

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

October 21, 2002

Regular Meeting

The regular meeting of Council was called to order by President Klemack at 8:00 p.m. in the Council Chamber, City Hall, 4035 Broadway.

After a moment of silent prayer and the Pledge of Allegiance, roll was called and the following members were present:

Vaughn Radi Bob Hatley Maria Klemack Budd Eversman Bill Saxton

1. President Klemack recognized the Mayor who, with the assistance of Gale Sowers, incoming Chamber President, presented the Arts-in-the-Alley Parade Awards to: The Grove City Community Club – Mayor’s Choice; GCHS Marching Band – People’s Choice; and Coldwell Banker/King Thompson & Homewood – Grand Marshall.
2. Mr. Eversman moved to dispense with the reading of the previous meeting minutes and approve as written; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes

3. President Klemack read the agenda items and they were approved by unanimous consent.

The Chair recognized Mr. Saxton, Chairman of the Lands & Zoning Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-84-02 (Approve the Rezoning of 74.7 acres located on the northwest corner of Orders and Haughn Roads from SF-1 to PUD-R) was given its second reading and at the written request of the petitioner’s attorney, Mr. Saxton moved it be postponed to 11/04/02; seconded by Mr. President Klemack.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes

2. Ordinance C-91-02 (Amend Zoning Text for 16.49 & 29.17 acres located South of Stringtown and North of White Roads as adopted by Ord. C-02-02) was given its second reading and public hearing.

Mr. Jeff Brown, attorney representing the petitioner, explained that at the beginning of the year they were in for a rezoning request for a plan with commercial and residential. The residential consisted of an apartment and condominium components. While moving forward on the preparation of a Development Plan, there were some discrepancies found between the drawings

that were submitted and the Zoning Text that accompanied the ordinance. They sat down with the Administration and then Planning Commission, who recommended approval of those four discrepancies. He outlined these four areas as: 1. The pond in the Multi-family area refers to a lit pond and was to refer to the aerators in the pond, not the whole lake being lit up; 2. There is no pond in the condominium phase and all references to a lighted pond with fountain need to be removed. 3. Reducing the setback along White Road to 70 feet, from 100 feet. He explained that during the Meijer's project, many years ago, a 100' setback was discussed. That development did not go forward. He explained that with this development, the driveway is back 70 feet. The ends of two buildings are back 70 feet. Looking across the street, the homes are anywhere from a 53 - 60 foot setback. The houses on the same side of the street are at a 50' setback. In terms of the multi-family project approved to the east, they have a 50' parking setback. He said their pavement and everything else is further back than that. 4. The final item concerns garages in the condominium portion. They submitted some elevations that showed one type of building with one-car garages. If you took that building and matched it up to their site plans, there were 21 one-car garages. After reviewing this with the Administration, it was suggested that 21 was too many. So, they reduced that to 8 one-car garages. There was a suggestion that these be placed on the interior of the condo development and they have agreed to do that. He requested approval by City Council of these items, which will put them back to where they believed they were when the zoning was passed. He said these are the drawings that they showed at that time.

Mr. Saxton stated that he would like to discuss each item individually. He started with the lighted pond reference in the apartment area. Mr. Eversman commented that when he spoke to Mr. Brown about this, he mentioned that he would like to see a minimum of three lighted aerators - two in the large pond and one in the small pond. Mr. Brown stated that they might have more than that. Mr. Eversman moved that the reference to a lighted pond in Exhibit "A" be amended, in both places for Sub area B, to read: ". . . a pond with a minimum of three (3) illuminated aerators . . ."; seconded by Mr. Saxton.

Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes

There were no comments or concerns about the removal of language concerning a pond in the condominium area.

The next item of concern was the 70' setback, rather than 100', along White Road.

Mr. Fred Rake, White Road resident, stated that he was here during the Zoning and Preliminary Plan stage and it was their understanding that there would be a 100' setback for the condo's and they would all have two car garages. He said he thought one of the Council Members asked about the garages specifically and was told they would all be two-car. He said, basically, they don't want it changed. He said this might cheapen the units a little with only one-car garage. He also asked where the 100' setback was taken from (property line, center of road). Mr. Stage stated it was taken from the right-of-way line. Mr. Rake said the water runoff, while this is being developed could be a problem. They have had trouble in the field before, but it has really gotten bad out there.

Mr. Eversman asked if Mr. Rake was aware that the petitioner's request is for only the ends of

two buildings and those buildings facing White Road would still be 100' back. Mr. Rake said yes and he still feels like it wasn't what was agreed to during the zoning. Mr. Stage commented that the Administration did not object to this because the apartments to the east have a setback of 50' to the parking lot. Mr. Rake stated that the difference is there are no houses already built across from the proposed apartments to the east.

Mrs. Kathy Evans, 1428 White Rd., voiced anger over the City not communicating with her and taking a portion of her front yard for the White Road Improvements. Her home is 101 years old and she has lived there for over 30 years, making improvements. She said the City exercised eminent domain to purchase frontage of existing homes rather than the cornfield on the opposite side of the road. She gave the definition of eminent domain and said that the creator of this public necessity is the private developer. It should be obvious that the creator of the necessity should be sacrificing a larger portion of their property, rather than taking the front yards of existing homes. She stated that once the frontage is taken from her front yard, there would only be five feet (5') of front yard left. Three (3) 30' trees and mature lilac and forsythia bushes would also be gone. The road will be within 25 feet of their front door. A new home requires a minimum of 40 feet of frontage on White Road. She stated that an automobile struck their home several years ago. She wonders how safe this will be when the road is moved closer. She stated that they received a letter on Mayor Grossman's letterhead informing them that if they did not like the \$1.78 sq/ft. offer, they could take the city to court. When Mr. Stage was approached, his comment was that they should not have given Mr. Roark (City's consultant from R.D. Zande) a hard time. She said that private citizens should be careful what they agree to. Because you can never be certain, once you relinquish your rights, that what you were originally promised won't be modified. After all, that is the reason we are here tonight. Mr. Radi asked which side of the road she is on. Mrs. Evans said the north side. She said they have invited Mr. Stage to come out and look at their property. To date, he has not. Mr. Stage stated that there are six or seven homes on the north side of White Road that, in the original design, the tapering was going to infringe on the Evans' property. He asked the engineer to look at the need to take any of the Evans' property. If there were a need, they would get back with the Evans'. This has been redesigned, so that there is no need to take any of the Evans' property. Mrs. Evans asked why they have not been contacted. Mr. Stage said that is how he left it with Mr. Evans. Mr. & Mrs. Evans didn't believe that to be true. Mr. Eversman asked Mr. Stage to send the Evans' a letter that, at this time, it is not necessary to take any portion of their property. Mr. Stage said yes.

Mr. Saxton noted that the Evans' concerns did not apply to this issue, and referred back to Mr. Rake's comments. Mr. Brown commented that if you had measured the drawing that was submitted, it always showed a 70' setback. This is greater than the properties across the street or those further to the west on their side of the street. The setback, in terms of the pavement is also further back. He said in terms of what they are doing and the design of the building, being basically single family, why should they be back further than their neighbors? They will be happy to work with the neighbors on the landscaping. He pointed out that only one of the two ends is across the street from an existing home. The 100' came from an old Meijer's development. He said he is sorry for the confusion, but it has always shown 70' on the plans.

Mr. Saxton asked Mr. Radi for some history on this project since he was on Council and in charge of Lands & Zoning when the Preliminary Plan was approved. Mr. Radi stated that this was part of a larger picture. This development came in as a piggyback to the Continental development. He said the compromises that were made on the condominium development,

such as a reduction in the number of units and a reduction in the number of apartments, the

setback off of White Road, in all the Subareas were done as an appeasement. He said it was represented, at that time, that these were compromises that were made as a good will gesture to make the entire area more appealing. Mr. Radi commented that the reason to keep the setback at 100' is that if you look at the overall density of the homes across the street of this area, it is dramatically different from the condominium Subarea. When you take that into context, it makes sense to keep it where it was originally proposed. He then asked Mr. Clark, Dir. of Law, what the purpose of Zoning Text is. Mr. Clark stated that it better defines, in a PUD zoning, what the development is going to be made up of. It gives the Administration and Developer flexibility in the PUD zoning. Mr. Radi asked if there is a dispute between drawings and text, which supercedes. Mr. Clark said the Text would. Mr. Radi asked Ms. Bearden, Dir. of Development, to explain what goes on with the development of a Text. Ms. Bearden stated that in this case, it was a negotiated Text. They sat down and went over various items with the developer. She agreed that the 100' setback was put in the Text because that was the consideration for that piece of land. On the day of the hearing for the zoning, they did sit down with the developer at 4:30 p.m. and go over the Text one last time. Mr. Radi asked if Preliminary Plan usually change once the Development Plan is submitted and approved. Ms. Bearden said yes. Our code actually states the Preliminary Plan is to be approved in principal and further explained code requirements. Mr. Radi recalled that when the illustration of the building that appeared to show a one-car garage was shown, Mr. Eversman specifically asked if they would all be two-car garages because the Text said 2-car garages and the illustration looked like there was a one-car garage. He said Mr. Brown stated that they would all be 2-car garages. He said that if they modified items 1 and 2, they would be stepping back to the time of the original development package versus what was finally approved.

Mr. Eversman asked Mr. Brown how far from the east and west property lines the two buildings that encroach would be. Mr. Brown said they would be over 100 feet. Mr. Eversman stated that he is not sure how he feels about these two buildings. His initial reaction is that he is not opposed to the two ends of the buildings being 70' rather than 100'. However, Mr. Radi brings up some good points and it is a bad precedent to set. Mr. Brown said it is unfortunate that there were some mistakes made between the text and the drawings submitted. He said they apologize for this, but just like they never showed a pond for the condos the plan always showed the setback at 70'. It's unfortunate that all the discrepancies were not caught before the zoning was approved, but it isn't something that they just came up with. Mr. Eversman commented that the ordinance would need amended and made a suggestion that he would move to take the garage amendment out of Exhibit "A" and then deal with the setback issue. Mr. Saxton asked Mr. Brown if he recalls at the Dec. 3, 2001 council meeting that the Condo's would have two car garages and the setback would be 100 ft. Mr. Brown said he saw the reference to the two-car garages in the Preliminary Dev. Plan. He said he doesn't remember any discussion about a 100 ft. setback. He doesn't believe the plans ever showed a 100-foot setback.

Mr. Eversman moved that Exhibit "A" be amended to remove - "*a maximum of eight (8) units shall have a one (1) car garage and the remaining units shall have*" in all areas of the Text; seconded by Mr. Radi.

Mr. Saxton moved to amend the Main Motion to include the removal of the 70-foot setback in all appropriate areas; seconded by Mr. Radi.

Mr. Brown asked Council to consider tabling this ordinance. Discussion took place over what should happen next and the proper procedure. Mr. Clark, Dir. of Law, stated that a motion to table could take place now. Mr. Brown again asked Council to table this ordinance, as is, let

them rethink their position and come back at the next meeting. Mr. Saxton stated that he doesn't see where it would do any good to table this and wishes to proceed. After a few other comments, Mr. Radi Called for the Question; seconded by Mr. Eversman.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes

The vote was called on the amendment to the main motion, to add the removal of the 70-foot setback.

Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	No
Ms. Klemack	Yes
Mr. Eversman	No

Amendment Approved. The vote was taken on the main motion, which now reads "Exhibit "A" be amended to remove - "*a maximum of eight (8) units shall have a one (1) car garage and the remaining units shall have*" and the "70-feet" in all appropriate areas".

Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

There being no additional questions or comments, Mr. Saxton moved Ord. C-91-02 be approved, as amended; seconded by Mr. Eversman.

Mr. Brown asked for clarification on the elimination of the setback. He asked if it only applies to the buildings. Mr. Stage said yes. When you are talking about setback, you are normally referring to the building. Mr. Eversman asked if parking was included also. Mr. Stage stated that parking is usually identified as a second item. Mr. Brown stated that there was not a second item and wants to confirm that this just applies to the building setback. Mr. Stage said he believes that the parking is already at 100'. However, this reference is for the building setback.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes

3. Ordinance C-92-02 (Approve the Rezoning of 21.759 acres located at 2160 Home Road from SD-1 to PUD-R) was given its second reading and public hearing.

Mr. Forest Gibson, Triangle Real Estate, was present and offered to any questions. Mr. Radi asked if these all had two care garages. Mr. Gibson said yes. Mayor Grossman asked to give detail on continuing the Theme along I-270. Mr. Gibson stated that they have worked extensively to incorporate the plans that were developed by Edsall & Associates for I-270. The

development will continue the landscape scheme and the small opening that once appeared, is now gone and will be continuous. Mr. Stage, City Admin., mentioned that the developer has agreed to pay \$35,000.00 toward the rehabilitation of Home Road. Mr. Radi commented that he appreciates their willingness to be flexible and change their original proposal that included apartments. He thanked them for bringing in such a good plan.

There being no additional questions or comments, Mr. Saxton moved it be approved; seconded by Mr. Eversman.

Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes

4. Ordinance C-93-02 (Approve the Special Use Permit for Connell's Flowers & Gifts located at 2033 Stringtown Road) was given its second reading and public hearing.

Ms. Marsha Shannefelt, representative of the property owner, was present to answer any questions.

Mr. Saxton moved that Section 1 be amended to include a stipulation that: 1. Provide and record a cross-easement with the property to the west; seconded by Mr. Radi.

Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

There being no additional questions or comments, Mr. Saxton moved it be approved; seconded by President Klemack.

Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

5. Resolution CR-65-02 (Approve the Development Plan for MAACO Auto Painting located south of Home Rd. and west of Broadway) was given its reading and at the written request of the petitioner's attorney, Mr. Saxton moved it be withdrawn; seconded by President Klemack.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes

6. Resolution CR-69-02 (Approve the Development Plan for The Village at Gantz Park located at 2160 Home Rd.) was given its reading and public hearing.

Mr. Forest Gibson, Triangle Real Estate, was present and offered to answer any questions, since a detailed presentation was given at the last meeting.

There being no additional questions or comments, Mr. Saxton moved it be approved; seconded by Mr. Radi.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes

The Chair recognized Mr. Radi, Chairman of the Safety Committee, for discussion and voting of legislative agenda items under said committee.

1. Resolution CR-76-02 (Authorize the City Administrator to enter into Agreements with Other Public Entities for the Sharing of Equipment in Times of Emergency) was given its reading and public hearing.

Mr. Stage, City Administrator, explained that they have had several meetings on disaster planning, which have included the School District and the Township. He said there are those times when equipment and fuel many need to be shared. This will allow him to negotiate with those entities to put together a package. Mr. Radi asked if there have been times in the past where this type of cooperation has taken place. Mr. Stage said yes. Mr. Blackburn, Service Director, stated salt has been shared. Mr. Stage said we have shared fire equipment, also.

There being no additional questions or comments, Mr. Radi moved it be approved; seconded by Mr. Eversman.

Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes

2. Resolution CR-77-02 (Authorize the City Administrator to enter into Agreements with Other Public Entities for the Sharing of Fuel Supplies in Times of Emergency) was given its reading and public hearing.

Mr. Radi stated that this is similar to the last resolution, except it allows for the sharing of fuel.

There being no additional questions or comments, Mr. Radi moved it be approved; seconded by President Klemack.

Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

The Chair recognized Mr. Hatley, Chairman of the Finance Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-96-02 (Appropriate \$45,630.00 from the Community Environment Fund for the Current Expense of Tree Installation) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Saxton.

Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

2. Ordinance C-97-02 (Appropriate \$165,000.00 from the General Fund for the Current Expense of Construction Engineering for Hoover Road from Milligan Grove to Orders Road) was given its second reading and public hearing.

Mayor Grossman stated that she is pleased to receive a \$700,000.00 no interest loan from the County. In addition, there has been some additional funding made available to the city. This will be the last portion of Hoover Road improvements.

There being no additional questions or comments, Mr. Hatley moved it be approved; seconded by President Klemack.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes

3. Ordinance C-98-02 (Appropriate \$4,500.00 from the General Recreation Fund for the Current Expense of Youth Volleyball) was given its second reading and public hearing and Mr. Hatley moved that the amount be amended to \$6,075.00; seconded by Mr. Saxton.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes

Mr. Behlen explained that this is for a new program and we have received a better response than expected. Costs of the program are proportionate to the fees being collected. In order to make the program fiscally solvent, we need to appropriate all the monies collected in order to get it underway.

There being no additional questions or comments, Mr. Hatley moved it be approved; seconded by Mr. Eversman.

Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes

4. Ordinance C-99-02 (Direct the Certification to the County Auditor of the Expense for Cutting Weeds on Private Property) was given its second reading and public hearing.

Mr. Hatley moved that Exhibit "A" be amended to remove Parcel No's: ...3336, ...2631, and ...4533; seconded by Mr. Saxton.

Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

There being no additional questions or comments, Mr. Hatley moved it be approved; seconded by Mr. Saxton.

Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

5. Ordinance C-100-02 (Make Amendments to Sections 161.09 & 161.10 of the Codified Ordinances Titled Employment Provisions For City Employees) was given its first reading. Second reading and public hearing will be held on November 04, 2002.
6. Ordinance C-101-02 (Appropriate \$28,940.00 from the Sewer Fund for the Current Expense of Reimbursing the City of Columbus For Tap Fees Collected) was given its first reading. Second reading and public hearing will be held on November 04, 2002.
7. Ordinance C-102-02 (Appropriate \$5,000.00 from the Community Development Fund for the Current Expense of a Grant to the Grove City High School Symphonic Band) was given its first reading. Second reading and public hearing will be held on November 04, 2002.

Mr. Ken Kimble, President of the GCHS Band Boosters, was present with two band students. He explained that this is a great honor for the symphonic band. Only five (5) bands in the country are selected. In order to keep costs down for the students, they are requesting assistance from the City.

The Chair asked that any new business to be brought before the attention of Council be done so at this time.

There being no new business, the Chair recognized members of Administration and Council for closing comments.

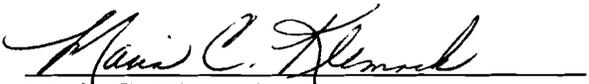
1. Mayor Grossman announced upcoming events and reported on construction projects. She noted that Bob Evans Restaurants have released a Press Release regarding their purchase of the Ramada Inn.
2. Mr. Jeff Hammond, Aquatic Supervisor, submitted the Annual Report on the Big Splash pool.

It gives financial and programming information. It also shows what they would like to see for next year.

3. After additional comments from Council and other Administrative staff members, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 9:24 p.m.


Tami K. Kelly, CMC/AAE
Clerk of Council


Maria C. Klemack
President