

City of Groveport

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Meeting Minutes

Monday, April 14, 2025

6:00 PM

Council Chambers

Public Hearing

I. Call To Order

Mayor Westcamp called the Public Hearing to order at 6:00 p.m.

Staff Present: BJ King - Administrator, Kevin Shannon - Law Director, Jason Carr - Director of Finance, Casey Adams - Chief of Police, Michael Loges - Development Director, Mike Poirier - Chief Building Official, Steve Farst - City Engineer, Mindy Kay - Clerk of Council

Guests Present: The Guest Book is on file with the Clerk of Council.

II. Roll Call

Present: 6 - Dildine, Hutson, Lockett, Rupp, Hilbert, and Cleary

III. Approval of Minutes

The February 10, 2025 City Council Minutes stand approved as submitted.

[#035-2025](#)

February 10, 2025 Public Hearing Minutes

Attachments: [2025.02.10 Public Hearing Minutes.pdf](#)

IV. Notice

Clerk of Council Kay read of the Notice of Public Hearing.

[#070-2025](#)

Notice of Public Hearing

Attachments: [Notice of Public Hearing.pdf](#)

V. Certification

Clerk of Council Kay read of the Certification of Public Hearing.

[#071-2025](#)

Certification of Public Hearing

Attachments: [Certification of Public Hearing.pdf](#)

VI. Zoning Ordinance for 3rd Reading:

[Ord. 2024-062](#)

AN ORDINANCE GRANTING A VARIANCE AS TO THE PERMITTED USES IN THE ESTABLISHED ZONING DISTRICT FOR THE PROPERTY LOCATED AT 6031 GROVEPORT ROAD, PARCEL NO. 185-000916,

CURRENTLY ZONED COMMUNITY COMMERCIAL (CC), AUTOZONE, APPLICANT

Sponsors: Hilbert

Attachments: [Ord. 2024-062 Exhibit A.pdf](#)

Chief Building Official Poirier, City Engineer Farst, and Economic Development Director Loges read their staff reports aloud.

This Ordinance was read by title

[#038-2025](#)

Ord. 2024-062 Staff Reports

Attachments: [Ord. 2024-062 Staff Reports.pdf](#)

VII. Business of Guests

A. Eric Leibowitz - CASTO Presentation

CASTO Representative Eric Leibowitz expressed how the proposed AutoZone would be a great fit for Groveport Plaza. He gave a presentation to Council and staff outlining the parcels CASTO owns, how the shopping center operates and how CASTO markets it, landscaping and parking lot maintenance, trash pickup, the parcel vacancy and tenancy from a marketing perspective. He explained the process of how they have tried to offer incentives and abatements for multiple national and regional brands to occupy the space to no avail. The general feedback was that these brands preferred the more dense, high traffic areas. Another hurdle they came across were the restrictions Kroger has in place regarding competitors in the shopping center. Kroger was willing to accept the use variance for AutoZone because it is not a high traffic generator and it is a national brand that would bring value to the shopping center. He went into further detail on market and density factors when it comes to retailer decisions and provided a full demographic profile. He painted a picture of the potential negative impact to the shopping center if AutoZone is not placed there, and explained efforts CASTO is putting forward in its design plan to best benefit the community. One effort being putting up roughly six hundred feet of privacy fence based on complaints of unwanted heavy foot traffic in the parking lot from the neighboring subdivision. He spoke about cash flow issues that would continue if AutoZone is not approved, noting that the parcel has now been vacant for five years. From a leasing perspective this shifts the focus from quality in national brands like AutoZone to cash. There is now a limited availability of incentive packages to offer. He said that the time is now with the improved MOU and approved AutoZone deal. With AutoZone placed, he said he cannot guarantee but is very confident in his leasing team's

availability to bring in more tenants to the other vacancies.

B. Joe Miller, Esq. - Vorys

Vorys legal representative Joe Miller gave insight to the legal analysis in the presentation binder provided to Council and staff. He urged Council to take into account the information given by Mr. Leibowitz, that this national retailer will help spur greater vitality to Groveport Plaza as well as stave off any concerns of the lender taking over the center. He said CASTO is asking for a use variance and that is an administrative act under Ohio law. We contend that because it is administrative it is governed by Section 1137 of your code and not by Section 4.11 of your Charter. The import of that is we would contend that there is not a requirement for five members of Council to vote in favor of this, and instead as an administrative act any decision by this Council is able to be appealed to court under the Ohio Revised Code Section 2506. Clearly, what we can agree upon is there are variance factors to be applied and considered. Those are set forth at 1137.03B, as well as further considerations set forth at 1137.03A of the code. I submit to you that all nine of these considerations are satisfied here. He expressed CASTO's gratefulness for having staff's support for this use variance and how they believe it is appropriate and warranted. He went through the aforementioned nine factors and considerations, noting CASTO's compliancy with them. He said a lot of information has been covered tonight and in the presentation binder and asked that Council consider tabling the ordinance until the April 28th City Council meeting, to allow time for Council and staff to review the MOU, the information in the binder, and to continue an open dialogue.

Law Director Shannon conveyed his understanding of Mr. Miller's point of this action being administrative in nature and respectfully disagreed. He said Article IV specifically outlines what is defined as legislative procedure, and 4.11 of that same Section talks about the various matters as far as zoning measures that go before City Council and the process it goes through. It clearly contemplates legislative action by City Council when reviewing a use. He said Mr. Miller is right with the Board of Zoning & Appeals being administrative in nature in a quasi judicial proceeding, however that is not the case in respect to this proceeding. He said he does not want to take anything away from the presentation because it was an excellent presentation, but in his official capacity as Law Director for the City, he must indicate to his client what he believes the law is.

Mayor Westcamp opened the floor for Council's thoughts, comments, and questions.

Mr. Cleary stated his concerns for the lack of communication from CASTO in previous years. He said he's glad to see a representative here now, and is hopeful that we can all move forward.

Mr. Dildine inquired if the agreement between Kroger and CASTO is a typical agreement between two entities, stating it puts a lot of restrictions on what you can do, and with very few store fronts. Mr. Leibowitz said it is a typical agreement. In regards to the management of the shopping center, in this case it's a little different. He said if the shopping center was being developed today, we would not necessarily allow for the anchor tenant to do their own trash pickup. Kroger is supposed to pick up their own trash and they don't always do that. He compared the amount of square footage each entity owns, CASTO having 4.5 acres and Kroger having 10 acres. He said it is hard when the other entity is not managing their own parcel, especially with theirs being substantially larger. He assured Council that CASTO has quickly addressed their concerns, including the trash pickup. Mr. Dildine expressed Council's frustration with the lack of communication in the past, and having never known or gotten a straight answer on who owns what and what the restrictions are. He thanked Mr. Leibowitz for all the information he has provided and said this should have been provided a long time ago. He also expressed his having a hard time correlating AutoZone being a perfect fit for the space, and that it's going to attract other businesses, yet we are being told it is a not a high traffic or high volume business. He asked how a light, non heavy traffic business invoke other businesses to come. Mr. Leibowitz explained that anchor retailers do not like high traffic stores in front, however they welcome them next door. He said AutoZone is a great brand to put out front, being a low traffic national brand that is not in conflict with Kroger. He said brands like AutoZone are usually surrounded by other national brands like Wendy's, Chic-Fil-A and Crumbl. Mr. Dildine asked if at any time during this process CASTO has reached out to Kroger to go over the restrictions and see if there could be any type of leeway. Mr. Leibowitz said he's certain that if we were to open that can of worms, it would get even more restrictive. He said large retailers who sell everything like Kroger tend to have a lot of restrictions and they want to control everything that goes in around it. He added that in comparison to some, the restrictions we have in our situation are actually pretty fair. Mr. Dildine and Mr. Leibowitz continued to discuss growth, potential changes in traffic patterns, and how having a low traffic national retailer like AutoZone could bring in business while not putting stress on a two lane road that goes through the historic downtown part of Groveport.

Mr. Rupp stated he had been looking at the list of retailers that are typically immediately adjacent to auto parts stores, and it is quite an extensive list. He spoke with Mr. Leibowitz about where on Main street there could be potential space for these retailers, and the possibility that we may have exhausted the list with our lack of space and restrictions put on by Kroger. Mr. Loges reminded Council that we have just recently approved two developments that include out parcels for additional retail development. Mr. Rupp asked if anyone has approached Huntington about switching locations to the Groveport Plaza, to which Mr. Leibowitz explained the amount of increased volume that is required in order to pay for that relocation. Huntington had no interest in moving. Mr. Leibowitz then sited structural and mechanical issues with the current vacant building and its parking lot, and how those alone would present many challenges to anyone trying to move into it.

Mrs. Hilbert expressed her concerns for a new structure complimenting what is already there, and the aesthetic of Groveport. Mr. Leibowitz said it is to his understanding that the building was designed to meet the City's obligations in code, and that he believes it will compliment the shopping center.

VIII. Close of Public Hearing

Council Member Cleary made a motion, seconded by Council Member Hilbert to adjourn at 7: 18 p.m. All in favor stated AYE, None Opposed. Motion passed.

Lance Westcamp, Mayor

Mindy Kay
Clerk of Council

PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A RECORDING OF THE MEETING IS AVAILABLE IN THE CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.