

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Wednesday, April 10, 2013

7:00 PM

City Hall

Planning Commission

Donald R. Shepherd, Chair

David Andrews, Vice Chair

Joseph Keehner

Jennifer T. Price

Kristin Rosan

David B. Thom

Thomas J. Wester

Donna L. Jernigan, MMC, Senior Deputy Clerk of Council

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

Gahanna Planning Commission met in Regular Session in the Council Chambers of City Hall, 200 South Hamilton Road, Gahanna, Ohio on Wednesday, April 10, 2013. Chair Don Shepherd called the meeting to order at 7:08 p.m. with the Pledge of Allegiance led by Planning Commission Member Wester; agenda for this meeting was published on April 5, 2013.

Members Present: Donald R. Shepherd, David B. Thom, David K. Andrews, Jennifer Tisone Price, Kristin E. Rosan, Joe Keehner and Thomas J. Wester

B. ADDITIONS OR CORRECTIONS TO THE AGENDA.

A motion was made by Rosan, seconded by Price, to move CU-0003-2013 & V-0005-2013 to be heard first under Item E, Applications/Public Hearings. The motion carried by the following vote:

Yes 7 Shepherd, Andrews, Thom, Price, Rosan, Wester and Keehner

C. APPROVAL OF MINUTES: Regular Meeting March 27, 2013

A motion was made by Keehner, seconded by Thom, to approve the minutes of the March 27, 2013 Regular Meeting as corrected. The motion carried by the following vote:

Yes 7 Shepherd, Andrews, Thom, Price, Rosan, Wester and Keehner

D. HEARING OF VISITORS - ITEMS NOT ON AGENDA.**E. APPLICATIONS/PUBLIC HEARINGS:**

Chair read the rules that would govern tonight's public hearings. Assistant City Attorney Tom Weber gave an oath to those persons wishing to address the Commission.

CU-0003-2013

To consider a Conditional Use application to allow a 3.93 acre portion of the parcel to be used for Agricultural purposes; 500 North Hamilton Road; Franklin County Board of Developmental Disabilities, Dorothy Yeager, applicant. (Advertised in RFE 3/21/13)

Evans said this was discussed in workshop last week; there were some changes to the plan; unfortunately it did not scan very well so I don't have a visual; will turn it over to David Hodge.

Chair opened the public hearing at 7:10 p.m. and asked for proponents. David Hodge, Smith & Hale, 37 W. Broad, said this was discussed at workshop; we are still evaluating whether we need the conditional use and we may not need the variance request, if we just make the fence 6' in height; so no variance would be necessary; to allow us some additional time to work with the plan and review City code, would ask that the applications be postponed for two weeks so we can figure out what direction we are going. Chair asked would you like to come back to workshop, and Hodge said I don't think we are inclined to do that.

Chair asked for opponents, and said because this is a public hearing and we advertised it you are welcome to come back in two weeks to voice your opinion to be put on the record; we will actually be voting on this in two weeks; if you have something because you will not be here in two weeks and you do want it put on the record, we will entertain short comments or a question you might have, but the real public hearing will be held in two weeks; not sure what direction they will be going in.

Cecilia Peirano, 494 Haversham Ct. S., said I just want to clarify what he just did; he said they probably won't come back and ask for a variance; so what are you going to be doing in two weeks. Shepherd said they will present their application with any changes; they are not sure what they will be doing yet. Weber said this is under review both by the applicant, the City Attorney and myself; their position is now that this is integral to the educational use of the property. Sherwood said I think she is more worried about the conditional use. Peirano said yes, the students at the school were not the ones that they were serving. Weber said that is one of the issues; they have to decide how they want to proceed; there have been some discussions held between Hodge, Ewald and I as to how to proceed; can they proceed by saying this is a permitted use under the code; do they have to ask the Planning Commission before they go forward; there is another issue about the buildings; there are a number of things to be addressed and that is what we are in the process of doing with the applicant; so that is why this is not going forward today because the applicant has to make some decisions; the variance is for the height of the fence; they may choose to go forward with the fence at 6' in height and the variance would be gone; the issue now is can they proceed without getting a conditional use because this is a permitted use under the code, and do they have to ask the Planning Commission for permission to go forward; the applicant has to make some decisions, and that is where we are now. Peirano said that is what I wanted to know, that the City is also looking into whether they need a conditional use or not. Weber said there are some legal issues and some practical issues.

Shepherd said so in two weeks we will be looking at this again. Peirano said but he is saying they may not show up. Shepherd said no, they will be back no matter what.

Judy Horsch, 617 Millwood Ct., said with the conditional use, if all of that is approved, will they need to have building permits for the structures that are going up; Weber said they may need some building permits, depending on the structures whether they are temporary or permanent; these are all issues that we are looking into now; the plan is still out there and may be tweaked by the applicant; right now these are all issues that are on the table. Horsch said so even the high tunnels need a building permit? Shepherd said if it is a temporary structure it is under one set of rules, and if it is a permanent structure it is under another set of rules; so it depends on what they actually propose, then we may require them to bring back plans, just as we would with anyone, plans for what they are building, and then have input into those.

David Williams, 611 Millwood Court, said I simply have a question for the Planning Commission; did you get a copy of the petition showing all of the property owners that really don't want this. Shepherd said we did receive that from the clerk's office. Sherwood said we emailed it to all of you.

Chair closed the public hearing at 7:23 p.m., and said this will be the first thing on the agenda for the April 24, 2013 meeting.

A motion was made by Rosan, seconded by Price, to postpone CU-0003-2013 and V-0005-2013 for 500 N. Hamilton Road to the April 24, 2013 meeting. The motion carried by the following vote:

Yes 7 Shepherd, Andrews, Thom, Price, Rosan, Wester and Keehner

V-0005-2013

To consider a Variance Application to vary 1171.03(b) of the codified ordinance of the City of Gahanna; to allow a fence to exceed 6' in height; for property located at 500 North Hamilton Road; Franklin County Board of Developmental Disabilities, Dorothy Yeager, applicant. (Advertised in RFE 3/21/13)

See discussion above.

Z-0001-2013

To consider a Zoning application to zone 3.9 +/- acres located at 5593 Havens Corners Road; current zoning ROD/SF3 (Residential Overlay District/Single Family), requested zoning ROD/SF3; Brookewood Construction Company, Inc., Doug Maddy, applicant.

Evans said as a recap you have seen this application recently and sent it to workshop; applicant is requesting a zoning change; previously the development was approved for 9 lots; this is increased to 15 lots, so we are rezoning 3.9 acres; current zoning is Single Family Residential 3 to create a subdivision that will now have 15 lots; the total 4.7 acre parcel was rezoned in 2007, and was final platted with the 9 lots; this time they have presented an application that shows a preservation zone on lots 8 and 10 through 15; also the addition of a no build zone on lots 4, 5, 6 & 7 of 25'; this is in your packet that we passed out in the pre-meeting for you to review; those are the only changes; the variance request is for four things; to allow the sidewalk to be constructed on the east side of the street only; to vary the requirements for curbs and gutters, and to vary the density requirement; the same variance for density increase was approved in 2011 by Planning Commission and at that time the applicant did have 15 lots; the application was later withdrawn at Council; this plan has reconfigured lots and they have added some Best Management Practices in the case of stormwater drainage; will turn it over to David Hodge.

Chair opened the public hearing at 7:25 p.m. and asked for proponents.

Hodge said we were at Planning Commission and workshop several weeks ago; because of travel plans and Spring break we asked that the applications be tabled until this meeting; the density for this project is consistent with the single family use, residential land use recommendation of your Comprehensive Plan; that suggests the appropriate density for single family residential development is between 3 and 5 units per acre; this is 3.5 not including lot 9; if you include lot 9 it is 3.1 and we are on the low end of the density recommendation from your Land Use Plan; we submitted a traffic study, and our traffic engineer is here tonight to answer any questions; in summary the traffic study concluded that the access point from Havens Corners Road was appropriate, and no turn lane on Havens Corners is warranted or necessary; emergency vehicles can enter and exit the site safely; there are no site triangle or vision issues; this 15 lot proposal poses no issue; stormwater has been an issue throughout this proposal because of the Souder Ealy Ditch to the south; as a part of that we have worked with both your City Engineer and engineers at the Franklin Soil & Water Conservation District, and have incorporated into this plan Best Management Practices (BMP's) green treatments including rain gardens and exfiltration programs; a couple of the variance applications are related to the ability of water sheetflowing over the road into some rain gardens, and then eventually working down to the Souder Ealy Ditch; stormwater is mitigated; it's improved; it's less of an impact on the Souder Ealy Ditch; less of an impact what little bit goes to the north across Havens Corners; so we have more than mitigated that; you will recall that Dave Reutter of the Franklin Soil & Water Conservation District was at the last workshop meeting and some questions were asked of him and he concurred with our analysis; we've also agreed in the text to continue to work with them and design this stormwater in a fashion consistent with his recommendations; the price points of these homes will be in the neighborhood of \$300,000 to \$350,000; that is consistent with the surrounding homes; we have also submitted elevations and committed to certain building materials; these are clearly fantastic houses, and will be a great addition, and from an impact perspective on the surrounding properties these are going to provide some great comps and we think it will raise the values of the surrounding properties; there was a question about lots 10 and 11 and how those are going to work; will be fantastic walkouts; this is an expensive project to develop and we are required to pay a fee in lieu

of parkland dedication; some discussion came up at the last workshop regarding some connectivity of this subdivision; about a sidewalk on the south side of Havens Corners; that is something we are committed to working with Gahanna on bringing to fruition and so there may be some discussion or comments on that tonight and we are prepared to answer any questions.

Chair asked for opponents.

Rod Wilcox, 5582 Havens Corners Rd ., said I have two problems with this property; one I think is resolved; I live on the north side of Havens Corners, and a lot of the water was draining onto my property; I think they have solved the drainage problem; but my biggest objection to this is the density; been to many meetings and we can have all the traffic studies, and all the water drainage studies, there is only one reason we are here; the developer bought this property zoned for 8 units and finds it economically unfeasible to develop it with 8 units; that is his problem, not our problem; that is the developer's problem; I represent developers; they take a risk when they do that and that is his problem; we do not solve this by 15 lots and 60' frontage; you do this and you are setting a precedent for Havens Corners that you will regret; 60' lot development on Havens Corners is wrong; you will regret it; you are to represent the residents of Gahanna; the residents all around this who have objected to it; you are not here to represent the developer.

Kevin Schmidt, 248 Ashley Ct., said I live directly to the south of the proposed development; in addition to the written comments I submitted earlier I would like to make a few points; I apologize for not making the earlier meetings; I have lived on the property for about a year; this was zoned for 9 lots and we are only talking about an increase of 6 houses; that is nearly a 70% increase in density; that is no insignificant request; I applaud the developer for the very creative storm mitigation methods; that is a concern of mine; there are trees leaning onto my property because of erosion; no one knows if this will work; from the minutes provided by your office, David Reutter said he is looking forward to seeing how this will work; hardly a vote of confidence; he has expertise but does not know how this will work; may not work; in closing maybe it meets the letter of code but does not meet the spirit of the code; Chair had to take several breaths when he was reading all of the variances; variances were put in place to address issues beyond anyone's control; if you have to ask for 4 or 5 variances it is an unfeasible project, and should not be permitted; I respectfully urge you deny the application for zoning request and the variances.

Pam Francis, 1050 Harvest Ridge Ct., said first I would like to thank the builder for the "no build zone" on lots 4, 5, 6 & 7; that abuts my property; thank you for keeping the trees; I have walked the property and have a concern about a septic tank on Kahn's property; I don't know if the septic tank is going to be removed, or is the property going to be sold to the builder; I don't know if the builder has addressed that; do the rain gardens take in the water runoff since all of these houses have sump pumps; still have concern with sidewalks on only half of the property; what about the barn property is it going to be the responsibility of the HOA; again my main concern is the density factor; would you want these houses to be built that close to your back yard.

Elsa Gurwin, said my land is to the direct north; 5594 Havens Corners Rd.; again we are talking about the density; we've heard over the years "we want compromise" but there is no compromise here as far as the density; here we are with almost a 70% increase; he already bought this property and he can build 9 homes with the zoning that is already here; first house on the street should be front facing; it goes right back to ignoring requests from the past; back to the same old stuff.

Chair asked if the Commission would agree to extend the time for opponents for an additional 5 minutes; they agreed.

Mary Velasquez, 5625 Havens Corners Rd., said my property would touch lots 1, 2, 3 and 4; we bought our house knowing that the density would be 9 lots, and I think the 15 lots would really bring down our property value.

Charles Haubiel, 5816 Havens Corners Rd., said I am representing the family interest on about 100 acres between 5772 and 5826 Havens Corners Rd., our main concern is density; we have tried to be good neighbors with Farm Creek and Autumn Ridge; have no problem with them developing the land whatsoever, but do believe we need to be consistent with what we develop on Havens Corners Rd.; we would ask, if the development goes forward, that lot 1 face Havens Corners; as both the developers of Farm Creek and Autumn Rush have done to hold the integrity of Havens Corners Rd., as you are heading west.

Shepherd said to Hodge, you have 3 minutes for rebuttal; Hodge asked for some additional time to address the neighbors comments; Hodge said one of the comments that was made by several folks was that the only reason we are here is to represent the developer; that is not true; we are submitting a single family residential subdivision that is on the low end of the density recommendation for single family residential in the City of Gahanna; in reference to density we are doing what the comprehensive plan asks us to do; the stormwater mitigation measures are going to be maintained by the HOA; we submitted thorough, comprehensive HOA documents that will eventually be assigned to the subdivision with obligations of each of the individual lot owners; the HOA will not have much to do; the maintenance of these BMP's stormwater measures is minimal; we confirmed that with our civil engineer; at his office in the City of Gahanna, he has a very small rain garden, that he testified in workshop, that drains over two acres; these are low maintenance; with reference to the comment that nobody knows if these measures are going to work; we do know that they are going to work because the guy who designed them has one at his office, and it works great; with reference to Mr. Reutter's comment, unfortunately it was taken out of context; he encourages this and knows that it works; we were encouraged to work with Franklin Soil & Water, and that is what we have done; that is why we are treating the stormwater this way; in the past there has been a lot of concern about the Souder Ealy Ditch; we have skinned that cat 10 different ways; it is just taken care of; it is not an issue; I think your engineer would tell you that and Reutter would tell you that, and our engineer will tell you that; a new portion of the plan addresses trees on lots 4, 5, 6 and 7; we had a surveyor go out in the field and verify those trees that you see on the plan; the black dots; we've committed to preservation of those trees. (Commission agreed to give Hodge 3 more minutes for rebuttal.) Hodge continued that in reference to whether this meets the spirit of the code, I submit it does meet the spirit of the code; this is precisely the type of development that fits within the residential overlay district, section 1152.01 of the code; this is exactly what it asks for; a creative development; not just a standard lot by lot cookie cutter subdivision; it allows for creativity; it allows for folks to work with the property instead of just flattening it, making pads and putting up houses; with reference to lot 9 and the sanitary treatment it will hook to the public sewer just like the remainder of the lots, and anything on lots 10 and 11 will be abandoned; 10 and 11 will be fantastic walkouts that we have shown on the plan; with reference to lot 1 front facing this is new to this proposal at this time; been through this in the past and that is why you see we do have a planting plan to screen that house from view on Havens Corners. I think that it is clear that infill development is hard; there are surrounding property owners that have gotten used to a field in their backyard and I understand that concern, and sympathize; but this is development

property; I know they enjoy it and that is why we are working as hard as we can with them; we have buffers around this property; we are trying to mitigate the detrimental impact on these folks as best we can; this proposal in reference to the treatment of lots 4, 5, 6 and & 7, just as an example, is far improved than what it was on the current zoning, because it did not require preservation of any of those trees; this is a step in the right direction; sure Commission has lots of questions and we are prepared to answer them as best we can; we respectfully request your recommendation of approval to City Council.

Rosan said at the last workshop we talked about a sidewalk; one of the concerns raised by some of the neighbors was for access for these residents to parks and schools; we talked about access to the rear or southern part of the parcel; about access through the eastern part of the parcel, and obviously that would require neighbors to give us some land; one of the things we asked the City Engineer to look into was the possibility of putting a sidewalk along the subject property and then have it run along Havens Corners to Farm Creek; it is my understanding from the pre meeting that the City Engineer did look into that and it is feasible; there is sufficient right of way to run a sidewalk from Grand Ridge Court to Farm Creek Drive; I see walkability for this parcel as solving a couple of the concerns; the first is that it addresses density because it gets these residents in a walkable community; gives them access to other amenities that are in the surrounding neighborhoods without cutting through neighbor's yards; would also address the concern about sidewalks being only on one side of Grand Ridge Court; what are your client's thoughts in putting in a sidewalk from Grand Ridge to Farm Creek Drive.

Hodge said I think his thoughts are that is expensive; we are certainly willing to construct a sidewalk along the frontage east to the property line; one of the things we are required to do is pay fees in lieu of parkland dedication; I don't know where those funds go; the types of projects that those funds can be used for, but if we could construct that sidewalk to the road instead of paying fees in lieu of parkland dedication we will do that. Rosan said that is not in our purview; I don't know how those funds are used; my recollection is they go to a different pot, for lack of a better word.

Evans said we would have to take that back administratively and talk to our Director of Parks & Recreation and our Director of Finance; some of the funds are marked for park upkeep, maintenance and improvement; would have to do some analysis of that and how that would work.

Hodge said I would propose, as a solution, that this could be sent on with a recommendation from Planning Commission that my client would pay the greater of the two; either the cost of installation of the sidewalk east to hook to the road, or the otherwise required fees in lieu of parkland dedication; this is significant; we are being asked to make off site improvements to not just improve our project, but the pedestrian orientation of the subdivisions to the south; we recognize it is good for us and those subdivisions and the City of Gahanna in general. Rosan said I also recognize that the developer is making stormwater management changes or improvements over what is status quo, that also affects the neighboring property owners which is to the benefit of the folks from the south and also to the north as I understand from your expert. Hodge said that is correct.

Rosan said the other question I have was relating to the HOA and the BMP stormwater measures; is it your understanding that by putting that with the homeowners association that gives the individual lot owners, as well as the members of the association itself, the ability to enforce the BMP's; if a lot owner realizes that the HOA is deficient or derelict in its duty, would that individual homeowner be able to enforce the BMP's through a court of law or other measures. Hodge said they can; each individual lot owner has the

right to enforce those covenants, conditions and restrictions to the extent that a BMP on a private property is being adequately maintained; that allows the HOA to go onto the property and make those improvements. Rosan asked Wetherholt if, from a City perspective and a stormwater management perspective, if the City were to receive a complaint that either the HOA or a homeowner is say, dumping all of their grass clippings into the rain garden; not caring for the BMP in such a way that it is causing damage to the surrounding property; does the City have the ability to intervene. Wetherholt said I believe a lot of this is set up here in easement type areas where we would have the ability to enforce that. Rosan said and that is preservation area or preservation zone, and Wetherholt said right.

Hodge said the other way to do that would be to include the City of Gahanna, or give the City, the right to enforce those deed restrictions, in the deed restrictions. Rosan asked Hodge if that is something they would be willing to do and Hodge said sure. Rosan said for the City to be able to step in and enforce those measures, I think would give a lot of comfort to the surrounding lot owners.

Price said I would like to revisit the forward facing issue; you addressed the buffer of trees on lot 1; is it feasible to do any type of turn, whether or not it is the full frontal or a half turn of the home on lot 1; something that is a compromise position on that. Hodge said I think we are willing to compromise on that; our concern would be the impact it has on lot 2, and the feel of the subdivision; I will defer to my client on this.

Doug Maddy, 120 N. High St., said we don't have any objection to that; we think that would actually enhance the entrance to the subdivision to do that; we would have to alter that building line from 50' to 35' to be able to meet the rear yard requirements as set forth in code; the buffer can remain the same. Price asked Evans if that was an option and would still follow the code. Evans said that should work, and reviewed the fees in lieu that Maddy would have to pay; will be about \$20,000 based on the six added lots. Price said possibly there is something that could be done to make the side of the house more attractive; have more of a front of the home look; would be good for the continuity of the homes along Havens Corners. Hodge said my client is willing to do it, and if necessary, it's going to be private property, we can add some additional buffering on the south side of the lot to serve as a buffer to lot 2; this would probably help the woman who lives to the east who just spoke a little bit ago. Price said there is that small neighborhood at 5555 Havens Corners; in looking at that I do think we have a precedent where we have done infill development with a different density and it is not necessarily specific to the numbers, but to the spirit; hard to compare those lots because I believe they back up to woods and ravines; it does look like a higher density neighborhood and I think there is a market for that in Gahanna; I do not necessarily have concerns with the density; goes with our Land Use Plan; help us have a diversity of housing options in Gahanna.

Andrews said all along I have not been a lover of this project; I still think this is way too many houses on this section of land; a very good example is lot 8; it is squeezed into the back corner with the roadway to the back; as one of the residents said it is a 70% increase over what was approved; I am just not for it.

Price said I also expressed concerns about lot 8; I tried to see if there was anything like that lot in Gahanna and I did find one in Sycamore Mill; I was concerned on how it would look in the subdivision and to the neighbors; it is a property that is set back with a long tree lined drive; seems to be fine as far as functionality for the homeowners and actually still be attractive; having looked at another neighborhood it looks/fits fine.

Keehner said I have a number of things; just to dovetail this thing about lot 1, it seems to me that with this density having it facing Havens Corners is not going to work; I don't think it would work aesthetically or spatially; I still have some major issues with the density on the west side and the south west side; the argument about the density is not invalid in terms of infill on a flat surface, but you have significant topography; and I know your fantastic walkout houses is a good idea, but two of them may not be that fantastic; my question on lot 10 would be if the walkout is on the south side or the west side. Hodge said the walkout on the Landon model is on the south side. Keehner said so that would be facing the side of the neighbors house; not a very fantastic walkout; I still have issues with those two houses; what kind of trees are on the east side: Hodge said some kind of spruce; mature evergreen trees. Keehner said I walked this last year and the white pines are not worth saving; in talking about saving trees the trees that are going to be taken up by the house on lot 11 would be better to save than the ones on the east side; no offense to the neighbors; those are the comments I have; as far as questions this covenant, if this is being considered a green development why would you not allow the residents to plant some vegetables in their yard and to have clothes lines; that is inconsistent with the green image. Hodge said if that is a question then right or wrong it is perceived by some people as unsightly to have clothes lines in the yard; Keehner said being green, having a clothes line is much greener than having a dryer; also being able to grow some vegetables in a rural area. Hodge said those HOA documents are a model document on another subdivision in Gahanna and one in New Albany; I don't disagree with what you are saying; I am going to grow some vegetables in my back yard; I think it is appropriate and if people want to we can take that out. Keehner said I still have issues with the density on the west side.

Thom said I have had problems with the density; 9 lots up to 15; done some reconfiguring of lots; I would have liked to see a lower density; maybe removing a lot or two; but we have asked a lot of the developer, such as the traffic study the no build zone and stormwater issues; I do like the possibility of sidewalks up to Farm Creek; so when I sit here and weigh it, it may not be perfect but I will support it, providing we see this sidewalk go through; I believe that would be for Council to determine for fees in lieu of. Sherwood said that would require a variance.

Wester said I'm not a big proponent of this; I would talk about the density first; the gentleman talked about a 70% increase in density; that is substantial; I applaud some of the green work you have done, and yet I think failure is in the integration of that work with existing code requirements; sacrificing one set of proven technologies, i.e. curb, gutter and sidewalks for sheetflow to one side and partial sidewalks; when I looked at the drawing we were given today it appears we are still using catch basins or collectors and running it down to a "bio retention facility" that eventually discharges to the creek; I don't see a lot of difference in that and catch basins and a curb; I would like to see more of an integration between the green technologies and the curb and gutter; I support the people who talk about consistency along Havens Corners; that will change over time; think we do have to address that; with regard to HOA fees, there are a lot of examples out there where HOA's fail; no matter what the legal documents are; sometimes they just fail to exist even though it is on paper; I won't be supporting it.

Rosan asked on this sidewalk issue, in terms of the variance, would Council vary that to allow the fees to go for the sidewalk instead of for the purchase of parkland; would that be a Council function. Sherwood said that is a Council variance but it would still have to be heard here with a recommendation from the Planning Commission because anything in Chapter 11 Planning Commission must make a recommendation on. Hodge said we would be glad to immediately file a variance application and let that work through the appropriate channels following this rezoning request. Rosan said the only

question then would be of my colleagues; is this enough of an issue that you would allow the zoning and variances to go forward to Council without having the sidewalk issue necessarily resolved.

Hodge said I believe that as Wester pointed out we do have a blend of the old and the new; it's appropriate; there are some of the standard stormwater mitigation treatments on there; they work in conjunction with the BMP's; could we do that, yes; is it going to change anybody's mind, I don't think so; to me Wester's concerns extend beyond the stormwater mitigation measures; regardless of what we do it is going to be difficult to satisfy some of the other concerns. Wester said one concern that I did not mention is the traffic on Havens Corners Rd. and the density; my concern is that we can be leading or giving credence to making this section of Havens Corners similar to what Morse Road looks like between Hamilton and the roundabout; a two lane road with one or two turn lanes; is a very frustrating piece of road to drive; I am sure some of the folks driving Havens Corners experience some of the same issues; maybe not to the same degree but certainly when we start to consider higher densities we have to give consideration to the traffic. Hodge said I appreciate that concern and that is why, even though we were not required, we hired a fantastic traffic engineer who submitted a study and his analysis is that the addition of 6 lots, in addition to the 9 previously approved is nominal; in reference to the density, we did not come forth with the Land Use Plan, that is the City's document and the density we are proposing here is on the low end of the recommended density and it is done appropriately and sensitively; there is really a dearth of new single family residential in Gahanna; we have listened to the residents and worked to meet their concerns; we have a Gahanna applicant, and a Gahanna developer; you can drive around and look at his product.

Price said I don't think the 5 extra lots are going to impact the traffic negatively; I drive this area several times a day; it is a different product than what is in Gahanna and there is a market for that; we have had expert after expert say that it is going to improve the stormwater and help the erosion for the homeowners in all the surrounding areas; that is something that no single resident would be able to do on there own; huge obstacle that has been tackled; solid plan more pros than cons; consider as a benefit to the City.

Hodge said I don't want this to get bogged down on the sidewalk issue; we are committed to working with the City administration to make that sidewalk happen regardless of whether the fees in lieu of parkland dedication can be worked toward that expense.

Shepherd said so just to clarify, the applicant is willing to put in the sidewalk as well as pay the fees in lieu of dedication to help address some of the concerns; is that correct. Hodge said our goal is that those fees in lieu could be used for the sidewalk, and if a variance is necessary we will file that; our goal is that a determination be made that fees in lieu work toward that sidewalk expense. Shepherd said but if it is found that it can't the applicant then wouldn't put in the sidewalk. Hodge said the applicant will put in the sidewalk. Shepherd said so first of all we want to find out if the fees in lieu of can be used for that; Hodge said correct. Shepherd said as far as lot 1 facing Havens Corners is that the wishes of the board; Price said I think this is the wish of the residents who spoke this evening, and that would be my preference. Shepherd asked if flipping the house would need another variance; Evans said yes they can do that; we would need a revised plan; could do that later.

Rosan said I would be interested in the applicant's thought about flipping the house; what does that do to lot 2. Hodge said I think we are agnostic on it; Maddy has some fantastic houses that are going to be built here and we came up with a really creative

solution for the house that is going to go on lot 8 and we have shown precisely how that house is going to go, and it has some really nice 4 sided architecture so that it feels great from 15 and 7 as well so I think the applicant is comfortable either way; if it needs to face north or if it needs to angle to the northwest we can put a building there that is not going to have a negative impact on lot 2. Rosan asked about two sided architecture on lot 1 so that the orientation stays the same but the north side of the house looks like it is just as nice as the front of the house. Hodge said I think it is already that way.

Shepherd said back to lot 1, I think the two sided architecture with the home still oriented the way it is planned with a wrap around porch; I think the two sided would do what we are asking you to do; does that seem to work for everybody else; are we ready for a motion. Rosan said I have three things that we talked about; 1.) to amend the deed restrictions to give the City the authority to mitigate or repair BMP stormwater measures and assess the owners for the cost; 2.) to submit a variance application to have fees in lieu go toward the construction of a sidewalk from Grand Ridge Court to Farm Creek Drive, and if that fails when it gets to City Council, alternatively the applicant will fund that sidewalk; 3.) that the building on lot 1 would maintain its current orientation but have two sided architecture such that the frontage along Havens Corners gives the appearance of the front of the house; my thought was to make them conditions as part of approval of the zoning application. After question Sherwood said you can condition an ROD zoning; the information on the orientation of lot 1 should be added to the overlay text. Rosan questioned the amendment to the deed restrictions to allow the City to access and repair the BMP stormwater measures, in your opinion is that more appropriate to go into the overlay text or the deed restrictions so that it binds the owners. Hodge said I think both.

Wester said question for Weber; if the City is responsible for this does that put the City at liability in the event they don't maintain it and there is flooding and homeowner damage. Weber said if the City does not do what they are supposed to do there could be a law suit filed. Hodge said there can be a law suit for anything in the world. Weber said I am not saying it is probable, just possible; worst case scenario. Hodge said the way it would work would be that the City has to go in there and make repairs; this amendment to the text and inclusion in the deed restrictions would then allow the City to charge back those individual homeowners their expense associated with the maintenance and they would file a lien at the courthouse and when that eventually sold the City would get that money back with interest on the lien.

Chair closed the public hearing at 8:42 p.m.

Motion.

Discussion on motion. Rosan said it seems to me that the main objection is related to density and I see that as comprising a couple of different areas; in my mind's eye related to density impacts property values, I think that the applicant has addressed this and really is presenting the most superior application that we've seen to date in that they are proposing \$300,000 to \$350,000 homes, which is significantly higher than what was proposed in the past; the other issue that comes up when you talk about density is water; I applaud the applicant in embracing new technologies; I think that in the event we have to sacrifice some traditional methods in order to come up with a new and innovative method of stormwater management that is a reasonable sacrifice to make; this is a very unique piece of property with very specific issues relating to riparian areas and water and I think it called for a unique approach and I think the applicant has delivered with respect to any water issues related to density; traffic is the next issue that relates to density; I think that the applicant at his own expense addressed that; I do share Wester's

concern that in the future there may be a need to address Havens Corners, but I don't think that this development tips the scale; in investing in a traffic study, that tells us that there is a nominal impact, that satisfies me that the density is not a concern; the last issue with respect to density is walkability; we've talked about driving and traffic; all of these residents may want to walk to other areas and I applaud the applicant in respecting our wish that there be some way to get these residents to other neighborhoods and amenities, and agreeing to either file a variance application to have the sidewalk installed or alternatively install the sidewalk; all of the traditional things that you would expect with a density concern, I see have been addressed; I think this being the third time we have reviewed this particular development this is by far the best, and probably is the best we are ever going to be able to do, and it is certainly far better than the status quo; the applicant will get my strong support.

Andrews said I appreciate what Rosan said, but a 70% increase on the density to what has been approved; that is a great increase; that is why the residents are here and that is why they are concerned and I have to agree with them; also it is not just one variance it is several different ones and alarm bells go off in my head; I just think it is too much and not the right thing for that piece of property; maybe 12 houses, but not 15; I'm going to vote no.

Thom said I totally agree with Rosan that this is probably the best we are going to get; I had concerns with the density but we have made some trade offs; the developer has made some concessions; hopefully the sidewalk issue is worked out okay; with that I think it far outweighs the addition of the six lots.

Keehner said I am not quite ready to say yes; still have the concerns about the west side of the property; aesthetically, putting two houses on lots 10 and 11 looks scrunched up, especially next to the existing house; probably more comfortable saying no now.

A motion was made by Rosan, seconded by Thom, that this matter be Recommended to Council for Approval Z-0001-2013 and as a condition of the ROD zoning the following;

- 1. That the applicant amend the deed restrictions and the overlay text to give the City the ability to mitigate or repair damage to the BMP stormwater measures and assess the owners for any related cost;**
- 2. That the applicant submit a variance application for the construction of a sidewalk from Grand Ridge Court to Farm Creek Drive using fees in lieu of parkland, alternatively if Council declines to grant the variance application the applicant agrees to construct the sidewalk at its own expense;**
- 3. That the building on lot number 1 would remain with its current orientation but have two sided architecture such that the frontage along Havens Corners Road gives the appearance of the front of the house, and that this be added to the overlay text.**

The motion carried by the following vote:

Yes 5 Shepherd, Thom, Price, Rosan and Wester

No 2 Andrews and Keehner

V-0004-2013

To consider a Variance Application to vary the following sections of the Codified Ordinances of the City of Gahanna: Section 1107.01(a) to vary the requirement for curb and gutter; Section 1107.01(b) to vary the requirement for sidewalks on both sides of the street; for property located at 5593 Havens Corners Road; Brookewood Construction Company, Inc., Doug Maddy, applicant.

A motion was made by Rosan, seconded by Price, that this matter be Recommended to

Council for Approval of a variance to Section 1107.01(a) of the Codified Ordinances of the City of Gahanna to allow building without curbs and gutters subject to Council approval of the zoning change The motion carried by the following vote:

Yes 5 Shepherd, Thom, Price, Rosan and Keehner

No 2 Andrews and Wester

A motion was made by Rosan, seconded by Price, that this matter be Recommended to Council for Approval of a variance to Section 1107.01(b) of the Codified Ordinances of the City of Gahanna to allow sidewalks on one side of the street only, subject to Council approval of the zoning change. The motion carried by the following vote:

Yes 7 Shepherd, Andrews, Thom, Price, Rosan, Wester and Keehner

A motion was made by Rosan, seconded by Price, to approve variance to Section 1143.08 of the Codified Ordinances of the City of Gahanna to vary the yard requirements in an SF3 base district as part of an ROD district. The motion carried by the following vote:

Yes 5 Shepherd, Thom, Price, Rosan and Wester

No 2 Andrews and Keehner

A motion was made by Rosan, seconded by Price, to approve a variance to Section 1152.01(f) of the Codified Ordinances of the City of Gahanna to allow an increase in overall density. The motion carried by the following vote:

No 3 Andrews, Wester and Keehner

Yes 4 Shepherd, Thom, Price and Rosan

Sherwood said the zoning application and the two variances will be heard in public hearing on May 20, 2013 at Council.

Chair called a recess at 8:55 p.m.; Chair reconvened the meeting at 8:59 p.m. with all members returning to the dais.

FDP-0004-2013

To consider a Final Development Plan for Columbus Academy Expansion; for property located at 4300 Cherry Bottom Road; Columbus Academy, Doug Bennett, applicant. (Advertised in RFE 3/21/13)

Evans said this was heard in workshop last week; they want to redo the loop road and build a maintenance facility; also they are requesting 9" X 18" parking spaces; which would give them approximately 25 more parking spaces; improvements will help make the flow of traffic better and help with backups of traffic; will also be a safe alternative for fire and safety vehicles; make the operation of the campus more efficient.

Chair opened the public hearing at 9:01 p.m. and asked for proponents.

Doug Bennett, Columbus Academy, said Evans did provide a thorough summary of what we want; will be glad to answer any questions.

Chair asked for opponents. There were none. Chair closed the public hearing at 9:04.

A motion was made by Andrews, seconded by Thom, that this matter be Approved. The motion carried by the following vote:

Yes 7 Shepherd, Andrews, Thom, Price, Rosan, Wester and Keehner

V-0006-2013

To consider a Variance Application to vary Section 1163.01(a) of the Codified Ordinances of the City of Gahanna; to vary the minimum parking space size; for property located at 4300 Cherry Bottom Road; Columbus Academy, Doug Bennett, applicant. (Advertised in RFE 3/21/13)

A motion was made by Andrews, seconded by Price, that this matter be Approved. The motion carried by the following vote:

Yes 7 Shepherd, Andrews, Thom, Price, Rosan, Wester and Keehner

DR-0008-2013

To consider a Certificate of Appropriateness for Columbus Academy Expansion for Site Plan, Landscaping and Building Design; for property located at 4300 Cherry Bottom Road; Columbus Academy, Doug Bennett, applicant.

A motion was made by Andrews, seconded by Price, that this matter be Approved. The motion carried by the following vote:

Yes 7 Shepherd, Andrews, Thom, Price, Rosan, Wester and Keehner

F. UNFINISHED BUSINESS:

S-0001-2013

To recommend to Council the adoption of the Hamilton Road Corridor Plan.

Evans said this plan has been almost 3 years in the making; very excited to have a final product; did strengthen the text with feedback from the Commission from workshop; this represents the spirit and desire of the stakeholders and the City for the Hamilton Road corridor; have had a lot of development in the area over the last two years; 5 projects; also the TIF has been recorded and approved.

Rosan said I see you added the connectivity over the bridge, so thank you.

Keehner said I am going to vote yes on this; I was hoping there would be some encouragement for green development and maybe a place for cutting edge design but it's not in there; hopefully they will keep me on the Planning Commission to help with that in the future; most of the document itself is pretty good; pretty pleased with most of it.

Thom said I agree with Keehner; think the plan is a good one; a lot of details that we would like to have answered; once we start to fill in the pieces of the puzzle I think that is when we will get down to the nitty gritty of the corridor; overall the plan we have in front of us is a good one.

A motion was made by Rosan, seconded by Price, that this matter be Recommended for Approval to Council. The motion carried by the following vote:

Yes 7 Shepherd, Andrews, Thom, Price, Rosan, Wester and Keehner

G. NEW BUSINESS:

H. COMMITTEE REPORTS:

I. OFFICIAL REPORTS:

City Attorney - None.

City Engineer - None.

Department of Development.

Evans said with the weather getting warmer and it is that time of year for high grass and all those things; if you see any while you are out and about, please give us a call and let us know.

Chair - None.

J. CORRESPONDENCE AND ACTIONS.

Sherwood introduced Paula Kirk our newest staff member; also said last week I passed out a brochure about a one day seminar on May 17th; please let me know if you want to attend so that I can make reservations. Sherwood also asked if members were receiving the Planning Commission Journal online. Thom said he has not been receiving it and other Commission members said the same thing; Sherwood will follow up on this.

Wester said he would like to go to the seminar.

K. POLL MEMBERS FOR COMMENT.

L. ADJOURNMENT: 9:15 p.m.; Motion by Thom.

M. POSTPONED APPLICATIONS:

Donna L. Jernigan, MMC
Senior Deputy Clerk of Council

*APPROVED by the Planning Commission, this
day of* *2013.*

Donald R. Shepherd