



City of Gahanna

Meeting Minutes

Planning Commission

200 South Hamilton Road
Gahanna, Ohio 43230

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

Pam Ripley, Deputy Clerk of Council

Wednesday, July 26, 2023

7:00 PM

City Hall, Council Chambers

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

Gahanna Planning Commission met in regular session on July 26, 2023. The agenda for this meeting was published on July 21, 2023. Vice Chair James Mako called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Tamarkin.

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

Absent 1 - Thomas W. Shapaka

B. ADDITIONS OR CORRECTIONS TO THE AGENDA - NONE

C. APPROVAL OF MINUTES

The minutes from July 12, 2023 are not available for approval at this time.

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-0017-2023](#)

To consider a variance application to vary Section 1171.03(g) Fence Standards of the Codified Ordinances of the City of Gahanna; for property located at 836 McDonell Dr.; Parcel ID: 025-005586; Current Zoning PUD; Maryia Ivanova, applicant.

Maddie Capka, City Planner provided a summary of the application; see

attached staff presentation. Capka said the variance application is a request to allow a privacy fence to encroach past the front of the house. The zoning code only allows decorative, open fences 42 inches or shorter to the front of the house the fence is already constructed and is 66 inches tall approximately 25 feet from the front property line. It is outside of the front setback which is 25 feet. The fence extends two feet past the front of the house on the east side but not on the west side of the house. The fence meets all other applicable code requirements. The site plan provided by the applicant shows the fencing, highlighted in yellow that were installed on neighboring properties and the black lines represent the fence that was installed by the applicant. The fence to the east of the house connects at the front corner of the house and does not encroach into the front yard. On the west side of the house the fence encroaches two feet past the front of the house and connects to the neighboring fence to the west. Photos were shared of the fence. One photo shows the fence and the two feet that it encroaches past the front of the house and shows that it connects to the adjacent fence. The fence on the adjacent property can extend closer towards the north property line since it's a corner lot. The other photo shows the downspout that is at the western corner of the house. The downspout prevented the applicant from constructing the fence and attaching it to the house at that location shown. Variance criteria for fences are different than the general variance criteria. Planning Commission shall approve the fence criteria if it is shown that the property owner has encountered practical difficulties and the criteria listed here is used to determine if practical difficulties are present in this situation. Whether or not the variance is substantial. Whether the essential character of the area would be altered. Whether the variance adversely affects government services. If there is an alternative to the variance. If the spirit and intent of the zoning shall be observed by granting the variance. Whether the fence is compatible with the character of the neighborhood and whether the fence will be hazardous to traffic or detrimental to Public Safety. Staff does not object to this variance request. The request is minor in nature and the fence is just out of the front setback. The downspout on the front west corner of the house prevents the fence from connecting to the house. The applicant also stated in the application that there are underground pipes that limit where the fence posts can be installed into the ground on the west of the house. The application was reviewed by various city departments including engineering and there were no objections. It is staff's belief that the fence will not negatively impact any surrounding properties.

Chair opened public comment at 7:07 p.m.

Applicant Maryia Ivanova 836 McDonell Dr. said they did not intend to build upon the front yard. It was because they could not place it anywhere else, because of the underground pipes. She is available for any questions.

Public comment: Dan Levac, 840 McDonell Dr. said he is here to support his neighbor. Ms. Ivanova and her husband have done a great job of beautify the home and making the front of the house look much better than it has in years.

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

Chair called on questions from the Commission; there were none.

A motion was made by Greenberg, seconded by Suriano, that Variance V-0017-2023 be Approved.

Discussion on the motion: Hicks is in support of the application. It does meet all the criteria that are required to approve a variance.

The motion carried by the following vote:

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

Absent: 1 - Shapaka

St. Matthew

[V-0018-2023](#)

To consider a variance application to vary Sections 1165.08(b)(9), 1165.09(a)(4)(B), 1165.09(a)(4)(C), and 1165.09(a)(4)(D) of the Codified Ordinances of the City of Gahanna; for property located at 807 Havens Corners Rd.; Parcel ID: 025-003900; Current Zoning RID; St. Matthew Monument Sign; George Harvey, applicant.

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

Maddie Capka, City Planner provided a summary of the applications; see attached staff presentation. Capka said the applications are for an electronic monument sign at St. Matthew's. The applicant is requesting approval of design review and variances for an electronic sign at St Matthew Catholic Church. The site is zoned restricted institutional district (RID) and is adjacent to residential properties to the east west and south. The property is located 0.7 miles from Hamilton Rd. The proposal is for a face change for an existing monument sign. The face change is considered a structural modification. Despite the sign currently not meeting setback and height requirements a variance is required due to the structural change. Capka showed a slide of historical information on electronic signs within the city. The most important thing on the slide is that in 2019 the zoning code was revised to allow for electronic signs with the approval of a design review. With the design review there are specific standards for electronic signs. Before the code was revised a variance was required for any electronic signs within the city. In 2011 McDonald's received approval for a variance for an electronic sign. In 2015 Shepherd Church of the Nazarene applied for a variance for an electronic sign and was denied. They applied for the same sign in 2017 and were once again denied. In 2018 Peace Lutheran Church applied for a variance for an electronic sign and was denied. This was successfully appealed to the Board of Zoning and Appeals. The sign was able to be constructed. In 2021 Burger King received approval of a design review for an electronic sign. They had three variances requested that were specific to electronic sign requirements. Two of which were reduced in scope by Planning Commission at that time. Capka showed some examples of the electronic signs mentioned. Capka

showed a rendering of the proposed sign for St. Matthew's. The base of the sign will remain in the current location. The height of the sign is the same as the existing sign. The sign plan shows that the sign is about one foot from the right-of-way. Code requirements for monument signs within the RID zoning designation require that the maximum height is 72 inches. The proposed sign is 78 inches in height. The minimum step back for monument signs is 15 feet from the edge of the right-of-way. This sign is one foot from the right of way. The maximum area of a sign that can be electronic is one third of the total sign area. The proposed sign is two-thirds electronic. The electronic copy may not change more than once per day. The proposed sign changes every 30 seconds. Colors for the electronic portions of signs are limited to amber, white, or similar colors with only black as the background color. The proposed sign is in full color.

Capka reviewed the requested variances for the sign. Code requires maximum height of six feet for monument signs within RID. The request is to exceed this requirement by 6 inches. This request is minor in nature and the existing sign is the same height as the proposed sign. Code requires a minimum 15-foot setback from the right-of-way for monument signs in RID. The sign is currently one foot from the right-of-way. The existing sign is in the same location and the right-of-way extends onto the site due to the widening of Havens Corners Road.

Capka reviewed the requested variances for electronic signs. The electronic portion of a sign is limited to one-third of the overall sign size. The proposed sign is made up of two-thirds of electronic sign. The applicant states that the sign will be dimmer at night and brighter during the day. The electronic message may not change more than once per day and may not scroll, flash, or move in any way. The proposed message for this sign will change every 30 seconds. The applicant states that the average travel time to pass the site is 10 seconds. Some drivers will not see the sign change. Colors for the electronic portion of the sign are limited to amber, white, or similar color. Only one color is permitted in addition to the black background. The proposed sign is in full color ultra-high resolution and utilizes multiple colors.

The variance criteria that is specific to signage to consider is: if it is proven that the property owner has encountered practical difficulties. Whether there is a beneficial use of the property without the variance. Whether the variance is substantial. Whether the essential character of the area would be altered. Whether the surrounding properties would be negatively impacted by the variance. Whether the variance adversely affects government services. Whether the property owner purchased the property with the knowledge of the restriction. Whether there is an alternative to the variance. Whether the spirit and intent of the zoning shall be observed by granting the variance. Whether the sign is compatible with the character of the neighborhood. Whether the sign will be hazardous to traffic or detrimental to Public Safety.

The criteria for design review to consider is to grant approval of a design review application; Planning Commission shall prove that all four of these criteria are met. Is it compatibility with existing structures. Is it contributing to the improvement of the design of the district. Is it contributing to the economic

and community vitality of the district. Is it maintaining, protecting, and enhancing physical surroundings. Staff recommends disapproval of the design review as submitted. The additional requirements in Chapter 1165.09 exists specifically to limit the negative effects of electronic signs. Three out of four of these additional requirements are not met with this sign. Staff believes that electronic signs are not compatible in this area. All the electronic signs that were shown earlier in the presentation are located along Hamilton Road, which is defined as a major arterial road. Hamilton Road has many more commercial uses and a higher intensity of uses than Haven's Corners Road, which is considered a minor arterial road by the Ohio Department of Transportation. Staff also recommends disapproval of all three variances to Chapter 1165.09. These variances are not minor, as the proposed sign greatly exceeds the size color and time limits for electronic signs as mentioned. Granting these variances negates the intent of the entire chapter for electronic signage.

Staff does recommend approval of the variances to maximum sign height and minimum setback. The height variance is minor in nature and the existing sign exceeds both requirements. The setback variance is necessary due to the widening of the right-of-way and Havens Corners Road.

Chair opened public comment at 7:21 p.m.

Applicant George Harvey, 300 Cadbury Ct., Gahanna, St. Matthew's Facility Superintendent. The sign location is at 807 Havens Corners Road. He commented on the busyness of the road. He believes it will be a major artery soon. They are looking at widening the road. At four in the afternoon the lines go from Hamilton Road to Taylor Station Road. It is about as busy as it can be as a two-lane road. Havens Corners will soon have three major schools on it and a major recreation park. He is sure there will be other applications for signs. The sign they are asking for he is not set on any of these. He applied based on the designs from the manufacturer. They are dealing directly with the manufacturer which started with a hundred percent. He thought he was doing well getting it down to 66 percent. He is willing to talk about it. The multiple color, one or two colors is probably enough to get their message across. The change in messages once a day, maybe a little less. They have multiple functions on the property. The current sign says Church. The name of the church and logo has changed since then. More importantly they have a rather sizable Elementary School that sits right behind the church. It is never mentioned on the sign and causes some confusion when people are driving up Havens Corners and see a school sign. There is no school seen from the road. They have a major charitable works organization that works on the site. There are three functions. The parish itself has 2,500 families as members, over 600 students in the school and charitable work that serve much of the Gahanna area. He is available for questions and to discuss the three major issues on the variances.

No comments from the public.

Chair closed the public comment at 7:26 p.m.

Chair called on questions from the Commission.

Hicks thanked Mr. Harvey for attending and he said he mentioned in his statement that he would be open to feedback or consideration. Hicks would like to explore that a little bit. When Hicks was first on Planning Commission at the beginning these electronic signs were prohibited as Ms. Capka shared. Zoning Code was changed to allow for electronic signs. If the applicant was to propose an electronic sign that meets code, he would not need a variance. Hicks wanted to reiterate what that code is and see if the applicant is open to it. Section 1165.09 of city code states that the electronic portion of the sign is limited to a specific size. He said Harvey mentioned he got it down from 100 to 66, but if he could get it down to 33 and a third it would meet code. The second criteria are the display cannot change more than once per day. And the lights are limited to amber, white, or similar color only one color on a black background. Hick's question to the applicant is would the parish consider an electronic sign that meets those criteria.

Harvey said one color he thinks they could agree to that. He would be willing to upgrade that. Once a day, the variance that was asked for was no more than every 30 seconds. It does not mean it was going to change every 30 seconds. Typically, they have one or two messages that they like to share. Such as activities that are going on it is not unnecessary information. It typically has to do with an event or at the start of school. Many of the things that Lincoln has, as far as information for the community about what is going on the site, because they have so many things going on. It is a busy parish. While he would move away from the 30 seconds, he would like to have a variance of at least more than once a day to share that message. During the pandemic and in 2021 they pulled some car counts. There were over 16,000 cars a day driving past. If they could change it multiple times during the day, maybe even four or five it would be amenable to them. They want to share more information and over a number of days. People going past may see something different. But the 30 seconds he just threw that out there. You don't know until you ask. Hicks asked about the size, the first criteria. Harvey said that is a tough one. The Burger King variance, if they could get closer to that one, he thinks they would be willing to lessen it. He thinks it was 56 percent and whatever could be decided here it wouldn't exceed that. The signs are built with LED panels that make it up. The exact percentage would probably be less than that based on how they erect the sign. You just can't say I want this size. You must use a standard size. If it was a 55 percent maximum, he would be amenable.

Wester is concerned with the sign and its location or distance from the right-of-way and the sidewalk. A sign that size one foot off the sidewalk, one foot off the right-of-way raises a concern with him. He has a safety concern with it. Harvey said the church was erected in 2003 opened in 2004 and to his knowledge they have not had any incidents. The sign has been there the entire time. The right-of-way moved closer to it when they widened the road. He believes there was a deal when they built the church, where they gave them the third turning lane. They knew how busy it was going to be and that pushed it closer to the that sign. There are going to be plantings around it as a buffer zone. He said Wester is correct it is a foot off the right-if-way. Even

with the widening of Havens Corners it is not going to come any closer than that. There is a major gas line that goes right underneath the sidewalk. If there was something they could do to protect it better, he would be glad to consider it. In 20 years, it has not been a problem. The sign currently matches the church, the rectory, and the school. They have tried to keep the integrity of the sign.

Greenberg has concerns about how close the sign is to the right-of-way also.

Suriano said regarding the overall signage design he might have a different opinion than some of my fellow commissioners. He is okay with the overall location of the setback. He does not think it is egregious when he is driving down the street. It doesn't feel like it is in the way or something that is going to impede or be dangerous or hazardous. He thinks the overall height at the scale being talked about 72 inches to 78 inches proposed he would support that variance. He thinks the scale is appropriate for the for the area. He likes the current sign and recognizes that it needs to change based on a lot of different factors that were mentioned. He is pretty hard and fast about the reduction of the percentage of electronic proportions of the sign. He thinks the Peace Lutheran sign is a good precedent in terms of the way that they balance the electronic portion of the sign compared to the non-moving part of the sign in terms of the monument kind of nature of it. In terms of the spirit of the message changing, he thinks the commission recognizes that there are a lot of different ways that people are building in flexibility of message on the sign. He believes what the commission is trying to avoid is something that is moving constantly, distracting. While he thinks 30 seconds is a little bit, there is the potential there for that to be perhaps distracting. He would support something that changes every time you drive by it. He might even look think about you know once per hour. He does not feel like that is going to be a sign that is in motion. It is going to be a sign that has its message changing in one color. He concurs that single color on a black background tends to recede. It still gets the message across; it is legible, and you can get to the point of whatever is being displayed. He is open to the variance on the setback the overall height, he is against and looking for something different on the frequency. Perhaps more than once per day but less than 30 seconds. He is looking for a single color as well as the proportion of the electronic sign needing to change.

Tamarkin agrees with his fellow commissioners. His concern is that there is residential close to the sign, to the west. Unlike the signs that are on Hamilton Road where there is lots of light, lots of color, a lot going on. They are on a road that is getting busier and busier every day, but it is also a road that does have residential. He thinks they need to be cognizant of residents looking out their window and not seeing neon, colors, movement or flashing. He would request that the church would cooperate, and it was mentioned that the sign would tint or go darker in the evening, maybe even turn off. Harvey said it does go darker. He said there is a mound there as far as the ground goes. He does not think you can see it at all from the ground level and it is not shining in some body's windows. He understands the objection. There is nothing across the street it is not build able. It is hard to see the sign from the one house to the west due to the way the road goes.

Mako asked who the manufacturer for the project is. Harvey the manufacturer is Sitto Industries in Detroit. Harvey is working with the owner, and they produce a good percentage of all the electronic signs. Sitto came up with the 100 percent in size. Harvey knew that was not going to work so then they came up with the requested percentage. Mako asked how long the existing sign has been up and in that location. Harvey said the sign went up when the church went up. It is 20 years old. It is beat up and rotted. No matter what they do they have to put a new sign up.

Mako said they have four distinct variances requested. Given the nature of the variances he wants to break them down into four separate motions. Mako asked for a motion on V-0018-2023 specific to section 1165.08 (b)(9) the maximum height and the setback for the signs.

V-0018-2023 Code 1165.08(b)(9) Max height and setback

A motion was made by Hicks, seconded by Wester, that variance V-0018-2023 1165.08 (b)(9) Max height and setback be approved.

Discussion on the motion: Greenberg asked if anything was received from the public. Clerk confirmed no correspondence received. Hick is in support of this variance. He believes all the criteria for granting the variance are met. This is a unique circumstance that the sign does need is replaced. He has no opposition to the right-of-way variance or the height restriction variance. He would support this portion of the variance. Suriano concurs with his previous comments.

The motion carried by the following vote:

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

Absent: 1 - Shapaka

V-0018-2023 Code 1165.09(a)(4)(B) Design criteria, electronic signs, sign placement

A motion was made by Hicks, seconded by Tamarkin, that variance V-0018-2023 1165.09 (a)(4)(B) Design criteria, electronic signs, sign placement be approved.

Discussion on the motion: Hicks said his comments are going to be for all three of the electronic sign variances. The history of the recent electronic sign applications. He was involved in all except the first one. He feels that monument signs are for wayfinding, not advertisements. Code permits electronic signs under certain circumstances. They do not require the commission's approval. The commission heard that 16,000 cars perhaps travel the road and having a message that a driver has to read is distracting in his opinion. He has opposed all the electronic sign variances that were discussed, except for the last one. The last one the commission tried something different. In talking with the applicant, the commission modified the application and put

some conditions on it when approving. Unfortunately, those conditions are not in effect. The Burger King sign that the commission modified to say that there could only be a black background with white, amber, or similar color that does not change more frequently than once per minute. According to his observation it changes every 10 seconds. It is a red light and one of the images is of a flag waving. The commission does not have a mechanism to enforce its modifications to the electronic sign application. He is not in favor of doing anything other than what the code says, because the commission can't enforce it. He will be voting no on the three variances for the electronic signs because of the three criteria that are required to be consider. All of them have to apply and in his opinion the consideration that there are special circumstances or conditions, or the granting of the variance is necessary for the preservation, enjoyment of substantial property right is not met by the application for the electronic signs. He will not be voting in favor of any of the variances for electronic signs.

Wester said he shares many of the thoughts Hicks identified. The technology of electronic signs changes almost daily, almost hourly. As people like to change the message. Signs can be distracting. The location of a sign can interfere with the line of sight for traffic. It can be an overall distraction within the city. He will not be supporting any of the three variances relative to electronic signs.

Suriano said he thinks that Hicks stated a good bit of his feelings as well. His comments still stand relative to the variances. He thinks that the current requests are too much. He is not in favor of the electronic portions of this variance.

The motion failed by the following vote:

Yes: 0

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

Absent: 1 - Shapaka

V-0018-2023 Code 1165.09(a)(4)(c) Design criteria, electronic signs, construction

A motion was made by Hicks, seconded by Tamarkin, that variance V-0018-2023 1165.09 (a)(4)(c) Design criteria, electronic signs, construction be approved.

Discussion on the motion: Suriano is not in favor of the design review given some of the comments made earlier. He thinks the materials are staying the same, save for the middle portion. He thinks that is appropriate. He said one thing to consider as they go further with the manufacturer and ideally this would change going forward. He thinks the letters are a little crowded and hard to read from far away. That may get helped with increasing the non-electronic portion of the sign. He thinks it is something to note when you think about traffic going back and forth. You want it to have the effect of someone being able to read it from far away.

The motion failed by the following vote:

Yes: 0

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

Absent: 1 - Shapaka

V-0018-2023 Code 1165.09(a)(4)(D) Design criteria, electronic signs, maintenance

A motion was made by Hicks, seconded by Tamarkin, that variance V-0018-2023 1165.09 (a)(4)(D) Design criteria, electronic signs, maintenance be approved.

The motion failed by the following vote:

Yes: 0

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

Absent: 1 - Shapaka

[DR-0016-2023](#)

To consider a Design Review Application for a Monument Sign for property located at 807 Havens Corners Rd.; Parcel ID: 025-003900; Current Zoning RID; St. Matthew Monument Sign; George Harvey, applicant.

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

This item was discussed under V-0018-2023.

Mako asked for a motion to approve DR-0016-20232

A motion was made by Hicks, seconded by Tamarkin, that the Design Review be Approved.

Discussion on the motion: Hicks said that since the design review includes an electronic sign, he will not be in support of this application either.

The motion failed by the following vote:

Yes: 0

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

Absent: 1 - Shapaka

F. UNFINISHED BUSINESS - NONE

G. NEW BUSINESS - NONE

H. OFFICIAL REPORTS

Director of Planning

Blackford said that the department is hiring a planning manager. It is new position, that will be starting in a few weeks. His team continues working with the consultant on the zoning code rewrite. They are working on the public engagement materials. They are thinking about having an event at Creekside. Setting up a display, with some boards to engage people and get some feedback on a few elements of the zoning code. Once that public engagement has happened, they will be incorporating some of their feedback. They will then meet with Planning Commission and City Council. He would expect to have it in the four to six weeks. Greenberg asked if with the zoning code process is there any movement on the administration approval of fences. Blackford said that is things that can be talked about. Process is in the zoning code to a certain degree. They have made changes, fences have always been an administrative approval if they meet code, but we know the commission sees a lot of fences that don't meet code. Blackford can re-look at fences, he sees this as a community preference. That is where he sees community feedback. He sees public signage as a topic. He assumes folks from the public have a lot of feedback. If that is a topic area that they want to look at maybe be more permissive, less permissive they can do a deep dive on any subject that Planning Commission sees. The goal is to get a code that is more of a reflection on the current vision of the community.

I. CORRESPONDENCE AND ACTIONS - NONE

J. POLL MEMBERS FOR COMMENT

Hicks shared that the Columbus Business First had an article this past week titled Nimby's, Community character, Area commissions, Density deniers, Zoning boards and Voter referendums. Here is why planners, developers, advocates, and builders say it is still difficult to address Central Ohio's growing housing shortage. There is a blurb specific to Gahanna that might be of interest. Hicks said they surveyed builders asking if there are any cities or municipalities that are particularly difficult or easy to work with. Under the Gahanna section there are two quotes. "Doing the best they can to find developable land." The second anonymous quote stated, "Gahanna has been challenging because of the unwillingness to push back on specific subdivisions/HOAs about their objections to development. Specifically, subdivisions adjacent to major commercial and traffic corridors." Hicks encouraged the commission to read this edition.

Wester said development takes on a lot of different colors and facets. It can add to the community vision and what the public sees to your city. When you look at an article on development it has to be with a careful eye at who is saying what. It is not a simple situation. Looking at what has been approved this year, close to 550 - 600 apartments. Outside of the construction jobs, what did it add to the city income tax.

Greenberg said he saw that article as well and thought the first part was a nice general comment about the city and what it is doing. He thought the second one was a targeted comment about one development and really wasn't applicable to the entire city and was a little bit unfair.

Suriano thanked Hicks. In his day job as an architect and they have developer clients. In terms of master planning and architecture he tends to support higher density. Columbus has a significant need for housing and that needs to be done responsibly. Going forward Gahanna has even a further onus because it is landlocked. There are other municipalities all around and land as a resource is finite. He thinks the city has an onus to make sure that it is doing and approving responsible development that is as an eye towards longevity sustainability and is something that our community can be proud.

K. ADJOURNMENT

There being no further business the meeting adjourned at 8:05 p.m.