



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Meeting Minutes Planning Commission Workshop

*Bobbie Burba
John Hicks
Joe Keehner
Jennifer Price
Donald R. Shepherd
Thomas J. Wester*

Kayla Holbrook, Deputy Clerk of Council

Wednesday, February 15, 2017

5:30 PM

City Hall

CALL TO ORDER

Chair Burba called the meeting to order at 5:39 p.m.

Present 5 - Bobbie Burba, Thomas J. Wester, Jennifer Tisone Price, Joe Keehner, and John Hicks

Absent 1 - Donald R. Shepherd

ITEMS

[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)

Rosan said met with staff and Shane Ewald last week to review conditions; requested tonight's meeting; these finalized conditions do not mean you are in support of the application, but if approved, these are the conditions; trying to finalize these conditions tonight; next week at the public hearing when there is discussion and a vote, the discussion is not about little portions of the conditions; this is unusual to have this many conditions; wanted that to be resolved before next week; have 18 conditions before you; Hicks asked if these are conditions or modifications; Rosan said the Commission can approve with conditions; also keep in mind, the zoning classification allows outpatient treatment; outpatient will occur with or without this approval; what is at issue is the residential component; if the Commission approves the Conditional Use, you would want conditions; if it is disapproved, there will not be any conditions and there will still be a

treatment facility there; Price clarified it is one application, if the Conditional Use fails, the day-treatment still can open and operate; Rosan said day-treatment is approved under existing zoning; what is before us is to allow an overnight facility; Plank added that they have included the other parcel because some of these conditions will have impact on the other operation; the outpatient is permitted; have voluntarily included the other parcels; creates some issues that we will discuss tonight; Price asked if the use is not approved, the conditions are null; Rosan confirmed, that is exactly right; Rosan reviewed the conditions; Plank commented on the smoking conditions; said this would prohibit smoking on the parking lot and at the office; would like to limit it to the facilities and the residents and their employees; cannot keep people from smoking if they are in the parking lot and dropping someone off; cannot risk losing their conditional use; Price said Mr. Plank makes a valid point; Blackford asked about the one prior, is the 180 days in a calendar year; asking about staff implementing the requirement; is it total for that person or consecutive; Plank said consecutive; Price confirmed that is based on what is common for treatment; Parsley confirmed; Price asked if you should have a lapse time; Plank said fine with consecutive days; do not want to prohibit them from coming to the facility; Plank said the time portion, would limit to the residential facility only; voluntarily added the outpatient facility; Burba asked the hours for the outpatient facility; Parsley said can be from 7 am to 9 pm; Plank does not want the hour language to apply to the outpatient facility; Wester asked what else is open in that area after 9 pm; Rosan said do not want a large gathering at 10 pm at the outpatient facility; Plank said they have the same zoning as the parcel next door, should have the same rights; Keehner said this looks like this use is for the 175 W. Johnstown Rd parcel; asked why this was done; Rosan said the City Attorney determined that if the residential use is with a primary use and required it be part of the application; trying to make it correct; initially the application was only in respect to the residential facility; in order to approve that it has to be an accessory to another primary use; Keehner said a residential treatment facility is not permitted in current code; Rosan said it is permitted as a conditional use as long as it is in conjunction with a permitted use; the problem was that the applicant did not include the original use in the first application; Keehner confirmed this is not a way to permit this use in a spin way; Rosan said this is not a spin, we have to make sure all applications fit within the code; early on, the applicant did not read the code the same way the City Attorney did; Keehner said we need to change the verbiage in the title; Rosan asked if the Commission wanted to limit the outdoor activity condition; Price asked if we can site the parcel ID number for the residential facility; would be her preference to use the parcel ID number; Rosan said we need guidance from Planning Commission on the fencing; Burba said in their application, they had the one drawing, it is a vinyl fence; Plank

explained where his fence would be; Wester said he asked for natural materials in the fence; white vinyl privacy is not attractive; how does it fit in existing vegetation; Plank said part of it is already vinyl fence in the area; Burba said thinks it would be very easy to care for and clean; Plank said would also like landscaping on the property; preference would be to put a picket fence around, but their original application does not have that; Keehner said a 6' fence on James might be more appropriate to suffice the neighbors' concerns; Plank said not very attractive but good for separation; preference is picket, is more attractive; Price said fencing along James and Johnstown, that does not play a purpose in the facility, more for landscaping; Keehner said based on input from the public, perimeter fence is necessary; suggests stepping down on both sides of the fencing on James Road so the corners are 6' and it is symmetrical; Price said okay with white vinyl if purpose is security and privacy; would be stable and have a longer life than wood; Burba confirmed the condos are vinyl; Rosan asked if that condition as is does not need changed; Commission confirmed; Plank said they showed this on their application; Keehner suggested working with an architect on fencing; Rosan asked about the access drive timeframe; Price asked about the timeframe, why 2 years; Plank said his experience with traffic studies is that it takes months to review; there is engineering review; the season this study is done in will impact the time; makes it simpler if the zoning certificate approval is for just one facility; Keehner said the entrance at a four-way stop makes more sense to him; the logic is there; why even worry about that; Wester asked what the fire department needs; Plank said they want access to both locations; talked with traffic study engineer; said a four way stop square off may not make the most sense; may be more appropriate to move the curb-cut to the east of the intersection; do not think you will get the traffic counts for a light; has not been a whole lot of discussion about this topic other than the first meeting; Keehner asked why one year; Plank said wanted 2 years; Priestas said there would be a final development plan filed before they can move forward with that; is a lead time there; Plank said will know more after a study is done; Rosan suggested combining conditions 9 and 16 which discuss that the state licensed provider shall provide that; Plank asked what they mean by certify; what should we certify; Rosan said logical question is enforcement; Plank said fine to combine these; Keehner said there is an element of trust; Plank asked about removal of the word serious from "criminal record involving bodily injury"; Parsley said a simple assault is a bar punch; we do not treat violent offenders; Wester asked about the statistics on the people you treat related to past behavior; asked how many felony offenders you have; Parsley said we do not take rapist or those who have caused serious bodily injury; Plank suggested adding serious into the language; Price asked if someone has a knife on them, when they punch someone, does that not indicate...; Parsley said this is the

nature of the clients they serve; most of them are felons; would like to see the adjective serious added back in; Price asked if serious is a legal term; Plank said it is not; Price asked if that is just an intake call then; Spence said other than the sex offender piece, and they would be prohibited anyway based upon the location; do not believe the applicant will run a criminal history on each applicant; Parsley said we do; Spence said this will be things only visible to us if we responded; would say this means nothing from a law enforcement standpoint; from the police standpoint, we are not only addressing crime, we are answering to the other component, the fear of crime; that is an intangible that we cannot put on paper; no way for the facility to know if there is an arrest warrant pending; essentially not enforceable; record, is no enforceable; Plank said there may not be any way to enforce this unless something happens; in that case, the investment is at risk; is self-regulating in a sense; have to minimize concerns of other patients and the staff; everyone has to be serious about their treatment; Price said they are saying this is their practice, but the police brought up that it is not enforceable; Spence would recommend changing it to read serious physical harm; all okay with that; Parsley explained what a drug safe zone means; no drugs will be used on the property; Rosan asked the Commission about the condition for the security guard; our police recommended any security be unarmed; Plank asked that this is limited to the residential facility; Commission agreed; Plank said the law enforcement services condition will not be an issue, does not see it as a condition; Spence said they will accompany EMS or Fire when needed; Plank said Dayton does this but it is for the psychological facility; Parsley said they work with the Dayton PD to bring in homeless people and they work together; Lt. Murphy said that was not explained to them; was told that by Sergeant Beavers in Dayton; Parsley said that is not true; Rosan asked about adding a condition to restrict residents from leaving after hours; there was testimony; understands it is voluntary; asked the Commission about including a condition; Spence asked if they are there voluntarily, how are they being kept against their will; Parsley said it is made clear upon intake; has never come up; Price said if they say they want to leave, they will not care that they cannot get back into the program; Parsley said signed paper upon arrival so it is not holding them against their will; Burba said most of them are Medicaid patients, can assume some are homeless; Parsley said it is private pay and insurance and Medicaid; Burba asked if they have to make sure those that leave have a place to go; Parsley said we are not allowed to release them to the street; have to make arrangements for somewhere to go; just like a hospital; Burba asked about the residents that will be there; Parsley said cannot say, can come from all over; Rosan asked for any final comments; said there will be a public meeting next Wednesday; the idea behind tonight's meeting was to do the legwork and make Planning Commission available to testimony;

said Planning Commission has received a lot of correspondence, that is all available on Gahanna's website; anything they are considering is available for the public to review; suggested Mr. Plank take a look at that.

ADJOURNMENT

6:52 p.m.