CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

September 02, 2003 — 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, a moment of silence 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. Mr. Radi moved to dispense with the reading of the previous meeting minutes and approve as written; seconded by Mr. Hatley.

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

2. President Klemack recognized the Mayor, who made a presentation to the Garden Tour participants this year, with the assistance of Linda Roseen and Dan Snyder, Urban Forester.

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

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

1. Ordinance C-76-03 (Accept the Annexation of 87.21 acres located at 2007 & 2055 Holton Road) was given its second reading and public hearing and Mr. Saxton moved it be approved; seconded by Mr. Eversman.

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

2. Ordinance C-77-03 (Accept the Annexation of 1.341 acres located at 4235 Grove City Road) was given its second reading and public hearing and 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

3. Ordinance C-82-03 (Approve the Special Use Permit for a Drive Thru at Parkway Centre South, located south of Stringtown & east of I-71) was given its first reading. Second reading and public hearing will be held on 10/06/03, as requested by the petitioner.

4. Ordinance C-83-03 (Approve the Special Use Permit for Automotive Service at Parkway Centre South, located south of Stringtown and east of I-71) was given its first reading. Second reading and public hearing will be held on 10/06/03, as requested by the petitioner.

5. Resolution CR-64-03 (Approve a Certificate of Appropriateness for Exterior Modifications to House, Demolition of Garage & Construction of New Garage for 3800 Broadway in the Historical Preservation Area) was given its reading and public hearing.

   Ms. Tracy Hamilton, homeowner & petitioner, was present to answer any questions. Mr. Saxton reviewed the stipulations set by Planning Commission, which Ms. Hamilton agreed to. Council noted that the new garage would have an office above and Ms. Hamilton concurred.

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

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

6. Resolution CR-65-03 (Approve the Development Plan for Newcomer - Farley Funeral Home & Crematory located west of Broadway and North of Barholm Drive) was given its reading and public hearing.

   Mr. Mike Raubenolt, Corda/Nemeth, was present to represent the petitioner. Mr. Saxton reviewed the stipulations set by Planning Commission. Mr. Raubenolt agreed to these and Mr. Boso, Dir. of Dev., stated the petitioner has satisfied them.

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

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

7. Resolution CR-66-03 (Approve the Development Plan for Parkway Centre South, located south of Stringtown and east of I-71) was given its reading and public hearing.

   Mr. Sean Cullen, Continental, was present to review the new Plan that was revised from the original, which was approved April 15, 2002. Mr. Saxton stated that it was his understanding that Continental agreed to all 16 stipulations set by Planning Commission. Mr. Cullen stated that they agreed to all but #1 and 3. He said item one deals with the Architectural Concrete Masonry Unit as an acceptable material. They would like to see that stay as an addition. Mr. Saxton stated that he thinks he speaks for the majority by stating that is not acceptable. Mr. Cullen asked if that meant for any part of the center or just this building. Mr. Saxton said any part of the center. They want the complete center to be all brick. Mr. Cullen stated, for clarification, that they are not only addressing the building plan that is before Council, but also the Agreement that is being brought forward from the April approval, which provides for brick on a certain percentage of the building. *Mr. Eversman* questioned Mr. Cullen's request for the use of "Quik Brik". He said in a meeting he had with Mr. Cullen and Mr. Plank, Mr. Cullen indicated that they were not going to use Quik Brik on building #1. Mr. Cullen stated that he mentioned that they would like to pursue utilizing the half-high unit and the full-high unit on just the one end user. Mr. Eversman asked if that was building #1. Mr. Cullen said yes, the eastern most building of the L-shape retail center. Mr. Eversman stated that he was under the impression that Mr. Cullen said he had agreed to use regular brick on that entire building. Mr. Cullen said yes, and that was what was submitted as part of the package. However, he did want to ask the question, before the members of Council, if all five or a majority do not want to see the Concrete Masonry Unit used at all, on any of the buildings and there is not to be anything used on the anchor building (eastern most building of center) with the exception of all brick. Mr. Eversman said it is still his understanding that the eastern building would be an all brick building. Mr. Cullen said that was correct. Mr. Eversman asked if he was asking if this CMU material could be used on buildings two and three. Mr. Cullen said no. Mr. Eversman said now that he has clarification, he believes Mr. Saxton has explained the desire of Council for building #1 - being an all brick building. *Mr. David Kass*, Continental Real Estate, stated that he believes the confusion comes from them submitting plans for an all brick building, but in conversations with some of the Council Members that they were comfortable with buildings that were not 100% brick on all four sides. It was felt that this should be discussed tonight and find out if there was a majority that felt this way. It appears there is not and he commented that 1. He, Sean and the City spent a couple of years, meeting every week, talking about this project, which included building materials. After years of those conversations, ended up with a PUD document that referenced the materials that were permitted for this shopping center. He finds it disconcerting that after years of working on this project, they are hearing something completely different tonight that will result in a significant amount of dollars. The second point is it is overkill, when there is a lot of landscaping and some of the sides are not seen. He said they are like any other developer putting in an investment and looking for a return. The more money they spend on one item, the less they have to spend on other things. He believes there are better places to spend money, rather than putting brick on the back of a building that is covered with landscaping and buffers. This will be one of the nicest shopping centers they will ever build. He said they are as guilty as anyone for providing this type of architecture. Mr. Saxton asked Council if they would like to comment on Mr. Kass' statements. Mr. Eversman said he agreed with Mr. Kass' statement that all brick on four sides of the building is overkill. However, when Mr. Cullen and Mr. Plank came to visit him the first thing they said was that the building would be all (four sides) brick. He wanted it made very clear that he was told the anchor building would be all brick. For Mr. Kass to say he is surprised tonight, is a surprise to him. It is his opinion that the CMU material could have been used on the rear of the building only, due to the extensive landscaping. However, he didn't suggest that to Mr. Cullen because Mr. Cullen came to him and said - this is what we are going to do. *Mr. Radi* commented that he didn't believe the answer is as simple as they were trying to make it because the CMU material was not introduced with the original plan or guidelines. So, to say that the City is blindsiding Mr. Kass with wanting all brick isn't fair. Nor is it fair to come in with a different product than what was discussed for a number of years. Mr. Cullen commented that this product was not widely used until a year or so ago. It is now something that is integrated and can achieve the same look, rather than a plain block building. He showed a utility brick and a Quik Brik side-by-side and believes you cannot tell the difference, at 40 mph going down the road. *Mr. Hatley* asked if the utility brick was what is being proposed for the building. Mr. Cullen said yes, except for the color. The color elevation submitted in the packet denotes the actual color and different styles, just like they had submitted last year with the color palate board that shows the various bricks that they have brought forward with this Development Plan. Mr. Hatley asked Mr. Cullen to explain the Quik Brik. Mr. Cullen brought just the face of a piece of Quik Brik, which would normally have a concrete block attached to it. He explained that unlike the Utility Brick, it was not necessary to lay the brick and then build a concrete wall behind it. This material is all in one. It is the same size of a concrete block, but you are getting the same look as with the Utility Brick (other than the size is longer on the Quik Brik). Mr. Hatley asked if the color of the Quik Brik is identical to the actual brick used. Mr. Cullen said yes. Mr. Radi asked if there would be mortar joints between each brick and exposed from the outside. Mr. Cullen said yes. *Mayor Grossman* commented that Mr. Boso had traveled to Cincinnati to look at a building of Continental's, where the CMU material was used and asked if he could comment. Mr. Boso said he believed that as you get closer to the building, it is obvious that it is a concrete product and not a true brick. He then referenced two documents, the Development Text adopted under CR-26-02 and then the Development Guide that both reference the same material, with the Guide requiring all buildings to be a minimum of 50% brick. Neither of these documents references the CMU material. What was submitted was an all brick building. Mr. Saxton recognized Mr. Marvin Holt and Ms. Karen Evans, members of the Planning Commission, who commented that they stipulated they wanted traditional brick. They did not want "Quik Brik" or split-face block. All they asked for was to use the natural brick, which has been show in the Guide all along. All that wanted was for the developer to follow the Text and there were six bricks listed in the design criteria, which they felt would be a better look than the Quik Brik. Additionally, this is just one building in the South Centre as well as the North Centre. They do not want this to proliferate into the other buildings and want it to be uniform. *Mr. Kass* stated that this new material is considered an upgrade from stucco and concrete block in the industry. The text permitted stucco and concrete block to be used on the buildings and they felt this new material would be an upgrade. He requested that Council vote on the submitted plan, which shows an all brick building and afterwards, if Council would be willing to meet with them to consider other options, they would like that opportunity. Mr. Saxton stated that he would be willing to discuss that, but once it is voted on, he would not be willing to change it. His vote this evening would be for all brick. Mr. Eversman commented that he would be willing to see Quik Brik used on the rear of the anchor store only, but if the plan gets approved tonight, they would be required to build an all brick building. A change would require a new submittal, which would go through the formal procedure to amend the plan. A better way to handle this would be to postpone this Resolution, especially with all the other issues involved. He suggested that they postpone this until the Special Use Permits come up for a vote, since it may all be a moot point if the Special Use Permits get denied. President Klemack commented that she wanted all brick. Mr. Hatley stated he thinks we need to set a precedent with the anchor store. He would be inclined to have all brick building. Mr. Radi said he preference is all brick, but from a practical standpoint and from what he perceives to be the original agreement, he would be willing to look at Quik Brik in a limited application on the rear of the building. *Mr. Kass* commented that the point about the Special Use Permits is well taken. They need some feedback tonight about those, so they can begin construction on the 15th or the project will be pushed back to 2005. He said Mr. Eversman is correct in assuming that if the Special Use Permits don't go then the project doesn't go. Mr. Saxton commented that they do not have the details for the drive-thru. It was noted that some detail has been submitted. Mr. Saxton asked where Continental stood with the brick issue. Mr. Kass stated that they would move forward with all brick.

Next, Mr. Saxton asked about the objection to stipulation #3, regarding the sidewalk width. Mr. Cullen stated that its not that they object, but after meeting, there was some thought that it might be too much, with the way the building projects in and out. It was thought that 15 feet from those closest areas to the curb would be a minimum that some could live with. He showed an exhibit that reflected the sidewalk at 25' minimum. He pointed out that in some spots the sidewalk is 47 and 62 feet wide. He wanted to point out how far the walk would be from the parking lot to the front doors for someone with a small child or a disability. Mr.

Saxton stated that with an eight-foot planter between the curb and building, there really isn't 25 feet of space. Mr. Cullen said that what they tried to work out with Planning Commission was a park-like setting, with planters, so that you don't have a 25' shining concrete runway in front of the building, out to the curb. He said they are doing one and saying another. However, if you allow for the 15', you move the building ten feet further away from the west road and 10 feet from Buckeye Parkway. *Mayor Grossman* commented that as a member of Planning Commission, this was an issue of safety for her. She said she doesn't want pedestrians (specifically children) going immediately out into a drive isle. One plan showed a minimum of seven feet from the building to the drive and safety is the utmost concern. *Mr. Eversman* commented that he thought 25' might be able to be reduced. His thought was 15'. However, with the discussion of the planters, he would want 15' plus the thickness of the planters, which puts it back at 23'. Perhaps the planters could be reduced to six feet, but he doesn't know if that would do them any good. *Mr. Boso* indicated that there are no planters proposed in front of the ingress/egress to the building. Mr. Cullen said that was correct. *President Klemack* said she agreed with Mr. Eversman and would consider reducing the sidewalk somewhat, due to some senior citizens and disabled people she has spoken with. *Mr. Hatley* said he would be inclined in scaling the sidewalks back a bit. *Mr. Radi* and Mr. Saxton said they would be inclined to stay at 25'. Mr. Cullen said he would leave it at 25'. Mr. Saxton asked if the 16 items from Planning Commission were now acceptable. Mr. Cullen said yes.

Mr. Saxton had a question regarding Stipulation #6 from Planning Commission regarding the height of the wall around the outdoor sales area. He asked where the details were for this. Mr. Cullen said it was provided on the full-size elevation that was printed out to scale. He said a scale could be applied to that drawing and the height measured. Mr. Saxton asked what that was. Mr. John Merrell, architect, stated it would be 10' high and there will be a shade cloth roof above it, for plants, which will elevate it to about 11'. The trusses that hold up the shade cloth will be five or six inches. He said they understand Planning Commission's intent that nothing to be sold in the store to exceed the height of that wall. Mr. Saxton asked Mr. Boso if he was happy with that. Mr. Boso said he was happy with the height, but what we don't have is this new element - the roof section. We have no detail on this. Mr. Merrell said it's not really a roof. It is more like a tent. Mayor Grossman asked about the color. Mr. Merrell said it was a charcoal gray. Mr. Saxton asked if they would agree to Mr. Boso having to approve this. Mr. Merrell said yes.

Mr. Saxton then introduced a list of items that Council had. Mr. Saxton asked if there were any problems with those items. Mr. Cullen said the item regarding Sheet A2.1 to be replaced to match the submitted proposed building should be the opposite. He explained that anchor tenant should be added to those elevations. The black & white elevations in the packet are what were approved on April 15, 2002. The anchor now, is its own material - all brick and is in addition to this. After some discussion, Mr. Saxton stated that this item would be reworded to stated that an additional elevation sheet is to be submitted for the anchor store. Mr. Cullen agreed.

Mr. Cullen then commented on the landscaping item. He said they had a meeting with Dan Snyder and the plan that is before Council has the number of landscape islands that are required or denoted on the plan and there won't be any more added to the parking lot. If there are going to be more islands added, it would be in the mural "park-like" setting between the anchor and the rest of the retail. Mr. Saxton said from that meeting a memo was written and asked Mr. Snyder, Urban Forester, to review the additional landscape items he spoke of in his 9/2/03 memo, except for #1. Mr. Snyder reviewed the remaining five issues. With regard to the species of trees to be used, discussion took place on this. Mr. Saxton stated that Mr.

Cullen would have to agree to what Mr. Snyder wants. Mr. Cullen said he was fine with that. Regarding the light poles, Mr. Cullen said they said they would try to accommodate them in the islands, but they try to keep those in alignment so you reach equal levels of light throughout the parking lot. It was agreed that, where possible, the lights would be placed in the islands. Mr. Cullen said the item concerning brick walkways is not part of their work. He believes they are on the public street plans. Item #5 was fine with Mr. Cullen and suggested item #6 could include the pocket park they have been discussing for this. Mr. Snyder said Mr. Cullen has been given a design for this, which has a similar look to Mural Park (Town Center). Mr. Saxton asked that Dan and Sean sign off of the memo to the items that exist. Ms. Kelly asked it be submitted to her for attachment to the Resolution.

Mr. Cullen questioned item #7 regarding the Garden Center screening. Mr. Saxton said the screening was all wire and they would like to see that changed to a wrought iron fence with about four brick pillars/columns, evenly spaced between. Mr. Boso said the amendment is trying to put an architectural fence detail up, instead of a massive amount of black across the side. Mr. Saxton drew a rough sketch of what he wanted and Mr. Cullen agreed.

Mr. Cullen commented on #8. He said they tried to get away from using the Design Guide so there wouldn't be confusion from what was approved in the past to what is now before Council. Mr. Boso agreed that this document has been a big discussion item, but thinks it was meant to be a true guide - not exactly what the Centre has to be. He said it is truly a guide. Mr. Cullen said that would be fine. He just doesn't want someone to see the bench (for example) and say it is the only one that can be used. Otherwise, he is in agreement.

Mr. Eversman asked about the detail for the drive-thru. He said there was a note that the materials would match the main anchor. It also calls for split-face block. Mr. Cullen said it was correct to say it would match the main anchor. That is why the note was placed on the drawing in bigger type.

Mr. Saxton moved that Section 1 be amended to include the following stipulations:

1. Add "Sub-area A" immediately after Parkway Centre South in the first line.
2. Amend Development Text, shown on page 1 of plans, as follows:
    a. Under <u>Introduction</u>, paragraph 3, add reference to the NBBJ Plan.
    b. In section 3b, remove the words "architectural concrete masonry unit, such as, but not limited to Quik Brik,".
    c. In section 6a (Signage and Graphics), change "sheets 1 and 2" to show "sheet 8".
    d. Include language from Dev. Text approved by CR-26-02, titled B. ROADWAYS.
    e. Signature Block to be added to bottom of Development Text.
3. Submit an additional elevation sheet for Anchor store building.
4. Landscaping to meet the stipulations of the Urban Forester, as outlined in a memo dated 9/2/03, attached hereto and signed/initialed by Sean Cullen, Continental Real Estate & Dan Snyder, Urban Forester, except for stipulation #1, which shall be no less than the number of islands shown on the plans but final number shall be determined by the Administration.
5. All striping to be white.
6. Parking Lot Light Poles (Sheet 3/8) to be consistent with Parkway Theme and approved by Administration.

7. Planning Commission Stipulation #12 to be excluded and the structure around the Garden Center shall be black wrought iron fencing with four (4) columns, evenly spaced and constructed of the same brick material as the building.
8. Design Guide dated February, 2002, attached hereto, shall be incorporated as part of the plan and used as a guide.
9. All signage to be submitted for separate approval and is not part of this approval.
10. Sheet 2 of 8 to reflect Sub-area A as defined in Ord. C-71-01.
11. Plans to be amended to reflect Kiosk materials to be the same as building.

Seconded by Mr. Eversman.

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

Mr. Hatley commented that it is not Council's job to decide who goes in the center. Their job is to try and make the best of what we have. What concerns him is the Wal-Mart becoming like some of the other Wal-Mart stores (Hilliard or South High St.). That certainly is not the intent of this development. He is hoping, by some of the standards set and things they have tried to do, that we can help prohibit that from happening. Mr. Cullen commented that his group takes for granted what they see in design every day. He thinks the elevations that have been before staff and Administration since July weren't taken literally for what they are. This user is coming into this market and wants to be part of the community and committed to using materials that were more than what Continental originally committed to on one side. Mr. Saxton stated that when he met with Mr. Cullen he listed other stores he felt was on the drawing board that would follow if this store was approved. He asked Mr. Cullen to share them. Mr. Cullen said he would prefer not to, but said he felt the impression was (from the public side) if this user comes, users that committed a year and a half ago would not come. He said that is not the case. There are four of the seven spaces on the L-shape that are waiting to move forward after this decision, with their plans. *President Klemack* commented that she saw a new Wal-Mart store built with all brick in Charleston, WV, that looks very much like the drawings submitted. It was very nicely done and gives an entirely different image.

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

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

Mr. Cullen asked if Council could comment on their opinions with the Special Use Permits. They need to get a feel, as it is imperative to make the deal whole. Mr. Eversman and President Klemack supported them generally, as long as traffic wasn't a problem around the drive thru and all the landscaping hid the auto service center. Mr. Hatley asked what kind of service would be provided in the auto center. Mr. Cullen said it is simply things you can buy in the anchor – tires, oil, and batteries. It is just a convenience. Mr. Hatley said, with the landscaping he doesn't have a problem, at this point. Mr. Radi asked Mr. Clark if the special use permit is granted for the auto center, it would allow for all services, not just those being expressed tonight. Mr. Clark said that was correct. Mr. Cullen asked if it would be best to delineate just the specific uses. Mr. Clark said he believes they can limit the uses and make conditions upon Special Use Permits. Mr. Radi said he would like to be presented it that way. As far as what he will do, he will wait until the public hearing to see if the public has any comments pro or con. Mr. Saxton said he would be more inclined to vote for the auto service center if the uses were limited, as Mr. Radi suggested. He also wants the landscaping to block it. For the drive-thru, he wants to see details of the traffic flow.

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

1. Ordinance C-80-03 (Authorize the City Administrator to Execute the Central Ohio Health Care Consortium Joint Self-Insurance Agreement) was given its second reading and public hearing and Mr. Eversman moved it be approved; seconded by Mr. Radi.

Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	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-81-03 (Appropriate $25,000.00 from the General Fund for the Current Expense of Employee Retirements) was given its second reading and public hearing and Mr. Hatley moved that Section 1 be amended to strike the reference to "the Administration and Building"; seconded by Mr. Eversman.

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

Mr. Hatley moved it be approved; seconded by Mr. Radi.

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

2. Resolution CR-67-03 (Authorize the City Administrator to Accept the Donation of a Flag Pole & Plaque to be located in Fryer Park) was given its reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Saxton.

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

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 submitted of the Mayor's Monthly Report. President Klemack moved to accept the Mayor's Report; seconded by Mr. Saxton.

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

The Mayor reported on community events.

2. Council welcomed back Charles W. Boso, (former City Admin.) as Dir. of Development. Mr. Saxton commented with regard to the shopping center, Council does not have the ability to choose the tenants, they only approve the building. Mr. Eversman agreed with Mr. Saxton and followed-up by stating that we cannot legislate tenants, nor can we force a business to locate here before they are ready. He said that with all the hours spent by Council, Planning Commission & the Administration, it shows the importance of the Center to the City. As far as tenant's go, he believes most everyone will be happy with the tenants it will attract.

3. After additional comments from Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:43 p.m.

Tami K. Kelly

Tami K. Kelly, CMC/AAE
Clerk of Council

Maria C. Klemack

Maria C. Klemack
President