



# City of Gahanna

## Meeting Minutes

### Planning Commission

200 South Hamilton Road  
Gahanna, Ohio 43230

*Donald R. Shepherd, Chair*  
*Bobbie Burba, Vice Chair*  
*David K. Andrews*  
*Kristin E. Rosan*  
*Thomas J. Wester*  
*Jennifer Price*  
*Joe Keehner*

*Kayla Holbrook, Deputy Clerk of Council*

*The Commission may caucus at 6:30 p.m.*

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Wednesday, December 7, 2016

7:00 PM

City Hall

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#### **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, December 7, 2016. The agenda for this meeting was published on December 2, 2016. Chair Don Shepherd called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Tom Wester.

**Present** 7 - David K. Andrews, Donald R. Shepherd, Bobbie Burba, Kristin E. Rosan, Thomas J. Wester, Jennifer Tisone Price, and Joe Keehner

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

None.

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

[2016-0364](#)

Planning Commission Minutes - November 16, 2016

**A motion was made by Andrews, seconded by Wester, that these Minutes be Approved. The motion carried by the following vote:**

**Yes:** 7 - Andrews, Shepherd, Burba, Rosan, Wester, Price and Keehner

#### **D. HEARING OF VISITORS - ITEMS NOT ON AGENDA**

None.

#### **E. APPLICATIONS/PUBLIC HEARINGS:**

Chair stated Public Hearing Rules that would govern all public hearings this evening. Assistant City Attorney Thomas L. Weber administered an oath to those persons wishing to present testimony this evening.

[DR-0028-2016](#)

To consider a Certificate of Appropriateness Application for site plan, landscaping, and building design; for property located at 140 Imperial Drive; Parcel ID No. 025-003867; Stygler Village Apartments; Berardi Partners +, Inc., applicant.

Gard gave an overview of the application; seeking approval of exterior renovations; interior renovations will be made; will add additional parking spaces.

Applicants, Jon Holway and Nicholas Bruckelmeyer; 144 Westgate Avenue, Columbus; Holway said the business loves being a part of Gahanna; their facility is 150 elderly senior living units; was awarded a 2016 Ohio financing tax credit to fund this important renovation; will add a new entry and improve the back of the building; also some required maintenance; will have a new fence around part of the perimeter; material boards are here for review tonight; will be brick veneer; Bruckelmeyer said he has a natural cedar finish on the pergola as a protective finish.

Chair called for public comments.

Jeannie Hoffman, 708 Waybaugh; great thing for the west side.

Andrews said he is glad they are doing this; looks really nice; Holway said they have attempted different funding sources for the last several years; Burba asked if they will make interior renovations; Holway said yes.

**A motion was made by Andrews, seconded by Wester, that this Design Review be Approved. The motion carried by the following vote:**

**Yes:** 7 - Andrews, Shepherd, Burba, Rosan, Wester, Price and Keehner

[V-0009-2016](#)

To consider a Variance Application to vary section 1153.03(b), Conditional Uses, of the Codified Ordinances of the City of Gahanna; to allow a conditional use not listed for Community Commercial zoning district; for property located at 121 James Road; Parcel ID No. 025-000855; current zoning, Community Commercial (CC); Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016 and 12/1/2016)

Applicant, Donald Plank, said we they are withdrawing the application for variance; believes their use is a conditional use; Tom Weber said the Commission can move forward with discussing the conditional

use; the withdrawal is on the record and nothing further is needed.

**This Variance Application has been WITHDRAWN by the applicant.**

[CU-0009-2016](#)

To consider a Conditional Use Application to allow a residential drug and alcohol rehabilitation facility in a Community Commercial (CC) zoning district, for property located at 121 James Road; Parcel ID No. 025-000855; Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016 and 12/1/2016)

Gard said a Conditional Use is being proposed to allow a drug and alcohol rehabilitation facility; showed the site location on a map; on the corner of James Road.

Donald Plank, 411 East Town Street, Columbus; represent Access Energy; they are a provider of mental health services in the area; have representatives here to answer any questions; they request a conditional use to permit living quarters as part of the property; showed a site map; said they own two additional parcels in the area; property was built in 1979 for a nursing home; has two exhibits; one is the building permit; assumes it was in compliance with code at the time; City participated in the financing; wants to put those on the record; Shepherd referred him to give to Tom Weber; Plank said their architect has met with the City's Chief Building Official; has booklets to share with us on City Code; passed around to the Commission; put the booklet together but did not follow the order of the Code; said Chapter 1169.04, page 2 of his packet; read the following four conditions; that is why he withdrew his application for variance; has to be a conditional use; only section one deals with use; others deal with development; once we prove section one, intend to use the property as it is today except some conditions; page 4 in his packet reviewed the content; also reviewed the standard industrial code; 809.3, outpatient treatment clinics are discussed; that is a permitted use in the CC zoning district; it is our intention to use the residence as a treatment for drug and alcohol rehabilitation; would also point out to the staff report and as it relates to the first issue; staff says living quarters is a use, not what the code says; staff refers to the standard industrial code and Gahanna code can only be used for those sections referenced in the code; section 83 is not a referenced section in Gahanna's code; definition on page 5 is referenced; Shepherd extended the time for the applicant to speak; Plank said there is a definition for hospital; staff comments deal with use not development, speaking to section 3 of page 2; wants to thank the Commission granting postponements; met with staff and neighbors; put together conditions; not suggesting it got anyone's support or approval; want to address the issues; the access on James Road in two years will go away in the next two years as their proposal; and section 4, the land use character has been established; not a proposed development;

staff comment again, talks about use; is important that you know the plans and how it operates.

Chair opened the public hearing at 7:28 p.m.

Chair called for proponents.

Patty Parsley, 99 N. Brice Road, Columbus; member of the operations team; will use this as a residence for their clients; they will have jobs and receive intense treatment for their addictions; voluntary; have already been detoxed; pretty in-depth program; they get 30 hours of treatment per week; also have individual counseling.

Matt Olds, 270 Flint Ridge Drive, Gahanna; is a licensed social worker; currently works in recovery services; have the honor and privilege of completing intakes and assessments each day; these are our neighbors, friends, siblings, and friends; as a homeowner close to here and this proposed facility; support this and what they are doing.

Chair called for opponents.

Russ Halsey, 102 Orchard Drive; one of the residents who is very close to this property; we are getting a facility that we were not told about because we are not adjacent to that property; have Gahanna pool with young children; not notified of this; town should be notified; our children will be near this facility; will be no security measures; they are back in taxes; have that tonight; already starting off on a bad foot; are these the type of neighbors that we want; the town as a whole and St. Matthews Church should be notified.

Wendy Steiner, 173 James Road; when the City has festivals in this area all children are within a quarter mile; something the Commission should take into consideration; asked if anyone has done a traffic study on the impact this will cause; has been a massive amount of traffic in that area; with this added pressure, what will this cause.

Jason Steiner, 173 James; does not disagree with this facility; but does not want this in a residential neighborhood; what if these people want to leave; do not feel safe with this.

Jerry Nicewarner, 143 James Road; is a contiguous property owner; the north side of his lot abuts the property line; we are a community meeting with them and they said their nearest residents in Dayton are just as close as we are; the closest property is 500 feet away in Dayton; does not have that; the patio area is in a lot that he takes care of; asked them about drug screening; they said they do not use drug dogs; no doubt they can smuggle these drugs here; if they think they

will get caught, they will throw it over the fence to his yard where his dog will be; if drugs are thrown over or a needle, his dog could get it; bought the property in 2003 and put a lot of money into the property; his driveway abuts their property line; if they have a drug and alcohol rehab facility, it will diminish the value of his property by \$40-50K; imagines it would be unsellable.

Carme Godby, 102 James Road; concerned that she has grandchildren who visit often; had issues with emergency vehicles; no sidewalks in that area or a place for them to park; there was a lot of trash in their yard when the facility was just a nursing home; concerned about that element.

Christine Unverzagt, 84 Orchard Drive; lived there for 5 years; believe in the beautiful trails we have; believes these residents will be on these trails; do not like the idea that they can be working in their garage and these people can see in their garage; lost her brother to alcoholism; lived in an area he could walk to most things; this proposed facility has a bar within a mile to walk to; a huge part of rehabilitation is keeping temptations away; do not believe this should be in our residential place.

Heather Nave, 148 James Road; has a 14-year-old daughter; is a single mother; very concerned about the people who will relapse; said most people who go to rehab relapse; have festivals and bars in the area; the worst could happen; is a concern for her; her neighbors are in their 80s; all for this type of facility but not in our neighborhood.

Karen Cowans, 142 Creekside Green Drive; greatly oppose this; do not need this in our neighborhood; builder in their neighborhood went bankrupt; struggling to keep their area up as it is; need a builder to build more units; this facility will not help us at all; to all the kids in the neighborhood and festivals; and there are a number of bars within a 5 minute walk.

Donna Trotter, 156 Creekside Green Drive; agrees with everything that has been said; pointed out that there are additional rehabs in the area; do not see why we need another facility in this small area; the detox is 7-10 days sober; will not keep them from going back to it; not heard any additional on if they have changed their views; is more than concerned; not desired for their area.

Stephen Renner, 740 Quaker Ridge; is a member of City Council and represent Ward 1; also President of City Council; usually more up-to-date; this caught him off guard a little bit; opposes this; many of you know that he has been focused on Ward 1 and looking at what we can do for the west side; this is not appropriate for the west side; we

have a park and traffic issues on this side; beg you to drive on these small narrow streets and see the issues; anything like this can add to more traffic.

Rebuttal:

Plank said these people are voluntarily asking for treatment; not permitted to leave; if they want to leave they will not return; will not just walk the neighborhood; security is very important; more security than the nursing home; not animals who are attacking people; will operate just like the nursing home; trying to get back into society; if they want to leave, they are not permitted to drive; will be no activities on the back of the patio at a certain hours; will always be someone there watching; have a list of approved visitors; deal with the stereotypes; these are normal people like you and me; want to remove those not serious; the traffic issue - these people will not be driving; consistent with the nursing home; will not be extra traffic; no one is permitted with a criminal record or an outstanding warrant; not there because of a parole or a crime that has been committed.

Chair closed the public hearing at 7:50 p.m.

Wester said he would like to see a traffic study and the entrance and exit revised to be more functional; agrees with a lot of the concerns of the residents; is a recreational area; have a concern about the traffic; will leave that up to the City Engineer; Plank said has proposed to move the access after two years; Priestas said the existing size of the facility and proposed use would not peak; the proposal to utilize Johnstown as full access is concerning; would like a study to see the impacts.

Rosan understands paragraph B 2 is a permitted use as it is a living use; Plank said page 4; health and allied treatment facilities; Rosan said 809 and on page 4, 809.3; trying to understand; Plank said permitted use is an outpatient clinic; are residing at the facility for our patients; look at other uses permitted; Rosan said page 5, the definition would fall more in line with 805 use; Plank said it is not used anywhere else in the code; the nursing is permitted in CC zoning district; Rosan said they are defined as one; why wouldn't the substance abuse be in 805; Plank said if you look at 1153 and 805, is a permitted use; said writings are typically written against the writer; client has a right to rely on what the words say; living quarters are a permitted use; unfortunate that they do not use the code; common law says the property can be used for anything; supreme court says zoning can oversee the usage; Rosan asked if this is an outpatient facility with a residential part; Plank said as an integral part; not inpatient; suggests they are of a higher need; no drug or detox at this

facility; all therapy at this facility; Rosan asked if patients can come and leave daily or do they have to reside there; Plank said it is their intention to have an outpatient component; in order to comply with the code, if a portion has to be in this structure; we are willing to move that offsite to another building; will do just as the code requires; Rosan said is contemplated that there will be an outpatient; Plank said believes it is required by code.

Price asked about measures to truly secure the site and address concerns; Plank said we take security measures for granted at their other facility; heard that all doors will have alarm systems; is a 30 second delay; once they hit the door the door will not open; if they try and get out they will be removed from the premises and not allowed back; people are patted down when they come in; if they do leave the facility for a period of time, they will be required to take a drug test; part of their licensing; value them on their success; talked with the Police Department; told them that they have no complaints from their facility in Dayton; there are security measures; security measures will not make a difference; they are not attacking people; Price said when you are under the influence, you act differently; does not believe that was a concern of the residents; concern was relapse; valid to have the concern of relapse; Plank said it is highly unlikely that there will be drugs at the facility; Parsley said anywhere from 30-60 days is the time period they will be here; they have jobs within the facility; they do not have jobs outside of the facility that they will be going to; Price asked percentage of patients who complete the program; Mike Dowdy said success rate is about 90%; also set them up for services when they leave the facility; teach them a lot of living and coping skills; also want to mention that the parks and community stuff; understands that stuff is already there; is a disease that has hit everywhere; is an epidemic; our clients will not be walking around; will be in for treatment 24/7; Price asked for an example of when they leave and are escorted; Dowdy said medical appointments are an example; Price confirmed about 90% of people who enter the facility complete the program;

Wester asked for the name; Parsley said Access Residential.

Keehner said looked at neighbor concerns; relapse issue has been addressed; asked about emergency vehicles; Plank said the City will require two entrances; Keehner asked about drugs over the fence; Dowdy said they do not have access to drugs; do a urine analysis; highly unlikely that something like that will happen; walk the yard before they send someone out there; Keehner said it sounds like these people are highly motivated; Parsley said on the backside of the property and the only place the clients are allowed out is the fenced in patio area; will not be walking around to throw things over the fence;

Plank said there are two perimeter fences; Keehner asked for proximity; Plank said would be a pretty good thrower to get into the neighbor's yard; Keehner asked about alterations; Plank said building needs typical upgrades; Keehner said the Police Chief also made comments; Plank said has addressed many concerns of the Police Department; Keehner said those are his initial concerns; asked what percentage they believe will come from the City of Gahanna; Dowdy said mostly serving Columbus and Franklin County; maybe some from Delaware, Licking or Fairfield; Parsley said do not limit where the patients can come from; Keehner asked what makes them special versus other facilities; Parsley said cannot speak to that; Keehner said this does seem inpatient; is that allowable per code; staff says this is not allowed in any zoning; Blackford said that is correct; the way that the SIC code defines this use, it is listed in our code when it is outpatient; Keehner asked about Parkside; Blackford said cannot speak to each facility; SIC code has hundreds of classifications; could be grandfathered in but cannot speak to that facility; believes it is zoned Suburban Office; according to SIC and how they classify a drug and alcohol rehabilitation facility; that use is not permissible in our zoning code; Keehner asked if there is a way to have this use in this facility; Blackford said the conditional use application would potentially allow this code per the Commission; typically would have to rezone; a zoning change will not help in this case; procedurally, is this the correct route to go; Keehner asked if there are any zoning classifications this would be permitted in; Blackford said not in our current code; Keehner asked if we allow hospitals; Blackford said looking at what SIC is; Keehner said we are approving a facility where people are getting treated onsite; if that is prohibited is there a way to deal with that; understands the fear of the neighbors; Blackford said the proper way to address this is a code amendment; that is procedurally a more appropriate way; only because the SIC classifies this; Keehner said if this is prohibited can we give a conditional use; Plank said this is not prohibited in any use; is a conditional use; the basic clinic is permitted; will have residents living there.

Price asked about the staffing of the facility; if this is more a social services use; Dowdy said we have residential assistants; then we have case managers; have licensed therapists who do the counseling; we have a morning group for 90 minutes; they go to lunch and then group; get an hour recreational time in the afternoon; they eat dinner and then back to group; also have nurses on-site 12 hours a day; Missy Honeycutt 123 Highland Avenue; Honeycutt, compliance coordinator; said they typically have a psychiatrist come once a day as well; Price asked about the staff if that is part of licensing; Honeycutt said yes; a physician must be on-call; and nursing staff must be on-site; Price said the staffing changes the requirements for the type of facility.



Andrews asked what happens in a year or two if they sell, and they do not do what they say they are going to do; Shepherd asked staff, if they do sell this, and they're lax about doing this; is there anything to prevent this; Gard said if a conditional use is approved, there is nothing over that property; a new owner would need to obtain its own conditional use; Keehner asked if the conditional use would go to the owner or the property; Shepherd said it would go with the owner; Plank said have put forth conditions; could sit down with the City to expand those concerns; could be a limit to the license; would be glad to have that discussion; Andrews said typically put them into the community to be a part of the community; that is down the road; hear about facilities who are in the community to get them back in the community; understands the basics of it; things happen and people fall off the wagon; Plank said this is a step in that process; have the detox, this facility, and the sober houses where people live in the community; Andrews asked if we would want this next to us; Plank said land uses cannot be made on stereotypes.

Price asked about the modifications for security to meet the Police Department's concerns; were there specific things that need addressed; Plank said the comments from the Police are from before they met with us; told them what we did; some of that is addressed in our conditions; Police were concerned with methadone used; not what this is; Price asked if this is attractive for the structure; Plank said location and structure; not Gahanna but where it is; is right off the highway; easy access in Columbus.

Burba read the Police Chief's comments; asked what the new security is that will be addressed; Plank said again, when they wrote that letter, understood it would be intake from court; they will not stay if they leave the facility unauthorized; have alarms on the doors; will also have cameras; Parsley said the Police did not know the doors were already alarmed; the Fire Department was also at the meeting with the Police.

Shepherd said outpatient is coming and going; what is the outpatient; Plank said is required per code; Parsley said people are coming and going and still receiving the treatment they did when they lived there; are already the people who have been through the process; just follow-up appointment; this is someone who may not be an addict; could be someone suffering from depression; could be a number of mental illnesses; Shepherd confirmed people will be coming and going to the facility in the same building; Parsley said successfully separates this is Dayton; Shepherd said there are no drugs given for treatment; Honeycutt said they are not permitted to administer methadone; may prescribe suboxone.

Shepherd asked if there is merit to what the Police Chief had to say; Parsley said they will not provide needles and methadone; are not licensed to do that; will not seek that; not eligible. Honeycutt said requirements are very specific to get that license; not currently eligible; nothing in their current structure; cannot become non-profit or a government entity; their license is tied up in their current facility and operations; have nurses and doctors facility.

Shepherd asked Chief Dennis Murphy to come forward; knows his Department has done some research; Chief Murphy said this specific application has morphed over time; concerned with what happens after; we have no control over this; just will have to respond; no control over what happens in facility; deal with crime and the fear of crime; everything hearing tonight, it may work, but cannot say it will be done that way; will this application change more over time; has changed within this meeting; Rosan asked about Parkside; Chief Murphy said they have a high call for service there regularly; people are under the influence, walk away, combative, walk to the UDF; Andrews asked if that area is a low-crime area; Chief Murphy said they respond to the Pub quite a bit; Shepherd said there are a ton of kids that go to the pool in the area; grew up in that area; seems to be an odd piece to that area; it has tried to change to evolve to something better; thanked the Chief.

Rosan said has issue of access, said they have that settled; proposal of the applicant to beef up issues of the Commission and residents; not satisfied she fully understands the use and outpatient versus inpatient; listens to testimony on nursing staff services and a separate building for outpatient services; thinks this is worthy of some scrutiny from our City Attorney that we are doing this properly.

Plank suggested they work with City officials; want the opportunity to meet with the neighbors; Shepherd suggested we go to January 11, 2017, for the next public hearing; and a workshop the following week.

Keehner said his issue is living quarters; if a nursing home would be attached to an outpatient clinic, would that be allowed in zoning; not a motel; Gard said a nursing home is a conditional use.

Shepherd suggested a workshop on January 18, 2017.

**A motion was made by Shepherd, seconded by Andrews, that this Conditional Use be Postponed to Date Certain to a Planning Commission Workshop, due back on 1/18/2017. The motion carried by the following vote:**

**Yes:** 7 - Andrews, Shepherd, Burba, Rosan, Wester, Price and Keehner

**Chair called a recess at 8:55 p.m. The meeting reconvened at 9:05 p.m.**[CC-0002-2016](#)

To recommend to Council, changes to Part Eleven - Planning and Zoning Code, to form a Chapter 1170, Regulation of Chickens, of the Codified Ordinances of the City of Gahanna.

(Advertised in the RFE on 11/10/2016)

Shane Ewald, City Attorney, said the proposal came from Council; were tasked with making minor adjustments to the code; were sent out last Friday; said the Commission will not be passing anything in Chapter 5; their recommendation is for Chapter 11; other items were to clean up code; if not recommended, it stops at this process.

Price asked how we are equipped to handle enforcement; knows there is a proposal for a part-time code enforcement officer; understands that is requested aside from this legislation; knows she mentioned looking at Bexley and Franklin County for this; concerned we will not have the capacity; even if we support the changes to Chapter 11; can this administratively be done; asked Gard to talk her through the process; knows it's typically not code but procedures; implementation is very important; Gard said the part-time code enforcement officer has nothing to do with the chicken code; if this is what we are charged to do, it will get done; cannot tell the cost at this time; Price asked if there will be a need to engage the Police Department; Gard said it is a definite possibility as with any other issues in the City; Price asked about the fees; looks like Franklin County is \$350; Gard said does not have that information.

Stephen Renner said he is a proponent for this; please remember we are talking about a small number of families; understands you are looking at Gahanna as a whole; the average family will not want to do this; this is about protecting the rights of a very small minority who has a dedicated cause to doing this.

Chair opened the public hearing at 9:14 p.m.

Rosan said we have heard a lot of testimony; interested in anything not expressed already; or addressing the code change.

Chair called for proponents.

Jeannie Hoffman, 708 Waybaugh Drive; said chickens are already allowed, just not on less than an acre.

Chair called for opponents.

Vallee Wiggins, 752 Jonsol Court; refers back to enforcement; a letter from Brian Reynolds; over 190 days; City has not followed up; does not believe the City is equipped to handle this; said chickens belong on a farm in the country; chickens are not clean animals; chickens need adequate protection and shelter; shelters and coops must protect the chickens from cold weather; acceptable structures; structures will change over time; the property values will be negatively affected; stand by that chickens stink; knows about lawn chemicals; they smell for a period of hours and then go away; chickens smell forever; they do not go away; passed out his suggestions for the regulations; would like to see the code; Rosan gave a copy; Wiggins said he does not understand why we are making these changes in the first place; Shepherd explained the process; we make a recommendation to City Council; have not taken a vote yet; Wiggins said it is time to stop discussing this and vote.

Bobbie Laye, 1399 Haybrook Drive; first time at a meeting; liked that Price brought out some items she addressed in her email; moved here for the good school system and good community; felt like she would have moved to a farm if she wanted to have chickens; different to have acreage; very against it; we have enough enforcement issues; do not want things to get ugly with neighbors.

Donna Simmons, 1341 Haybrook Drive; sent an email today; hoped the Commission had time to read it; the code enforcement issue was one issue; walks our subdivision everyday; said the City's plate is full; have driveways crumbling; garage doors with holes in them; trees that need cut; a flat tire every couple weeks; they are cited bi-weekly; individuals with weeds; a fence that has been down 3 months or longer; called the City; now a board is down at the side of the house; our code enforcement cannot get to these; do not want to add chickens; Brian Reynolds cannot go to her property without permission; and it has to occur when Brian gets there; or he has to come back; it is multiple trips to a property; lives in a subdivision because she does not want to live with farm animals; the chickens are a trend; asking the Commission to say no to this.

Rebuttal:

Donna Perry, 1321 Haybrook Drive; want everyone to keep this in perspective; small animals; talking about a dozen people who may want them; not going to walk by someone's house and say "chickens live there"; not everyone can have a house and a farm; chickens are very low maintenance; they get smelly on a factory farm in a cramped area; any animal does; please keep it in perspective; does not agree you need an entire farm to have farm to table.

Jeannie Hoffman, asked if the immunization is under Chapter 11 or 5; Rosan said 11; Hoffman suggested changing that to chickens who may come from a hatchery that is approved; will not have paperwork; Rosan said will get a certificate or documentation from a hatchery; Price confirmed they get paperwork; Hoffman said it is on her receipt; Price asked Gard if that would be sufficient; Gard confirmed it would; Keehner said that would be his question; if you buy chickens, you get proof of immunization; if that is problematic, code needs to address that; guidelines from the Columbus Health Department; they require an annual veterinarian inspection; could be a moot point; important that it is in the code; wanted to know if proof of immunization from a hatchery is an issue; Perry said is an extra fee; the salmonella one is an additional one; that is what we talked about at the last meeting; could request immunization confirmation; Perry said the salmonella would be the hardship one; does not know where she could get that immunization; Keehner asked if code needs to spell out what is proof; Ewald said it does not; Keehner said this is about accommodating the freedom of individuals; not a new trend.

Chair closed the public hearing at 9:37 p.m.

Price said she supports the concept of keeping chickens for personal use in a well-regulated system; concerned with how this actually works; wants to support this; struggling when we do not have those answers; does not feel she can vote on this tonight; needs information on how this will work; referring specifically to immunizations; believes the code needs to be worked on more; do not feel comfortable with this; does not feel prepared to vote; needs these answers from our staff.

Perry said this is not about Mr. Reynolds going to a house 12 times a year; Price said if we hear complaints from residents that there are unenforced code violations, and those duties are not being fulfilled completely; hoping to come and say we could outsource this and come tonight with numbers; the fees to apply are greater than the fees to violate; needs addressed as a City; hoping we can still get that information; Shepherd asked if her vote may change based on this information; Price confirmed; Rosan said we need to draw a line between code that includes implementation and code; up to administration and the Mayor's staff to figure out a way to implement; the Mayor could very well administratively decide to reach out to Franklin County; that is their responsibility; to go to administration and ask for all the details ahead, will ask them to develop a policy and procedures on something that may never come live; looking at it from a Mayor's perspective, not planner's; this is conceptual; is the Mayor's job; we do not stop approving applications because code enforcement

will not have the resources to inspect a building; prepared to vote on it; we should clarify in the proposal the immunizations; so that we are not requiring immunizations that are a hardship; Wester said we have a code that works; the simpler the code is, easier it is to enforce; Weber said how definitive do you want; proof of immunization would be acceptable to the City of Gahanna; verifying immunizations would be more issues for administration; Price disagreed; believe in keeping it simple; when looking at law, have to make sure it is enforceable; all applications have an enforcement issue; asking if this is do-able; having an idea of how this can be done is important; not saying we put that in code; want to address the concerns of residents on enforcement; Shepherd said believes she is overstepping the application; Council will look at the money aspect and enforcement aspect; is a Council decision to make; Price said that is in their purview; valid to ask how this will work; Andrews asked about the majority of Gahanna that do not want chickens; Keehner suggested that the immunization thing was taken care of; seems to be a still ongoing concern; our code says that is a one year permit; maybe part of the annual permit is having gone to the veterinarian; the Columbus Health Department has something about a neighbor complaining and a revocation of the permit; is a local food advocate; we are a forward-thinking City; code should maybe point out the neighbor complaint clause; Andrews asked if he is willing to risk his home value; Rosan said likes Keehner's comments; if we included a section F, or added a section to D, if you interfere with the enjoyment of animal life, you shall not do that; complaint from a neighbor is grounds for revocation of a permit; which galvanizes the neighbors to be the enforcers; if they complain, staff can get that complaint; Weber said you will have neighbor issues when you involve neighbors; is a ripple-effect; Rosan said trying to find middle ground; Ewald asked for two separate motions on Chapter 1123 and 1170.

After the motions were made and voted on, Ewald said 1123.34 will be adjusted accordingly; will be a basis to modify Chapter 5 to bring to Council.

**A motion was made by Price, seconded by Wester, that the Proposed Code Change for Chapter Eleven - Section 1123.34 be Recommended to Council for Approval. The motion carried by the following vote:**

**Yes:** 7 - Andrews, Shepherd, Burba, Rosan, Wester, Price and Keehner

**A motion was made by Price, seconded by Rosan, that the Proposed Code Change for Chapter 1170 be Recommended to Council for Approval.**

**Discussion on the Motion:** Keehner said will vote yes; local food is important; does not want to live in a police state; Rosan said she will support the application; have a number of municipalities that have implemented this type of legislation; do not see it having potential of great overwhelming issues; believe we have a carefully considered and crafted piece of legislation; will be supporting this; Price said is struggling with this; support the issues in

concept; feels strongly about the system that is broken in Gahanna; going to support this legislation this evening; sending a strong message to Council that this issue and all issues with code enforcement in Gahanna need to be addressed; hears this all the time from residents; supports the legislation but putting great faith in Council to appropriately fund enforcement; Shepherd said this will impact our entire community; first reaction is shock that this is an issue being brought forward; many residents do not support this; unfortunately believe there is a silent majority that does not know what is going on; what neighbors have as pets impacts property values; not a terrible idea; do have a code that works for our entire community; does allow for chickens in a specific property; will not be supporting this; Wester said he will not be supporting this.

The motion failed by the following vote:

Yes: 3 - Rosan, Price and Keehner

No: 4 - Andrews, Shepherd, Burba and Wester

**F. UNFINISHED BUSINESS:**

None.

**G. NEW BUSINESS:**

None.

**H. OFFICIAL REPORTS:**

**City Attorney**

No report.

**City Engineer**

No report.

**Planning & Zoning Administrator**

No report.

**Department of Development**

No report.

**Council Liaison**

No report.

**CIC Liaison**

No report.

**Chair**

No report.

**I. CORRESPONDENCE AND ACTIONS**

[SWP-0005-2016](#) A Subdivision Without Plat Application to split 0.061+/- acres from a portion of Parcel ID No. 025-009021 to add to property located at 1170 Kames Way Drive; Parcel ID No. 025-009046; Bernard and Pamela Bury, applicants; administratively approved by the Planning and Zoning Administrator on 11/18/2016.

Clerk Holbrook read the title into the record.

**Read by title into the record.**

[SWP-0006-2016](#) A Subdivision Without Plat Application to combine 0.521+/- acres of property with property located at 442 Kasons Way; Parcel ID No. 025-010319; William E. Michael, applicant; administratively approved by the Planning and Zoning Administrator on 11/30/2016.

Clerk Holbrook read the title into the record.

**Read by title into the record.**

[FDP-0007-2016](#) To consider a Final Development Plan application to construct two medical office buildings for FMC-Medical Clinic, Gahanna; for property located at 4251 E. Johnstown Road; Parcel ID number 025-008946; current zoning CC, Community Commercial; King Avenue LLC / Chad Middendorf, applicant.

(Advertised in the RFE on 5/26/2016)

Priestas updated the Commission on additional materials received; a concept plan was submitted; the Final Development Plan was revised; this is for the record.

**Discussed and filed with the Commission.**

**J. POLL MEMBERS FOR COMMENT**

Wester thanked the City people who worked on the code; truly an example of a new process; has been a lot of good discussion.



**K. ADJOURNMENT**

10:13 p.m. by Wester