



# City of Gahanna

## Meeting Minutes

### Planning Commission

200 South Hamilton Road  
Gahanna, Ohio 43230

*Bobbie Burba, Chair*  
*Thomas J. Wester, Vice Chair*  
*John Hicks*  
*Joe Keehner*  
*Jennifer Price*  
*Donald R. Shepherd*  
*Michael Suriano*

*Kayla Holbrook, Deputy Clerk of Council*

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

---

Wednesday, February 22, 2017

7:00 PM

City Hall

---

**PLEASE NOTE: The Commission will caucus at 6:15 p.m.**

#### **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, February 22, 2017. The agenda for this meeting was published on February 15, 2017. Chair Bobbie Burba called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**Present** 7 - Donald R. Shepherd, Bobbie Burba, Thomas J. Wester, Jennifer Tisone Price, Joe Keehner, John Hicks, and Michael Suriano

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

None.

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

[2017-0040](#)

Planning Commission Minutes - Regular Meeting, February 8, 2017 & February 15, 2017 Workshop

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

**Yes:** 7 - Shepherd, Burba, Wester, Price, Keehner, Hicks and Suriano

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

None.

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

Assistant City Attorney Kristin Rosan stated Public Hearing Rules that would govern all public hearings this evening and administered an oath to those persons wishing to present testimony this evening.

[CU-0009-2016](#)

To consider an amended 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 and 175 W. Johnstown Road; Parcel ID No.s 025-000855, 025-000798, 025-000890; Access Ohio LLC; Donald T. Plank, applicant.

(Original Application/version 1: Advertised in the RFE on 9/22/2016 and 12/1/2016)

Gard gave an overview of the application; the application remains unchanged from the last time the Commission saw it.

Chair opened the public hearing at 7:04 p.m.

Chair called for proponents.

Applicant, Don Plank, said he is the attorney for the applicant and property owner; this is the third public meeting; have been to two workshop meetings; have picked up a new Planning Commission member; summarized the application; have access currently on James Road; Johnstown Road serves the office portion of the property; currently zoned CC; have the zoning map and code sections to pass out and discuss; 121 James Road is the previous nursing home; evidence submitted that the City played a part in the previous financing; the next predominant zoning next to CC is AR; and then after that is single family; is interesting to note that properties around them in the area have been developed; based on meetings with neighbors, City staff, the Commission, and correspondence, conditions have been drafted; we agree to those conditions; they also include a fence, site improvements; description of fence is in the original application; we have proposed their access from James Road to Johnstown Road; that was based on an earlier meeting with residents; we have proposed to do that in the conditions; also have conditions that deal with operations; neighbors were concerned with noise and smoking in the back of the facility, those issues were addressed; earlier testimony from the City said they would not require a traffic study; the noise we dealt with was to limit the outside activity hours; have cited many times 1169.04; the four conditions: the City has acknowledged that this is a conditional use;

Chair granted a 3-minute time extension.

Plank continued: the next conditions address the development; there

is no proposed development; interior is being renovated; no renovations to the exterior; do have the staff report that makes the argument that this is actually a development; met earlier with the building department; provided an adjudication order; a letter is attached that was provided to them; the only item that they have to do is that each bedroom has to have a smoke alarm; they have to be attached to the main security system; pointed out that if there is no proposed development; if they comply with area plans, in order to comply, that building has to be torn down and redeveloped; no code will require a demolition; our building is a part of the neighborhood character; have been there since 1969; actual evidence from Police Report, said they did not frequently get called to the facility; noted the facility in Dayton includes a psychiatric hospital; said there are calls from time to time from the psychiatric facility.

Whitney Prince, 283 Brookhaven Drive N., said received a flyer about this; surprised to get this; why would we want to block this; there is a heroin issue; there is a waiting list for facilities; knows a regular guy who is addicted; where else would we want this; Detective Matt Fulmer from the Gahanna Police has reported about the strong use of drugs; a Franklin County Judge said the majority of people he was seeing was an average adult white male; want facilities to be available; want them to have somewhere to go; doesn't make sense that they are having an objection to this.

Chair called for opponents.

Jerry Nicewarner, 143 James Road, said they have mentioned Dayton, they are 500 feet from the residences; there are approximately 21-27 residential homes and 10 commercial buildings; calculated that the residential value is over \$4 million; total \$6.4 billion in residences and businesses affected by this; generally on a fire system, when triggered, that system will unlock all their doors; that will allow access.

Todd Bidlack, 99 Orchard Hill Court, said according to the attorney that spoke on behalf of the property, there is no fence that has been erected; said he has not visited the property; also concerned about security issues; asked if there will be an ankle monitor; are people in the immediate area going to receive a notification if there is a breach in security; concerned with this; has a 10 year old granddaughter that spends her time at his home; asked does he need to get a pitbull to accompany her.

Stephen Renner, 740 Quaker Ridge Court; said he stands with his fellow residents on the west side; thanked everyone for their time put into this; will speak from the heart; understands there is an alcohol

and heroin epidemic; there are facilities for these things; in fact there is already a facility on the west side; appreciates some of the testimony from the applicant on development; as a resident, if you heard a collective sigh from the neighborhood on what can come next, that should be the focus here; only real testimony on this matter is that he understands and said we need these services; is not the right location for this facility.

Jean Mitchell, no address given, said she has been a Director of Nursing for these type of facilities; these people are solely covered on Medicaid; unless there is a new law; when their treatment is done, they have to have some place to go to spend the night; will be encouraged to go to day treatment; will be going to the outpatient facility; asked where will they stay; Breaking Point near Whitehall, they are similar to Parkside, they are bringing people from Youngstown to keep their beds open; they are being moved to Reynoldsburg and bussed back and forth; these folks will need a place to stay; this may turn into a big mess in the neighborhood; when she worked at Parkside within the last year, had people who wanted to leave; these people can come and go if they want to; we have had people leave Parkside and found at the cemetery; many have medication in them; they haven't been clean or sober for that long; encouraged the Commission to think about housing.

Christine Unverzagt, 84 Orchard Drive, said she lives nearby; will go down her street; residential or not, people are coming and going down their streets; doubts if they wanted to sell their home if they would have a sale; would like to know if sexual predators will be accepted; if they are can come and go when they wish; that is a real concern; if approval, it was stated that the patients would not be allowed outside the facility unless escorted; will that be signed off and be permanent; important to ask how this site will be used if this is voted down; what other activities will be provided to keep the residents busy; do not know the number of patients allowed; specifically the outpatient; a huge influx of people wondering the neighborhood; these are facts of life.

Chair extended the time for another 10 minutes.

Beth Fisher, 262 Brookhaven Drive E, said she has been a resident for 40 years; her backyard backs up to James Road; very concerned with the change that this will bring to their neighborhood; participates in outdoor activities in the area; have seen ambulances driving by at all hours of the night to Parkside; there is traffic at all hours; said they have had three people knocking at their door asking for a ride or to use the phone; one person even had a medical emergency at their home; definitely need to be thinking from a planning perspective how

to remove the stereotype from the west side.

Lisa Lambert, 293 James Road, said she feels very strongly that this is not the right location; was not notified of this application; only .25 miles away; upset to learn that the outpatient is already approved because of current zoning; have trails, the pool, soccer fields in the area; has two young children; there will be a lot of people coming and going to the area; there is a bus stop across from Creekside that these people will utilize; different from the vision she had when she found this neighborhood; concerned for her children; believes they deserve to live in a safe neighborhood; concerned there will be an increase in crime; this facility should be in a business facility; if there is a high fence, how will they even know they are in a residential area; traffic is already congested in the area; will negatively affect their property value; cannot believe anyone would jeopardize their community; asked if you would want your kids or grandkids living next to a rehab center;

Charlotte Leopard, 309 James Road, said she just became aware of this 2 weeks ago; most points have been made; said Mr. Plank noted the access to James Road, but last week, it was noted that it will be 2 years before that road is concluded and that maybe it would be closed; thought that made them not a good neighbor; also did not understand if this will be an opiate treatment center; when you look into that, is very eye-opening; totally agree that it is needed; if you are on a waiting list, will wait in a parking lot; in a stone's throw in our gateway to Gahanna.

Lisa Brabott, 227 Brookhaven Drive North, said she brought something to read that was written by a good friend of hers that did not want to read this tonight; somehow I ended up in a drug facility; family was told this was the best in the area; was surrounded by some scary individuals; many use these facilities for a roof over their head; was an eye-opening and startling experience; heroin found a friend of hers; was told to get comfortable at the facility because of her insurance; her friend had to leave but was told he will be back; while she believes the epidemic is at an all-time high, it is not appropriate for this area or any residential area; will take years to enforce and undo this if it does not turn out to work as best as described; beg and plead to turn this issue down; we should be asking why the applicants were so ready to give up and settle on conditions; added that she is totally against this; knows there are many businesses on the road; this is set away from businesses.

Chair called for proponent rebuttal.

Don Plank, said those conditions did not come easy; there was give

and take on that for a least 3 meetings; the road, they are not waiting two years; they are working on studies in the interim; the City will make the final decision; it will happen; also have someone from Access Ohio here to answer questions; hard to argue against the drug addict stereotype; we need these facilities; the building is there and in a commercial zoned area; the area to the west and north is zoned CC; this is the perfect location for this; this is a residential use; addressed many of the security issues; if you look at the conditions, they were agreed to because it was the right thing to do and how they intended to operate.

Wester asked the question about the number of patients; Plank said maximum of 70 for residential; will have less than that in the beginning; the information he has for outpatient is that it has to be done by appointment; will be no more traffic than a typical doctor's office; Wester asked within the conditions in 9D; asked if a sexual predator is also a sexual offender; Plank said they will not be permitted if registered; Wester asked for a restatement of question from the opponent; Christine Unverzagt said understands people will not be allowed to leave and wonder the neighborhood; Plank said when someone is accepted, they sign a contract; someone has to deliver them to the facility and cannot come out unless escorted out; obviously we are concerned about the neighborhood; do not want people not committed to their treatment; we have liability issues as well.

Chair closed the public hearing at 7:48 p.m.

Price said the property was appealing; Plank said was not involved in the purchase; but yes, it was appealing; Price asked if there are improvements to the site; Plank said there are improvements as it has been empty for 2 years; they are painting; not doing anything structural; are putting smoke detectors in the facility; Price said purchase price was \$1.2 million; do you envision that the improvements discussed will increase the value of the property; Plank said absolutely; the parking lot alone is in poor shape and will improve the value; in addition to the access; likely will be stormwater permits with the property; Price said it does make her pause; Plank said we can do what the community wants; this place should be improved; renovated the building as anyone would; not uncommon; Price asked staff how things are considered for development investments; are these going to come before Planning Commission; Blackford said we have a defined answer for development; read the definition to the Commission; said any use of land is development; we are wasting time talking about if this is development; Plank said will take that to court any day of the week; would not have to comply with planning if just improving another nursing home; Blackford said this applies to a

conditional use; specifically conditions 2-4 in code; this is a use of land; Price asked about the argument that this is the same use because it was a nursing home; the practical use and the care provided; significant differences between nursing home care and the proposed facility; trying to get a sense of how much care is directly provided to the patient; is there a medical director onsite; what the treatment process is; the patients get delivered to you, asked about that; Patti Parsley, 99 N. Brice Road, said typically patients are coming from a hospital where they have done their detox; they deliver to them typically; sometimes family arranges delivery; they are getting them in a lot of different ways; their admission has to be pre-arranged; once with them, they are getting 6 hours of group counseling per day and individual counseling per day; getting nursing care each day; Price asked if that is an Access policy; Parsley said that is how they operate; for the Ohio Department of Mental Health and Addictive Services (OHMAS) requires them to have a nurse at the facility for set hours; said they cannot be on benzone or related medication; can be on blood pressure medication; Price asked if they are being treated with other medications; Mike Dowdy, with Access Energy, said yes we do to help keep them stabilized; may subscribe suboxone; Price asked what percentage is that part of the treatment plan after the first detox; Dowdy said it greatly varies; Price asked about the term voluntary; sounds like the first phase is involuntarily; understands that a patient is not allowed to leave between 8pm and 8am; if it is voluntary, can you really hold them; Dowdy said they sign a document; Price asked if that is enforceable; Parsley said if they do that, will escort them off the premises so they cannot argue kidnapping; Price confirmed if they are adamant, Dowdy said they will get a staff member to take them home; Price confirmed they needed a safe place to go and how that is coordinated; Parsley said through their social workers at their facility; Price asked when it is outside of the 8pm and 8am, if they are escorted, could that be to a bus stop; Dowdy said no, will be with family or somewhere safe; Parsley said they have to have a place to go; Price asked about those that do not; they do not have a home or are not in contact with their family; Dowdy said their case managers identify family in the first place if they leave; if they have to find housing, we help them put that together; Price asked about testimony on sober homes; with other facilities, have you in the past purchased homes to create sober homes in the communities; Dowdy said no; they do not operate any; Price asked about sister companies; Parsley said no.

Wester asked about the ankle bracelet question; Plank said they do not wear ankle bracelets; Wester asked how many physicians will be in the building and the value; Parsley said misunderstanding that this is just for drug and alcohol; also treating people with mental illnesses; number of doctors will depend on number of clients seeking that

treatment; probably around 2 physicians there.

Keehner said has asked many questions over the last few meetings; listed after the meeting when the applicant spoke to residents; also spoke with friends who stated this area is number one for the heroin epidemic; said an opponent mentioned the door alarms will open when there is a fire alarm going off; will that open the doors; Parsley said at all of their facilities, none are locked, have measures in place to have staff at each door; that is a requirement for their licensure; because they are certified by OHMAS, have to show this plan in place.

Shepherd asked about the doors being locked; Parsley said there is no lock after the 30 second delay; anything is possible for the doors to get locked; Shepherd asked how this property can be used if this is voted down; Gard said both buildings can be used as an outpatient facility; Shepherd reiterated that to the audience; that is why we have a long list of conditions; have been by this property many times; grew up in this area; knows the area well; does not fit in with the area; a nursing home is a different usage, agrees with Price; only in the world of attorneys, would you argue the obvious; enjoy getting older from the standpoint that you get to see things in a different set of eyes; believes we do need facilities; just not here; just because you can do it does not mean you should do it; does believe this is a use needing a conditional use; the third condition in code is significant; will decrease property values; it is not in keeping with the existing land use; suppose that can be argued a little bit; drove the area near the facility in Dayton; said it is apples and oranges; knows the area; we are not talking about the same type of area; argues that this is not the same area; to compare the two, to state statistics, there is nothing comparable; will not be supporting this tonight; have listened, learned, and studied.

**A motion was made by Price, seconded by Hicks, that this Conditional Use be Approved contingent upon the following conditions:**

- 1. That the building located at 175 West Johnstown Road (Parcel ID Nos. 025-000798, 025-000890) will be operated solely as an outpatient facility providing therapeutic intervention for clients by appointment only.**
- 2. That the building located at 121 James Road (the "Residential Facility"; Parcel ID No. 025-000855) will be operated as a residential facility providing intense therapy and counseling in a residential setting for clients.**
- 3. That both facilities will be operated by a state licensed provider of treatment for persons afflicted with drug and alcohol addiction.**
- 4. That clients are permitted to stay for up to consecutive 180 days at the Residential Facility, Parcel ID No. 025-000855.**
- 5. At the Residential Facility, Parcel ID No. 025-000855, smoking shall be permitted only at the existing patio area in the northwest, and shall be specified as a designated smoking area.**
- 6. There shall be no outdoor group or other activity permitted between the hours of 8:00 p.m. and 8:00 a.m at the Residential Facility, Parcel ID No. 025-000855.**



7. There shall be a fence along the property lines as submitted in the application.
8. The existing access drive to and from James Road will be closed to all traffic except emergency vehicles and occasional maintenance and contractor vehicles, within 2 years from the date of granting the zoning certificate for the Residential Facility, Parcel ID No. 025-000855, provided that a traffic impact/access study, approved by the City of Gahanna, concludes that West Johnstown Road is the appropriate means for ingress and egress for the site.
9. The state licensed provider, of the Residential Facility, Parcel ID No. 025-000855, shall:
  - a) There shall be no person under the age of 18 permitted to be a resident.
  - b) There shall be no person with an outstanding arrest warrant, or pending criminal charges, permitted to be a resident.
  - c) No person with a felony criminal record involving serious physical harm within the last five (5) years shall be permitted to be a resident.
  - d) There shall be no person identified as a sex offender under Ohio Revised Code permitted to be a resident.
  - e) That all prospective residents will have successfully completed a minimum of a 7 day detox before being admitted to the Residential Facility.
  - f) That all residents are drug tested when they enter the program and when they return from any offsite/chaperoned appointments.
  - g) That all residents are given unscheduled urine tests approximately 4 times a week and rooms are periodically searched.
10. There shall be no drug safe zone on the site.
11. That residents of the Residential Facility are not permitted to have vehicles at the site.
12. Staff shall monitor the yard area of the Residential Facility, Parcel ID No. 025-000855, before and during the period a resident is permitted to use the yard.
13. That there will be an unarmed licensed security officer at the Residential Facility, Parcel ID No. 025-000855, at all times.
14. That the facilities are required to have the required signage prohibiting concealed carry on the site.
15. That all doors at the Residential Facility, Parcel ID No. 025-000855, will be alarmed with locks that have a 30 second delay between alarm and opening.
16. Law enforcement services will not be used to transport residents to and from routine and non-emergency offsite appointments.
17. Residents of the Residential Facility shall not be permitted to leave the facility between the hours of 8:00 p.m. and 8:00 a.m.

DISCUSSION ON THE MOTION: Keehner said he wrote a statement; said this is a controversial issue; "when this project was first presented to the Planning Commission I was ready to vote yes; it seemed reasonable since it had already been a nursing home and you were just reopening it with a different type of residential care; my understanding was that this was a variance request, voting yes was legally impossible without some kind of zoning change; but with some semantic changes, the project was more legally viable as a conditional use; although I wasn't comfortable with what I considered legal manipulation of code, it still seemed like a reasonable use; however after wrestling with all the pros and cons presented through testimony and trying to see this in a holistic planning context; I have come to the conclusion that this use on this particular piece of land is not in the best interest of the City; because I can see a benefit for integrating people in recovery into the community at large; locating such facility with residential areas nearby is not

necessarily a bad thing; so I don't consider this section to be prejudicial; also in trying to be objective, a Planning Commissioner should not be swayed by any bias or personal wishes voiced by elected officials, as we received an e-mail from the Mayor; although this property is zoned commercial; it directly abuts residential properties; this proximity makes the use potentially detrimental and less valuable as a buffer use between more intensive commercial uses and residential use; however a definite negative impact might be difficult to prove, since it is based on anxiety, speculation based on anecdotal evidence and observations of addictive behaviors, and on precedents suggested by realities at some similar facilities; the concerns of nearby neighbors and the negative impact of potential/residual criminal activity are valid but have been addressed and possibly mitigated by the requirement of a perimeter fence and sixteen other constraints agreed to by the developer; repurpose of the property; possible exception is the property value concern which in my opinion is a bit too myopic for consideration when balanced with the best interest of the City at large; therefore the main reason for rejection is related to what I see as long-term planning goals for the area; this area is basically a walkable extension of Olde Gahanna and the riparian recreational spine of the city; this property with its neighbor on the corner of Johnstown and James is across from the Olde Ridenour House; thus this particular area of land has a strong potential as a connective space between Creekside development and the East Johnstown Road corridor; to make this project at all viable and palatable, at this specific location, a perimeter, part privacy fence is required; that reality makes this use at this specific location problematic in terms of planning goals and is detrimental to the big picture"

Shepherd said will not be supporting this application for reasons provided earlier; would not be in accord with the appropriate plans for the area; Wester said will not support this either; thanked the residents for their show of support for the defeat of this application; and thanked them for their patience; thanked City staff for their efforts and documentation; said Mr. Plank did a great job; does not believe this belongs in a residential neighborhood; Price said will not be supporting this application tonight either; basing the approval on 1169.04; believes this meets two listed criteria; believes it will have an undesirable effect; the conditions were important to go through; these conditions may slightly improve the application; the underlying issue is lack of enforceability; these are not licensing regulations; these are internal policy; only when there is an incident and when the police respond; Burba said she agrees with what everyone has said; does not support this; thanked the applicant for their time on this; said the Police Department has been great with them and providing the information; appreciates them.

The motion failed by the following vote:

Yes: 0

No: 7 - Shepherd, Burba, Wester, Price, Keehner, Hicks and Suriano

**RECESS: 8:24 - 8:33 p.m.**

[V-0002-2017](#)

To consider a Variance Application to vary Section 1165.08(b)(3), Permanent Signs, of the Codified Ordinances of the City of Gahanna; to allow a wall sign larger than fifty (50) square feet; for property located at 1013 Gahanna Parkway; Parcel ID No. 025-006152; current

zoning, Office, Commerce, and Technology (OCT); Andrew Hedge, applicant.

(Advertised in the RFE on 2/16/2017)

Gard gave an overview of the application; applicant is requesting a variance to allow all signs to exceed 50 square feet; said the existing building is very large; a 50 square foot sign looks out of proportion; applicant has submitted three versions at different sizes; opinion is that the 80 square foot sign is proportionate; this is the site survey of this property.

Chair opened the public hearing at 8:37 p.m.

Chair called for proponents.

Applicant, Andrew Hedge, said they bought this property about a year ago; is in the industrial zone; no impact on any residential people in the area; we are a growing business; have created 5 new jobs in the area and on pace to add 5 each year; should double in the next three years; the sign on the building previously was a large wide sign; believe the code was changed 10 years ago and there are a lot of similar large signs in the area; plan to improve the property with fencing and landscaping; feel that a large sign would be best, so clients can find us, is appropriate; is a good size building; want to get the scale right in relation to the building; would personally like to use the 95 square foot sign; but willing to compromise.

Chair called for additional proponents, there were none.

Chair called for opponents; there were none.

Chair closed the public hearing at 8:39 p.m.

Price said the 50 sq. ft. looks out of place; thinks the 80 looks to be appropriate; Shepherd said could go with the 80 or 100; because of the location and area; asked if they do residential or commercial; Hedge said about 65% residential last year but will grow commercially; Hicks asked if we are to pick the size; does not have an issue with the larger size; Wester agreed; Suriano agreed; Keehner said making it larger makes sense; Shepherd agreed.

**A motion was made by Wester, seconded by Shepherd, that this Variance be Approved with the condition that the signage be 97.3 square feet in size.**

**DISCUSSION ON THE MOTION: Shepherd said he will be supporting this; prefers the larger sign; Price said she agrees.**

**The motion carried by the following vote:**

**Yes:** 7 - Shepherd, Burba, Wester, Price, Keehner, Hicks and Suriano

[V-0003-2017](#)

To consider a Variance Application to vary Section 1165.04(a)(7), Prohibited Signs, of the Codified Ordinances of the City of Gahanna; to allow an off premises permanent sign; for property located at 471 Morrison Road; Parcel ID No. 025- 008884; current zoning, Planned Unit Development (PUD); Melinda A. Skipper, applicant.

(Advertised in the RFE on 2/16/2017)

Gard gave a summary of the application; said this is a new business; said their building sits back and has no exposure to vehicles; this is a very small sign; they have a letter from the property owner at Waterbury allowing them to place the sign there as long as the property owner wishes; showed a rendering of the proposed location; showed the sign detail rendering.

Chair opened the public hearing at 8:47 p.m.

Chair called for proponents; there were none. The applicant was not present.

Chair called for opponents; there were none.

Chair closed the public hearing at 8:47 p.m.

Shepherd asked staff to reach out; not particularly in support of this; asked if there is something they can do on the property to open the visibility; asked staff to do that; Price said it would be helpful to know if other tenants are having this issue of finding them; said this building is likely 30+ years old; not as well-known as it used to be; want to make sure if there is an issue, we can take a better approach to address it; noting what the name of the building is; Keehner asked if we will see the actual sign before it is put up; Gard said no they would not see it; Suriano asked for an understanding on the timeframe; understanding more materials of the sign as well; doesn't appear they are set to last a long amount of time; Gard said is typical MDO form; pretty substantial stuff; they have already submitted their application for their design review; Suriano asked if they are no tree posts; Gard said yes; Suriano said other signs in the area are made of more build quality material; Shepherd asked if we should reach out to the applicant and have a workshop; asked if they are business now; Gard said yes; Price asked for a quick synopsis of sign code; if the property owner approves a temporary sign, is that allowed; Gard said there are no variances for temporary signs; Price confirmed it would have to be a setback; said her preference is to delay taking action on this until they

can get more information; Burba suggested they also talk with their landlord for insight; Price said she prefers we have this information before March 8; Gard said the applicant is an office worker at the facility; Price asked if we can reach out to the applicant to express the questions and to ask that they get with the decision maker of the signs; Blackford said when the Mayor conducted a business visit, they expressed this issue; they have been in operation for at least 6 months; asked the goal for March 8; will they identify alternative materials or the location; Price said she would like to see this is not just a one-time thing for these tenants; would like to see due-diligence in speaking with the landlord; Blackford confirmed the landlord of the facility; said it is far back from the right-of-way; would agree that would be preferable; but it will not solve this particular issue; also concerned with the one-off; we will have more of these; do not want a proliferation of off premise signs; not something we do and take lightly; this will not be an alternative that will alleviate this particular issue; will likely look at off-premise no matter what; Price asked if there are development plans for the property in front; Gard said that property owner declined allowing a sign there; Blackford said that land owner has not been active in pursuing development for that site; said this is a unique situation; would this need to be on materials or location; Wester said this is expressed in the application as a permanent sign; said this looks temporary; Suriano said the image does not represent what that size looks like; suggests this needs to be in context with buildings behind it and appropriately scaled; also would like to see drawings; Price said there is an existing Waterbury sign; Gard said it is for the shopping center; Price said does not believe it has individual numbers; Burba agrees with Suriano that this is not permanent; Gard said it is the size of a yard sign; Hicks and Shepherd said ready to vote now.

**A motion was made by Hicks, seconded by Shepherd, that this Variance be Approved.**

**DISCUSSION ON THE MOTION: Price said will not supporting the application this evening; open to the applicant coming back with something different; Shepherd agreed will not be in support of this; does not want to see off-premise signs; Suriano said they need more documentation and will not support; Wester said will not be supporting but would like them to resubmit with alternatives; Keehner said can support this because it is an actual permanent sign in the current context.**

**The motion failed by the following vote:**

**Yes:** 1 - Keehner

**No:** 6 - Shepherd, Burba, Wester, Price, Hicks and Suriano

## **F. UNFINISHED BUSINESS:**

None.

**G. NEW BUSINESS:**

None.

**H. OFFICIAL REPORTS:**

**Assistant City Attorney**

No report.

**City Engineer**

No report.

**Planning & Zoning Administrator**

Gard said if you go to the Garden Show this weekend, recommends you stop by Andrew Hedge's booth.

**Department of Development**

No report.

**Council Liaison**

No report.

**CIC Liaison**

Price said has been able to attend some events and meetings; yesterday they provided a recap of the Groundhog Day; said it is the largest they have had; had wonderful reviews of the speaker; they are getting closer to the Fiver project.

**Chair**

No report.

**I. CORRESPONDENCE AND ACTIONS**

None.

**J. POLL MEMBERS FOR COMMENT**

None.

**K. ADJOURNMENT**

9:07 p.m. by Wester