

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

REGULAR MEETING

April 15, 2008

The meeting was called to order at 1:32 p.m.

Vice-Chair Swearingen began the Meeting with a moment of silence and the Pledge of Allegiance. Roll was taken with the following members present: Ms. Sharon Reichard; Mr. Gary Leasure; Ms. Linda Swearingen and Mr. Dan Havener. Mr. Marv Holt was absent. Others present: Kyle Rauch, Development and Planning Officer; Ryan Andrews, EMH&T; Stephen Smith, Schottenstein, Zox & Dunn; Lt. Bill Dolby, JTFD; Jodee Lowe, Urban Forester; Christy Zempter, Planning and Zoning Coordinator; Chuck Boso, Director of Development; and Jennifer Uhrin, Secretary.

Vice-Chair Swearingen noted that a quorum was present. Vice-Chair Swearingen noted there were no changes to the minutes for the March 25, 2008 regular meeting. The minutes were approved by unanimous consent.

ITEM #1 Grove City Cheer Center – Lot Split (Project ID# 200803100012)
1761 Gateway Circle, Lot 8

Applicant: Marcia Shanefelt, Maverick Builders, 1667 Gateway Circle, Grove City, Ohio 43123

The applicant is requesting approval to split 1.316 acres of an original 36.892 tract of land located on the west side of Marlane Drive. This acreage is part of the 36.892 acres (Gateway to the City) which was rezoned to Planned Unit Development-Industrial in November of 1998 (C-66-98). The applicant is pursuing this split to configure the future site for the Grove City Cheer Center. The applicant has submitted a separate Development Plan application for the approval of its use and development.

Ms. Marcia Shanefelt and Mr. Paul McKnight were both present and spoke to this item. Vice-Chair Swearingen stated that there were no conditions of approval for this item.

Mr. Leasure made a motion that the Grove City Cheer Center – Lot Split be approved as submitted; seconded by Mr. Havener. The motion was unanimously approved.

ITEM #2 Grove City Cheer Center – Development Plan (Project ID# 200803100011)
1761 Gateway Circle, Lot 8

Applicant: Marcia Shanefelt, Maverick Builders, 1667 Gateway Circle, Grove City, Ohio 43123

The applicant is requesting approval to construct a new 10,010-square-foot sports and recreation facility for the Grove City Cheer Center within the Gateway to the City development, located on the northwest side of Gateway Circle. The construction of the proposed facility will allow the Cheer Center to relocate within the same development from its current location on the southwest side of Gateway Circle.

Ms. Marcia Shanefelt and Mr. Paul McKnight were both present and also spoke to this item.

Vice Chair Swearingen noted the following stipulations:

1. Dumpster and gates shall be finished to match the dark bronze tone of the window mullions.
2. Signage shall be in accordance with Section 1145 of the Codified Ordinances of Grove City.

Ms. Shanefelt and Mr. McKnight stated they understood and agreed to comply with the stipulations.

Mr. Havener made a motion that the Grove City Cheer Center – Development Plan be recommended to City Council for approval with the stipulations as noted; seconded by Mr. Leasure. The motion was unanimously approved.

ITEM #3 Primrose Grove City – Development Plan (Project ID# 200803100016)
South side of Lamplighter Drive

Applicant: Robert Priestas Floyd Browne Group, 3769 Columbus Pike, P.O. Box 8016, Delaware, Ohio 43015

The applicant is requesting approval of a Development Plan for the construction of a 10,724 square foot, one story educational use (kindergarten/preschool/daycare) structure with a total of 7,532 square feet of classroom area to be located on 1.498 acres on the south side of Lamplighter Drive. Additionally, there will be large outdoor play areas enclosed by a six (6) foot ornamental fence.

Mr. Robert Priestas of the Floyd Browne Group and Mr. Mark McCade of the Primrose Franchise School Company were both present and spoke to this item.

Vice-Chair Swearingen noted the following stipulations:

1. The six (6) foot tall ornamental fence enclosing the perimeter of the playground/yard shall be constructed of metal and finished black in accordance with Detail #12 as shown on Sheet 4 of 11.
2. Benches shall be stained a natural color, instead of the proposed black.
3. Any signage shall comply with the requirements set forth in Chapter 1145.

Mr. Priestas and Mr. McCade stated they understood and agreed to comply with the stipulations.

Mr. Leasure made a motion that the Primrose Grove City – Development Plan be recommended for approval to City Council with the stipulations as noted. The motion was unanimously approved.

ITEM #4 Tire Discounters – Method of Zoning Change (Project ID# 200803100014)
2908 and 2920 London Groveport Road

Applicant: David E. Wilson, Tire Discounters, Inc., 7525 Wooster Pike, Cincinnati, Ohio 45227

The applicant is requesting approval to rezone 1.466 acres of land located on the north side of London-Groveport Road. The applicant is pursuing a Planned Unit Development – Commercial zoning classification to allow the construction of a 5,584 square foot retail tire store.

Mr. David Wilson of Tire Discounters and Mr. Hans Duker with Advance Civil Design were both present and spoke to this item.

Vice-Chair Swearingen noted that there were no stipulations associated with this item.

Mr. Havener made a motion that the Tire Discounters – Method of Zoning Change be recommended for approval to City Council as submitted; seconded by Mr. Leasure. The motion was unanimously approved.

**ITEM #5 Tire Discounters – Development Plan (Project ID# 200803100013)
2908 and 2920 London Groveport Road**

Applicant: David E. Wilson, Tire Discounters, Inc., 7525 Wooster Pike, Cincinnati, Ohio 45227

The applicant is requesting approval of a Development Plan to construct a 5,584 square foot Tire Discounters store to be located on the north side of London-Groveport Road (SR 665). The proposed 33 foot tall building utilizes eight (8) garage bays to accommodate vehicle service. Due to the configuration of the building, four (4) of the bay doors will face the London-Groveport Road and will be visible to traffic traveling eastbound and westbound.

To mitigate the visibility of the bay doors, the applicant is proposing to the use decorative garage bay doors with arched brick lintels and keystone accents. In addition, the applicant has also incorporated the use of brick quoins and faux brick windows as well as decorative building lights, bollards and dimensional shingles to add architectural interest to the structure.

Mr. David Wilson of Tire Discounters and Mr. Hans Duker with Advance Civil Design were both present and spoke to this item as well.

Vice-Chair Swearingen noted the following stipulations:

1. Development Standards “Section A” and “Section B” shall be amended to eliminate the terms “pre-cast concrete” and “split-face block” as a building material.
2. Curbing shall be in accordance with Grove City standard drawings C-GC-58 (18” straight concrete curb.)
3. Tree species shall be amended to include an evergreen species instead of the Barberry.
4. All trunk wrap shall be removed per Code Section 1136.

Mr. Wilson and Mr. Duker stated they understood and agreed to comply with the stipulations.

Mr. Havener made a motion that the Tire Discounters – Development Plan be recommended for approval to City Council with the stipulations as noted; seconded by Mr. Leasure. The motion was unanimously approved.

**ITEM #6 Tire Discounters – Special Use Permit (Project ID# 200803100015)
2908 and 2920 London Groveport Road**

Applicant: David E. Wilson, Tire Discounters, Inc., 7525 Wooster Pike, Cincinnati, Ohio 45227

The applicant is requesting approval of a Special Use Permit for the operation of an automobile services facility with four (4) to six (6) full-time employees. The hours of operation for the facility would be from 8:00 a.m. to 7:00 p.m. Monday through Friday and 8:00am to 4:00pm on Saturdays.

Mr. David Wilson of Tire Discounts and Mr. Hans Duker with Advance Civil Design were both present and spoke to this item as well.

Vice-Chair Swearingen noted the following conditions of approval:

1. No car sale, rental or lease operation shall be conducted from this facility.
2. No display, sale of goods or storage of products shall be permitted outside of the facility.
3. No signs advertising sales or services shall be permitted to be attached to the garage doors or placed on banners hung within the garage bays.
4. No work shall be permitted to be completed outside of the garage bays.

Mr. Wilson and Mr. Duker stated they understood and agreed to comply with the stipulations.

Mr. Leasure made a motion that the Tire Discounters – Development Plan be recommended for approval to City Council with the conditions of approval as noted; seconded by Mr. Havener. The motion was unanimously approved.

**ITEM #7 Southwest Eyecare Expansion – Development Plan (Project ID# 200710300070)
4140 Hoover Rd**

Applicant: Marc Hartig, Hoover Management, Inc., 4140 Hoover Rd., Grove City, Ohio 43123

The applicant is requesting approval to construct a 2,364 square foot addition to the existing single-story office building located at 4140 Hoover Road. The property is zoned Professional Services (PSO) and is located on the southeast corner of Hoover Road and Old Stringtown Road, south of the recently constructed Fifth-Third Bank.

Dr. Marie Schiff of Southwest Eyecare and Mr. Jeff Reathem of M2 Design were present and spoke to this item.

Vice-Chair Swearingen noted the following stipulation:

5. 1. Curbing shall be in accordance with Grove City standard drawings C-GC-58. (18” straight concrete curb.)

Planning Commission is in support of the deviation in the reduction of the number of parking spaces from 31 to 28 parking spaces.

Mr. Havener made a motion that the Southwest Eyecare Expansion - Development Plan be recommended for approval to City Council with the stipulation as noted; seconded by Mr. Leasure. The motion was unanimously approved.

**ITEM #8 Kroger (N341) Store Expansion – Development Plan (Project ID# 200708300048)
2474 Stringtown Road**

Applicant: Andrew Gardner, Bird & Bull Engineering, 2875 W. Dublin-Granville Road, Columbus, Ohio 43235

The applicant is requesting approval to expand the existing Kroger Grocery Store space to 82,500 square feet, which will be accommodated by the demolition of 10,832 square feet of the existing tenant spaces to the east. The proposed expansion will provide an additional 21,466 square feet to the Kroger Grocery Store tenant space. This plan includes the addition of a right-in curb-cut from Hoover Road approximately 140 feet north of the Hoover/Stringtown intersection. The other curb cuts remain unchanged. The addition of this fifth point of access is to disperse traffic throughout the site and provide an additional vehicular option located away from the storefronts. The right-in will align with a proposed 24-foot wide drive aisle located in the southern portion of the parking lot and provide for an east-west traffic movement across the site and will be controlled by newly installed curbs.

Mr. Gerry Bird and Mr. Andrew Gardner of Bird & Bull Engineering and Mr. Matt Obart of Kroger Executive Company were present and spoke to this item.

Vice-Chair Swearingen noted the following stipulations:

1. All bollards and site lighting fixtures shall be finished in black.

2. Parking lot striping shall be painted white.
3. Flood Lights located on the building's front façade shall be replaced with decorative cutoff fixtures matching the site lighting.
4. Applicant shall work with the City's Urban Forester to ensure compliance with Code Section 1136.

Planning Commission is in support of the deviation in the reduction of parking spaces from 389 to 363 parking spaces.

The applicant agreed to comply with all of the stipulations as requested.

Mr. Leasure made a motion that the Kroger Store Expansion-Development Plan be recommended for approval to City Council with the stipulations as noted; seconded by Mr. Havener. The motion was unanimously approved.

ITEM #9 Grove City Coins & Currency – Cert. of App. (HPA Sign) (Project ID# 200708300048)
3919 Broadway

Applicant: Clark A. Wolfe, 5401 Harrisburg Georgesville Road, Grove City, Ohio 43123

The applicant is requesting approval of two permanent window signs for his business located at 3919 Broadway within the Historical Preservation Area. The proposed signs would consist of individually mounted vinyl decals to the door and window area. As proposed, the applicant would utilize white decals to advertise the name of the business "**Grove City Coins & Currency**," which has an approximate square footage of 5.9 square feet. In addition, the applicant would like to use white vinyl decals to advertise the primary use of the store "**Buy Sell Gold & Silver**" on the door and is approximately 1.02 square feet in area for a combined total of 6.92 square feet for all window signage.

Mr. Clark Wolfe was present and spoke to this item. There are no stipulations for this item, however it was suggested that Mr. Wolfe contact the owner of his property to work out a joint monument sign agreement with the other tenant that would then come before Planning Commission.

Mr. Havener made a motion that the Grove City Coins & Currency – COA (HPA Sign) be recommended for approval to City Council as submitted; seconded by Mr. Leasure. The motion was unanimously approved.

ITEM #10 Holton Road – Lot Split (Project ID# 200802200010)
SE Corner of Holton Road and Buckeye Parkway

Applicant: Kathy Miesse, 2007 Holton Road, Grove City, Ohio 43123

The applicant is proposing to split a 6.794 acre tract of land located on the southeast corner of Holton Road and Buckeye Parkway. This application follows an earlier lot split application approved by the Commission on September 11, 2007, which proposed the creation of five lots along Holton. The proposal included four buildable lots and an additional lot to be dedicated to the City as public right-of-way. The minimum right-of-way for Secondary Streets as outlined by the Thoroughfare Plan is 80 feet (40 feet from the centerline). The fifth lot that was to be dedicated was comprised of 30 feet of land condemned by the County for public use and an additional 10 feet of land to meet the requirement.

During the first Administrative Review (in 2007) Staff worked with the applicant's former authorized representative with regard to the specific details of the request. Since that time the applicant has notified Staff that the previously approved materials were revised without her knowledge or consent. As a result,

the applicant has submitted a revised application that eliminates the fifth lot located along Holton Road that was to be dedicated to the City as right-of-way.

Mr. David Watkins of Plank and Brahm, 145 East Rich Street, Columbus, Ohio and Ms. Kathy Miesse were present and spoke to this item.

Mr. Kyle Rauch noted that during the original application review in 2007, the City dealt with Mr. James Pearsall, the duly authorized agent of the owner to work on these plans prior to them coming before the Planning Commission.

Mr. David Watkins stated that the previous application should be irrelevant at this time and the staff report continues to talk about the old application, which he feels is moot at this point. Mr. Watkins stated that the previous agreement was entered into by an employee of EMH&T who did not inform his client of the negotiations to provide a fifth lot split that provided a 40 foot right of way. He stated his client never approved and feels the Planning Commission has no authority to impose this as a condition of approval or disapprove the current application based on its merits. Mr. Watkins stated that they have agreed in principal to the dedication or donation of a 30 foot right of way. He requested that the Planning Commission address the application that is currently in front of them and disregard any applications that came before them prior to this one. Mr. Watkins further stated that support of this application should not be dependent on whether his client agrees to donate land to the City. Mr. Watkins restated that the Planning Commission does not have the discretion to disallow this application as it meets all of the criteria for a lot split. He also does not feel the Planning Commission has the authority to demand a land donation to approve this application.

Mr. Stephen Smith representing the City clarified that the application submitted and approved in 2007 is the same application being submitted today, less the 40 foot right of way donation and the application was not approved upon any condition of land donation. Mr. Smith stated that if the applicant was unhappy with the commitments made on her behalf by her representative, there was an appeal process that should have been followed rather than come before the Planning Commission with the same application that was previously approved.

Mr. Watkins feels this is a completely new application and the previous application should be forgotten. Mr. Watkins stated they are still willing to negotiate a land donation but not as a requirement of approval.

Mr. Smith stated that a land donation was not required when this application was heard in 2007 and would not be required now. Mr. Smith stated that if a lot split is approved it would be required to comply with the zoning requirements. He further stated that the City's Code has an outright prohibition against lot splits and they do have the ability to say no. Mr. Watkins stated that they have case law that could be litigated. Mr. Smith stated he certainly has the right to appeal and have the case litigated and at that point they could discuss case law. Mr. Watkins questioned if this application was being denied solely because the 40 foot right of way and the requirement that anybody who is seeking a lot split is required to donate that property? Mr. Smith responded by saying he didn't believe this recommendation was being based on failing to meet the Thoroughfare Plan as he did not hear that from staff or Commission members, what he heard is that this application has been already approved. Mr. Smith stated that this application is essentially the same as the application that has already been approved. If there had been a substantial change, then it could be addressed. He doesn't feel the applicant's recourse is with this board.

Mr. Watkins felt he should still have a vote on this application. Ms. Swearingen feels the problem is between the applicant and her representation and that this application was already approved. Ms. Reichard also feels this is the same application that was already approved and we cannot simply "forget" the application approved in 2007.

Mr. Watkins felt that this is not true, as deeds were never filed and the lot split never took place. Mr. Watkins restated that they would be willing to talk about a land donation of 30 feet, but doubted if they would be willing to do so if they had to appeal. Mr. Smith stated in general when it comes to lot splits, conditioning land donations upon approval doesn't happen. In the future, if the City needs the land, they will follow the proper procedures to do so.

Ms. Sharon Reichard made a motion that the Holton Road – Lot Split be approved as submitted; seconded by Mr. Leasure. All members voted no. The motion was unanimously disapproved.

Having no further business, Vice-Chair Swearingen adjourned the meeting at 3:05 p.m.

Jennifer Uhrin, Secretary

Linda Swearingen, Vice-Chair