south. Mr. Wood's driveway currently varies in width between 10 and 13 feet. There is approximately 10 feet of landscaping between his driveway and the south property line. The applicant is proposing to pave the southern portion of the site from the southern elevation to the southern portion of Mr. Underwood's property to accommodate on-site parking and movement of vehicular traffic on the site. The site is small so they entered into an agreement to allow for traffic to ingress on Mr. Wood's property and egress on Mr. Underwood's property.

Mr. Rauch stated that the main issue with this application is the parking. The applicant is proposing seven parking spaces, one of which will be van accessible. As currently proposed, the van accessible space is located in front of the front building line. Section 1135.09(b) (14) states that within the Historical Preservation Area, there shall be no parking of motor vehicles between the street right-of-way and the building setback line. Although code gives Planning Commission the authority to deviate from those requirements, the staff does not feel or endorse a variance because it is felt that the variance will not match the character of the area. The proposed parking area does not have enough aisle area to accommodate two-way traffic. Mr. Wood has entered into an agreement with Mr. Underwood and that agreement has been recorded with the Franklin County Recorder's Office. It should be noted that Mr. William Saxton owns the property to the south of Mr. Underwood's property and all three drive aisles align with one another, creating a 40 foot wide curb cut on multiple properties.

Mr. Rauch also noted that during this process, staff has recommended that the applicant relocate the parking area from the south side of the structure to the rear alley, which will better match the character and promote the area and corridor. Mr. Rauch noted that over the last two months, the Planning Commission has reviewed instances where curb cuts were removed from Broadway; one being the Cheese Steakery at 3985 Broadway, and the other being Guaranteed Heating and Cooling; the applicant removed the curb cuts and installed extensive landscaping in front of their building, which enhanced the character of the corridor.

Section 1138.04(a) states that any reconstruction or rehabilitation within the HPA shall conform to the distinguishing, original exterior qualities or character of the structure, its site and its environment. It was felt by staff that this criteria had not been met and the proposed parking lot configuration does not conform to the historical preservation area. The applicant's property is located in the Broadway North Corridor outlined in the 2008 Town Center Plan which recommends corridor enhancements and landscape improvements to create an attractive gateway to the Town Center. Mr. Rauch stated that staff did not feel that the proposed parking area aligned with the goals outlined in the 2008 Town Center Plan.

Due to the number of outstanding issues, the Development Department staff recommended that the Planning Commission make a recommendation of disapproval to City Council for the Development Plan, as submitted.

Chair Holt clarified that the BZA approved two variances providing that this development plan received approval from City Council. Mr. Rauch confirmed that the applicant went to the BZA for a variance to reduce the number of parking spaces and the landscaping on the southern side of the site. The BZA allowed the Development Staff the flexibility to work with the applicant, granting variances for the south and west lot line setbacks so that if the parking was reconfigured, there wouldn't be a need to go back to the original variances.

Chair Holt then asked Mr. Wood for his explanation and position.

Mr. Donald Wood was present and spoke to the item. Mr. Wood stated that his position differs greatly from that of the City's. This had been a two year ordeal for Mr. Wood. He stated that over the last two years, he has invested a great deal of money on this property, to increase its value and that there isn't a day that goes by that someone doesn't compliment Mr. Wood on how nice his property looks. Mr. Wood was upset that the City believes his proposed plans do not follow HPA quality. Mr. Wood stated that he has done extensive work to improve the property appearance. He has removed dangerous trees and tree stumps. He has added upgraded landscaping.

Mr. Wood then approached the Commission members with pictures of his property and his improvements. Mr. Wood pointed out, in a picture, that there was a large tree in the middle of a "turn-around" area that has been utilized this way for 77 years. Mr. Wood removed this tree.

Mr. Wood then commented that he did not agree with the statements made by staff regarding measurements on his property. He stated that there is only three feet from the corner of the garage to the property line. He stated that he felt the City was trying to make it sound like the area is a grand area and it is not. Mr. Wood noted the fact that the proposed parking lot would create 40 feet of pavement and noted the proposed curb stops between Mr. Underwood and Mr.

Saxton's property. Mr. Wood stated that where the seven parking spots will be has been the "in and out" of that site for 77 years. He further stated that the City zoned the property PSO 20 years ago and the site would be built differently if it were to be built today. Mr. Wood believes the city has to make some allowances to make his parking area work. To complete the project the way the City wants to complete it, Mr. Wood would have to get rid of his whole back area. Mr. Wood stated that the front of the property is not the only part of the Historic District. Mr. Wood said that the back area of the property is a beautiful, landscaped area and stated that the neighbors would be unhappy if he were to pave the rear area. He uses this area as a family area and holds cookouts and entertains clients in this area. Mr. Wood believes that his vision of the area is consistent with HPA as it is in his plans, not the City's plan where he is required to pave the area.

Mr. Wood continued discussing the upgrades made to the home including a new electric panel and upgraded plumbing. Mr. Wood is confident that his additions to the house are "grade A" and top quality. He is there every day to see the work being done and believes he does not need the City to look down upon him or his work. Mr. Wood stated that his proposed plan will create 107 continuous feet of landscaping between the driveway on the property to the north and his driveway. He stated that the proposed parking area will only be visible from the south on Broadway and that the plan minimizes the cost. Mr. Wood spoke on the condition of the crumbling drive in its current condition, that he will repair it and repave it. Mr. Wood said he believes he's making two properties look better not only for the City, but for the future residents or tenants.

Mr. Wood then commented that he believes the City has, in essence, abandoned the alley behind the property. He stated that City employees have never cleared the brush or weeds that grow along the alley and that he and his wife have cleaned it up; he's weeded it, raked it, and cuts the grass. He then stated he believes that it needs to be repaved and the drainage system reconfigured. Mr. Wood stated that he puts up decorations and has parties in his back area for family and friends; his property is a great example of the HPA and he represents that well. He stated that locating the parking area in the rear would come at a much greater cost and would not improve the south side of the property nor the neighboring property. He approached the Commission members with pictures of his garden and landscaping in the rear of the property.

Mr. Havener asked Mr. Wood when all of his plantings were done. Mr. Wood stated that he's been working on the landscaping since the purchase of the property and elaborated on the cleaning of the property that he has done. He then commented on the timber (railroad ties) that is Mr. Underwood installed between the two properties. He would like to remove the ties and clean up the proposed parking area.

Chair Holt asked Mr. Wood if there would be one way in and one way out. Mr. Wood replied yes and showed the Commission the direction of traffic according to his proposed plan. He further stated that parking stops and no parking signs would be installed between Mr. Underwood and Mr. Saxton's property. Mr. Wood commented that the City plans were inaccurate; the driveways were 10 to 12 feet wide, not 13 feet as the City plans show. Mr. Wood indicated that he has had the area surveyed and his building sits on two parcels. Mr. Wood showed a picture that showed he planted trees and shrubbery to hide the parking area. When you are traveling north bound on Broadway, you will be able to see a bit of the parking lot.

Mr. Wood revisited the handicap/van accessible issue. He explained how the handicapped patron will be able to enter the business.

Chair Holt stated that part of the problem is that the parking area Mr. Wood has proposed extends beyond the front setback line. Mr. Wood stated that he understood. Chair Holt asked if Mr. Wood thought about a reduction in the number of parking spaces on the site. Mr. Wood said yes but that he needed to meet the parking requirement of one parking space per 150 square feet of building. Mr. Wood stated that the reality is that he does not need 11 parking spaces and that seven seems reasonable with only him operating out of the structure. Mr. Wood stated that there could be problems if he rents space to someone or if additional people operate out of the site with him. Mr. Wood does not want to pave the entire area and would like to keep a green space of sorts.

Chair Holt asked if anyone in the audience would like to comment or speak on this issue. Chair Holt noted that no one wished to speak on the issue.

Chair Holt then stated that the problem the Commission has is permitting the parking beyond the setback line, setting a precedent. If the Commission approves Mr. Woods' plan, it will lead to many people asking for exceptions to the rules. The Commission is attempting to preserve the HPA which means everyone must abide by its regulations. Mr. Wood agreed that the rules are there for a reason and said that when his property was built, such rules did not exist. Chair Holt said he understood where Mr. Wood was coming from and asked Mr. Wood if when he purchased the property in 2008 he was aware of the HPA. Mr. Wood replied that he was; however, he was not aware of what the occupancy permit was, nor that you had to know what the occupancy permits was. Mr. Wood replied that he took responsibility for not being aware of the code. Mr. Wood again asked to make an adjustment to the rule of the setback line. He stated that he believed the Code requirement's intent was to prevent paving the front yard and that his plan meets that intent. Chair Holt commented that the City does not want parking in the front yard. Mr. Wood said that it was a handicap spot; Chair Holt said he was aware of that. Mr. Wood's proposed handicap spot is aligned with the handicap lift. Chair Holt said that if it was further back, it would still be proper and was not that far away from the lift; that the handicapped person would still need a wheel chair to enter the building and one parking space should not make much difference.

Chair Holt asked Jodee Lowe, Urban Forester, if she has reviewed the landscape plans and if she felt it was applicable to this application. Ms. Lowe said that the plan prior to the one she just received didn't have full screening; the plans just had two arborvitae, the tree, and two more arborvitae. The updated plan that she has, on the drawing itself, said that they would do solid screening behind, but they didn't increase the quantity of the plants. On the first plan, it showed four arborvitae; the most recent plan showed four arborvitae with the solid screen. It didn't indicate exactly what kind of arborvitae or how large they would be. If they were small, they would not hide the parking area. Ms. Lowe said that personally, she did not believe four would be enough to create a screen and you would be able to see the parking. Mr. Wood commented that he planted a weeping cherry tree; Ms. Lowe said that Mr. Wood is able to trim it to the point it too would not hide the screen.

Chair Holt asked the Commission members if they had any further questions. Mr. Havener asked if the garage was useable for car storage. Mr. Wood said it could be, but at the moment was being used as storage space. He stated that the City has encouraged him to tear down the garage; however it has been valuable for him as storage of tools and equipment and some personal items.

Mr. Linder asked Mr. Rauch what the problems were with the plan submitted in June of 2009, with the handicap space behind the setback line and two parking spaces in the garage. Mr. Rauch said that the staff would not have supported that plan. This was one of the initial plans submitted where staff recommended the applicant submit plans to BZA. The applicant added one or two more spaces before submitting plans to BZA. Mr. Wood again stated that he believes the City is making this process harder than it has to be. Mr. Wood stated that he's been shuffled from department to department and isn't sure exactly what he needs to do any longer.

Chair Holt stated that Mr. Wood was not following the code. Chair Holt explained the code again. Mr. Wood asked Chair Holt if he was telling him that he can't approve his applications. Chair Holt said that Mr. Wood was correct. Mr. Linder stated that the Commission is a recommending body and we can't approve or deny; the Commission only makes a recommendation to City Council. Mr. Wood stated that he felt like a dog chasing his tail. Chair Holt told Mr. Wood that the City works with major developers and they're able to work through our City Code without problems.

Chair Holt said that the Commission is ready to look at Mr. Wood's application and to make a decision and their recommendation will go forward to City Council. City Council has the ultimate approval. Chair Holt said that Mr. Wood has received two variances but the parking space within the front setback will require an additional variance.

Ms. Readler clarified that the BZA grants variances; however the Commission has the authority to permit parking in the front setback in the HPA. City Council will then make the ultimate decision. Chair Holt said that Ms. Readler was correct and reiterated that the Commission can vary from the requirements of the HPA; however Chair Holt voiced his concern over setting a precedent and allowing the same variances for multiple other projects, harming the Historical Preservation Area.

Mr. Havener stated that he felt that the project could be developed with no parking in the setback. Chair Holt felt that the project could be designed to eliminate parking on the south side. Mr. Rauch stated that there was approximately 65 feet open in the rear of the property that would hold six spaces. The drive could then revert back to its original residential drive and could be a seventh parking space to be used by Mr. Wood.

Mr. Havener asked who would be responsible for the installation and upkeep of the rear alley if it were to be used as the ingress/egress of the property. Mr. Rauch stated that the alley is a public right-of-way, and it's the City's responsibility to maintain. However, it's not uncommon for developers to extend services to meet access needs for their project, such as when Creative Housing was required to extend Lamplighter Drive to access their site. The drive would need to be extended to the south approximately 70 feet. The alley is approximately ten feet wide right now.

Chair Holt commented that he still disliked the idea of the handicapped space being in the front setback. Mr. Havener asked if the alley was to be utilized, how it would affect the Underwood property. Mr. Rauch stated that access to the alley was off of an adjacent street. The applicant could choose to tear down the garage to provide through traffic on his site; however staff feels it would be sufficient to have all traffic access the rear parking area from the side street to the alley and leaving the existing garage. Mr. Rauch further stated that this is the applicant's decision, based on how he wants traffic to circulate through the site.

Chair Holt asked Mr. Rauch if the alley was paved. Mr. Rauch replied that most of the alleyway is paved except for a small portion adjacent to the property in reference. The Commission reviewed how the traffic would flow through the alley and if the garage structure was removed, how the traffic would move.

Chair Holt asked for any other comments from the audience, City, or Commission. Mr. Havener asked if there had ever been a plan developed to show parking in the rear with the removal of the structure. Mr. Wood commented that there had never been a plan drafted with parking in the rear.

Mr. Linder asked Mr. Wood how he felt about a previous plan that showed six spaces if the structure was left intact. Mr. Wood commented that he had received concerns from staff about the ability to back out of the proposed parking spaces in the garage.

The Commission and Mr. Wood revisited the space for the van access and the location of the handicap lift. Mr. Wood stated that he has never had anyone handicapped in his office.

Chair Holt asked Mr. Wood if this was the plan he was happy with and wanted to pursue. Mr. Wood replied that it was the plan he wanted.

Chair Holt asked if Mr. Underwood agreed to the No Parking signs and parking blocks as part of the egress agreement. Mr. Wood stated that the signed agreement does not include the signs and parking blocks; however the agreement that they have is that Mr. Underwood is amicable to the proposed improvements.

Mr. Wood questioned what would happen if the Commission recommended disapproval; Chair Holt replied that it would still go forward to City Council. Mr. Wood asked for a "straw pull" without a vote. All Commission members present voted no to the development plan. Mr. Wood stated that he did not want a vote. Chair Holt reiterated that City Council may still approve the plan, despite Planning Commission's recommendation and that it was the Mr. Wood's decision whether or not to proceed.

Chair Holt stated that if Mr. Wood cared to, he could withdraw the application and work with the City to find another way to handle his plan. Mr. Wood stated that he could not get an answer to what he needed to do to get an occupancy permit. Mr. Rauch stated he spoke with Mr. Mike Boso and was told that for a commercial property, a parking lot is required to get a certificate of occupancy.

Chair Holt said that if Mr. Wood could amend his plans, the Commission would be more than happy to set up a special meeting outside of the regular meeting schedule to hear his amended plan.

Mr. Wood withdrew his application for the Wood Bookkeeping Development Plan.

Mr. Rauch suggested a fee waiver to the application withdrawal; Mr. Wood agreed to a 60 day fee waiver.

Mr. Havener motioned that Item #1, Wood Bookkeeping & Tax Service Development Plan be withdrawn with a 60 day fee waiver. Mr. Linder seconded. The vote was unanimous.

Chair Holt asked for a moment of open discussion. He said that during the winter months, there are not many applications for Planning Commission review and asked if it would be possible to have a meeting only once a month during the months of November through February. Ms. Readler said that this would require an amendment to the bylaws of the Commission. Mr. Rauch stated that staff tries to get multiple items on an agenda. Ms. Readler stated that the Commission could hold special meetings should a project come up that requires prompt review. The amendment would not have to go through City Council for approval.

Chair Holt then asked Mr. Boso why the Commission plans are not often reported in the local media. Mr. Rauch stated that staff has discussed creating a portion of the website that shows the progress of projects, from Planning Commission review to final approvals to construction. Mr. Boso explained that many developers wish to announce the timing of their projects themselves due to a number of factors and the city does not announce such things unless we are told we can by the developer.

The meeting was adjourned by Chair Holt at 2:42 pm.

Molly Frasher, Secretary

Marv Holt, Chair