



City of Gahanna

Meeting Minutes

Planning Commission

200 South Hamilton Road
Gahanna, Ohio 43230

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

Pam Ripley, Deputy Clerk of Council

Wednesday, July 27, 2022

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 July 27, 2022. The agenda for this meeting was published on July 21, 2022. Chair Michael Tamarkin called the meeting to order at 7:02 p.m. with the Pledge of Allegiance led by Hicks.

Present 6 - John Hicks, Michael Tamarkin, Michael Suriano, Thomas J. Wester, Michael Greenberg, and James Mako

Absent 1 - Thomas W. Shapaka

B. ADDITIONS OR CORRECTIONS TO THE AGENDA

Chair Tamarkin added to Unfinished Business a discussion from City Attorney Mularski regarding the Resolution and Memorandum of Understanding regarding the new High School.

C. APPROVAL OF MINUTES

2022-0218 Planning Commission minutes 7.13.2022

Motion was made by Hicks, seconded by Wester, that the Minutes from July 13, 2022 be approved.

Motion carried with the following vote:

Yes: 5 - Hicks, Tamarkin, Wester, Greenberg and Mako

Absent: 1 - Shapaka

Abstain: 1 - Suriano

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

V-0022-2022

To consider a Variance Application to vary Chapter 1143.08(c) of the Codified Ordinances of the City of Gahanna, for property located at 1048 Greythorne Place; Parcel ID: 025-010522; Current Zoning SF-3; Matthew Fenneman, applicant.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation. The request is to allow a shed to be placed in the side yard. Zoning requires a 7.5-foot side setback, the shed is located 3.5-feet from the property line. The property is a larger parcel and has a nice setback. The vegetation in the yard restricts where the shed can be placed. There is natural screening that hides the shed and it is well screened from the neighbors. The variance would not negatively affect neighboring properties. The variance request is the result of a Code Enforcement violation from April 2022 for installing the shed without a permit. There was a shed permit submitted and Blackford believes it was approved at a 7.5-foot setback, but the shed wasn't built that way. A complaint was received from a resident, so this was a proactive code enforcement action. You do not see the shed from the right-of-way. Staff recommends approval of the variance.

Chair opened public comment at 7:09 p.m.

Applicant Matthew Fenneman shared that on the original permit application he received a rejection. At the time the city was backed up and some weeks had passed from the time he submitted the application. During that time 4.5-tons of gravel was delivered on his driveway and he had labor available to move it into the backyard and prepare the project. When he looked at other sheds in the neighborhood, he didn't think he would have any issues with his application. When it was rejected, he started to make plans to move its location. But upon further review he thought it would be more prudent to request a variance. He thinks the shed is in a better location than if it is moved four feet off the fence line. He believes the site lines and the way that it looks against the black fence it doesn't interfere with the natural habitat of his backyard. This section of his backyard is completely wooded and natural. There is a lot of natural wildlife that he doesn't want to disturb.

No comments from the public. Chair Tamarkin said a letter was received from a neighbor in favor of keeping the shed as is.

Chair closed the public comment at 7:11 p.m.

No questions from the Commission.

Motion was made by Greenberg, seconded by Hicks, that the Variance be approved.

Discussion on the motion: Hicks feels the application meets the requirements to grant a variance and he appreciates the applicant attending. He is in support of the variance. Suriano is in support of the variance. Looking at the photos and at staff report it does seem as though given the wooded nature of the backyard that location is warranted.

Motion carried with the following vote:

Yes: 6 - Hicks, Tamarkin, Suriano, Wester, Greenberg and Mako

Absent: 1 - Shapaka

DR-0013-2022

To consider a Design Review Application for a master sign plan for property located at 411, 415, 417, 419, 425, 435, 445 Agler Rd.; Parcel ID No: 025-001013, 025-001014, 025-001015; Current Zoning CC; Agler Road Center; James Knab, applicant.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation. The property has multiple parcels and there are two different owners of the center. This master sign plan (MSP) applies to the properties listed in the application. The zoning is Community Commercial, and code says that if you have multiple tenants in a building you need to have an MSP. The MSP is consistent with the zoning code regulations. Approval of the request will bring property into compliance with code and allow tenants to utilize their space for signage. Staff recommends approval of the application.

Chair opened public comment at 7:18 p.m.

Applicant James Knab, PO Box 21555, Columbus, OH representing Snyder Development Company is available for questions.

Clerk confirmed there were no comments from the public.

Chair closed the public comment at 7:19 p.m.

Questions from the Commission: Hicks asked with the MSP if any of the tenants would be non-compliant and what are the plans. Knab said that everything must be approved by the landlord and that stipulation is covered. He has tried to keep the colors coordinated. They will follow the national city and state sign codes. Hicks asked if all tenants will be getting new signs. Knab said they would not, all the tenants would be grandfathered, and this would only be for any new tenants.

Tamarkin asked if any of the tenants had signs on the back of the building facing State Route 62. Knab said he doesn't believe they are allowed and there is no signage on the back of the building.

Motion was made by Wester, seconded by Mako, that the Design Review be approved.

Discussion on the motion: Mako is glad that the MSP is moving forward, and he is in support of the application.

Motion carried with the following vote:

Yes: 6 - Hicks, Tamarkin, Suriano, Wester, Greenberg and Mako

Absent: 1 - Shapaka

F. UNFINISHED BUSINESS - NONE

G. NEW BUSINESS

Resolution and Memorandum of Understanding

City Attorney Ray Mularski shared that on Monday, July 25, 2022, at Council Committee of the Whole (COTW) meeting a Resolution and Memorandum of Agreement (MOA) regarding the new Gahanna High School was presented and discussed to Council. The resolution was a lot of work to try and get around a situation that was very difficult to deal with. The city was put in a position where the schools had applied with the city on April 22 and needed to move dirt by August to maintain their tax-exempt status of their bonds. If they were not able to do that, they were going to lose multiple millions of dollars, and it is the city's obligation to work with them. We have to try and save our residents multiple millions of dollars that the schools would have incurred had this not happened. The schools are not going to pay it themselves; it would be passed onto our residents. It took two weeks of almost constantly working to come up with the resolution. Mularski sent the commission the *Brownfield* decision, which is a Supreme Court decision that says if there are two public bodies, one being the city one being the school, that they can't tell each other what to do. We can't tell them to how to spend their money and they can't tell the city how to spend ours. They can do things the way they want to. If there is a clash or conflict between that, such as we have a Planning Commission that may want the schools to do something, the first thing we have to do is try to work it out. This is our attempt at trying to work it out. If we can't work it out, then one or the other can file a lawsuit and the courts will tell us what to do, and they will say "work it out." If we don't work it out, then they have a weighing process that determines the most people who benefit from the decision made. Regarding zoning matters, the city can't tell the school what to do. The city can't tell them where to put their parking lot or where to put the stadium. The city can make suggestions but can't tell them. With health and safety matters, the city can tell them. They must abide by the city sewer conditions, the traffic impact studies, and building code. The city can't tell them what color to paint the school, or the design or those type of things. The resolution allows the school to start moving dirt before they have provided all the plans. It is temporarily suspending mainly 1108.06, which says you have to have the final development plan as far as the Planning Commission. They are allowed to move dirt without providing all those final plans. In the MOA with the school, it was made clear that they are taking this risk that if they start doing something and it later must be changed, it is on them. They must incur the full cost for fixing it. The city is going to allow them to start moving dirt and building pads. Section C of the MOA defines the site work they are allowed to do. The school needs the city's approval to commence as soon as possible for the following work: temporary fencing, erosion and sediment control (health and safety measures that have to be abided by) stripping topsoil, grubbing, removing trees

in the proposed stadium area, demolition of the existing stadium, demolition of selective existing structures, pavement, underground utilities and hardscape on the east side of the site and start the building pads for the new high school and visitor amenity buildings and bleachers. Those are all things that the city probably couldn't tell them how to do it if they abide by the erosion controls and the things that are required. Once it comes off site like connecting into our sewers that is when they have to abide by the city rules before they are allowed to connect into the sewers. This is very unusual for this to happen and is only because the schools are a political subdivision, and they have the right of eminent domain under the *Brownfield* decision. They have higher rights than any basic developer would have. If the resolution is passed by Council on Monday, August 1, there will be an agreement that allows the school to go ahead and start moving dirt as soon as they get approval from the city engineer. Planning Commission is still going to be part of the process. Council can suspend ordinance, which is what they would be doing by agreeing to the resolution, but they can't suspend charter. Charter states that that the Planning Commission shall advise council on certain matters. The Supreme Court can supersede City charter. What they say in the *Brownfield* decision trumps city charter. The resolution says this will be brought before Planning Commission at a later date. Outside legal counsel for the city will be at that meeting to guide Planning Commission on what they can do. Planning Commission shall hold a public hearing and upon receiving proof that the final necessary approvals of the school project by the city engineer, the chief building official and the director of planning and upon proof of compliance with the construction requirements in completing the school project Planning Commission shall recommend approval of the school project to Council.

Questions from the Commission.

Hicks stated that at the Council meeting Mularski defined well the Resolution and MOA and who the parties were. Mularski said the resolution is what the city is presenting to Council. It is what the city is asking Council to do. The MOA is an agreement between the city and the schools. It tells the schools what they are allowed to do. Council is saying it is okay to enter into the MOA. If it is not passed, the schools would lose millions of dollars. If he were their attorney and it didn't pass, he would be telling them to file for a lawsuit immediately and file for a temporary injunction. The city is trying to avoid that and cooperate and work with the schools. Hicks asked if the school board is in support of the MOA and if they have been involved in it. Mularski said once the attorneys had an agreement it was presented to the school board and school administration. From that presentation until last Friday, the city was working on getting the wording together. There were two attorneys for the school, people from the school, their development person, and engineer, the city engineer, city development person, city public service staff, the Mayor, Mularski and two other attorneys representing the city. There were 12 people working on the wording for the document. Everyone agreed to what was presented to council. Hicks said that having heard about the timing of this, that the mayor, city staff and Mularski was put in a very uncomfortable situation, and he appreciates everything that has been done to get to this point.

Greenberg asked Mularski to the best of his knowledge what does a resident have to do to get the attention of the school board. Do they have an opportunity to meet with the public to get their input on what's going to happen at the school as it is developed? Mularski said that it is up to the school, they are a political subdivision and can-do things the way they want. He thinks they should do it that way but doesn't know and asked the mayor if she knew if the school was having any open houses about this. Mayor Jadwin has not heard anything lately. Mularski said the school has not been

talking with the city very much, which seems a bit unusual when they are doing a project of this magnitude. Greenberg said one of the purposes of Planning Commission is to give the public an opportunity to comment and what it sounds like is that the commissions hands are completely tied, and it doesn't matter what the commission thinks or votes. The school board has the authority under *Brownfield* to just move ahead and do whatever they want, even if they are going to paint it pink and brown stripes or whatever. It is their decision, and the public will not have the ability to come through this board to have any input and have the commission make any adjustments. The Commission will not have that, and he thinks that it needs to be very clear to the public. Council needs to make it clear that planning commission is only going to some input. If the commission all voted "no," the school could move forward and get the high school built as they see fit, is this correct? Mularski said yes if it complies with the permit process. Instead of people coming in and telling the city what they want, they have to go to the school and tell them what they want. The school has to listen, but people will still think it is the city who said the school can do that. He doesn't think that people understand the dichotomy between the two. They need to complain to the school. Greenberg said that communication is going to have to be clear so that the public understands. What Mularski just presented to the commission is legal stuff and a lot of the public will not care about the MOA and the agreement that is made by Council. They will not understand and will be angry that they do not have the opportunity to voice their opinion and have input into something that is probably one of the most important decisions that this city is going to do, or the school board is going to do and impact the city for 50 - 100 years. That entrance way into the city is on that corner and what they are doing is very important for the city. Not to have their opportunity is disappointing on a couple levels. The school board did a workshop for the commission several months ago, and the commission talked about what it thought was important at that time. The schedule was also talked about and four months later it seems like not much has moved forward. He thinks some balls were dropped, and it is unfortunate and disappointing on something this important and millions and millions of dollars are part of it. He understands it is not Mularski and understands he is doing what he needs to do for the commission, and he appreciates it. Mularski said there is nothing the city can do, and they want people to know it is not the city, and they need to talk to the school. Greenberg said he wanted his comments on the record and clear.

Suriano asked Mularski for clarifications; he mentioned the school's risk if they move dirt. What is their risk if what they are doing is not in compliance with zoning or building code or if something is wrong? The way he understood it is that zoning is not applicable. Building code is still applicable, so if they move dirt, something happens, and it puts them out of order with building code that is the risk specifically. Mularski said he had not thought of it that way but that sounds like a risk. At this stage, Mularski doesn't see much risk on the school's part because they are not doing much. They are just beginning work so they can start spending down and save their bond exempt status. The risk comes in the bigger issues such as the city wants the entrance way to align with Gary Lee Drive and how the sewers tie in. Those are the risk that they are going to be incurring if they go ahead and start building. The city specifically put in there they may have an occupancy limit. The provision is in there to protect the city in case something unforeseen happens or the city says no and the school saying they were not counting on this, like they have said already. Then the city is saying still "no," and the schools must deal with it. Suriano said as an architect and working with clients he has similar pressures of inflation, availability, construction costs escalation all the things that are impacting budgets currently. One method of mitigation has been fast tracking so you will do foundation permits first, which would give you the ability to dig and move dirt. Was this vetted through an early permit

package with the city that would have been more on course? Mayor Jadwin said the resolution and MOA that were presented to Council on Monday is a result of that conversation. That conversation around 'can we phase this and have certain approvals for this' is what started within the last two-three weeks when it was recognized that they needed shovels in the ground, at least from the school's perspective. They were looking at what the Planning Commission timeline would look like in the city process for review and approvals. Those timelines did not mesh up. That is when the conversation turned to can we phase this and that's really what the MOA talks about certain site work that can be done at this juncture. It will give the schools the leniency that they are afforded under the *Brownfield* case but allows the city some protections on issues that still need to be resolved. As Mr. Mularski mentioned, the traffic study and how that gets resolved, the sanitary sewer connections and how that gets resolved, those are issues that really deal with the surrounding communities and the overall interest of the community. This is where she believes the exemption ends under *Brownfield*. Trying to find a way to phase this so the schools can go forward, meet their obligations in protecting the tax-exempt status of their bonds, but protecting what we need to make sure is in the betterment of the overall community. Suriano said he thinks it just comes back to accountability. The commission is a recommending body that recommends to Council. As a municipality we are still responsible for the health, safety and welfare of the people that are going to be occupying the building. Essentially, we aren't going to be having a moment of pause. Even if they come back to Planning Commission, there is no recourse. It is going to be just an awareness. So as long as that accountability for health and safety lives with the city, and we're okay with deferring the other stuff regarding zoning and other things, that is going in with eyes wide open. Like Mr. Greenberg said, it is making the public aware and if there is an issue with materiality, access, all the things, that lives with the schools. Mularski said we are taking things out of order and not skipping over anything important, health and safety importance. Some important things, such as how tall the fences should be and things like that are important issues, but those are things that we probably can't deal with. The school has to deal with those.

Tamarkin asked how this will affect Planning Commission. At some point, they are still going to come to the commission with a presentation, no different than they should have before other than work has been started. A pad has been poured, there's concrete on the ground, he assumes part of the pad has underground utilities already underneath that cement. Are they allowed to start putting bricks up? Are they allowed to come above the ground with anything or does that stop? Mularski said they still have to follow the permit procedures. If they get a permit to do that, then yes, they could. Tamarkin commented they don't have to come to Planning Commission. Mularski said they don't have to go to Planning Commission for that, the commission can't say we don't like that building, you can't say what you do and don't like. The commission doesn't have that ability in this case. As far as the MOA goes, it says this is what they can do and then anything else they must ask the city. Tamarkin asked why the commission is involved? Why would they have a hearing and sit here and listen to the public tell us they don't like the football stadium in their backyard, or they don't like the traffic. The commission has no power if the commission voted 7-0 "no." It doesn't change anything. So why go through the exercise? Why put the commission in the public eye? Mularski said the things that the commission will be voting on are the things that you can vote "no" on. The resolution says they will hold a public hearing and upon receiving proof that the final necessary approvals from the city engineer, the chief building official and the director of planning all have been done then the commission shall recommend it just like they do at any other time. That is the only thing that they have the power to have a say in. Lincoln Elementary went through all the procedures. They just planned better, and they had the time. They are still

supposed to try their best to work with the city as well, and they should be listening to the city. But the whole purpose of this was to get things started so they could start spending down money. They couldn't get things started without the final development plan, any variance applications, and any design reviews. All that stuff has to be done before they can even move any dirt. We are saying all that stuff can be done later and you can just start moving dirt now to save the tax-exempt status. Tamarkin said the commission is going to have a hearing on a design review, but the commission has no authority to change the design. Mularski said the commission will not have a hearing on a design review. When it comes to the commission, the city will say this is what you can and can't vote on, this is what you need to look at. Anything the commission can't do is a waste of their time and the city will not do that to the commission. Tamarkin said the big topic is the football stadium. The neighbors may just be a vocal minority, but they were here, and they sent letters. It's a done deal. It is going to happen. Mularski said yes, and that is when we have to say go talk to the schools. Tamarkin said why subject the commission to having people think it is our decision to put the football field there. We have no power, no say in that. Mularski said the city will not subject the commission to anything they don't have a say in, it is senseless.

Wester said it's unfortunate that we have gotten to this point. The largest project in the city's history is going to be a fiasco. Three or four years from now when they open the doors on that building, they are going to look at the cost, the schedule, how well they met that or didn't meet it and they are going to look at the performance. How does that facility fit within the confines of the City of Gahanna? How does it work within the traffic plan? He believes that is one of the things Mularski said that the Planning Commission will have input on. Access management is a term he hasn't heard, but it's something that the city engineers, traffic engineers pay a lot of attention to. How do you get access to a piece of property so that that property can coexist with other businesses in the area? It is a very important concept. He doesn't know if that is part of a planned community, but it certainly plays into that. MOAs are good things, but he doesn't know that they are all that definitive. When do they start and when do they stop? He has been involved with billions of dollars' worth of construction in both the private sector and public sector, and he has inherited MOAs that he had to wade through to figure out what was done and what should be done. The people that wrote those MOAs in the beginning had all the best intentions, but three-four-five years down the pike there is hell to pay. I'm an old gray-haired man you know my crystal ball tells me this project is going to be over budget. He doesn't know which end of the horse is leading the program. He thinks eventually the voters will speak out, and they will vote with their ballot. It is unfortunate that the Planning Commission input will not be part of that program or have minimal impact. There is a lot of expertise on this commission. The work that Mularski did, the city engineer, the previous city engineers... but to move forward without taking that into account is foolish. He is sure that there is some way, maybe it is the MOA that say, okay we are going to break ground to ensure that we do not incur additional cost.' But then how do we come to an agreement and incorporate the wishes or the desires, the input of this commission? Maybe it's even how do we ensure communication with the citizens of Gahanna? This is a 150-million-dollar project. This is not a small piece of change, and it is going to be around for 40 years. You go out in front of that high school right now, and he doesn't have any idea how many parking spots are out there, but that its full. That impact on traffic is going to be dramatic. This is an opportunity to add to and improve the city. He thinks we are being foolish on this one. We need to look at what needs to be done. Where do the answers come from and where is the leadership?

Hicks said that this project is going to be exempt from the purview of the Planning Commission. It is still going to have to follow the safety requirements of the planning

department and building codes. But it is going to be exempt from the commission's purview, which is their right by law. He appreciated Mularski's reading he gave the commission and his comments at Council COTW meeting. The facts as he understands them are as follows: we have already heard that the Planning Commission is established by our City Charter, and we also learned that the City Charter can be trumped by case law from the Supreme Court, and a couple of the cases that have been discussed and were discussed on Monday. The *Brownfield* case and the *Lake Tran Board of Trustees v. the City of Mentor* were addressed as relevant to our situation. As he understands the case as presented, they were based on disagreements about a use of a project. Whether it was a halfway house or a park and ride facility, the municipality and the other body disagreed. This is not the case here. Nobody would argue that this high school is a bad use. Everybody agrees on the use. It is zoned that way. There is no zoning issue. It appears this request is due to the timing and management of the project, not the use. At the COTW it was suggested that the role of Planning Commission was to determine whether a project was a good idea or bad idea. That wasn't said by anybody on Council or anybody on the administration, but it was said, and he would argue that the commission does more than that and have heard some great examples of what the commission does. One of the most important things it does is to provide the opportunity for input from the public. Real input that's on the record and not lip service. When the public addresses the commission, it listens and responds. For certain matters that come before the commission, they don't make a decision, but they recommend to Council that they should make a decision. It does not always stop with the commission, but it does continue to Council. For this project, the commission is not going to have that opportunity. There will be no final development plan, no design review, and no variance applications. The public will not have an opportunity to provide input for those traditional applications that the commission hears. There was a recent application that was brought before City Council. After it made its way through the commission, the issue of a waiver for storm water was addressed and a member of council asked if the application and waiver were vetted and approved by Planning Commission before it was presented at City Council. The reason he brings that up as an example to illustrate the relationship between Planning Commission and City Council is the relationship between Planning Commission and the administration is strong. He feels that Council respects the commission's input, and he thinks he speaks for the commission when he says the feelings mutual. Whenever Council attends commission meetings and provides input, it is always welcome and insightful. Although this is the first of its kind project in Gahanna, it is not the first time the school district has engaged with the city on a development project. When he first became interested in getting involved with Planning Commission a developer was considering annexation of a project into the city. The project received a lot of attention, including the school board publicly issuing a position statement on the merits of a development. Since then, his impression is that the relationship between the school district and the city is not good. This action will not improve the relationship between the city and the school district. This will also not improve the relationship between the school district and the community. Notwithstanding any of that, like many others in the community, he and his wife volunteered their time, energy, and money to support and canvass the successful passage of Issue 2 in 2018 and Issue 22 in 2020 because it was the right thing to do for our community. Issue 22, the levy that is relevant to this project today was passed in November 2020, it is now July 2022, why now? He thinks the question has already been asked, and his last point is the resolution that Mularski has read to the commission says what the planning commission will do. He doesn't think the meeting will happen. He doesn't think the school district is inclined to come back before the commission. They don't have to. He respectfully disagrees that if it does happen what the commission will be doing, the commission doesn't traditionally approve or validate

that the building official has completed their signoffs, that the city engineer has completed their signoffs or their designee. That is not what the commission does. They hear final development plans, design reviews and variance applications. It does not validate approvals, so he asked the question, why bother? He does encourage the public to attend if they have the meeting, make their voices known on the record. It will not do any good, but he still would encourage attendance should they have the meeting. He knows there is nothing we can do about it, but this doesn't feel right.

Mako said for the record he didn't ask any questions of Mularski because he thinks that his presentation and the other questions asked by this commission cover what they are facing. He is disheartened and disappointed in the school district that here, in the 11th hour, we are in this position. In his professional experience, when you are involved with a project, if you don't have good project management from the outset you find yourself in this position and then you are scrambling to fix some type of problem. He wanted to echo some of the sentiments. They have gotten to this point and have obviously dropped the ball. What is it going to be like when they get into building the thing? He understands it is not Mularski, it is the school board that is faced with this problem. He doesn't have a good feeling about this.

Wester said he remembers the term "consent legislation," and it was where a city council would pass legislation saying the city agreed with maybe another municipality where they had to share something, or it was a state or county agency. He doesn't think in the time he has been in Gahanna he has heard of "consent legislation." Where Gahanna is in agreement with the school board, with the county, or with neighboring cities, he is not sure. He is going to offer that it might be something for city council to consider. It puts it in writing that the city agrees in principle with the lead agency on some given part project.

Tamarkin asked for comments from Mayor Jadwin. Mayor Jadwin thanked the commission for the comments. This is a legal issue that the city attorney's office has presented to City Council. She has been superfluous in her comments previously to what a fantastic job planning commission does and thanked each member for their service. Planning commission plays a critical role in the process here within the City of Gahanna. That is why it was created and established by City Charter which is voted upon by our residents. The commission is an opportunity for review and a checks and balance. You are residents who serve on this commission and residents come before you as the stop gap for planning and development projects that come forward. The important role that the commission plays in the planning and development process cannot be understated. We are in this position for two reasons, the first of which is timeline. You are all aware of the timeline it typically takes to move an ordinary development project through the process. Just a 200,000 sq. ft. warehouse building or something like that takes anywhere from six to 18 months to go through the process from the time plans are submitted. In this case, we are dealing with a 500,000+ sq. ft. building on the busiest intersection that runs through the City of Gahanna on a major corridor in the mid-Ohio region. There are multiple departments within the city that have to review these plans, Mr. Blackford and his department from code compliance and a planning standpoint, the building department from a building code standpoint, and the parks and recreation departments for streetscape and landscapes. The city police department and Mifflin Twp fire department has to review for public safety. The engineering department reviews for everything from traffic studies and sanitary sewer connections to storm water management and storm water drainage. All those

departments have to spend time reviewing plans that are submitted. The city team first met with the school team on February 28, 2022, which was about a month after a town hall was held on January 31, 2022, in which the concept plans for the new high school were shared with the community. The city's entire team has been meeting with their construction team bi-weekly since that first meeting. Plans were first submitted on April 22, 2022. They were looking to break ground on August 2, 2022. She remembers the workshop that happened at Planning Commission when that date was shared. She believes a few of the commissioners said you're looking to break ground on August 2, 2022. She remembers the incredulous nature of the tone that the commission had on that. Issue one is timeline challenges, and issue two is *Brownfield*. Referring to Mr. Greenberg's comment on what are the residents going to think the challenge that the city has is that most of the residents in the city do not understand that the schools and the city are two separate and distinct legal entities. The schools are supported and funded by property tax and are run by a school board. The city is funded by income tax and are run by administration led by the mayor, city council and the city attorney's office. Two separate and distinct legal entities. One has no control over the other. *Brownfield* says that as its own separate distinct political entity, the school board has certain rights and leniency regarding our zoning process. That is why we are here today, and it is unfortunate because we have a process that is in place for a reason. She sits here meeting after meeting and listens to the informed educated questions that each one of the commission members ask for everything from a shed to a warehouse that comes before the commission. You come prepared, you are informed, and you are understanding of what the concerns are and what the impact will be on the community. It is unfortunate that we are not going to have the benefit of going through that process as this project unfolds. She understands their concerns. This project will have an incredibly impact on the City of Gahanna. It is the biggest project we are going to see in Gahanna for a while. If this project does not move forward in accordance with them being able to put shovels in the ground this year and spend down part of their tax-exempt status, they will lose the tax-exempt status. This would hurt our residents and at the end of the day regardless of what the relationship historically has been between the school district and the city, regardless of what communication has and has not happened we have to try to do what we can for the betterment and the overall good of our community. She doesn't want to lose sight of that for all of us here. She appreciates and hears the commissions frustrations in this and shares them. At the same time, they have reached a MOA that will allow them to move forward in the way that they need to. We can't look back; we can only move forward at this point. This will allow the city some level of protection for the things that really impact the overall community. The traffic studies, knowing that ingress and egress on Haven's Corners Road and understanding what Hamilton Road is going to look like are going to be extremely important discussions that we need to have as well as what the sanitary sewer capacity is going to be, the storm water drainage and the storm water retention basin that needs to go in. Those are still things that we must deal with and those have not been approved and are still being evaluated.

H. OFFICIAL REPORTS

Assistant City Attorney - None

Director of Planning

The next meeting on August 10, 2022, will have a Subdivision Without Plat

application.

Council Liaison - None

Chair - None

I. CORRESPONDENCE AND ACTIONS - NONE

J. POLL MEMBERS FOR COMMENT

Greenberg thanked everyone for their comments, and everybody expressed how they felt.

Suriano echoes Mayor Jadwin's comments that at the end of the day this is about what is best for our citizens. No issue is ever black and white and there are lots of moving parts, so he completely understands and supports that sentiment.

Wester shared that when you have 114-billion-dollar project and your construction manager comes in with a 35 million-dollar change order, he is quite concerned about this project purely from a fiscal standpoint and what the impact is going to be on the citizens of Gahanna. He thanked Mr. Mularski for his time and for the comments from the commission.

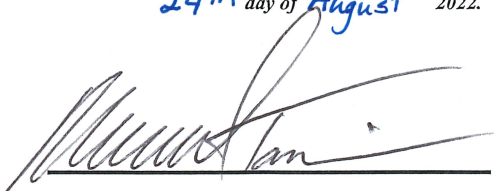
K. ADJOURNMENT

There being no further business the meeting adjourned at 8:16 p.m.



Pam Ripley
Deputy Clerk of Council

APPROVED by the Planning Commission, this
24th day of August 2022.



Michael Tamarkin