

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

REGULAR MEETING

June 4, 2013

The meeting was called to order at 1:31 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 Mr. Dan Havener. Others present: Kim Shields, Planning/GIS Specialist; Kyle Rauch, Planning & Development Officer; Jennifer Readler, Frost Brown Todd, LLC; Ryan Andrews, EMH&T; Bill Vedra, Deputy City Administrator; Mike Boso, Chief Building Officer; Lt. Tammy Greene, JTF Inspector; Tami Kelly, Clerk of Council; Kendra Spergel, Planning Assistant; and Molly Frasher, Secretary.

Chair Holt noted a quorum was present. There were no changes to the minutes of the May 7, 2013 regular meeting. They were approved by unanimous consent.

Item #1 – Olde Home Market – Method of Zoning Change (PSO to PUD-C) (PID# 201304010011)

The applicant is requesting to rezone 1.24 acres at the intersection of Home Road and Old Home Road from PSO to PUD-C in order to construct and operate a market on the site. The market would sell locally-grown produce, as well as home-processed food products such as jams, jellies and baked goods. The sale of plants, flowers, deli meats and cheeses, and homemade handicrafts are also proposed as an accessory use on the site.

A zoning and development text is proposed to regulate developments on the site. The text outlines standards for such items such as building architecture, signage, landscaping and other items to ensure that the character of any structure on the site is appropriate for the area, given the lower density residential properties to the north on Old Home Road. Setback and landscaping requirements are also set in the text to reduce any negative impact the development might have on adjacent properties.

Ms. Shields stated that staff did not feel that the proposed rezoning will be detrimental to present and potential surrounding uses, as the proposed PUD will give the City adequate regulatory control over the use of the property, more so than what is currently permitted by right under the property's current zoning classification of PSO.

The applicant, CJ Andrews, was present to speak to the item. There were no comments from the Planning Commission or the public.

Mr. Leasure motioned to recommend the approval of the method of zoning change to City Council as submitted, Mr. Boso seconded and the vote was unanimous.

Item #2 – Photovac Laser Corporation Inc. – Special Use Permit (Weapons Sales) (PID #201304220013)

The applicant is requesting a special use permit for the sale of weapons at 3513 Farm Bank Way. The sale of weapons would be an accessory use to the existing business on the site – Photovac Laser Corporation. According to submitted materials, firearms such as rifles, shotguns, pistols and revolvers would be sold on site, but no ammunition. Guns will be kept in a secure gun safe and sales will be conducted by appointment only.

After consulting w the City's laws department, it was determined that existing supplemental regulations outlined in the City's Planning and Zoning Code regarding the sale, renting, bartering or trading of weapons and/or explosives conflict with regulations contained with the Ohio Revised Code (ORC). To address the situation with respect to the supplemental requirements, Ms. Shields stated that staff will be working with legal consultants to bring the City's regulations into conformance with the ORC. She further stated that, because of this fact, this particular application was reviewed against the general requirements for all special use permits.

Ms. Shields stated that staff does not feel that the use is inappropriate for the proposed area based on the specifics of the sales as outlined in the project materials and the fact that the proposed location is an industrial structure with the nearest residential district being more than 900 feet away. She stated that although the City's planning and zoning code does not permit weapon sales in buildings with other uses, the requirement is not consistent with the requirements stated in the ORC.

The applicant, Chris Zelich, was present and spoke to the item. He stated that they are a high-tech company that is looking to specialize in a new area.

Chair Holt asked for more information regarding the discrepancy between the city's code and the Ohio Revised Code. Ms. Readler stated that section 9.68 – right to bear arms – is the section in question. This section states that we can place certain restrictions on the sale of weapons but these restrictions must be identical to those we place on any other retail use. While we can require a special use permit, the additional supplemental regulations and restrictions go beyond the ORC.

Mr. Leasure confirmed with the applicant that there will be no ammunitions sold on the site and no firing range on the site. Mr. Zelich confirmed that these will not be conducted on site. He reiterated that the sale of weapons would be by appointment with records of sales kept. They would comply with all codes and regulations.

Chair Holt noted that sales would be only by appointment, except for two hours. Mr. Zelich stated that under the Federal Firearms License Regulation, there must be a certain length of time for ATF to enter to view records. This would be a public time; however Mr. Zelich stated that if someone entered to buy a weapon during this time, they would be directed to make an appointment for another time. The two hours of "open" time is for the ATF record search.

Chair Holt asked if they would be holding conceal carry classes. Mr. Zelich stated that it was there intent to not only sell firearms at this location but also provide training. There will be a written exam and a fire course test, which will not be within the city limits.

Chair Holt inquired into the Photovac Laser Corporation's normal business operations. Mr. Zelich stated that his company rebuilds and remanufactures carbon dioxide laser tubes. The lasers cut or vaporize most any type of material from metals to plastics or rubbers. Over a period of time, these devices become exhausted. Photovac rebuilds the vessel and service it back to the original owner. They don't produce the laser, they only remanufacture the product. He stated that they are a unique business around the nation.

Being no further questions, Mr. Havener motioned to recommend the approval of the special use permit as submitted, Mr. Linder seconded and the vote was unanimous.

Item #3 – Pinnacle Club Section 2 Phase 7 – Plat Approval

(PID #201304260015)

The applicant is requesting approval of a plat for the Pinnacle Club Section 2 Phase 7 to create 24 residential lots on 7.3 acres of land east of I-71 and west of Buckeye Parkway. The plat approval will also include the extension and dedication of Tournament Way, as well as the dedication of new roadways Legends Drive and Sawgrass Street. An additional 3.177 acres are proposed to be held in a series of reserves, including the re-subdivision of previously approved reserve "PP" from the plat of Pinnacle Section 2 Phase 6.

Ms. Shields stated that the proposed lots meet applicable requirements of the Pinnacle Club Zoning text and are consistent with the approved development plan.

Mr. Jason Francis, representative for the applicant, was present and spoke to the item. He stated that this phase would incorporate 21 "carriage homes" and 3 "village homes."

Mr. Linder motioned to recommend the approval of the plat as submitted, Mr. Leasure seconded and the vote was unanimous.

Item #4 – Kroger Fuel – Special Use Permit (Gasoline Station)

(PID #201304290016)

The applicant is requesting a special use permit to operate a Kroger Fuel gasoline station at 2410 Stringtown Road, at the current location of the former Blockbuster and dry cleaners within the Grove City Plaza shopping center. The proposed gas station will have seven (7) fuel dispensers and a small building selling convenience items, all covered by a 19' foot tall canopy. The proposed facility will be open 24 hours a day, 7 days a week and will be staffed with one to two employees at all times.

Ms. Shields noted that a separate development plan application has been submitted for the design and other specific elements related to the development of the site and that the current application is to approve the use of a gasoline station on the site. She further stated that staff does not feel this will affect the uses on adjacent properties nor will it change the intended character of the district; as the site is bordered by other auto-oriented uses including the PNC Bank to the west and Taco Bell to the east, and BP gas station to the south.

Nicholas Hershberger, representative for the applicant, was present and spoke to the item.

Mr. Leasure asked if Kroger and Turkey Hill were still partners. Jordan Horan, representative for the Kroger Company, stated that Kroger does own Turkey Hill and are run as separate entities. Mr. Leasure then questioned the entrance and exit, off the busy intersection. Ms. Shields stated they were not changing the existing circulation on the site; staff does not feel this use will be more intense than the previous retail use on the site.

Chair Holt questioned the Building Division on whether issues related to the close proximity of the storage tanks to the floodplain had been resolved. Ms. Boso responded that they had not. Ms. Shields stated that this was an item that would be addressed with the review of the development plan. This approval is only to state that the use of a gas station is appropriate for the site.

Having no further questions, Mr. Havener motioned to recommend the approval of the special use permit (gas station) to City Council as submitted, Mr. Boso seconded and the vote was unanimous.

Item #5 – Kroger Fuel – Special Use Permit (Outdoor Sales)

(PID #201304290017)

The applicant is requesting a special use permit for the outdoor sales of items at the proposed Kroger Fuel gasoline station at 2410 Stringtown Road, part of the Grove City Plaza shopping center. All outdoor display areas will be located under the proposed fuel canopy in locations to not impact the flow of traffic around the site. Items for sale in the outdoor display areas will be typical products sold at convenience store such as drinks, ice, and auto related products. A merchandise plan has been submitted showing the specific locations under the canopy of outdoor display areas.

Ms. Shields stated that staff feels the proposed outdoor sales will not change the intended character of the district as the sales area will be integrated into the proposed gas station, offering items for sale typically found in a convenience store, which staff feels appropriate for the commercial district in which the site is located.

Nicholas Hershberger, representative for the applicant, was present to speak to the item.

Mr. Boso made an observation in terms of the amount of signage proposed for the outdoor sales areas and confirmed with the Building Division that these signs would go against the total signage permitted on the property.

Having no further questions, Mr. Linder motioned to recommend the approval of the special use permit (outdoor sales) as submitted, Mr. Havener seconded and the vote was unanimous.

Having no further business, Chair Holt adjourned the meeting at 1:54 p.m.

Molly Frasher, Secretary

Marv Holt, Chair