



# City of Gahanna

## Meeting Minutes

### Planning Commission

200 South Hamilton Road  
Gahanna, Ohio 43230

*Thomas Shapaka, Chair*  
*James Mako, Vice Chair*  
*Michael Greenberg*  
*John Hicks*  
*Michael Suriano*  
*Michael Tamarkin*  
*Thomas J. Wester*

*Pam Ripley, Deputy Clerk of Council*

---

Wednesday, March 8, 2023

7:00 PM

City Hall, Council Chambers

---

#### **A. CALL MEETING TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**

Gahanna Planning Commission met in regular session on March 8, 2023. The agenda for this meeting was published on March 3, 2023. Chair Thomas Shapaka called the meeting to order at 7:01 p.m. with the Pledge of Allegiance led by Mr. Greenberg.

**Present** 7 - John Hicks, Michael Greenberg, James Mako, Thomas W. Shapaka, Michael Suriano, Michael Tamarkin, and Thomas J. Wester

#### **B. ADDITIONS OR CORRECTIONS TO THE AGENDA**

New Business - V-0001-2023; a clerical error in noticing the applicant about the hearing.  
Agenda order - Applications - Public Comment - Speed Way Towing will be moved to before Sheetz.

#### **C. APPROVAL OF MINUTES**

[2023-0038](#)

Planning Commission minutes 2.22.2023

**Motion was made by Hicks, seconded by Mako, that the Minutes from February 22, 2023 be approved.**

**Motion carried with the following vote:**

**Yes:** 7 - Hicks, Greenberg, Mako, Shapaka, Suriano, Tamarkin and Wester

#### **D. SWEAR IN APPLICANTS & SPEAKERS**

Assistant City Attorney Matt Roth administered an oath to those persons wishing to present testimony this evening.

**E. APPLICATIONS - PUBLIC COMMENT****Campus & Co.**[FDP-0001-2023](#)

To consider a Final Development Plan Application for property located at 460 Havens Corners Road; Parcel ID: 025-007064; Current Zoning CC; Campus & Co.; Jerry Southard, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

Director of Planning Michael Blackford provided a summary of the applications; see attached staff presentation. The Final Development Plan is required because the building square footage is changing. They would like to enclose the existing vestibule at the southwest corner of the building. The Design Review is necessary. Once the vestibule is enclosed, the materials and colors need reviewed. The request is mainly an interior renovation, which is building permits and isn't under the purview of this commission. There is also a second driveway proposed. The enclosure proposed is modest. The Final Development Plan criteria to consider is as follows: Does the plan meet the applicable development standards? Is it in accord with appropriate plans for the area? Would it have any undesirable effects on the area? Is it consistent with land use character and development of the area? Design Review criteria to consider is as follows: Is it stylistically compatible with existing structures? Does it contribute to the improvement of the design of the district? Does it contribute to the economic and community vitality of the district? Does it maintain, protect, and enhance the physical surroundings? Staff recommends approval of the applications. The improvements are modest and meet code. All relevant criteria are met, and no variances are required.

Chair opened public comment at 7:08 p.m.

Applicant Brad Southard, 144 Misty Oak Place, representing the applicant. Southard said it is a small community group, members only. The back drive lane will be used for deliveries.

No comments from the public.

Chair closed the public comment at 7:09 p.m.

Questions from the Commission: Shapaka directed his comment to Director Blackford. The application has a staff comment about the existing right-way. The driveway is going to be coming off it. There is limited access off that road. Was that comment addressed? Blackford said the comment was addressed through the review and there was some owner's authorization that was provided to the area where that access easement is. All the necessary

documentation has been received. Shapaka asked the applicant, with changing it to a covered doorway, will it match the existing bricks and existing windows? Southard said, "yes, they will match".

**Motion was made by Greenberg, seconded by Suriano, that the Final Development Plan be approved.**

**Motion carried with the following vote:**

**Yes:** 7 - Hicks, Greenberg, Mako, Shapaka, Suriano, Tamarkin and Wester

### [DR-0003-2023](#)

To consider a Design Review Application for a site plan for property located at 460 Havens Corners Road; Parcel ID: 025-007064; Current Zoning CC; Campus & Co.; Jerry Southard, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

The application was discussed under FDP-0001-2023. See attached staff presentation.

**Motion was made by Greenberg, seconded by Suriano, that the Design Review be approved.**

**Motion carried with the following vote:**

**Yes:** 7 - Hicks, Greenberg, Mako, Shapaka, Suriano, Tamarkin and Wester

## Speed Way Towing

### [V-0002-2023](#)

To consider a Variance Application to vary Chapters 1108.01(f), 1105.04, 1163.05, 1163.06, 1163.08 and 1155.04(d) of the Codified Ordinances of the City of Gahanna, for property located at 788 Taylor Station Road; Parcel ID: 025-003996; Current Zoning OCT; Speed Way Towing; Mark Antonetz, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation. Blackford shared the property is zoned Office Commerce and Technology (OCT). The Design Review request is for a gravel vehicular storage area that is associated with the use of the property, which is towing and auto repair. Also requested is fencing, stormwater management, and landscaping. The property is 4.1-acres.

Regarding the Variance application, the current size of the property is 1-acre.

To increase beyond that footprint, they would need a Conditional Use (CU). In the OCT zoning, vehicle towing is a conditional use. Without a conditional use approval on the new 3.1-acres, staff is not in support of the request for the design review elements. Blackford showed the site plan, which includes a current conditional use portion of the property. The majority of the property, the additional three acres, is used for storage of vehicles.

Blackford reviewed the project history with the commission. In 2016, a CU with no site plan improvement was submitted and approved to allow vehicle towing and auto repair. There was also an office trailer on the site. A condition of the CU approval required the removal of the office trailer within one year. In 2017, there was an amended CU before the commission requesting to allow an extra year to allow the office trailer onsite. The commission approved the amended CU. In 2018, an additional CU was submitted to allow for an extra year for the office trailer onsite. The commission denied the additional year. In 2020, there was a tree removal permit. Tree removal is an administrative application. They had approval to remove trees on a portion of the three-acres. In 2020, they submitted a CU and Variance application. They were going through the staff review process, and those applications expired due to inactivity. There is a requirement that after six months, if you are not making any progress on the applications, they expire. In 2022, a Design Review and new Variance application were filed. Normally, when an application gets before Planning Commission, it completes the staff review process. In this case, those applications have not been through the staff review at the request of the applicant for a hearing. There are open comments from staff on both applications. The most impactful to this request is they don't have approval to do the use. The Design Review and request for an impound lot have elements related to landscaping and fencing for an impound lot when that's not an improved use of the site. Without a CU, staff cannot support the request. The use isn't allowed on the majority of the property. There are unresolved comments and missing or confusing information, especially regarding the variance application. As presented, inconsistent with the following code sections: 1131.04 - variance approval criteria, 1155.03(a)(6) - vehicle towing CU in OCT and 119701/02/03/07/09 - design review criteria and standards.

Chair opened public comment at 7:20 p.m.

Applicant Mark Antonetz, representing the project. Antonetz requested clarification regarding needing a CU approval. He is not going to proceed any further if a CU is required. He said this is the first time he has heard they needed a CU approval. They can withdraw and submit for a CU. Roth said they can withdraw the two applications.

Hicks requested Blackford explain the steps that should have occurred. Blackford shared there have been comments from staff that remain open. There are dates for the comments and the requirement for a CU. There have been email conversations. This has been known for quite some time. They need to file the application. Suriano directed his comment to Blackford and/or Roth. The commission has seen agenda items with CU prior to variances on the same agenda, along with design reviews. Is there any difference in

withdrawing versus continuing and then having a conditional use on the same agenda? Blackford said you can have a CU and Design Review and Variance on the same agenda. It can be considered as one project with a vote first on the CU. Roth looked at the Rules and the commission cannot postpone indefinitely. The commission must postpone until a date certain. If it is postponed indefinitely, the item is lost and would require refiling.

Chair closed the public comment at 7:24 p.m.

Shapaka said V-0002-2023 and DR-0004-2023 should be postponed indefinitely.

#### [DR-0004-2023](#)

To consider a Design Review Application for a site plan and landscaping for property located at 788 Taylor Station Road; Parcel ID: 025-003996; Current Zoning OCT; Speed Way Towing; Mark Antonetz, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

The application was discussed under V-0002-2023. See attached staff presentation.

Shapaka said V-0002 and DR-0004-2023 should be postponed indefinitely.

### Sheetz

#### [V-0033-2022](#)

To consider a Variance Application to vary Chapter 1167.18(c)(1) Screening Requirements and 1163.08 Interior Landscaping Requirements of the Codified Ordinances of the City of Gahanna, for property located on Johnstown and Morse Roads; Parcel IDs: 025-011244, 025-011243 and 025-011226; Current Zoning NC; Sheetz Gahanna; Sarah Gold, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation. Blackford shared that the commission saw these three applications, plus a Conditional Use (CU) application, on November 2, 2022. All the applications were presented and reviewed at that time. The first item up for a vote was a CU. The CU was denied by Planning Commission. No action was taken on the remaining three applications at that time. Without the CU being allowed, there was no need to act on the other applications. The applicant appealed the decision to the Board of Zoning and Building Appeals. On January 26, 2023, BZBA reversed Planning

Commission's decision. The CU is not up for discussion, as that has already been decided by BZBA.

Blackford shared that the property is zoned Neighborhood Commercial (NC). It is relevant when getting into the development standards and use of property. Blackford reviewed the Final Development Plan (FDP), Variance, and Design Review (DR) applications. An FDP is a site plan that shows where parking will be located, what the setback of buildings are, the dumpsters, and things of that area. It is a horizontal development of the site. Staff looks at the FDP to make sure it meets setbacks, parking accounts, building height, and lot coverage, things of that nature. What an FDP isn't: it is not the off-site improvements that he knows that a lot of people are interested in. It is not a traffic study. It deals with the property itself.

Blackford reviewed the FDP application. The site is 4.2-acres. They are proposing just over six thousand square feet of building, under five thousand square feet of canopy, and 43 parking spaces. Code requires 34 parking spaces. In NC zoning, a 60-foot setback is required on the north and south side of the property. The building is set back 240 feet from Morse Rd and 180 feet from Johnstown Rd. There are no variances to the set back. The canopy is 130 feet from Morse Rd. They have more than double the setback than what is required. When looking at an FDP, we are looking at where the access points are. There are two, Johnstown Rd. and Morse Rd. There are eight pumps, with 16 fueling stations. The FDP shows where the building is located and parking around the building, the drive through and the dumpster. The FDP is the site layout. The Final Development Plan criteria to consider is as follows: Does the plan meet the applicable development standards (are variances required)? Is it in accord with appropriate plans for the area? Would it have any undesirable effects on the area? Is it consistent with land use character and development of the area? When considering the application, the commission can approve, approve with conditions, or deny it.

Blackford discussed the DR application. A DR application is the vertical elements seen on a site. It is the building, the architecture and materials and color of the building, the landscaping, lighting, things of that nature. The façade will be a brick veneer, Albany, and Ashmont Modular Glen Gary, which is like a red brick. The awnings are a bronze canvas. The roofing is a standing seam metal in bright red. The trim is a metal coping in dark bronze. Blackford showed images and renderings of the building, and canopy. The Landscape Plan includes planting 74 trees. This site is just over four-acres. In looking at the gas stations around town, they all are around one-acre. There is a significant amount of green space on the property that is not typically seen on those gas sites in town. The Design Review criteria to consider is as follows: Is it stylistically compatible with existing structures? Does it contribute to the improvement of the design of the district? Does it contribute to the economic and community vitality of the district? Does it maintain, protect, and enhance the physical surroundings? Blackford said this is in Design Review District three. The DR District three standards address the following: materials - brick, stone, decorative aluminum, wood, or other materials that enhance the development are encouraged. The specific color schemes should be designed to ensure universal harmony on

all commercial developments. There are not any specific color palettes. There is a lot of discretion for Planning Commission to look at and determine what materials and colors are appropriate. When considering the application, the commission can approve, approve with conditions, or deny it. Code says the commission may prescribe modifications of the proposed architectural design to assure the development complies with the design standards of the district.

Blackford reviewed some of the surrounding developments. There are two commercial projects to the east and two to the west. For The Barn and the buildings at Rogers Market, materials are white metal panels and a red metal roof. To the west is Goddard School and StoryPoint, which is brick or similar material and color, but different than the established pattern seen to the east.

Blackford said that variances are exceptions to the requirements of the zoning code and there are a few of them requested. They have been broken down into the site plan variances and the sign variances.

The Site Plan Variances requested: code says that dumpsters must be placed to the rear of the building. This property is a through lot, which means the north and south are frontages on a roadway. Blackford showed the site plan for the dumpster. The dumpster location does not meet code because there is no rear yard. It doesn't mean it has to be located where shown on the site plan. Any development on this site would need this variance. It is not unique to the Sheetz application. The required amount of interior landscaping shall be five percent of the total area of parking lot pavement. In the parking area, you need to have tree islands in and around. It looks like the parking area was a little tight. Rather than expand that area out, they have decided to place trees in and around the property as opposed to in the parking area. The Landscape Plan: code says they would need additional islands and a minimum size to those islands for the trees to be healthy. As opposed to placing them meeting the strict guidelines of the code, part of their 74 trees is being planted throughout the site, rather than concentrating it in the parking area.

The Sign Variances requested include zoning code Section 1165.08(a) - limits commercial properties to 150 square feet. They are requesting 225 square feet total sign area. It is not unusual for gas stations and fast-food restaurants. They tend to have more signage than what a code normally allows. Section 1165.08(b)(6) - allows for one ground sign per street frontage. They are requesting five ground signs total, which includes two monument signs on each street and three drive-through signs, which are considered ground signs by code definition. Signs B.1, B.2: requesting a variance to allow for two projecting signs directed towards the same street where one projecting sign per street frontage is permitted per Sections 1165.08(b)(1). Signs C.1, C.2: requesting a variance to allow a reduced sign setback of five feet from the right-of-way of Morse Rd. and 10' from Johnstown Rd. from the required 15' setback per Section 1165.08(b)(6). Sign D.1: a variance to allow for a clearance bar ground sign at 16.67 sq. ft. and 18' in height where the maximum height is eight feet per Section 1165.08(b)(6). Sign D.2: a variance to allow for an order point ground sign at 23.25 sq. ft. and 13' in height where

the maximum height is eight feet per Section 1165.08(b)(6), and a variance to allow for two electronic order screens approximately one sq. ft. in area that changes more than once a day where electronic signs may not change more than once a day per Section 1165.09(a)(4)(c). Staff noted in the staff report some concern with the ground signs. Regarding the large monument signs at the entrances off Morse Rd. and Johnstown Rd, it is about 40' from the stop bar to the monument sign on Morse Rd. Forty feet gives you about three parking spaces and not have a possible obstruction from the view of the sign. Staff is concerned with what kind of obstruction hazard would the sign in that location create. It is a high traffic area and a lot of pedestrians. We are trying to limit any type of visibility obstructions. On Johnstown Rd., they did move the sign an additional five feet. It gives it about 10' from the stop bar. As cars are stacking in those locations, a sign potentially could obstruct the view of traffic. Variance criteria to consider for the Site Plan Variances, which would be the dumpster and the interior landscaping, is as follows: Are there special circumstances or conditions applying to the land, building or use referred to in the application? Staff's opinion is there is a special condition when talking about a dumpster. Is the granting of the variance necessary for the preservation and enjoyment of substantial property rights. Will the granting of the application be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood or would it negatively impact services and create a hazard? The Variance Criteria for Signs is totally different. The Sign Variance Criteria to consider is, would the property yield a reasonable return or beneficial use of the property without the variance? Is the variance substantial? Is the essential character of the neighborhood be substantially altered as a result of the variances? Is there a feasible alternative other than the variances? Is the sign compatible with the design character of the immediate area? Would the sign be hazardous to traffic or detrimental to public safety? Planning Commission does have discretion as to approve, deny, or approve with modifications. Specifically, code says related to signage that Planning Commission may specify the type, the location of sign, or impose any conditions that may deem to be in the public interest. Something to take into consideration is that staff does not support the variance requested for reduced setbacks for the larger monument ground signs along Morse Rd. and Johnstown Rd. There is heavy traffic in the area. Blackford is certain that many of the signs up and down major roadways probably do not meet the current requirement of 15' from the right-of-way. Those requirements have been in place for 15 years or so. Staff is not aware of too many variances, if any, where we have reduced the setback for those monument signs to be closer to the roadway.

Blackford shared that Scott Seaman with GPD Group is in attendance and can answer any question the commission might have regarding the traffic study. Fritz Crosier from the Franklin County Engineer's Office is also in attendance.

Shapaka asked Assistant City Attorney Roth to address what is under the commission's purview at this meeting that they can vote on. Roth said to put things in perspective for the public in attendance, the applications came before the commission on November 2, 2022. At that time, the commission considered the Conditional Use application. This was never a rezoning. The



zoning already on this property allows for a gas station and convenience store as a conditional use. The commission was considering a conditional use permit and not a rezoning. He believes this board voted six to one against that. At that time, the Final Development Plan and the Variances were all in front of this commission on that night. They were not voted on and were moot at the point that this commission turned down the Conditional Use application. The Charter for the City of Gahanna says that Planning Commission handles these matters initially after they go through the staff review. There is an appeal process to the Board of Zoning and Appeals (BZBA). The applicant elected to appeal. The hearing on November 2, 2022, was a properly noticed public hearing. The BZBA meeting for January 26, 2023, was also properly noticed. BZBA is a five-panel commission that voted four to one to grant the Conditional Use. As they are an appeals board, their decision stands. This commission cannot change that. The city administration, the Mayor's Office, cannot veto what they did. City Council does not review what they did. The Conditional Use has been granted. We are not here today to decide whether a gas station goes on this site. Before the Commission is the Final Development Plan, which is not an engineering-level plan. It is a preliminary plan for where they are going to place the building, where the gas pump canopies are, and where the parking is. It is not cast in stone. The whole thing has to be engineered from this point forward. The commission is approving the "where" and the "what" as far as the building materials and the placement on the lot. Their plan for their parcel that is here has driveway entrances to Johnstown Rd. and Morse Rd. This is a preliminary plan as far as when it gets down to the pavement and the widths and the curb cuts and thinks like that. That is all going to be in the future and there will be engineering review. There is not anything in city code at the Planning Commission stage that requires a traffic study. The applicant commissioned one. At the hearing in November, they said they would follow the recommendations of the traffic engineer. That is not in the Planning Commission's purview. In front of the Commission today is the materials, the signs, and the general placement on the lot. It is not even specific placement on the lot at this point.

Chair opened public comment at 7:54 p.m.

Chris Ingram, Vory's Law firm, legal counsel for the applicant. Also in attendance: Michael Shannon as co-counsel, Drew Miller, Project Manager, Skilken Gold, Braydon Putnam, Civil Engineer with V3 Companies, Drew Laurent, Traffic Engineer with Carpenter Marty Transportation, and Michael Casall from Sheetz. Mr. Ingram reiterated what Mr. Roth just reviewed for this commission. Since Sheetz was before the Commission in November, the BZBA approval significantly reduces the scope of tonight's hearing. All we are here to evaluate is the proposed plan and whether and to what extent it complies with the development standards, and as Mr. Blackford mentioned, the design review standards are quite light for this district. The applicant has specifically designed this site plan to meet the city's code. This is why you will hear of two variances. One for the dumpster, and another for the specific location of certain landscaping, in addition to some sign variances, which are customary for the multiple uses that will be on this site. As Mr. Blackford acknowledged, regarding the rear yard trash receptacle variance, because

there is not technically a rear yard for this site, this site has to be granted this variance to be developed with anything. That one is straight forward. Regarding the interior landscaping variance, Sheetz is going to have double the number of trees that are called for by the development standards. It is just that instead of locating those trees and that landscaping in islands or peninsulas in the middle of the site, it is providing more buffering along the perimeter in the green space that is unique to this site. The site plan in front of the commission exceeds the landscaping requirements. It is just a matter of orientation on the site. One area where they disagree with Mr. Blackford is with respect to the monument signs. The plan presented tonight has been revised since they were before the commission in November. Since the last meeting, they took staff's comments and revised the site plan and the landscaping plan to add both landscaping around the monument signs to eliminate that variance request, as well as moved the monument sign as far back as they could from Johnstown Road. That is the reason why this site plan application requires a variance from the setback for these two monument signs. Towards the end of the meeting in November, there was discussion about the fact that this site is encumbered by development standards that are administered by The New Albany Company. Under those standards, and to make this development compatible with those developments around it, there is white fencing that is required. These monument signs have to sit in front of the fencing. They have inverted the fencing there, by bowing it in a bit to get the monument sign as far away from the roadway as they can while preserving the aesthetic of the fencing. This site requires this variance. The traffic engineer can tell you that the ODOT standard for monument signs from roadways that are 40 miles an hour and over is 15' from the edge of the pavement. The Morse Rd monument sign setback is approximately 48' from the asphalt. It is a right in and right out. The monument sign is on the right of it. When making a right-hand turn you are looking left so there would be no sight issues or any presence of this sign interfering with the sight lines. The Johnstown Rd. monument sign in the revised plan has moved back further from the road at approximately 26' from the pavement's edge providing ample sight line for any motorist or pedestrians. They are well in excess of the ODOT standards. Mr. Ingram distributed to the commission photographs of monument signs all very close to the right-of-way as they exist. This is what they are proposing to do on this site. These setbacks have been on the books for quite some time. If you look at the monument sign at The Barn on Johnstown Rd., it is well within 20' from the asphalt as the first picture indicated. By granting this variance, it would be clearly in line with what has been approved on other commercial sites throughout the city. The variance for these monument signs would be insubstantial as that term is indicated in city code. For the other sign variance, the staff report noted uses where you have drive-through restaurants almost all requiring sign variances. The remainder of the sign variance that the applicant is seeking is a result of having multiple uses on this site for being both a fuel service station as well as drive-through. The sign variance requests are straightforward and customary of this kind of use. The Gahanna Department of Engineering and the Fire Division, as the record states, have reviewed the variance request and did not have any objections. There really are not any health or safety issues with it. Given the dual road frontages, The New Albany Company development standards, and the fact

that there will be multiple uses on this site, necessitate these variances. The significant amount of landscaping and trees will provide aesthetic and environmental benefits to this site, and the signage will assist customers and help with wayfinding. The city staff, the engineering department, and the fire department do not have any health or safety concerns; therefore, the requested variances should be approved.

Mr. Ingram said in regard to the design review, it is straightforward given that this property, as a result of its zoning, is in the design review District three. District three only covers parking screening landscape and building materials. For each one of those factors, as the staff report in the record indicates, all requirements of the design review code for parking landscaping and building materials are complied with. There is no debate that with respect to the standards that are in the city's code those have been met. He also noted that with respect to the materials and specifics with this site, those also were reviewed and approved by The New Albany Company, and through that process it went through their architectural review process. As to what Mr. Blackford stated with the final development plan review, he reminded the commission of the standards and compared those for the conditional use approval. He said criteria for conditional use approval as well as the final development plan approval almost entirely overlap. Regarding the BZBA approval of the conditional use criteria, three of the four final development plan criteria have already been satisfied and established as a result of the approval, which was not appealed by anyone. The proposed development is in accord with the appropriate plans for the area. That has already been established. The proposed development would not have undesirable effects on the surrounding area. That's already been established. The proposed development would be in keeping with the existing land use character and physical development potential of the area. That, too, has been established as a result of the BZBA approval. The only criteria that is relevant tonight is that the proposed development meets the applicable development standards of this zoning ordinance, and other than the variances that have been covered, there is no question the site plan meets the development standards. Therefore, as a result of the prior approval of the conditional use and the minor variances that are being requested this evening, the applicable development standards for this property have been met and each of the three applications should be approved.

#### PUBLIC COMMENT

Carol Scherker, 1312 Bayboro Dr., Harrison Pond, n New Albany, OH. Ms. Scherker said the applicant is not considering the residential neighborhood and the people who move there to be in a quiet area. They have nothing to say about it. She knows there has been two meetings, but nobody who lives in Harrison Pond and nobody who lives in Collingwood knew anything about it. Somebody said the people in Collingwood development don't even live in Gahanna. What does it matter to them? They are in Columbus. Their entrance is directly across where that light is going to be. They do have something to say about it. We are going to have strangers in the neighborhood next door to a children's school, walkers, children on bikes, and you want traffic from a gas station that no matter how many fences or trees

that they put it is going to look like a circus tent? The people who said it was okay to put a gas station in the middle of an area where people want to live in a quiet country, and then you show pictures of two beautiful restaurants, and you are trying to compare the restaurant sign from The Barn with a price sign from a gas station. The people on the commission who said it is okay to put a gas station there. If they did, they wouldn't be putting it there. If it was their neighborhood, they wouldn't do it. Try to put a gas station across the street in New Albany. You will see how fast you would be running away. They would just kick you out. But the poor people in Gahanna and Columbus, if I was the mayor and I lived down the block, I would certainly have handed out flyers to everybody in my neighborhood to let them know that the two things you don't want in a residential neighborhood is a gas station and a fast-food drive-through restaurant. That's exactly what we are getting. You are going to have 24-hour lights. Scherker said she doesn't need a traffic study to tell her that the traffic on that circle is going to be backed up to Reynoldsburg New Albany Rd. and backed up to Hamilton Rd. During rush hour in the morning and in the afternoon, you cannot get through the traffic circle. It helps. It is better than a light. They took the light away, and they built a circle. So, now lo and behold, what are they going to do? They are going to put in another light. It doesn't make sense. You don't need a traffic study. They live there. They know what the traffic is like. The people who did the traffic study don't live there. They don't get up in the morning and try to get through or come home at night. You will not be able to get in and out of Collingwood, Harrison Pond, or any other development along Morse Rd. She realizes now the water is under the bridge. There is nothing they could do about it, but the people who didn't let everybody know to say okay it may be allowed to be a gas station there, but is it a good choice? It is not for the people who live there. It is a bad choice for the people who live there. She asked who here lives there that can help us, nobody. If she had known about this, she would have tried to do something at least let the people know who live in the area. Nothing she can do about it now because it is too late. It was a bad idea from the beginning and none of these people live there. Everybody who lives in Harrison Pond is upset. There are three gas stations one mile down the road. Why do we need a fourth gas station? We could have had a restaurant, a strip center with a couple of restaurants. There could have been any kind of retail there and this is it. If there is anything they can do now, she asked that someone let them know. It is time that the people had their chance to speak, whether it is before or after the fact. She is still willing to learn.

Mindy Snyder, 5600 Morse Rd. Gahanna, OH. She has lived there since 1976. Her family has owned it since the 1940s. She lives across the street on 36 acres. She understands there was a meeting about this. She had no idea as a property owner who literally lives across the street. Now they are going to have a gas station across the street with 24-hour lights. She has heard a lot of talk about consistent with the land use character of the land and having undesirable effect on the area. She said it is going to have an undesirable effect on the area. She said that they understand the development is coming. They have lived through development for generations, but some notice would have been nice, since they are going to be directly impacted. Since their investment is going to be directly impacted, some notice would have been nice. Lights on for 24-hours, increased crime,

increased traffic, she lives on the roundabout. She knows how many accidents there are there. There are going to be more accidents. She doesn't know what the notice requirements are but having a committee meeting in November around the holidays and going all the way through Christmas to January, some notice would have been nice. She is against the variance, and against the gas station, against any of the variances, any additional lights. She noticed on the variance request for the landscaping, there are no trees along Morse Rd. There are ample trees along Johnstown Rd, but some screening for those across the street, including the Collingwood Point neighbors who live directly across the street from all this light that is going to be pouring in. There are no trees blocking them from that light. She is angry and against it and the variances.

Aaron Epstein, 5600 Morse Rd. Gahanna, OH. Addressed some of the variance requests which were described curiously by counsel as very minor variations. He asked Mr. Blackford if he could show the slide with the clearance bar. He said there was no discussion of the clearance bar, except to describe it as very minor. He is learning that code calls for eight feet, and without any explanation, they want to more than double that to an 18' clearance bar. What traffic do they want to bring into this that is going to require an 18' clearance? When you are evaluating this project under the criteria that's set forth, he is not talking about whether the Sheetz is going to be there, he is talking about the variances that they have requested and the impact that it will have, with no justification. They want to bring in vehicles that require an 18' clearance. He would urge this commission to reject that variance and not permit it. There is no defense of it, no explanation, and the impact on this community of those vehicles coming through 24 hours a day is going to be catastrophic.

Michael Maxfield, 1209 Belcross Dr. Harrison Pond, New Albany, OH. He became aware of this last Friday. It was said it was properly noticed. He doesn't know what the notices were, but he is another resident of Harrison Pond that had no idea this was going on until after the BZBA issued their decision. He would complement this board for having rejected this the first instance. He read the transcript of the BZBA, and he is quite dismayed. While four voted for it, they all had negative comments and concerns about it. They were spineless and voted to approve this anyway. Now we are all stuck with the gas station going in this area. He has lived in Harrison Pond since 1994. At that time, it was an undeveloped corner. Roger's Corner was there. There is a barn motif on both sides because that was required to keep the rural nature of this area. At that point, about 1995, someone wanted to put a gas station where Donatos is sitting. It was not approved, and now we are getting a gas station. That was rejected 28 years ago. There was a red light at Morse and Johnstown Rd. As traffic got worse and worse, the road would back up literally from that corner almost back to Hamilton Rd one direction, and way down Morse Rd. the other way and both directions on Johnstown Rd. The roundabout would relieve that pressure, and now they want to bring back another red light. As he understands, it's about the entrance of the Albany Glen Development. It is two-tenths of a mile from the roundabout to that cut through. You are going to have traffic backing up there again. You are going to recreate the problem that was relieved by the roundabout, and

which was removed because of its traffic problems and all the safety issues that go with it. He is against this. He has nothing against Sheetz the company, but this development has nothing to do with the real nature of that community, the neighborhood feel they have. It is going to create more traffic and create more problems with pedestrians. It is just simply a bad idea. He understands they are stuck but he would oppose every variance as well. He doesn't know why they have to have larger signs, but we have to have the bar 18'. If they are bringing in tractor trailers, that is not residential use. What do they need to get in that place for an 18' clearance?

Greg Samijlenko, 1271 Belcross Dr. Harrison Pond, New Albany, OH. They moved in seven years ago and moved to find a nice quiet residential community with a good school system in Gahanna. They go through the neighborhood riding bikes as a family and like to bike up to the roundabout. In having this kind of increased traffic in a gas station, he has nothing against Sheetz, but this is not a good location. As people have mentioned, we have three gas stations just up the street. He can't imagine what putting in a streetlight that close to a roundabout would do. He can't understand how that could still have a good flow. He is very much against this. He knows they are stuck with it but asked for the commission to please do what it can do to stop this.

Chair Shapaka asked if the applicant would like to respond to the comments made. The items brought up were the landscaping along Morse Rd. looks a little treeless, why is the clearance bar 18', the staple architectural style of Sheetz versus The New Albany Company, even though approved the standard that is there, how the red light came about, and why after three gas stations in the area they feel putting another one here would be a good idea.

Chris Ingram said with respect to the trees on Morse Rd, it is a little difficult to tell on the slide shown because it is not zoomed in. They are preserving the existing trees along Morse Rd. so that is incorrect. There will be trees along Morse Rd. With respect to the height of the drive-through sign, the clearance bar, he would direct the commission to the Plan sheet DT-1. The 18' is to the top of the pole from which the clearance bar hangs such that they can't be over 11' and hangs to notify vehicles that you can't go over 11'. It is actually much shorter. The reason why they need the variance is the height is measured to the top of the pole from which the clearance bar hangs beneath it. With respect to the off-site traffic improvement and some of these issues that are beyond the scope of tonight's review, they are happy to answer this commission's questions but do want to make it clear for the record that this is beyond the scope of the commission's review tonight.

Mr. Ingram called upon Mr. Laurent to speak to the traffic study. Mr. Laurent, Traffic Engineer with Carpenter Marty Transportation, 6612 Singletree Dr. Columbus, whose company performed the traffic impact study. Mr. Laurent shared that the traffic impact study was approved by the City of Gahanna and the City of Columbus. He spoke about the queuing from the signal that will be

there. They looked at the westbound queues, heading west on Morse Rd where that light will be. There is about 1,200' to the roundabout to the east and 650' to Collingwood Pointe. For these westbound queues, they look at the 95-percentile queues length in the top 15 minutes of the top hour of the day. Typically, that is the PM peak when everyone is coming home from work or in the morning when everybody is going to work. Those lengths are in the opening year which was 2023 in our study. It is 7.6 vehicles, which is approximately 150', and then for the 20-year horizon, it is about 220'. This signal is green most of the time like the signal further west on Morse Rd. It is going to be for the Morse Rd. traffic that is going to be those quick red lights to let the people out onto Morse Rd. Then, it is green again so there is not going to be much impact to Morse Rd. Shapaka said he knows this is not in the commission's purview, but it was a question that was brought up by some letters that the commission received. The numbers used for the calculations, was that during COVID or prior to COVID? Laurent said the numbers were collected after COVID and they adjusted for those. During COVID times, they were required to make COVID adjustments for the decreases in traffic. Shapaka asked if the traffic light is there because what is going to the north of Morse Rd. Laurent said the signal warrant was triggered by the trips generated by the Sheetz site.

Ingram asked Drew Miller to address the motif question and asked the chair to repeat the question. Shapaka said there is an architectural style in New Albany. They got the fence; they got the colonial style everywhere. We have a beautiful barn; he knows Sheetz has a staple look. Why was there no consideration to blend it into the style, even though The New Albany Co. approved it? He is questioning why. Can they change it or what was their motive or reason for keeping the style? Drew Miller, Skilken Gold, said that this isn't keeping with a prototypical Sheetz store. He said Mr. Blackford shared some examples of other Sheetz stores. This one isn't prototypical. The New Albany Company owns this parcel, and they are under contract to purchase and went through a design review with them last year. They went through a few rounds of reviews with them and adjusted to their standards and made quite a few changes to the store. Some of the changes are the bronze awnings. All the bronze canopies and awnings are very non-prototypical, as well as the red standing seam roof. It was described as bright red. That is not a prototypical Sheetz red. They did change it to comply to get closer to the red colors seen on the roofs of the neighboring properties.

Shapaka said The New Albany Company had their review. He will see what the commission has for their review of the items. The last remaining question is, do we need another gas station? Ingram asked Michael Casall from Sheetz to answer that question. Mr. Casall said the reason they are looking at this corner or any corner is because they are looking for corners with high traffic and corners that are available. You can't just pick a corner if people are not willing to sell. They are looking for corners that have a zoning district that meets their needs for all their uses. Just because there are other gas stations in the area doesn't mean they offer the same things that Sheetz offers. Sheetz offers a full-service restaurant. He doesn't know what the other gas stations are in the area but those are their criteria for picking a

corner.

Shapaka asked for closing comments from Sheetz. Ingram reiterated the staff reports conclusions back in November, which are with respect to the design review. All the requirements in the design review code have been met. With respect to the variances, the variances are absolutely necessary for this particular site for the reason listed. The fact that for the final development plan review this site was intentionally designed very carefully over a long period of time and working with the city staff to satisfy the development standards that apply, and it does so. With respect to some of the other criteria, that criteria have been established as a matter of law pursuant to the BZBA prior approval of this use. The concerns that he has heard tonight about the off-site improvements and the particular use, those two have been resolved. With respect to the use and the off-site improvements, this will come at a later stage.

Chair closed the public comment at 8:32 p.m.

Chair called on questions from the Commission regarding the applications. Mr. Greenberg requested a clarification for the audience, maybe himself and the commission, as to The New Albany Company owning the property. Why do they get to determine the criteria and the architectural review, since that property is in Gahanna? Ingram said they do not get to decide that. The site is encumbered by them and there is an agreement between this property and the other properties adjacent to try to meet their standards. They are very clear that you know what they are asking us to do. As far as architectural and landscaping and design elements, it does fall back to the City of Gahanna. Suriano said so local Municipal zoning code takes precedent over development standards for the site. Ingram said yes. Greenberg said he has several questions regarding what Sheetz does at many other stores in their system. At the meeting in November, when they were discussing the conditional use permit and they were talking about the dumpsters, he asked a question whether there would be any recycling going on at the dumpsters. The person who answered said they didn't know. It is Greenberg's understanding that 371 of Sheetz stores recycle plastic, metal, glass, and paper. They also say they recycle the old, corrugated cardboard at more than 95 percent of the locations. Greenberg asked if they are going to recycle here and cover all those materials he mentioned, like they do at other stores. Casall said there is a certain amount of recycling that occurs with the cardboard and things like that because that is what is shipped in, and it goes back out. Part of the recycling issue for the dumpster enclosure itself is whether they can find a vendor to pick it up. They are not opposed to it, but they also don't necessarily want to commit to it carte blanche not knowing if they can perform it yet. Greenberg said there are many commercial facilities in the Columbus area that recycle, and they don't use the dumpster typically to collect the materials. They use the garbage cans or other like to get the glass bottles, cans, and that kind of stuff. The issue for a lot of places might be storage. Greenberg noted that Sheetz says on its website they do it at 371 facilities. We don't want to be left out. We want that to be a service that you provide and would like to see Sheetz commit to that. Cassall said he doesn't have a problem committing to it if it is available. He can't tell them that he can



find a vendor that is going to come out and pick up trash cans off of their site. Typically, their employees would have to create a separate trash enclosure that would be for recyclable material. A vendor would have to come and pick that up because Sheetz is not hauling trash. They don't do that. They use local vendors for that service. He said they would investigate it, and if it is available here and they can make it operationally work, they would do that. Ingram said for the commission's benefit, it has heard Sheetz will do what it permits, but as far as the operations, that's beyond the scope of tonight's hearing, and unless the City of Gahanna has required every commercial business in the city to abide by these kinds of conditions, the commission is jeopardizing or running afoul of the equal protections clause. Greenberg asked what they do at other facilities they own and operate, such as energy efficiency, which is LED lighting, HVAC efficiencies alternative, refrigerants, and low flow water fixtures. All these things are included at their other facilities. Casall said they will be done here. All LED lighting on the parking lot and inside and all low flow fixtures in the restrooms. Greenberg asked about alternative refrigerants that are not as hazardous. Casall said yes. Greenberg said at other locations they have committed to doing LEED certification. Casall said he doesn't know the answer for this location, it depends on the local consultants and design standards. LEED is a very difficult process to follow, and all your design consultants have to be LEED certified. He is not sure if everybody they are using is LEED certified. Greenberg said electric vehicle charges are used at other facilities. Casall said that they do not provide electrical charging as a service that Sheetz owns and operates. They will entertain a vendor at this site to bring in their electric charging. They work with EVgo, Electrify America and Tesla. If any of those vendors is interested in coming to this location, they will provide space for them. Greenberg asked if that is how they do it at other stores. Casall said every store is done that way. They do not own the charging equipment. Greenberg said they have food donation on their website. Casall said every store has food donation. Every store has "Sheetz for the Kids." This is where every store has 26 kids from the neighborhood get Christmas from Sheetz and there is an annual donation to the food bank. All those things are at every store. Greenberg said another good thing that Sheetz does is participate with Keep Pennsylvania Beautiful because that is where they are headquartered. We have Keep Ohio Beautiful. The website talks about Sheetz getting involved in clean ups coordinated in Ohio Parks, streams, and highways. Greenberg asked if they could commit to that. Casall said he didn't know if he could commit to that, but he would talk to the operations people and see if it is a possibility.

Greenberg had questions on the retention pond. Braydon Putnam, 3300 Snouffer Rd., Columbus, Design Engineer with V3 Companies. The retention pond is existing, and the design is around it. They are not modifying it apart from adding the outlet to it and run calculations to make sure that it can handle the flows. This is not what they are here for tonight. This is just for the layout. Greenberg said it is part of the site, so the question is, are they going to use the best available technology to maintain that site and manage sediment controls for that site? Do they do that for their other sites? Putnam said they use all those practices on all their other sites and intend to use those when they move forward with the full engineering documents.

Greenberg said some of their competitors have solar on their canopies. Is there any consideration to use solar power? Casall said not at this stage, but he will not say they won't entertain it. It is an innovative company. At this stage, he doesn't know that they are set up for that. Greenberg said on the record there are some areas where they might be able to commit to some of these things and make sure that this happens.

Hicks said they did commit to some things but then they also said that they would work in good faith to explore as well. That seems fair to him. Hicks said he was glad the comments came up about the sign bar. Is eight feet reasonable? Is 11' reasonable? The question is would a work truck or a landscaping truck or an AEP truck that has a boom on it be hindered by an eight-foot bar? Is it reasonable to say they could not go under an eight-foot bar? Casall said the clearance bar total height is not what they are trying to achieve. They are trying to keep a vehicle from hitting the canopies that are on the drive through. Whatever the bottom of the clearance bar is, is what they need to make sure that when a vehicle goes through it doesn't hit the canopies that hang over the drive through awnings. Ingram said that the industry standard is 11'. Hicks said he thinks maybe one of the suggestions was that this allows semi-trucks to come in. He believes a work truck, or a boom truck is more reasonable. Casall said it will not allow a semi-truck, but it will allow a landscape truck through unless they had something piled in their trailer.

Suriano said precedence for zoning compliance was discussed, noting Municipal Code takes precedent. Suriano asked Blackford if signage design and appropriateness is in the purview of Planning Commission. Blackford said in this case it could be because they have variances. He thinks that in one provision Planning Commission may specify size, type, and location of sign or impose or conditions as it may deem to be in the public interest. Suriano asked for the clarification because he thinks there was a comment that it was not in the commission's purview. Suriano said there is an example building that has awnings, and he can't tell in the elevations if this building is going to have awnings over the windows. Casall said it will, and they are bronze fabric. Suriano said they look like eyebrows with tie backs to the brick, not awnings. Casall said they project out from underneath the brick. He doesn't know what the dimension is, but it is a few feet beyond the face of the building. Just like the red ones, but these are because The New Albany Company requirements are a bronze color. Suriano had misread them as window heads.

Wester said to get his support for this, the variances, and the development plans, he needs to see an ADA pedestrian cyclist access and mobility compatible transportation infrastructure design. He lives in the neighborhood. A couple years ago, there was an attorney here for a senior living center, and he commented, "you see seniors in their little scooters working their way over to the state store." When Wester looks at this site, he looks at the traffic, and he is scared when he sees a senior trucking down Johnstown Rd. heading for that state store. He is worried about people coming down Morse Rd. from that senior center and from the new apartments going in. One of the emails

received is that people walk, and we have got decent pedestrian mobility in that area. He is worried about those people and how they get to the High Banks Distillery and the state store. Even more so, how do they get to The Barn? He doesn't know the limits of this final development plan or this development. Up the road at Hamilton and Morse Rd. there is a sign that says, "end of construction." It defines the limit of that project. When you put this gas station, restaurant in, he doesn't know where the limits of this impact are. As he thinks of other final development plans and variances the commission has had, there is an inconsistency in the information that the commission gets. We call it a final development plan. Earlier, Wester said he was told it is a preliminary plan and not cast in concrete. But he is being asked to approve something that he doesn't have a reasonable certainty in what is going to be built. He knows he is going to have a building sitting here and it is going to face west. He has been told they can't talk about traffic tonight because that is not in the commission's purview. He invited everyone in attendance to stay afterwards because at the end of the agenda there is a poll member for comment section. He has a couple comments to make at that time.

Tamarkin asked for clarification on the monument signs. The commission was told the setbacks moved. The one is five feet, Johnstown Rd. is 10'. Another comment was made that we are going to be 48' from Morse Rd. and 26' from Johnstown Rd. He asked Mr. Blackford if the numbers were correct. Blackford said the code goes from right-of-way. He thinks the applicant was talking about edge of pavement, so there are two different. Tamarkin said it is 48' from end of pavement on Morse Rd., but five feet from the right-of-way. Blackford said code is from right-of-way. Tamarkin asked if the right-of-way is 44 feet? Blackford said the plan does clearly show what the sign setback is from the property line, and he believes it was five feet on Johnstown Rd. and they moved it to 10'. He forgets what it is on Morse Rd. Tamarkin said they are less than five feet from Morse Rd. and 10' from Johnstown Rd., and 48' from the right-of-way from the pavement and 26'. He asked the applicant if both numbers are right. Ingram said that is correct, and the thing to know is that the actual invisible right-of-way line encroaches pretty far into this parcel. Tamarkin asked if this was in case, we need to add another lane. Miller said yes, the utilities, sidewalks, and landscaping. Tamarkin said they will still be inside the sidewalk. Miller said they will be well behind that. Ingram said they will be behind that, away from the sidewalk and away from the road. The distance between the pavement is relevant because that addresses any sort of sight line or safety concerns. Those have been addressed. They are not an issue. Ingram distributed photographs to the commission. The placement of the monument signs is entirely consistent with other monument signs in the city. Suriano asked if the monument sign was backlit or front lit, and how does it work? Miller said it is internal. Suriano asked if there were any signs close to this that are internally lit. Tamarkin stated the height complies on the monument sign. The commission is not looking for a variance on the height of it. The variances are all internal to the property. The clearance bar is up close to the building. Ingram approached and showed Tamarkin where the clearance bar is located. Miller said it is on the Johnstown Rd. side where there is a drive-through aisle. Tamarkin said it is there so people don't knock off the canopy.

Mako asked for clarification on the color of the roof. The hue of the top of the building is going to be the same as the other buildings in the area, or is red going to just be on the Sheetz? Miller does not know the exact hue that are on the other buildings in the area. For the process that they went through with The New Albany Company, they did have comments on the brick material, the color, and the accents for the metal seam roof and for the canopies. The color shown is the result of that. Ingram said for the purposes of the design review, keep in mind that the design review is applicable to everything within this review area, which includes every single commercially zoned property in the city. It is not just the buildings in the immediate vicinity. Suriano said it is about compatibility with buildings in the immediate vicinity. That's what the commission is talking about. That is why there is a design review. If the commission were to take the average of all the buildings in the city, then that would be almost impossible. Ingram said he is just telling them what city code says. Mako said there was some discussion about food donation, the program that Sheetz had. If everything comes to fruition, would this include organizations here in the city, such as Gahanna Residence in Need (GRIN)? Would they be working with those folks? Casall said Sheetz will work with almost anyone. They are community oriented as far as those kinds of things. Mako said a question was brought up about the stormwater detention, and this might be beyond the purview of what the commission is talking about tonight, but would there be a commitment from Sheetz to install a safety bench in that detention basin? Putnam said he is not sure if they are allowed to modify it, as they have to use the pre-existing conditions of the basin. They can look into it and see what they can and cannot do. They are using the best engineering practices to maintain storm water management. Mako said given the nature of where this is going, he thinks a safety bench would be well advised. Putnam said they can look into seeing if it is already pre-existing and if it can be modified or maybe some protective fencing around the base to ensure safety. Mako asked if it is correct to assume that fuel deliverers are going to be by tanker trucks that are going to be ingress and egressing this site. Casall said yes. Mako asked how often this would occur. Casall said depending on sales, three or four times a week. He can't commit hours until they are operational. They do not know the schedule. Mako said that is going to be the extent of semis traversing the site. Casall said there will be food deliveries three days a week.

Wester commented on the aesthetics. There has been some discussion on the color. The last couple of days he has driven around the city and looked at the color. He has had some input from people on the design. He has taken the opportunity to drive to the north side of New Albany to the Sheetz on Route 62. It is inside the white fence. He looked at the signage because the variances are in-depth for the signage. There has been discussion on the building materials. Just south of Sheetz in New Albany is the Wealth Management building. It is an unimposing white structure with a charcoal roof. Within a drive is Walter Bernacki's plastic surgery building on Johnstown Rd., a building that was recently painted white and has black columns. It is not an imposing structure but certainly an impressive structure to him. He is not an architect. How does this property transition with what's at Roger's Market and The Barn and the facilities that are to the west of it?

He prefers a lighter color and cream. Before this commission in the last 18 months, they have had a car wash come before them. A red barn is what it looks like. They just built one up in the Hamilton corridor area and opened it. Wester was amazed how well that facility fit in again with the architectural surroundings. He believes it is yellow and cream. He encourages people to go look at it. It is impressive. Wester said one last comment on the color for that building. It is a white building, and this building has stood the test of time. Its color has stood the test of time. It is in Washington; it is the White House. All he is saying is he thinks this commission needs to look at how they get a blending hint of that.

Shapaka said most of his questions were already answered.

Shapaka said for the record there were 27 people who reached out to the commission with a comment. The list will be available with the meeting minutes. Some of the commentors are in attendance tonight. He thanked those who gave their input and comments.

Shapaka asked for a motion on the variance applications V-0033-2022.

**Motion made by Hicks, seconded by Tamarkin to approve the Variance Application.**

**Discussion on the motion:**

**Hicks said the criteria for the variance application has been gone over before. First, are there special circumstances or conditions applying to the land, building or use. Second, granting the variance is necessary for the preservation and enjoyment of the property rights. Third, granting of the application would not have a material adverse effect. The commission has heard that this is a unique lot. There are two front yards. They have also heard and seen that the right-of-way is larger than other commercial sites in the area due to its location at Morse Rd. He doesn't see any issue with granting variances with dumpster and landscaping. The variance criteria is met very clearly in his opinion. For the signs, he is happy that they are monument signs and not pole signs. They have seen those come before the commission before. The commission does have precedent for granting the variances for the number of signs for restaurants and drive-throughs. He is in favor of all of the variance applications and will be in support.**

**Wester agrees with the dumpster and the landscaping. He would go as far to say don't do the landscaping because when he drives by the Sheetz, it isn't maintained. Why put the money in at the beginning? He thinks the applicant needs to fully comply with the City of Gahanna's sign code. The sign code represents a lot of hard work by a lot of people. Maybe there are one or two exceptions in there, but they are all lumped together. He will not be supporting the variances.**

**Mako said in his experience in these planning matters when variances come**

up, he is always looking for a hardship. He thinks the applicant has made some good arguments for hardships on a couple of issues. Specifically, the dumpster and the landscape. Some of the signage he still has a problem with.

Tamarkin agrees on the dumpster and the landscaping as far as the signage. He agrees the commission has in the past had fast food restaurants and menu boards where they have requested some variances to increase the square footage. He thinks for consistency he is in favor. As far as the monument sign, he was concerned about it being close to Morse Rd., but he thinks the applicant has made its case. He is in support of these variances.

Suriano said regarding the variances, he agrees with the dumpster location and landscaping with demonstration of hardship. He is not in favor of signage variances, specifically relative to pole heights and clearance bars and things like that. He thinks there are other ways that maybe could work. He doesn't necessarily think those are special circumstances. It is under one variance item; he is not in favor of the variance application.

Greenberg asked Mr. Blackford from what he heard tonight were his objections in the staff review were taken care of in the discussion tonight. Blackford said he understands the setback from the pavement and thinks that is relevant. It is right-in-right-out but it's not just vehicular traffic movements, there's also pedestrians. In staff's opinion, a regarding a reduced setback for signage, he doesn't know if there is really a need for that. Staff still have the same concern for the monument signs on Morse Rd. and Johnstown Rd.

Shapaka directed his comment to Mr. Blackford. The signage had five or six elements to it. Is it possible, maybe not now but in the future, those could be different individual requests instead of lumping them in one? Is that something that's under Blackford's purview to state in that way or is that the applicant who has to ask for that individually? Blackford said historically that has been done by Council office, breaking it up separately. That is the agenda creation.

Roth said they are technically separate variance applications and are lumped together when the agenda is created but they are all separate applications. They are not one sign variance application. Blackford said it is one variance application. Ingram said for purposes of the record, this commission ought to consider each variance request individually if there is not going to be a slate agreement. Ingram said they had to apply one application pursuant to the city's procedure, but there is no reason that his client has to keep returning and having hearings when there is agreement on certain ones and perhaps there is one or two that do not. Roth directed his comment to Blackford that it is one variance application, but it is requesting a variance from eight different code sections. Blackford said that is correct.

Hicks asked the chair if the commission wanted to split out the variances into the three sections of code that are being asked to be varied.

Shapaka said he is inclined to do that, but to save a little bit of time, he sees why it was done as one. Where he is in sitting on the fence is he is in favor of the variance application because of a few of the items that are in the signage. If they are done individually, the commission can help the applicant get a better grip on where the commission is sitting. Is there is a consensus for the

commission to divide up or keep as one? Shapaka asked the commission for their opinion. Greenberg would like to split out. Suriano would like to split out. Tamarkin thinks it should be split by nine. There are nine different signs. Hicks said there are three sections of code that are asked to be varied, 1167.18, 1163.08, and 1165.08. Tamarkin said if the commission does them separate, and it is the same code, but one request for the clearance bar and another request for the monument sign, can those be separated? Hicks said it seems very granular. Shapaka said he thinks it will help the commission to answer and move the project forward. He would be in favor of that. The commission with go with that voting on the nine items. Shapaka asked if he needed to get the motion rescinded because we were going to do as one.

Motion made by Hicks, seconded by Tamarkin to rescind the previous motion that led the commission into discussion for the Variance application.

Shapaka stated it has been motioned by Hicks and seconded by Tamarkin to resend the previous motion that led them into discussion on the previous variance application.

Shapaka asked for a breakdown of each individual item in the variance application V-0033-2022 concerning Chapter 1167.18(c)(1), which is the dumpster location.

#### **V-0033-2022 - Code Section 1167.18 related to the dumpster.**

Motion made by Hicks, seconded by Greenberg, to approve the variance to vary Section 1167.18 related to the dumpsters.

Shapaka read into the record motion by Hicks, seconded by Greenberg, to approve the dumpster location variance, any discussion.

No discussion on the motion

Motion carried with the following vote:

Yes: 7 - Hicks, Greenberg, Mako, Shapaka, Suriano, Tamarkin and Wester

#### **V-0033-2022 - Code Section 1163.08 related to interior landscaping.**

Motion made by Hicks, seconded by Greenberg, to approve the variance to section 1163.08 relating to interior landscaping.

Shapaka read into the record motion by Hicks, seconded by Greenberg, for the interior landscaping portion of the variance, any discussion.

No discussion on the motion

Motion carried with the following vote:

Yes: 7 - Hicks, Greenberg, Mako, Shapaka, Suriano, Tamarkin and Wester

#### **V-0033-2022 - Code Section 1165.08(a) related to square footage total sign area.**

Motion made by Hicks, seconded by Greenberg, to approve the variance to section 1165.08(a) relating to the maximum square footage of total sign area.

Shapaka read into the record motion by Hicks, seconded by Greenberg, for the square footage of signs in Chapter 1165.08(a), any discussion.

Discussion on the motion: Hicks is in support because there is a precedent of approving these for other drive-through facilities. Shapaka is against this. He thinks the precedent set in other drive-throughs was to an area that it was appropriate. He doesn't find this type of sign appropriate even though kind of required for a gas station. He thinks they need to get creative and make something more compatible for the area.

Motion failed with the following vote:

Yes: 2 - Hicks and Tamarkin

No: 5 - Greenberg, Mako, Shapaka, Suriano and Wester

### **V-0033-2022 - Code Section 1165.08(b)(6) related to one ground sign per street frontage.**

Motion made by Hicks, seconded by Greenberg, to approve the variance to section 1165.08(b)(6) one ground sign per street frontage.

Shapaka read into the record motion by Hicks, seconded by Greenberg, for the variance Chapter 1165.08(b)(6) for a number of ground signs, any discussion.

Discussion on the motion: Hicks said the special circumstances for this parcel lead him to be in favor of this variance.

Motion carried with the following vote:

Yes: 4 - Hicks, Greenberg, Suriano and Tamarkin

No: 3 - Mako, Shapaka and Wester

### **V-0033-2022 - Code Section 1165.08(B)(1) and 1165.08(B)(2) to allow for two projecting signs.**

Motion made by Hicks, seconded by Greenberg, to approve the variance to section 1165.08(B)(1) and 1165.08(B)(2) to allow for two projecting signs directed towards the same street.

Shapaka read into the record motion by Hicks, seconded by Greenberg, for the projection of two signs in Chapter 1165.08(B)(1), any discussion.

No discussion on the motion.

Motion carried with the following vote:

Yes: 5 - Hicks, Greenberg, Shapaka, Suriano and Tamarkin

No: 2 - Mako and Wester



**V-0033-2022 - Code Section 1165.08(c)(1) and 1165.08(c)(2) sign setback and the landscaping at base of sign.**

Motion made by Hicks, seconded by Greenberg, to approve the variance to section 1165.08(c)(1) and 1165.08(c)(2) the sign setback and the landscaping at the base of the sign.

Shapaka read into the record motion by Hicks, seconded by Greenberg, for the sign setback, chapter 1165.08(B)(6), any comments.

Discussion on the motion: Hicks said due to the unique circumstance of this site, the distance from the pavement and the distance from the right-of-way, he is in support of this variance request. Shapaka is not in favor of the request. He thinks that the setbacks were set in place. The right-of-way is appropriate, and he is not in favor.

Motion failed with the following vote:

Yes: 1 - Hicks

No: 6 - Greenberg, Mako, Shapaka, Suriano, Tamarkin and Wester

**V-0033-2022 - Code Section 1165.08(d)(1) related to the clearance bar ground sign.**

Motion made by Hicks, seconded by Greenberg, to approve the variance to section 1165.08(d)(1) the clearance bar ground sign.

Shapaka read into the record motion by Hicks, seconded by Greenberg, for the ground sign height, chapter 1165.08(B)(6), any discussion.

Discussion on the motion: Shapaka is not in favor, he thinks the ground sign being proposed is higher than what you can find on the site. Suriano concurs with Shapaka. Mako is not in favor.

Motion failed with the following vote:

Yes: 2 - Hicks and Tamarkin

No: 5 - Greenberg, Mako, Shapaka, Suriano and Wester

Hicks thanked the chair for pointing out he was reading these wrong.

**V-0033-2022 - Code Section 1165.08(b)(6), 1165.08, 1165.09(a)(3) and 1165.09(a)(4)(c) related to the height of order point ground signs, the landscaping, and the electronic order screens.**

Motion by Hicks, seconded by Greenberg, to approve the variance to section 1165.08(B)(6), 1165.08 and 1165.09(a)(3) and 1165.09(a)(4)(c) relating to the height of order point ground signs, the landscaping, and the electronic order screens.

Shapaka read into the record motion by Hicks, seconded by Greenberg. Shapaka said Hicks read the landscaping again, ground sign again and the electronic sign with the three in play, any discussion

Discussion on the motion: Suriano wanted to note that this is regarding the variance and not the sign design. This is strictly about the variance. He wants to make that clear for the record. Shapaka is not in favor of this, and he understands that electronic signs are vital for this type of business, but he thinks in the location that we are at, there is no other electronic signs along there. He doesn't think the exception is needed. Everybody knows what a Sheetz is. You pull in. Do I have to have the gas price out front changing all the time? He doesn't think so. He will not be in support. Hicks said this is also for ordering food at the drive-through, not just the sign that has the gas prices. He will be in support.

**Motion failed with the following vote:**

**Yes:** 3 - Hicks, Greenberg and Tamarkin

**No:** 4 - Mako, Shapaka, Suriano and Wester

### **V-0033-2022 - Code Section 1165.09(a)(3) related to landscaping at the base of the menu board sign**

**Motion by Hicks, seconded by Greenberg, to approve the variances to section 1165.09(a)(3) variance for the landscaping at the base of the menu board sign.**

Shapaka read into the record motion by Hicks, seconded by Greenberg for the landscaping around the sign chapter 1165.09(a)(3), any discussion.

No discussion on the motion.

**Motion passes with the following vote:**

**Yes:** 7 - Hicks, Greenberg, Mako, Shapaka, Suriano, Tamarkin and Wester

### **[FDP-0009-2022](#)**

To consider a Final Development Plan Application for property located on Johnstown and Morse Roads; Parcel IDs: 025-011244, 025-011243 and 025-011226; Current Zoning NC; Sheetz Gahanna; Sarah Gold, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

This application was discussed under V-0033-2022.

Shapaka asked for a motion for the Final Development Plan FDP-0009-2022.

**Motion by Hicks, seconded by Greenberg, to approve FDP-0009-2022 application.**

Shapaka read into the record motion by Hicks, seconded by Greenberg for the Final Development Plan, any discussion.

Discussion on the motion: Suriano said that he was a dissenting vote on consideration of the conditional use. He maintains his position. Suriano doesn't believe that this meets all four criteria for conditional use, and understanding we are beyond that, he thinks it also may be semantics. He wants to point out that BZBA did not approve the application. They simply upheld the appeal. This commission did not approve that conditional use application by a vote of six to one. He wanted to reiterate that. Looking at adjacencies in this vicinity, he maintains that this is not in character with surrounding developments. There are no 24/7 establishments that exhibit the architectural development or spatial character of a filling station, in operating hours, access or volume, site use, massing circulation, lighting or material. Beyond that, this commission he has to trust that city staff and engineers will properly vet this as a preliminary plan for things like storm water, building codes, ADA compliance, things like that. Understanding that, the commission's job tonight is to review the appropriateness of the site plan and the compatibility of build structures on the site with this neighboring context. Relative to the final development plan, while it was appealed on conditional use relative to the zoning code, he doesn't believe that it is consistent with the land use guidelines which articulate future expectations for the City of Gahanna. Understanding that these can sometimes be at odds with zoning, they do articulate a vision for how we expect our city to grow. This is identified as Community Commercial. Mr. Blackford articulated that a fueling station is not in that recommended use for Community Commercial. Suriano believes that a 24-hour service station, and the planning that goes with it, as well as the lighting it requires, would have undesirable effects on the area. He is not in favor of the final development plan.

Tamarkin said this commission voted six to one against this plan. It was appealed to BZBA. They voted in favor four to one. Only the chair, Mr. Eisen, voted against it. One of the appeals was about undesirable effects. They deemed that there were none. In his opinion, this project does have undesirable effects and should not be located here, but that ship has sailed. That is beyond [the commission]. There have been multiple murders at Sheetz in the last couple of months. One occurred this past weekend at a Sheetz gas station on South Hamilton Road. To Tamarkin, if that's not an undesirable effect, he doesn't know what is. There is nothing that this commission could have done more to prevent this. There is nothing City Council could have done to prevent this. A couple of members of city council are here tonight. Tamarkin said there is nothing our mayor could have done to prevent this project from going forward, even though none of us wanted it. Four of the individuals on this dais live in Harrison Pond. Sheetz is doing their job; they are looking for sites. Skilken Gold is doing their job; they are looking for sites for Sheetz. That's what they are paid to do as the tenant rep. Tamarkin concluded the blame falls on The New Albany Company who owns the land. They are not your typical landowner. They are not a mom and pop that have owned this land for many years and all of a sudden Sheetz shows up and offers them lots of money, lots of dollars for this land, and it is a deal they couldn't resist. The New Albany Company has skin in the game. They developed the area. They should have a little more pride. They should have a little more respect for Gahanna and for what goes into this location. If this property was 50' across the street, this project would never happen. Shame on

The New Albany Company for selling this land. He knows it has been on the market for a lot of years and it's a tough-to-develop site. It is an odd-shaped parcel, and someone brought up put a shopping center in there. It probably wouldn't fit on the way the land is laid out. But someday something will go in there, a medical building or something that was very compatible to what is there. A Sheetz gas station has a great operation and is great gas station, but not in this location. He said there is nothing any of us can do, again from the Mayor to the Council to this commission, to stop this. If it can be stopped it is The New Albany Company. They have a contract with Sheetz to sell this land. We are not privy to that contract. We do not know what it says. We don't know if it can be stopped or not stopped. But the contract has not been executed yet. In typical real estate transactions, the contract has not been fully executed until all approval is in place. Right now, it is just a contract. He doesn't know if The New Albany Company can stop the contract, but if this project can be stopped, which is certainly the consensus of many members of this community on both sides of Morse Road. If you read all the social media posts this past week, it was pretty unanimous that this is a project that really does not belong in this location. It is up to The New Albany Company. He challenged the members of the community to write and communicate to them. Mr. Ebbing and Mr. Rubey are the two players. They are the ones who control this land and the ones who control this project.

Hicks said this application, as we know, generated a lot of interest about the project and a lot of passion. This turnout is always great. Comments are always great. It is the Commission's job to separate hyperbole from fact. The facts are, across the street 50 yards is not New Albany. It is the City of Columbus or unincorporated Plain Township. There are some suggestions that this is a residential area. He disagrees. It is a commercial area. The criteria for approving development plans do not consider the use. That ship has sailed, as it has been said. It says the proposed development will be in keeping in the existing land use character, and he knows there is some discussion about future land use. The existing land use is a commercial development. The use has already been decided; the zoning has already been decided. It is the commission's decision about whether this site plan meets the criteria for approval, or it does not. With all respect, suggesting that there is going to be a murder at this site is ridiculous. Nobody knows. That can't be part of the commission's consideration in his opinion. He is in support of the application based on the facts that have been presented.

Wester will not be supporting this application primarily because of the undesirable effects. This commission tonight was limited in that they could not discuss, the traffic impacts. Because traffic is not under the purview of the Planning Commission. As he looked this application over, he came to a couple conclusions. Most of them were undesirable. He said you couldn't help but read the traffic study, as it was included. These are some of the comments that he was saving for after the meeting when he can discuss it. The traffic has been brought up by numerous people. There is a statement in the traffic study, a couple of statements, that allude to turn lanes and whether they are going to be installed. The traffic study was submitted to the City July 15. In there, is a spreadsheet that list various review and the commentary that went on between the reviewing and the submitting parties relative to issues and clarifications within that traffic study. Today is March 8, 2023. There is a void in those comments from essentially the middle of July to now. What happened to the

four traffic lanes? He can throw some number out. There is approximately a thousand foot of traffic lane, turn lanes that would be needed in a traffic cycle. He said that signal is probably a half million dollars, a thousand feet of turn lane, four different locations. He can see it being a million dollars and taking two years to put in. He would imagine you can build that gas station, restaurant in six months. If he doesn't have to spend the money as a developer for that, he wouldn't do it either. Again, when he looks at their traffic study, it is a good study. He lives in that area. Wester e avoids Morse Rd. because of the construction at the west end with the backups, etc. He cuts through traffic, Beecher Road, and Thompson Rd. He is concerned that that intersection, that area, because of the traffic, can make MORPC's top ten intersections, and you don't want to get on that list. Maybe you do because you can get federal money to improve it. Another statement in this study, this upsets him, "it is recommended that the right turn may not be installed as it would affect existing pedestrian infrastructure on Morse Rd. Additionally, other large-scale development along Morse Rd. do not have dedicated right turn lanes and drivers are expected to be accustomed to these conditions". Approximately 37 years ago, the Challenger blew up. Wester doesn't know for people in Chambers what their level of management is, what their profession is. He was an engineer design professional. He brought up the Challenger disaster because in 1986 when it happened, a doctoral student wrote a book "The Challenger Disaster". It was a doctoral thesis. It concluded that we all know why the rocket blew up. It was the O-ring, but it placed blame on management. They knew those O-rings were questionable. They essentially said go for it, live with it. Some seconds later, seven people met their demise. When looking at this, and reading a statement that the drivers are expected to get used to it, are we building a safety problem? Is traffic safety compromised because we will not address right-of-way acquisition, cost, and timing? Wester believes there are going to be undesirable results.

Greenberg agrees with many of his fellow commissioners and respects Mr. Hick's position as well. He thinks there are going to be undesirable impacts with this facility, including operating 24 hours a day. There are not any other businesses in the area that do. He is not in favor.

Mako said he has a lot of respect for his fellow commission members, and he feels that there are going to be some unintended negative consequences of this development. He is not in support.

Wester said city management, city administration and city council shares in this decision. We need to update codes quickly. This commission is put in a bind. The approval of certain things lies with one department and then you have another department. He thinks city council should take it upon themselves to have two or three meetings between the developer and the neighborhood to discuss the design, discuss the progress. Where are we going? Get the public involved, not just go door-to-door campaigning. Where does the city stand with a noise ordinance? If you go to the UDF on Johnstown Rd., the gas pumps play music. He doesn't know if that is proposed for here. He wondered how a project of this magnitude goes for 10-months before it gets communicated out to the public. When at ODOT, he noted they administer federal money. In the federal process, you have to have public meetings. You have to communicate with the public that is going to be affected. He had to attend those meetings. Sometimes nobody showed up. He appreciates everybody being in attendance tonight and speaking their peace. How can the

city adapt its process to include the public so that we don't have another 10-month hiatus?

Hicks wanted to reiterate what the criteria is for approving or not approving the final development plan. It talks about the proposed development, not the use, not with this 24/7. It is the development, the footprint, horizontal, that is the commission's criteria for considering this application. Some things have been brought up that are not in the commission's purview. Traffic studies, engineering plans, or electrical plans, we trust that the city staff do their job as it relates to what goes on inside and outside of the building. The criteria clearly stated about the proposed development that it is the site plan, the footprint, not the use.

Shapaka said it is a difficult decision. The commission's hands are somewhat tied. The commission doesn't like that they are being tied. In his mind, that leaves one course of action. The commission needs to vote on what is at hand. If they don't like what they are voting on at hand, that is a code issue. That is something that needs to be addressed in city zoning. He doesn't understand and apologizes how or what could have been done to make it different to get the announcement out and advertise this. In looking at a final development plan, it is not what he would put on this site, but BZBA approved it. The building that they put in there, the shapes that they have, they meet the guidelines, as Mr. Ingram mentioned. Shapaka said there is really nothing that the commission can do about it. In looking at the final development plan, where does it stop, at the intersection, does it stop coming onto the property? It is hard not to argue the point that the traffic is an issue. But the traffic is only going to be an issue if the people in the community elect, if this goes through, to go and patronize the establishment. If they know from the community that you do not like it, it is in your hands no matter what the commission here is going to do today. Shapaka said if your voice is loud enough to let them know, who knows, The New Albany Company might come around and they might not go in. He is in support of the final development plan.

**Motion Failed with the following vote:**

**Yes:** 3 - Hicks, Shapaka and Tamarkin

**No:** 4 - Greenberg, Mako, Suriano and Wester

[DR-0019-2022](#)

To consider a Design Review Application for property located on Johnstown and Morse Roads; Parcel IDs: 025-011244, 025-011243 and 025-011226; Current Zoning NC; Sheetz Gahanna; Sarah Gold, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

This application was discussed under V-0033-2022.

Shapaka asked for a motion for the DR-0019-2022

Motion by Hicks, seconded by Suriano, to approve DR-0019-2022.

Shapaka read into the record motion by Hicks, seconded by Suriano for Design Review application, any discussion.

Discussion on the motion: Suriano asked for the design review criteria to be pulled up. He thinks there is too much play on the site right now to make a design review judgment on two to four elevations. It is difficult, but extrapolating what he does see from the application, he doesn't think that the general colors or materials are stylistically compatible or consistent with neighboring commercial properties. He thinks it is somewhat related to the variance, but the reason for the question about design review of the signs is he doesn't think backlight box signs on the building, or the monument sign, are consistent with neighboring properties as well. He thinks to be compatible this site should favor a more neutral material palette, white siding or brick subdued red tones, and understated signage concurrent with neighboring commercial to the east. He thinks the canopy would need to follow course with the main building. In looking at the new Dutchess station on 161, much further north, he thinks it is a good precedent for how to do something more consistent with what neighbors are doing. If this does move forward, he would like to see some 3D imagery for transparency on how this building actually looks. A rendering from Morse Rd. with monument signage would be nice in terms of what you are seeing from the street. Same thing from Johnstown Rd. Something accurately representing what is seen from the street with the monument signage and rendering overall that depicts the enclosed building and additionally includes the fueling canopy. He thinks they need a holistic understanding of what it looks like to make a value judgment on how it looks and feels spatially to completely judge the design review. He will not be in favor.

Greenberg said he has lived in the area for more than 26 years and has seen Roger's Corner and The Barn go in. He doesn't understand why The New Albany Company would approve those two designs and then now allow the next-door neighbor to be completely different. It seems like it is a big entrance into the City of Gahanna and there should be some consistency with color and type of building materials. As we move forward, he would hope that things could be adjusted. He is not in favor.

Hicks said that Mr. Suriano touched on the Design Review criteria for approving or denying. He wanted to point out it says stylistically compatible. To him, it appears to be compatible with the buildings to the west. Maybe not to the east. From time-to-time, they have applications for like a big chain drive-through and there is discussion about making it look different. It ends up being a McDonald's or Burger King. In his opinion, the review criteria are met for this application. He is in support.

Wester said he looks at the building as a "fit all," where you can go anywhere with it. It doesn't transition from one side to the other. He respects Mr. Suriano's comments. He will support Suriano's decision.

Mako agrees with some of his colleagues. He respects Mr. Suriano's expertise. He doesn't see how this transitions here. He thinks it was an important statement saying this is going to be the entrance to our city. He

doesn't see the compatibility. He is not in support.

Shapaka echoes the feelings of Mr. Suriano. He would like to see something more rural than urban. He likes the Sheetz building, and it is a good-looking building. He is not supporting the design review.

**Motion failed with the following vote:**

**Yes:** 2 - Hicks and Tamarkin

**No:** 5 - Greenberg, Mako, Shapaka, Suriano and Wester

## **F. UNFINISHED BUSINESS - NONE**

## **G. NEW BUSINESS**

### **Suspend Rules of Procedure**

Shapaka said with V-0001-2023 there was a clerical error in noticing the applicant about the hearing. The application needs to come back to the commission to be heard.

Shapaka read the variance request into the record **V-0001-2023** To consider a Variance Application to vary Chapters 1143.08(a) and 1167.17(b) of the Codified Ordinances of the City of Gahanna, to allow for a shed installation on property located at 60 Savern Place; Parcel ID: 025-003993; Current Zoning SF-3; Bradley Rhoads, applicant.

Shapaka said a motion is needed to suspend the Planning Commission Rules. Shapaka asked Mr. Roth to explain the reason for this. Roth said the local Planning Commission Rules are slightly different from the Roberts Rules of Order that were adopted by reference in the whole. There is a specific rule that when it comes to a motion to reconsider that it can only be done during the meeting at which the motion was originally heard. Robert's Rules does not contain that. Our local rules do. So, since there was a clerical error and the applicant was not notified of the hearing, a motion to reconsider is appropriate but we have to suspend our local rule that says it can only be done on that night before we can then set a motion to reconsider on a future date.

Shapaka asked for a motion to suspend the Planning Commission rules for this issue.

**Motion by Hicks, seconded by Greenberg to suspend the Rules of Planning Commission.**

**Shapaka has a motion by Hicks, seconded by Greenberg for a suspension of Planning Commission rules for the variance application noted above.**

**Motion carried with the following vote:**

**Yes:** 7 - Hicks, Greenberg, Mako, Shapaka, Suriano, Tamarkin and Wester



**Reconsider V-0001-2023**

Shapaka asked for a motion to reconsider and set a new date to hear the variance on April 12, 2023.

**Motion by Hicks, seconded by Wester, to reconsider application V-0001-2023 for April 12, 2023.**

**Shapaka said there is a motion by Hicks, seconded by Wester, to set the new date for the hearing as April 12, 2023.**

**Motion carried with the following vote:**

**Yes: 7 - Hicks, Greenberg, Mako, Shapaka, Suriano, Tamarkin and Wester**

**H. OFFICIAL REPORTS**

**Assistant City Attorney - none**

**Director of Planning - none**

**Council Liaison - none**

**Mayor**

Mayor Jadwin said she appreciates the communications received over the last few days and for the attendance tonight. Being involved in the public engagement process is extremely important to what we do. Usually at this portion of the agenda is when she informs the commission on upcoming events and projects that the city is working on and issues that are coming before council. But tonight, she wanted to speak to what we heard. There is a great deal of consternation over the Sheetz project as shown by the comments that were received over the last several days, as well as comments heard from residents tonight. She respects and understands their concerns and can relate to many of them. There is frustration on her part, and thinks it is fair to say on the part of council members as well that she and [Council] do not have a voice in this process. Speaking to the audience, Jadwin said you have heard members of the commission suggest and state that neither council nor the administration have a voice or a vote in what happened here. And as you have seen tonight, Jadwin has set here and not spoken. She has no opportunity to speak in any part of the actual legislative process that happened before tonight. She attends the Planning Commission meetings because she wants to hear what is discussed by the commission and wants to hear what is discussed by residents. She wants to understand the questions that they have because it helps her not only keep a pulse on what is happening in the community, it also enables her to identify

opportunities for improvements because there is always an opportunity for improvement in some things and a way to make something better. That can extend from a code change that's needed to how notices are provided. To that point, while the administration is not responsible for how public meetings are noticed, whether it is Planning Commission, Council, or BZBA or otherwise, she believes that the notices that were issued for the meetings involved in this project were issued in the manner that's prescribed by code and in the same manner that every meeting is noticed. If there is a need for us to change in code how those meetings are noticed, that is something that can be discussed with council. While she appreciates the comment that she should have distributed flyers in her neighborhood, as Mayor she can't do that. At the hearing on November 2, 2022, there were members of the public who came and spoke. When BZBA had a hearing on January 26, 2023, chambers were full. She believes almost the entire neighborhood of Collingwood Pointe was in chambers and she was sitting in the audience listening to the discussion that happened. Again, while she appreciates that she should distribute flyers in her neighborhood, in her role as Mayor, she has to treat every resident and every project exactly the same way. If she had treated this project differently and communicated something differently versus another project, it would be unfair to every other resident in Gahanna who has a project that might be in their area. It would also expose the city to potential liability and that is something she will not jeopardize this city in doing by treating one project differently than another. Planning Commission agenda are published two weeks before every meeting. (*\*NOTE\* Planning Commission agendas are published the Friday prior to the meeting*) Planning Commission meets the second and fourth Wednesdays, January through October and the first and third Wednesdays, November and December. City Council meets every Monday unless there is a fifth Monday. Regular Council meetings are the first and third Mondays. Committee of the Whole are the second and fourth Mondays. Those agendas are published Friday afternoon. Anyone can sign up on a mailing list to get the agenda directly to your inbox. There are nearly 3,000 residents who are on the mailing list. You can also sign up to get city newsletters. City newsletters are sent out every month. They inform people on projects and events, update on changes in everything from trash pickup to recycling. The newsletters are comprehensive as well. She strongly encouraged everyone to sign up for the newsletters and agendas so they can see what projects are coming up for discussion. Regarding the matters that are going to Council, Jadwin said we welcome people to come to Council meetings and give their input and ask questions. She also invites people to contact her office at any time. She is happy to have a conversation and to talk about what is happening in the city. She would like to commend Planning Commission. They are Gahanna residents. They volunteer their time. There are two architects, an environmental consultant with 30-plus years of experience in environmental planning, there is a retired ODOT manager, a CPA, and a business owner in Gahanna on the commission. Every meeting that she comes to, she noted they act with the utmost professionalism and are prepared and informed. They ask good questions and are volunteering their time in service to this community as part of a process that is established by our Charter. In this case, the legal process that is in place that is established by our Charter, which is voted upon by our residents, was followed. It doesn't always get us the end result

that we want but there is a process in place. That process has been followed. She thanked everybody for their time tonight and invited them to reach out with questions and concerns.

**Chair - none**

**I. CORRESPONDENCE AND ACTIONS - NONE**

**J. POLL MEMBERS FOR COMMENT**

Wester said that he has had a lot of jobs and found public service to be very satisfying and rewarding. By the same token, it is also very frustrating. He previously mentioned the Challenger accident and the thesis. He read it because, as an engineer, he wanted to know what the problem was. It was enlightening because it was an analysis of management. He thinks about that book consistently. As the Mayor said, how can I improve myself so what has happened doesn't happen again? What could he do as a manager, director, as an engineer to avoid a past situation? When he looks at the City of Gahanna, where does code revisions stand on the list of priorities for City Council, for the Mayor's Office? Should the Charter be revised so that there is more authority that rests with this commission, or should it stay where it is? Should there be consolidation in there? The traffic study on this project was submitted. Read it. What is going to happen to it? He has a concern that two or three years from now the city is going to have to find money in its capital budget to improve that intersection to improve those roads. It is not going to be cheap. The city needs more taxable income. Taxes are not popular, but you get what you pay for. He thanked and appreciated everybody for coming. He thinks there are challenges in front of the Mayor and City Council. Whoever is running for President said we need some new blood; he is in support of that. His term is up at the end of the year. Wester said he has found it rewarding. It is time to move on and get some people to stand up and say it. Wester commented to Mr. Mako that Mako maybe a bad choice of words but that Mako certainly expressed those feelings the other day. To Mr. Suriano, Wester said he did a great job. It has been an honor and pleasure to work with this commission because of their commitment.

Hicks said it is always good when the public participates and turns out. He would say the tone that the commission experienced in this latest application took a turn that he has ever experienced being on Planning Commission. There is a lot of passion, understandably so. But the comments and venom that was expressed to the Mayor and Council is uncalled for. Phrases like "the blood is on your hands" and a comment about being spineless. He doesn't know how the mayor and elected officials handle that. He has the most respect for them, and they don't deserve to hear that from their constituents. His message to anyone watching or anyone in the audience or anybody that watches the video later is we can have discourse. We saw it up here. But it must be constructive and respectful, and he hopes they never have to go through some of those comments that we received over recent

weeks again.

Suriano echoed what Mr. Hicks said. There are times when this commission, and obviously it was demonstrated tonight, has differing opinions and that's what makes discourse. He thinks keeping it respectful it is of utmost importance, especially if we are going to make any headway. He also wanted to echo comments in support of city staff and city leadership. We always do things, to his knowledge, by the book, and he always greatly appreciates that about the professionalism.

Tamarkin said he was repeating what he said earlier. Shame on The New Albany Company for putting us in this situation. It is not right. They put us in a very awkward situation here to deal with this, and shame on them. They should have a little more respect for our community.

Greenberg echoed all the comments about the public process. This is a process. He congratulated everyone who took interest in coming out and making a presentation tonight. Greenberg used to do public hearings for a living. They were about landfills, and those were a lot harder [meetings]. You don't want a landfill in your backyard.

Mako said this year marks 30 years that he graduated from undergrad and began his public service. He has been in worse public meetings than tonight's. He appreciates everyone's professionalism, candor, and civility. He wants to echo the professionalism that he finds from the mayor's office and city council. He is in a unique situation; he is on staff in the City of Westerville, and he sees how things work there and how things work here. It is different, but enlightening. Also, if you have not been to the new library, Mako urged people to check it out. It is fantastic.

Shapaka thanked Director Blackford for an excellent job of guiding the commission and giving the presentation. He thanked Mr. Roth for his assistance. Shapaka said to the mayor, he is sorry that she has to go through some things. He knows she has tough skin and can take it. He thinks what they learned here is that there are some things that are going to have to change because we don't have our hands on a few things like we should. Hopefully that will come out of this. He is proud of all the members here. It might look like we might be in some way unison. But he said they do not really discuss anything; it is really each one's opinions. That is what they are asked to give. It is a broad scope of opinions. He is proud to sit on the commission and thanked everyone for coming out and listening to what the commission had to say. He thinks the city is going to listen to the comments. Mr. Suriano and he have both been on the other side of this making the presentations. They do not go easy sometimes. Walking into them, he likes to know how the outcome is going to be. He doesn't think the outcome is what the owner was expecting. He thinks this will be coming back. Keep an eye out for information and listen to your neighbors. Talk to your neighbors so when that happens, we can be one voice.

## **K. ADJOURNMENT**

No further business the meeting adjourned at 10:15 p.m.

*APPROVED by the Planning Commission, this  
day of 2023.*

---

**Thomas W. Shapaka**