

ORDINANCE C-32-09

AN ORDINANCE FOR THE REZONING OF 3.83 ACRES LOCATED WEST OF BROADWAY AND SOUTH OF PARK STREET FROM CBD, C-2 & IND-1 TO PUD-C

WHEREAS, a petition was filed with the Planning Commission of the City of Grove City praying for the recommendation of said Commission in regard to the rezoning of certain premises hereinafter described; and

WHEREAS, the Planning Commission approved the rezoning on March 24, 2009, with the following stipulations to the Zoning Text:

1. "Extended Care" use shall be removed from the text;
2. "Shooting Range" use shall be removed from the text;
3. "Nightclub" use shall be removed from the text.

WHEREAS, a copy of the ordinance, together with a map and plat and the report of the Planning Commission has been on file in the Clerk's office for thirty days for public inspection.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. The following described premises are rezoned from CBD, C-2 & IND-1 to PUD-C with Zoning Text:

Situated in the State of Ohio, County of Franklin, City of Grove City, Virginia Military Survey Number 1388 and being out of the remainder of those tracts of land conveyed to *The City of Grove City, Ohio, as recorded in Official Records, Recorder's Office, Franklin County, Ohio*, and being more fully described in Exhibit "A" attached hereto and made a part hereof.

SECTION 2. The comprehensive zoning map is hereby amended to conform to the provisions of this ordinance.

SECTION 3. This Ordinance shall take effect at the earliest opportunity allowed by law.

Passed: 05-18-09

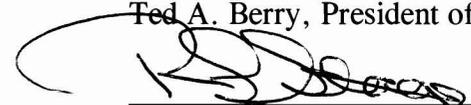
Effective: 06-17-09

Attest:

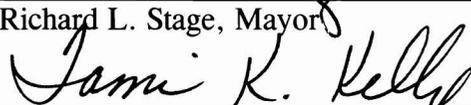
I Certify that this ordinance is correct as to form.



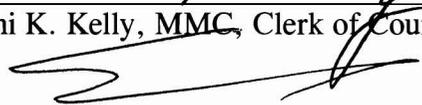
Ted A. Berry, President of Council



Richard L. Stage, Mayor



Tami K. Kelly, MMC, Clerk of Council



Stephen J. Smith, Director of Law

C-32-09
Exhibit A
**ZONING OF
3.83 ACRES**

Situated in the State of Ohio, County of Franklin, City of Grove City, located in Virginia Military Survey Number 1388 being out of the remainder of those tracts of land conveyed to The City of Grove City, Ohio by deeds of record in Official Records 11545J04, 12098G08, 11454G16, 12666A20, 34083G17 and 12270B16 and Instrument Numbers 200108130186816, and those tracts conveyed to The City of Grove City by deeds of record in Official Records 12371D16, 13786F16, 13786F17 and 11964H18 and Instrument Number 200302100041687, all of the alley vacated in Ordinance Number C-19-61 and the public alley as shown on the subdivision plat entitled Jos. Buchholtz's Addition of record in Plat Book 5, Page 244, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

BEGINNING at the intersection of the northerly right-of-way line of Grove City Road with the westerly right-of-way line of Broadway (State Route 3, U.S. Route 62);

Thence North 87° 25' 43" West, with said northerly right-of-way line, a distance of 668.26 feet to a southeasterly corner of that 11.447 acre tract conveyed to CSX Transportation Inc. Baltimore & Ohio Railroad;

Thence North 32° 38' 48" East, with an easterly line of said 11.447 acre tract, a distance of 463.76 feet to a point in the southerly right-of-way line of Park Street;

Thence South 55° 46' 41" East, with said southerly right-of-way line, a distance of 580.30 feet to a point in said westerly right-of-way line;

Thence South 33° 33' 13" West, a distance of 112.93 feet to POINT OF BEGINNING, containing 3.83 acres of land, more or less.

This description was prepared using documents of record and prior plats of survey, and is not to be used for transfer.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

3/20/09

Edward J. Miller
Registered Surveyor No. 8250

Date

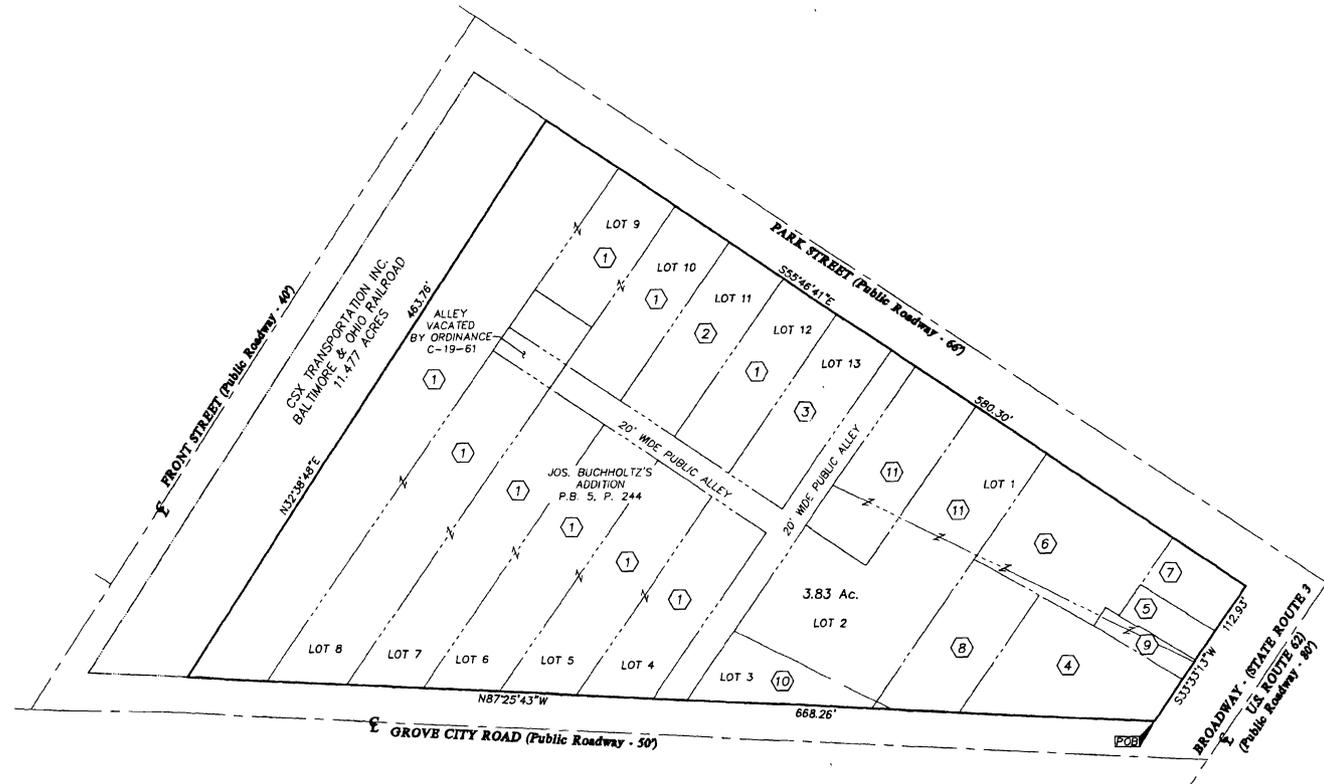


C-32-09

ZONING EXHIBIT

VIRGINIA MILITARY SURVEY NUMBER 1388

CITY OF GROVE CITY, COUNTY OF FRANKLIN, STATE OF OHIO



\\cmhgwad1\survey\project\20082261\DWG\2261ZONING\B21 LAUDSCAPE - NO SRES - LAST SAVED BY JAMSTON [2/9/2009 4:35:53 PM] - PLOTTED BY JAMSTON [2/9/2009 4:35:53 PM]

OWNERSHIP REFERENCES:

- | | |
|---|---|
| ① The City of Grove City, Ohio
IN: 200108130186816 | ⑦ The City of Grove City, Ohio
O.R. 12038G08 |
| ② The City of Grove City
IN: 200302100041687 | ⑧ The City of Grove City, Ohio
O.R. 11545J04 |
| ③ The City of Grove City, Ohio
O.R. 34083G17 | ⑨ The City of Grove City, Ohio
O.R. 12270B16 |
| ④ The City of Grove City
O.R. 11564H18 | ⑩ The City of Grove City
O.R. 13786F16 & O.R. 13786F17 |
| ⑤ The City of Grove City, Ohio
O.R. 12686A20 | ⑪ The City of Grove City
O.R. 12371D16 |
| ⑥ The City of Grove City, Ohio
O.R. 11454G16 | |

Note:
This survey was prepared using documents of record and prior plats of survey, and is not to be used for transfer.

RECEIVED
FEB 18 2009
GC PLANNING COMMISSION

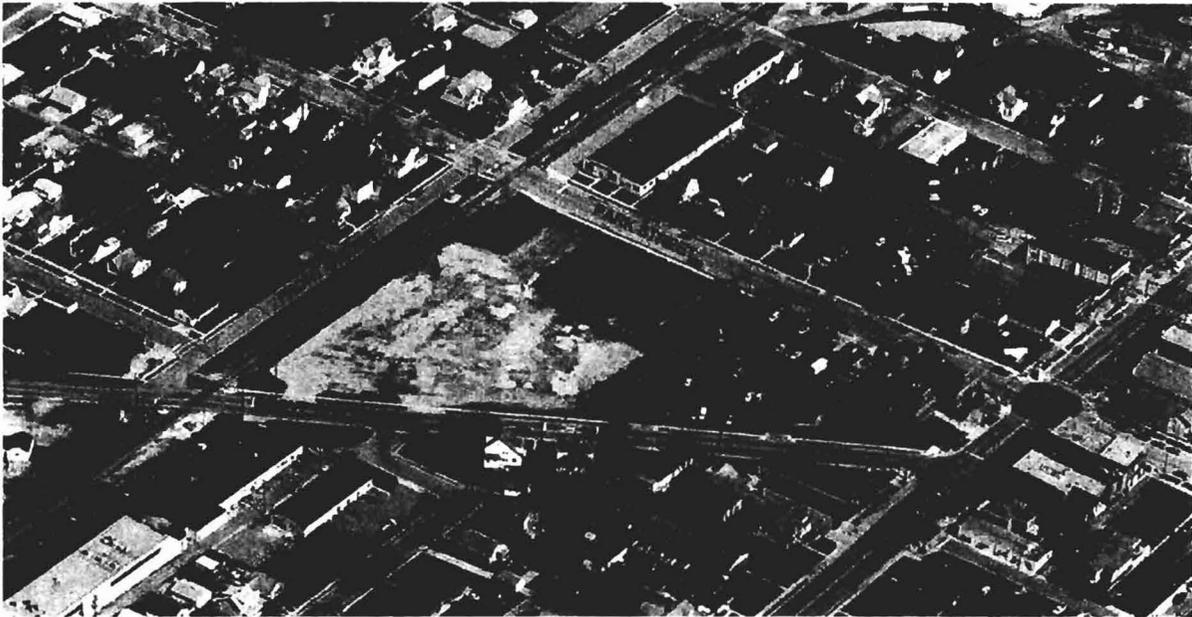
EMHT <small>Evans, Mechwart, Hornbelen & Tron, Inc. Engineers - Surveyors - Planners - Scientists 5500 New Albany Road, Columbus, OH 43254 Phone: 614.773.4800 Fax: 614.773.4800</small>	Date: February 10, 2009	
	Scale: 1" = 50'	
	Job No: 2008-2261	
	Sheet: 1 of 1	
REVISIONS		
MARK	DATE	DESCRIPTION

C-32-09

**Lumberyard Redevelopment
3.83 ACRES**

GROVE CITY, OHIO

PLANNED UNIT DEVELOPMENT – COMMERCIAL (PUD-C)



APPLICANTS:

CITY OF GROVE CITY
4035 BROADWAY
GROVE CITY, OHIO 43123

THE STONEHENGE COMPANY
147 NORTH HIGH STREET
GAHANNA, OHIO 43230

ZONING TEXT

March 19, 2009

INTRODUCTION:

The Lumberyard Zoning Text delineating Permitted Uses constitutes the zoning for the 3.83 acres of land located west of Broadway, south of Park Street, east of the CSX right-of-way and north of Grove City Road, and more particularly described on the legal description submitted as part of the zoning application (the “Property”).

The development is proposed to be a mixed-use community with retail, educational, recreational and office uses.

INTENT:

Due to the nature, scale and mass of the proposed Lumberyard Redevelopment and its foreseeable impact on the Town Center’s character, economic viability and future development pattern it is the intent of this Zoning Text to establish the necessary controls to regulate its use and development.

ADMINISTRATION AND INTERPRETABILITY:

The City Administrator or their designee shall be authorized to provide official interpretations to this document. In the event that the above mentioned is unable to provide such interpretation a “use approval” shall be submitted for Planning Commission review and City Council approval.

PERMITTED USES:

Uses permitted under the Planned Unit Development – Commercial zoning classification are prohibited unless otherwise contained herein. The following uses¹ are permitted:

1. Recreation, Education, and Public Assembly
 - i. Commercial recreation facility
 - ii. Health/fitness facility
 - iii. Library, museum
 - iv. Meeting facility, public or private
 - v. Park, playground
 - vi. School, public or private
 - vii. Studio: art, dance, martial arts, music, or similar type of use
 - viii. Theater, cinema, or performing arts
 - ix. Neighborhood market

2. Retail
 - i. Artist shop
 - ii. Bar, tavern, night club
 - iii. General Retail, including on-site production of items sold
 - iv. Restaurant, café, coffee shop, including outdoor seating
 - v. Theater cinema or performing arts
 - vi. Parking facility public or commercial
 - vii. Alcoholic beverage sales

3. Services: Business, Financial, Professional, Civic
 - i. ATM or bank
 - ii. Business support service
 - iii. Civic
 - iv. Medical Services: Doctor’s Office
 - v. Medical Services: Extended Care

¹ A definition of each listed permitted use is in the Glossary.

- vi. Office: business, service, professional, and administrative
- vii. Financial Services
- viii. Daycare center (child or adult)
- ix. Personal services
- x. Lodging

4. Transportation

- i. Parking facility, public or commercial and

GLOSSARY:

Alcoholic Beverage Sales - Off-Premise: The retail sale of beer, wine, and/or spirits in sealed containers for off-site consumption, either as part of another retail use, or as a primary business activity.

Artist Shop: See "Studio."

ATM or Bank: An automated teller machine (computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel), located outdoors at a bank, or in another location. Includes banks, but does not include drive-up ATMs or check-cashing stores. See also "Financial Institutions" for other financial organizations.

Bar, Tavern, Night Club:

Bar, Tavern: A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. The business may also include beer brewing and other beverage tasting facilities as part of a microbrewery ("brew-pub").

Night Club: A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc., but does not include adult oriented businesses.

Business, Service: Establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include "Bank, Financial Services," which is separately defined.

Business Support Service: An establishment within a building that provides services to other businesses. Examples of these services include computer-related services (rental, repair) (see also "Maintenance Service – Client Site Services"), copying, quick printing, and blueprinting services, film processing and photofinishing (retail), mailing and mail box services.

Child Day Care: See "Day Care Center."

Civic: A term defining not-for-profit organizations, dedicated to arts, culture, education, religious activities, government, transit, municipal parking facilities and clubs.

Commercial: A term defining workplace, office and retail use collectively.

Commercial Recreation Facility - Indoor: An establishment providing indoor amusement and entertainment services for a fee or admission charge, including:

bowling alleys, coin-operated amusement arcades, electronic game arcades (video games, pinball, etc.), ice skating and roller skating, pool and billiard rooms as primary uses.

This use does not include sex oriented businesses. Four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) in any establishment, or a premises where 50 percent or more of the floor area is occupied by electronic games or amusement devices, are considered a commercial recreation facility; three or fewer machines or devices are not considered a land use separate from the primary use of the site.

Daycare center, child or adult: a state license facility that provides non-medical care and supervision for adult clients or minor children for periods of less than 24 hours for any client.

Financial Services: Includes banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, other investment companies, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies. This does not include drive-through services or check-cashing stores.

General Retail: Stores and shops intended to serve the City as destination retail, rather than convenience shopping. Examples of these stores and lines of merchandise include:

art galleries, retail, art supplies, including framing services, books, magazines, and newspapers, cameras and photographic supplies, clothing, shoes, and accessories, collectibles (cards, coins, comics, stamps, etc.), drug stores and pharmacies, dry goods, fabrics and sewing supplies, furniture and appliance stores, hobby materials, home and office electronics, jewelry, luggage and leather goods, musical instruments and-carried), parts, accessories, small wares, specialty grocery store, specialty shops, sporting goods and equipment, stationery, toys and games, variety stores, videos, Digital Versatile Discs (DVD), records, Compact Discs (CD), including rental stores.

Health/Fitness Facility: A fitness center, gymnasium, health and athletic club, which may include any of the following:

exercise machines, weight facilities, group exercise rooms, sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery, ~~and shooting ranges~~ and other indoor sports activities, indoor or outdoor pools.

12 PC

Library, Museum: Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

Lodging: A facility (typically a hotel or motel) with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

Medical Services: Clinic, Urgent Care: A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

medical offices with five or more licensed practitioners and/or medical special-ties, out-patient care facilities, urgent care facilities, other allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or

psychiatrists are included under "Offices - Professional/Administrative."

Medical Services - Doctor Office: A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services - Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."

Medical Services - Extended Care: Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

Meeting Facility, Public or Private: A facility for public or private meetings, including:

community centers, religious assembly facilities (e.g., churches, mosques, synagogues, etc.), civic and private auditoriums, Grange halls, union halls, meeting halls for clubs and other membership organizations, etc.

Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. This does not include conference and meeting rooms accessory and incidental to another primary use, and which are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support.

Does not include:

cinemas, performing arts theaters, indoor commercial sports assembly or other commercial entertainment facilities. Related on-site facilities such as day care centers and schools are separately defined, and separately regulated by this Code.

Mixed-use: Multiple functions within the same building or the same general area through superimposition or within the same area through adjacency.

Museum: See "Library, Museum."

Neighborhood Market: A neighborhood serving retail store, primarily offering food products, which may also carry a range of merchandise oriented to daily convenience shopping needs, and may be combined with food service (e.g., delicatessen).

Office: Business, Service, Administrative and Professional

Business, Service: establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include "Bank, Financial Services," which are separately defined.

Professional, Administrative: Office-type facilities occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include:

accounting, auditing and bookkeeping services, advertising agencies, attorneys, business associations, chambers of commerce, commercial art and design services, construction contractors (office facilities only), counseling services, court reporting services, design services including architecture, engineering, landscape architecture, urban planning,

detective agencies and similar services, doctors, educational, scientific and research organizations, financial management and investment counseling, literary and talent agencies, management and public relations services, media postproduction services, news services, photographers and photography studios, political campaign headquarters, psychologists, secretarial, stenographic, word processing, and temporary clerical employee services, security and commodity brokers, writers and artists offices.

Open Space, Private: Land intended to remain undeveloped and located on privately owned property. It may be accessible to the public, but is not required to meet the same accessibility standards as public open space (e.g. fronting one or more streets, publically owned and controlled, etc.

Open Space, Public: Land intended to remain undeveloped and located on publically owned property and is directly accessible to the public. It may be space that has been classified as Civic Space.

Park, Playground: An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities.

Parking Facility, Public or Private: Parking lots or structures operated by the City, or a private entity providing parking for a fee. Does not include towing impound and storage facilities.

Personal Services: Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include:

barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, pet grooming with no boarding, shoe repair shops, tailors, tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Professional, Administrative: Office-type facilities occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include:

accounting, auditing and bookkeeping services, advertising agencies, attorneys, business associations, chambers of commerce, commercial art and design services, construction contractors (office facilities only), counseling services, court reporting services, design services including architecture, engineering, landscape architecture, urban planning, detective agencies and similar services, doctors, educational, scientific and research organizations, financial management and investment counseling, literary and talent agencies, management and public relations services, media postproduction services, news services, photographers and photography studios, political campaign headquarters, psychologists, secretarial, stenographic, word processing, and temporary clerical employee services , security and commodity brokers, writers and artists offices.

Restaurant, Cafe, Coffee Shop: A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption (“counter service”); and establishments where customers are served food at their tables for on-premise consumption (“table service”), that may also provide food for take-out, but does not include drive-through services.

School, Public or Private: Includes the following facilities:

Elementary, Middle, Secondary, Post-Secondary: A public or private academic educational institution, including elementary (kindergarten through 6th grade), middle and

junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), post-secondary (two-year or four-year institutions), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board.

Specialized Education/Training: A school that provides education and/or training, including tutoring, or vocational training, in limited subjects. Examples of these schools include:

art school, ballet and other dance school, business, secretarial, and vocational school, computers and electronics school, drama school, driver education school, establishments providing courses by mail, language school, martial arts, music school, professional school (law, medicine, etc.), seminaries/religious ministry training facility. This does not include pre-schools and child day care facilities (see "Day Care"). See also the definition of "Studio - Art, Dance, Martial Arts, Music, etc." for smaller-scale facilities offering specialized instruction.

Studio - Art, Dance, Martial Arts, Music, etc: Small scale facilities, typically accommodating no more than two groups of students at a time, in no more than two instructional spaces. Examples of these facilities include:

individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.

Substantial Compliance: It occurs when physical improvements to the existing development site are completed which constitute the greatest degree of compliance with current development provisions.

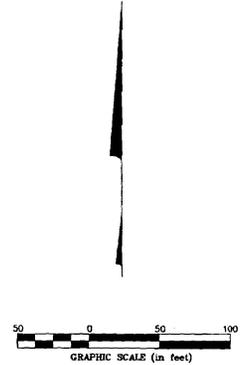
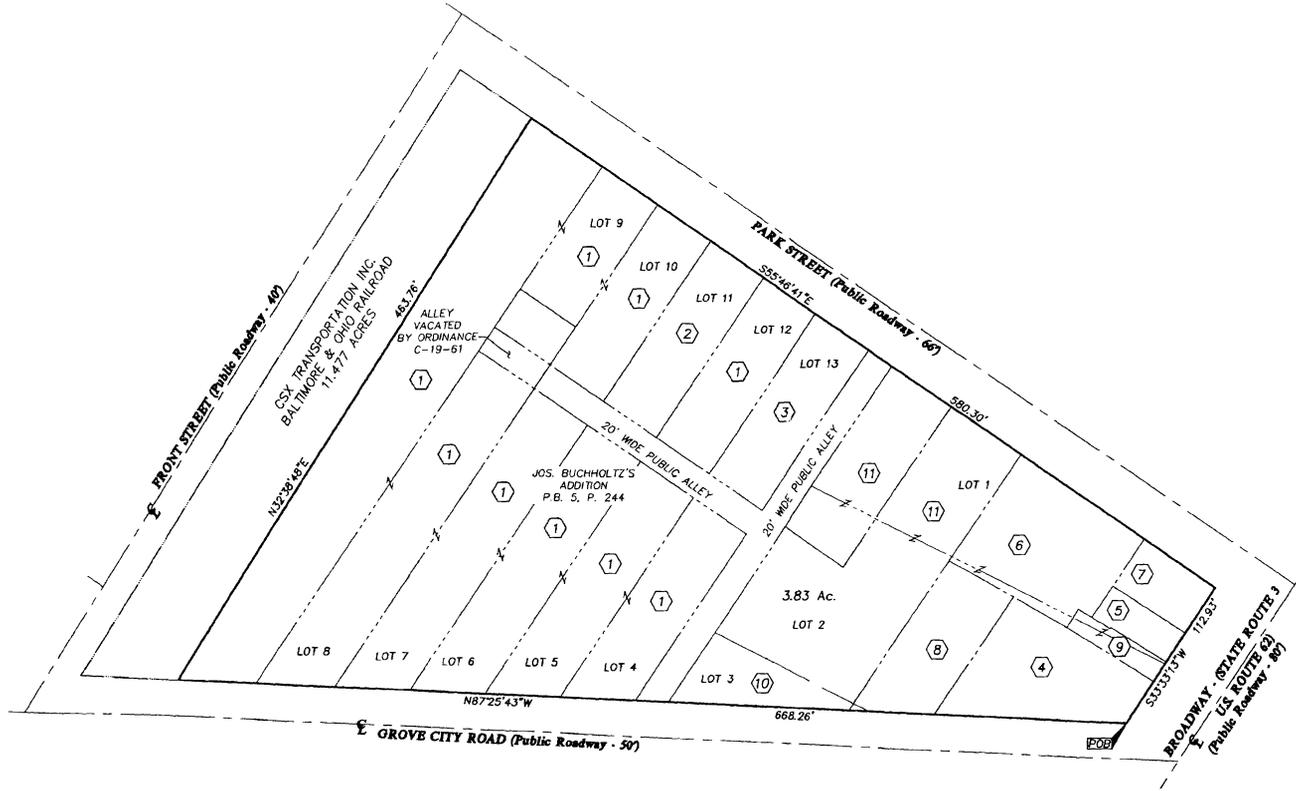
Theater, Cinema or Performing Arts: An indoor facility for group entertainment other than sporting events. Examples of these facilities include: civic theaters, facilities for "live" theater and concerts, and movie theaters.

C-32-09

ZONING EXHIBIT

VIRGINIA MILITARY SURVEY NUMBER 1388

CITY OF GROVE CITY, COUNTY OF FRANKLIN, STATE OF OHIO



RECEIVED
FEB 18 2009
GC PLANNING COMMISSION

OWNERSHIP REFERENCES:

- ① The City of Grove City, Ohio
IN: 200108130186816
- ② The City of Grove City
IN: 200302100041887
- ③ The City of Grove City, Ohio
O.R. 34083G17
- ④ The City of Grove City
O.R. 11964H18
- ⑤ The City of Grove City, Ohio
O.R. 12666A20
- ⑥ The City of Grove City, Ohio
O.R. 11454G16
- ⑦ The City of Grove City, Ohio
O.R. 12098G08
- ⑧ The City of Grove City, Ohio
O.R. 11545J04
- ⑨ The City of Grove City, Ohio
O.R. 12270B16
- ⑩ The City of Grove City
O.R. 13786F16 & O.R. 13786F17
- ⑪ The City of Grove City
O.R. 12371D16

Note:
This survey was prepared using documents of record and prior plats of survey, and is not to be used for transfer.

EMHT <small>Evans, Manchward, Hambleton & Tilton, Inc. Engineers - Surveyors - Planners - Scientists 500 New Albany Road, Columbus, OH 43254 Phone: 614.775.4800 Fax: 614.775.4800</small>		Date: February 10, 2009
		Scale: 1" = 50'
M C M S I V I		Job No: 2008-2261
		Sheet: 1 of 1
REVISIONS		
MARK	DATE	DESCRIPTION

\\CAMDADAG\1\SURVEY\PROJECT_20082261\1\0\1\82261ZN.DWG(1874 LARGESCALE) - NO XREFS - LAST SAVED BY JAMSTON [2/9/2009 4:35:53 PM] - PLOTTED BY JAMSTON [2/9/2009 4:35:53 PM]