

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

**REGULAR MEETING**

**August 6, 2013**

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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. Dan Havener and Mr. Mike Linder. Others present: Kyle Rauch, Community Development Officer; Jennifer Readler, Frost, Brown, Todd; Ryan Andrews, EMH&T; Bill Vedra, Deputy City Administrator; Mike Boso, Chief Building Officer; Capt. Jeff Pearson, Grove City Police; Lt. Bill Dolby, JTF Inspector; Tami Kelly, Clerk of Council; and Molly Frasher, Secretary.

Chair Holt noted a quorum was present. There were no changes to the minutes of the July 2, 2013 regular meeting. They were approved by unanimous consent.

**Item #1 – W&D Davis Investment Co, Ltd. – Lot Split (PID# 201305060018)**

The applicant is proposing a lot split for a 4.5 acre site located east of Broadway between Parlin Drive and Addison Drive into four unique parcels. Three of the proposed parcels would contain existing developments – the McDonald’s restaurant at 3370 Broadway, a retail structure (Grove City Drive-Thru and Chevron Pools) at 3444 Broadway, and the Burger King restaurant at 3462 Broadway – and the fourth proposed lot is currently vacant. Existing buildings would meet the setbacks created by the proposed lots; however the proposed lots will cross existing parking lots and entrance drives. The applicant has drafted an access agreement over the proposed properties to ensure that access will remain to each proposed lot when the properties are no longer under common ownership.

After review and consideration, the Development Department recommends approval with the following administrative condition:

1. The Declaration of Easements shall be recorded with the Franklin County Recorder prior to final processing of the lot split request with acknowledgement that future refinements will be necessary to further document the exact location of the easements and all other terms and conditions of the easements.

Alicia Zambelli, representative for the applicant was present and spoke to the item. Ms. Zambelli stated she was not aware of the recording requirement. She indicated that W&D owns all of the parcels and has no intent of selling any time in the near future. The access agreement was created at the request of the Development Department to ensure access if it became apparent that any time in the future W&D would be selling the individual parcels; they would be happy to then record easements with Franklin County as required by the access agreement. Easements are currently in place for the ground leases that W&D holds for the three occupied parcels; access is protected for their tenants. They are considering retaining surveyors to record the easements, if it becomes contingent for approval of the lot split. The purpose of managing the real estate tax burden among the tenants would make more sense if the lot split was approved; if the lot split was approved, the taxes would be fairly divided.

Jennifer Readler, Frost Brown & Todd, stated that with development still under contemplation, in order to grant the lot splits, we must ensure that we have the appropriate access available to all parcels and that they meet the lot split criteria.

Ms. Zambelli stated she doesn’t feel the contemplation of the lot split is premature and it’s something W&D would like to move forward with. She was under the impression that the access agreement would be adequate to approve the lot split. Ms. Readler stated we typically require that those agreements be recorded with Franklin County. The easements are subsequent documentation that needs to be filed as well and ensure that the access agreement is in the chain of title as well. Ms. Zambelli said the easements are defined with a very rough cross hatch and the ground leases vaguely describe where the access points are. She wouldn’t feel comfortable recording a document that didn’t include a surveyed easement. They want to make sure they have a correct legal description of the easement.

Mr. Boso asked if this was approved and in terms of if W&D would choose to sell this property in the future without those recorded documents, could there be an argument made that this particular parcel (vacant parcel) would get additional curb cuts along Broadway. Ms. Readler stated she doesn't believe they could get additional curb cuts but there could be a dispute for the right to access some of those parcels in the future and that is the issue that the City has. The City wants to ensure that we have the fundamental access. In the future, all of the owners could revise the easements. Ms. Zambelli said the document does read that if all parcel owners agree it could be revised; the agreement that is drafted is binding as to the curb cuts as they exist at the present time. Ms. Readler stated staff would feel more comfortable if the documents were recorded. Chair Holt asked if this could be delayed to the next meeting so Ms. Zambelli could have time to file the declaration of easements. Mr. Boso asked if they did not want to do the survey work. Ms. Zambelli explained the property was owned by a trust and would like to incur as little expense as possible. John Lucas was introduced as a representative for the trust; he was in agreement with Ms. Zambelli as to not incur more costs for the trust.

Being no further questions, Mr. Boso motioned to approve the lot split with the following stipulation:

1. The Declaration of Easements shall be recorded with the Franklin County Recorder prior to final processing of the lot split request with acknowledgement that future refinements will be necessary to further document the exact location of the easements and all other terms and conditions of the easements;

Mr. Leasure seconded and the vote was unanimous.

### **Item #2 – Kroger Fuel - Development Plan (PID #201305280021)**

The applicant is proposing to construct a Kroger Fuel at 2410 Stringtown Road, at the 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 179 square foot building for the sale of convenience items, all covered by a 24' foot tall canopy with decorative roofline. The site has three points of ingress/egress none of which will be changed; they are utilizing all existing points of access. The building itself will be finished to match the existing brick on the shops to the north. They meet the code requirements for parking, landscaping and lighting with signage subject to administrative review and approval through the building division.

After review and consideration, the Development Department recommends the Planning Commission make a recommendation of approval to City Council as submitted.

The applicant, Nick Hershberger was present to speak to the item; he was in agreement with Mr. Rauch's report. Chair Holt asked that Mr. Hershberger bring a material board to the City Council meeting. Chair Holt then asked if the landscape would be irrigated; Mr. Hershberger replied that they did not plan to do so at this time. Mr. Leasure asked if the area was in the floodplain area. Mr. Hershberger stated that since the 2012 FEMA revision of our floodplain, this area was no longer included in the plain.

Mr. Boso mentioned that at the Council meeting, Councilman Bennett brought up the issue of the culvert and relocating the proposed underground storage tanks if the culvert would fail. Mr. Hershberger stated the culvert was rebuilt in 1998 and has a 102" CMP pipe lined and reinforced by seven feet of concrete. We looked at relocating the tanks to other areas of the site; there is an existing waterline and sewer; EMH&T did not approve the tanks being so close to water and sewer.

Chair Holt asked if Fire or Police had any issues and they did not.

Being no further questions, Mr. Havener motioned to recommend the approval of the development plan, Mr. Linder seconded and the vote was unanimous.

### **Item #3 – Mount Carmel Grove City – Lot Split (PID# 201307010025)**

The applicant is proposing to split the approximately 93 acre Mount Carmel site west of Hoover Road (PID 040-004960) into three unique parcels approximately 22.9 acres, 47.0 acres, and 23.5 in size. One of the proposed lots will have frontage exclusively on the future extension of North Meadows Drive and the two other proposed lots will have frontage

on Hoover Road and the extended North Meadows Drive. Buildings currently under construction according to the approved development plan for the site will meet the setbacks created by the proposed split.

After review and consideration, the Development Department recommends the Planning Commission approve the lot split request as submitted.

Mr. Chris Lagana was present and spoke to the item. There were no questions for Mr. Laguna.

Mr. Leasure motioned to approve the lot split as submitted, Mr. Linder seconded and the vote was unanimous.

**Item #4 – Sunny Street Café – Special Use Permit (Outdoor Seating) (PID# 201307100027)**

The applicant is proposing to install an outdoor seating area for Sunny Street Café at 2788 London Groveport Road. The seating area is proposed to be located in the existing landscape bed along the front of the building and approximately 360 square feet in area. The seating area would be accessed from the restaurant interior as well as a gate outside into the seating area and will be enclosed by a 4' black wrought iron fence. Five black wrought iron tables and chair sets are proposed in the seating area. Materials state that no speakers or outside sound systems will be utilized in the seating area and no signage will be placed on the fence or table umbrellas.

After review and consideration, the Development Department recommends the Planning Commission make a recommendation of approval to City Council for the special use permit as submitted.

Ms. Kim Nocero, applicant was present and spoke to the item

Mr. Leasure asked why the concrete that was poured in the area two inches lower than the sidewalk. Ms. Nocero stated that the fence installer suggested that the fence would be flush if the concrete was lowered. The fence would meet the lip of the concrete.

Chair Holt asked if their hours would change. Ms. Nocero noted that their hours would remain the same.

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

**Item #5 – Byers Auto – Special Use Permit (Automotive Dealer, Service/Repair) (PID# 201307170029)**

The applicant is requesting a special use permit to operate a Byers Auto GM dealership on the west side of North Meadows Drive, on lot five (23 acres) of the Gateway Business Park, parcel 040-009552. The proposed dealership will conduct new and used car sales and related activities, including service and mechanical and body service and repair. Submitted plans show the proposed GM dealership located on the southern portion of the lot with two additional future automobile dealerships and two office buildings to the north. Materials indicate that 387 parking stalls are proposed for the GM dealership and 18 display stalls; however these details and other items related to site layout and configuration will be examined with the submittal of a development plan for the site. This is strictly a special use permit hearing.

The proposed dealership would operate from 7am to 9pm Monday through Friday and 9am to 6pm Saturday and Sunday.

In terms of code analysis, all conditions and terms were met and the Development Department recommends the Planning Commission make a recommendation of approval to City Council with the following stipulations:

1. Pre-owned vehicle sales as well as vehicular repair and service shall be permissible provided they are in conjunction with the operation of a new car dealership.
2. No more than 40% of a dealership's total on-site inventory offered for sale shall consist of pre-owned vehicles.

Brent Rosenthal, representative for the applicant, was present and spoke to the item. He mentioned this will be their first site in the Grove City area. Byers will like to be a good neighbor and is complying with all City codes. Mr. Rosenthal

explained that the percentage of new versus used cars can vary from a low of 25% to 40% as you draw close to the end of the model year, they no longer receive shipments of new vehicles while they continue to take trade-ins.

Chair Holt noted that he would like to keep the 40% pre-owned percentage. Mr. Rosenthal stated that the first phase of this development will cost about six million dollars. Mr. Rosenthal asked that if the 40% could be an average over a year. Mr. Linder asked if they would sell trucks and autos only. Mr. Rosenthal stated they would be one-ton weigh max, no commercial vehicles.

Being not further questions, Mr. Linder motioned to recommend the approval of the special use permit with the following stipulations:

1. Pre-owned vehicle sales as well as vehicular repair and service shall be permissible provided they are in conjunction with the operation of a new car dealership.
2. No more than 40% of a dealership's total on-site inventory offered for sale shall consist of pre-owned vehicles;

Mr. Havener seconded and the vote was unanimous.

Having no further business, Chair Holt adjourned the meeting at 2:05 p.m.

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Molly Frasher, Secretary

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Marv Holt, Chair