

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

REGULAR MEETING

June 3, 2014

The meeting was called to order at 1:29 p.m.

Chair Holt began the meeting with a moment of silence and the Pledge of Allegiance. Roll call was taken with the following members present: Mr. Marv Holt, Chair, Mr. Chuck Boso, Mr. Gary Leasure, Mr. Mike Linder and Ms. Julie Oyster. Others present: Kim Shields, Planning/GIS Specialist; Kyle Rauch, Planning & Development Office; Capt. Jeff Pearson, Police; Sgt.; Lt. Tammy Greene, JTF Inspector; Cindi Fitzpatrick, Service Superintendent; Laura Scott, Planning & Zoning Coordinator; Tami Kelly, Clerk of Council; and Kendra Spergel, Secretary.

Chair Holt noted a quorum was present. There were no changes to the minutes of the May 6, 2014 regular meeting. They were accepted by unanimous consent.

Item #1 – DNS Grooming – Special Use Permit (Pet Grooming & Dog Daycare) (Project ID# 201404150017)

The applicant is requesting a special use permit to offer grooming and doggy daycare at 4376 Broadway. The proposed business will operate by appointment, typically with two to ten appointments a day. Customers will typically arrive between 9am and 10:30am to drop off dogs, and will be called when their dogs are ready for pick-up. The applicant has indicated that customer visits typically last only two to three minutes to drop off or pick-up dogs. A small grassy area lies directly to the south of the structure on the tenant's property, which will be utilized by staff to walk leashed dogs to relieve themselves then brought back into the building. The area will not be fenced and dogs will not be left unattended in the grassy area.

Ms. Shields stated that staff does not feel the use will adversely affect the use of adjacent property. Materials indicate that DNS disinfects and vacuums their facility daily and as needed, and that they have received no complaints about smell, noise, or traffic. Although the business is located in a multi-tenant structure, the applicant submitted a signed statement from the adjacent business stating that they have no issues with DNS.

The Development Department recommended Planning Commission make a recommendation of approval to City Council for the special use permit with the following stipulation:

1. No boarding shall be permitted on the site.

Stephanie Muetzel was present to speak to the item. Ms. Muetzel stated that she agreed with the stipulation and had not done any boarding at the site. She wanted to see if she could, and when the boarding was denied she stated they would not be doing that.

Mr. Leasure asked if the dogs would be leashed on the grassy area. Ms. Muetzel responded that they would.

Being no further questions, Ms. Oyster motioned to recommend the approval of the special use permit with the following stipulation:

1. No boarding shall be permitted on the site.

Mr. Linder seconded and the vote was unanimously approved.

Item #2 – Burger King – Development Plan (Project ID# 201404210018)

The applicant is proposing to redevelop the existing Burger King located 3462 Broadway. Proposed improvements include razing and reconstructing the primary building along with completing other site improvements. The site's traffic circulation is not being amended and will not affect the operation of the existing drive-thru facility. Additionally, no

changes are proposed to the existing curb cuts on Broadway or Addison Drive. The proposed new structure will be 3,000 square feet, approximately 400 square feet larger than the existing facility. The majority of the structure will be finished in brick with architectural features finished in stone. Parking on the site is not proposed to be amended with this application. The existing parking lot is currently set back approximately two feet from the east property line. However, Code requires at least a 20 foot setback with screening and supplemental landscaping, as the parking lot is adjacent to a residential district. Ms. Shields stated that staff would be supportive of reducing the setback to ten feet to allow for the removal of the existing head-in spaces and replacing the spaces with parallel parking spaces. Although the recommended reconfiguration will remain within the required 20' setback, she stated that staff believes the additional space gained will allow for adequate landscaping as well as allow the property owner to only lose approximately eight parking spaces from the existing count (meeting Code required number of spaces for the site), and maintain the access drive to the property to the north. In addition to the screening between the residential property to the east, staff had additional concerns related to the proposed landscaping including the size of plantings at installation and the number of trees planted to meet the requirements of Chapter 1136.

Although there are a number of outstanding issues with the application, staff is generally supportive of the project and recommended Planning Commission make a recommendation of approval to City Council for the Development Plan with 11 stipulations – those indicated in the staff report, except removing stipulation number two.

Jim Clarke was present to speak to the item. Mr. Clarke addressed the issues with parking and stated that in the new plan there are 52 seating spaces in the restaurant, room for up to 19 people to be waiting in line, and there would be six to eight employees on site which is 70 people inside the restaurant. He stated that they only had 40 parking spaces and would not like to lose any of the current parking spaces. Mr. Miller, the property owner, stated that when the restaurant is crowded it is tight. They would prefer to put a screened fence at the back of the property as opposed to doing the landscaping at the site's east side. They stated that the McDonald's has a screened fence separating their building from the residential area next door, so they could keep their parking there.

Mr. Clarke stated that there would be no issue with adding the extra tree in and with adding the 36" boxwoods for screening. He then stated that they had just received the brick samples for the building and showed them to the Commission. He then added that they did not have a problem with most of the recommended items. Mr. Clarke stated that he had no problem with painting the gate to match the brick, maintaining the lighting to a 0.5 footcandle, and adding an extra tree to the building's rear so as to not hide the signage. He stated that he will work with the City to locate the tree to not cover the signs if possible.

Mr. Clarke stated that they will have the revised color renderings for the City Council meeting. He stated they will be replacing the pylon sign with a monument sign and that they have a new detail for it. He said that the sign does not currently have a brick and stone base, but that that can be added to it. He would prefer to add the stone underneath the sign because if he adds it to the base then it will be taller than the height requirement of 8' because the sign is designed to sit on a base and the sign and configuration will need to be changed. He will put a 1' base on the sign and then keep it to 8' high. Mr. Clarke stated that he will submit an updated lighting plan that shows the new red glow light that is on top of the building.

Mr. Clarke then addressed the landscaping at the building's south side/entry. He stated that the plants planted against the building do not grow and that they have had two fires with people throwing their cigarettes into the plants and catching the mulch on fire. He would prefer to use stone instead of mulch and put the landscaping up front. He will keep the landscaping low so the building is visible. He stated that he met with the Urban Forester and she told them they had more than enough landscaping than was required for the site.

He stated that they will change the boxwoods to be 36" and that they will put landscaping on the landscaping island just north of the drive-thru lane. Mr. Clarke then stated that the directional and menu signs are in the landscaping area and that these areas will be landscaped, which they will have approved by the Urban Forester.

Mr. Leasure asked about parking requirements for the site. Mr. Clarke responded that they currently had 40 spaces but were required to have 22 spaces. He stated that Zoning Code bases parking on the size of the dining area, but that Building Code bases parking on the seating count, employees, and people in line. Mr. Miller stated that the 22 spaces is the least amount of parking at any of their locations, so they are concerned about losing the 13 parking spaces at the

building's rear. He also stated that he does not agree with the proposed parallel parking at the building's rear because people do not use that parking anymore. He stated that they would be fine with putting up a fence at the rear instead and stated that McDonald's had done the same.

Ms. Shields stated that the parallel parking was a compromise. She stated that the 10' set back would allow for screening and landscaping. She then stated that McDonald's does have a fence and trees, but that she believes they meet the 20' set back requirement.

Mr. Linder asked about the status of the variance with the BZA. Mr. Clarke stated that they had submitted a variance for the fence. Mr. Rauch stated that after some correspondence with the City's law department, the Development Department would have the applicant withdraw the variance request and resolve the set back issue with the Development Plan during this Planning Commission meeting. Chair Holt asked if that meant they would be eliminating stipulation 2 in the staff report, and Mr. Rauch stated that that was correct. Mr. Rauch added that other projects such as Kroger Fuel, Taco Bell, and Raising Cane's were required to maintain the required parking set backs and have landscaping.

Mr. Leasure asked if the applicant was planning on doing anything on the southeast side of the property. Mr. Clarke said that the site is in a shared easement with their two neighbors, so there is no plan of doing anything on that side of the property.

Chair Holt asked about the applicant's meeting with the Urban Forester. Mr. Clark stated that the Urban Forester was happy with their initial landscaping plan, but he was not sure if she had seen the finalized plan. Ms. Shields stated that the stipulations in the staff report on the landscaping came from the Urban Forester. Chair Holt stated that Mr. Clark's comments on the Urban Forester's position and the stipulations conflicted, and he proposed that the applicant should comply with Chapter 1136. Mr. Clarke said he would meet with the Urban Forester again.

Chair Holt noted that when he was reviewing the plans he did not see any electrical or mechanical equipment above the parapet wall. He asked the applicant if that was true. Mr. Clarke responded that all equipment including the air conditioner was covered by that wall.

Being no further questions, Mr. Linder motioned to recommend the approval of the development plan with the following stipulations:

1. Page one of the development plan application shall be signed by the property owner and submitted to the Development Department.
2. Revised color renderings (11x17) shall be submitted to the Development Department prior to City Council review.
3. Sheets C-2 and C-3 shall remove reference to the existing pylon sign remaining. The pylon sign shall be replaced with a monument sign with a brick or stone base to match the primary structure.
4. The dumpster gate and parking lot screen fence shall be stained to match the color of the brick utilized on the primary structure.
5. Additional site lighting fixtures shall be installed to ensure that all vehicular and pedestrian areas meet the required 0.5 footcandle minimum.
6. Details (cut sheets) for all new exterior site and building lighting (including the parapet light band) shall be submitted. All parking lot lighting shall be cut-off type fixtures.
7. Decorative landscaping shall be installed along the south side of the structure.
8. Boxwoods along southern parking area fronting Addison Drive shall be 36" at installation.
9. An additional tree shall be planted on the site to comply with section 1136.09(a).

10. Landscaping shall be installed within the landscape island on the north side of the drive-thru lane.
11. Menu, preview, and directional signs are to be set in landscaped areas. Details are to be reviewed and approved by the Urban Forester prior to installation.

Mr. Leasure seconded the motion.

Mr. Boso stated that the Code says City Council and Planning Commission can grant deviations from Code, but not variances. He proposed that the language in stipulation 2 in the staff report be changed from “variance” to “deviation” and added as a recommended stipulation. Mr. Boso referred to Code sections 1101.05 and 1135.12, for the ability of Planning Commission and City Council to approve deviations from Code standards.

Mr. Linder motioned to amend his first motion by adding stipulation #2 from the staff report, but changing the language from “variance” to “deviation”:

1. Page one of the development plan application shall be signed by the property owner and submitted to the Development Department.
2. Planning Commission supports a deviation from Section 1136.06(c) – Rear and Side Yards Adjacent to Incompatible Use Districts, to permit a 10’ parking setback along the east property line for the installation of parallel parking spaces as well as code compliant screening and supplemental landscaping.
3. Revised color renderings (11x17) shall be submitted to the Development Department prior to City Council review.
4. Sheets C-2 and C-3 shall remove reference to the existing pylon sign remaining. The pylon sign shall be replaced with a monument sign with a brick or stone base to match the primary structure.
5. The dumpster gate and parking lot screen fence shall be stained to match the color of the brick utilized on the primary structure.
6. Additional site lighting fixtures shall be installed to ensure that all vehicular and pedestrian areas meet the required 0.5 footcandle minimum.
7. Details (cut sheets) for all new exterior site and building lighting (including the parapet light band) shall be submitted. All parking lot lighting shall be cut-off type fixtures.
8. Decorative landscaping shall be installed along the south side of the structure.
9. Boxwoods along southern parking area fronting Addison Drive shall be 36” at installation.
10. An additional tree shall be planted on the site to comply with section 1136.09(a).
11. Landscaping shall be installed within the landscape island on the north side of the drive-thru lane.
12. Menu, preview, and directional signs are to be set in landscaped areas. Details are to be reviewed and approved by the Urban Forester prior to installation.

Mr. Leasure seconded and the vote was unanimous.

Ms. Kelly stated that there are stipulations with materials needing to be submitted to the Development Department prior to City Council. She stated that those items need to be submitted to the Development Department prior the next council meeting date of June 16.

Item #3 – 24-7 Reptiles – Special Use Permit (Pet Shop)

(Project ID# 201404300021)

The applicant is requesting a special use permit to operate a pet shop at 4302 Broadway. 24-7 Reptiles would sell reptiles, amphibians and fish, but no cats, dogs, venomous snakes or dangerous animals. The proposed business will be open Monday to Saturday 9:00am to 8:00pm and Sunday 10:00am to 6:00pm. Materials state that cages will be cleaned twice a week or more if necessary and spot cleaned every day. Larger animals will be under lock and key only accessible to the owners and manager. The applicant has indicated that most animals for sale make little to no noise, and that all deliveries will be made through the rear side entrance to be out of view of customers and other tenants in the structure.

The Development Department recommended Planning Commission make a recommendation of approval to City Council for the special use permit with the following stipulation:

1. Must comply with ORC 935, Ohio’s Dangerous and Wild Animals Law

Mr. Brodbeck was present to speak to the item and had no comments. Mr. Leasure asked what type of reptiles would be sold. Mr. Brodbeck stated that the animals would be from all around the world from lizards, snakes, amphibians, some exotic animals, and both rare and common animals. Chair Holt asked if he owned any other pet stores. Mr. Brodbeck stated that he did not and that he currently sells animals at expos around the country. He stated that many customers drive from Illinois, Indiana, Michigan, Kentucky, Pennsylvania, and New York.

Being no further questions, Mr. Linder motioned to recommend the approval of the special use permit with the following stipulation:

1. Must comply with ORC 935, Ohio’s Dangerous and Wild Animals Law

Ms. Oyster seconded and the vote was unanimous.

Item #4 – Byers Chevrolet – Lot Split

(Project ID# 201405190022)

The applicant is proposing to split 11.844 acres from a 22.65 acre parcel of land west of North Meadows Drive fronting Interstate 71. The proposed lot will create a unique parcel for the proposed Byers Chevrolet, and will follow the boundary line shown on the development plan approved for the site by City Council on March 17, 2014.

The Development Department recommended Planning Commission approve the lot split as submitted.

Brent Rosenthal was present to speak to the item. Mr. Rosenthal stated that so far the zoning and site plan have been approved, and that once this is approved they will start constructing the dealership.

Being no further questions, Mr. Leasure motioned to approve the lot split as submitted, Ms. Oyster seconded and the vote was unanimous.

Having no further business, Chair Holt adjourned the meeting at 2:01 p.m.

Molly Frasher, Secretary

Marv Holt, Chair