



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Meeting Minutes Planning Commission Workshop

Donald R. Shepherd, Chair

Bobbie Burba, Vice Chair

David K. Andrews

Kristin E. Rosan

Thomas J. Wester

Jennifer Price

Joe Keehner

Kayla Holbrook, Deputy Clerk of Council

Wednesday, June 15, 2016

6:30 PM

Committee Room

OPEN MEETING

Vice Chair Bobbie Burba called the meeting to order at 6:30 p.m.

Present 4 - Bobbie Burba, Thomas J. Wester, Jennifer Tisone Price, and Joe Keehner

Absent 3 - Donald R. Shepherd, David K. Andrews, and Kristin E. Rosan

APPLICATIONS

[CC-0001-2016](#)

To recommend to Council, changes to Part Eleven - Planning and Zoning Code, Chapter 1181, Personal Wireless Service Facilities, of the Codified Ordinances of the City of Gahanna.

(Advertised in the Dispatch on 6/2/2016 and the RFE on 6/16/2016)

Ewald said this is the second workshop; said Rosan asked for changes last week and those changes have been made; appeal would go through Planning Commission; when an administrative review is at the option of the city; said we typically do that today; we have a process by which we invite the applicant in to make sure there are no misunderstandings; removed the language under administrative and conditional use; 1181.06(b), pre-application review; either party may request the meeting to be scheduled; will send an updated copy; wanted to ensure everyone is okay with those changes; asked Blackford if there are any concerns; there were none; Gard and Franey confirmed; Price said believes that speaks to the issues Rosan presented; Ewald said 1181.07(1)(a) is now struck through and the language updated; want to make sure all information on the application is correct for both sides; have some input and have residents here tonight; wanted to walk through some of the feedback; said we need to be as broad as we can; dealing with communication facilities; can apply to different aspects; our goal is to have the

technology but be invisible; formatting issues were fixed; height of the tower, in residential areas, they do not want new towers; we cannot not have a height at all; will take that to court; have to have a limitation for all zoning districts; Schuett said our concern was language; this area appears to say you can allow towers; intent is not the issue, just the verbiage; contradicts; earlier said no new towers in residential but then later includes it in height; Ewald said you have to list the maximum in case it is forced at a court level; Daphne Moehring said that is a variance for Dublin; said new towers are not permitted; they do not go on and include it in definitions thereafter; how is Dublin able to do that; Ewald said neither code has been challenged yet; have had outside counsel look at this; looked at setback; technology is like water, will find a place it can be utilized; they will go to our right-of-way; we had to put a height restriction in each zoning classification; Moehring said if I am Verizon, I would say that part of the code is irrelevant; makes it more unclear and opens the door; Wester said doesn't Dublin say no new towers in sub-divisions; Moehring said sub-divisions are not stated; Blake Windeler said always potential argument and this is a loophole; Ewald said this is not a loophole; we still have to address the fact that we have towers in residential now; have to be careful we do not leave any gaps; we will have a height restriction for each zoning even if there are additional restrictions on top of that; we prefer none; we would like DAS with backhaul; Schuett said we are trying to protect ourselves; appreciates the time and effort put into this; happy we were involved in this; Ewald said this is the time to bring this up; Brad Shoptaw asked if we say restriction is 80 feet but we have an existing 120 feet; how will that impact them if they are going to make a change; Ewald said as long as they do not abandon it, it is grandfathered; our concern is that it needs to be consistent; a height restriction needs applied in all zoning districts; similar to Dublin's height restrictions; Windeler asked if it is a normal threshold; Ewald said depends on technology; Price asked if a large percentage of things will change on the tower, if they will be asked to change; Ewald said adding another carrier or something like that, we administratively approve those now; Price said it is unlikely that given what these are, that there would be a modification that would force them to be compliant with code; Ewald said it is all or nothing; said you are limited to the changes you can make with the equipment; they cannot extend the height of the tower or changing the site; structure will stay the same; Windeler asked why we wouldn't put the height less than 80; Ewald said you would then be prohibiting towers; they will win in court; not prohibiting them from any area; we are just controlling what they look like; Schuett said we are saying no new residential towers; Ewald said 80' is fair; Franey said let's look at what is allowed in residential; Ewald said under single family, 1181.05, page 5 and 6, classification for the base zoning; new towers are not permitted; alternative structures are conditional uses; Schuett asked

what is included; we assume there are no new towers no matter what; Gard said that is in the definitions; Shoptaw asked if there is a way to further define; Ewald and Gard said it is defined; Ewald said it is a structure that can be used to house these; Schuett confirmed they could not apply for the tree today; Ewald confirmed they could not; Moehring said they would need a host; Ewald confirmed; Schuett said we do not want them arguing over what is an alternative structure; Blackford explained the definitions and reasoning; Schuett thanked him and said that answers the concern; Ewald said minimum set-back; originally we were at 100 feet from principal structures; depends on zoning classifications; in RID, is set at 300 feet; Schuett said no new tower residential is awesome, but RID is surrounded by residential; our only protection would be the set-back or fall zone; Ewald said if recalling, required a variance; Moehring said most other codes around us, it is from the tower to the property line; not to a building; we were one of the only municipalities that allowed them to use this space on your property; significantly different and detriment to the residents; Ewald said height of tower is fall zone; Gard confirmed; Moehring asked if we are now using property line; Blackford said this particular provision is to the property line; Moehring said thank you; Schuett said would like to see the 300 increased; 1500 is pretty common; does not mean they still could not apply, it would give us a higher buffer to start with; if we raised to 1000, we would have negotiation room; Shoptaw said if they apply for a variance lower than 300, and we say no, we look uncooperative; Blackford said looked at all properties zoned RID, half of those properties could not meet the 300; if we were at 1500 or 1000, there may only be 2-3 properties zoned RID that could meet the 1000-1500; essentially you are prohibiting; Schuett said you are not saying you cannot, just the way that the property was designed; Moehring asked if they were all surrounded by residential; Blackford said if he recalls correctly; Ewald asked if they recall how far back their setback was on New Life; Moehring said they only had to do 100 feet; Ewald said now it is triple; Moehring said yes, for that situation; would not want to create exposure for those property owners; 300 seems low; Schuett said concerned about the possible variance; Ewald said administratively, we will strongly discourage variances; Planning Commission denied the variance the last time; Moehring said if we have at least 3 situations, why wouldn't we protect our citizens; Ewald said we have increased it three-fold; a variance is a variance no matter what the height is; Moehring said if you are Verizon, and you know the code of municipalities, looks like you can get further with Gahanna; we are setting ourselves up; Ewald said our current code is more lax; if that were the case, they would already be beating the door down; have to take each City and look at it differently; will all have different codes because of the typography; cannot be overly prohibitive; technology requirements only have certain areas they can go into; technology will be market demand on the location; not trying to

prohibit them from RID; Schuett said it is a lot of work, but would recommend we look at each property within RID; Moehring said we understand Gahanna is built-out but the code is to protect our citizens; Ewald said code is so there is consistency in the rules and how they are applied; Moehring said if you abut a RID, a 300 foot buffer is all that is required; as a resident, that is a turn-off; Wester asked what it takes to go to 500 feet; Ewald said is an arbitrary number; would have to evaluate all the RID's and say, based on this size, we believe this is an acceptable amount; Schuett asked why RID's have to have them built on; Ewald said a lot of them have it now; Schuett said would be an argument to co-locate; would be happy to do the legwork; Ewald said we would have to do that internally; Shoptaw said would be interesting to see the percentage with 500 feet; does it narrow down the playing field; would be valuable to understand; Schuett asked if we can look at that; Wester said does not have any issue; Price agreed; worth exploring; Shoptaw said we are wanting to push them toward DAS; as long as we come up with something that does not prohibit them in RID, we are taking our citizens concerns into play; when we look back years from now, want to know how we came up with the number; Ewald said would likely have to take the width of a RID property and assume you are putting in the middle; would skew the data if you went toward Jefferson Township; would want to do that over off Stygler or Olde Ridenour Road or even here at City Hall; ideally you would utilize a park area; Shoptaw asked if we can gather that data by looking at GIS; Ewald said yes; will put that as a placeholder; Shoptaw said happy with language update under site requirements on page 10; Moehring said when looking at monetary effect; apartments are appraised on the three method appraisal factor; their income is their appraisal; they don't have the negative effect of values as a single family home; have to think of those as two different classes of properties; Ewald confirmed they are okay with the other height restrictions; through the bottom of page 10; said right-of-way is 50' and they would apply for a right-of-way permit; they have the right to apply; Moehring said one issue was the location near the creek bank with the last; how would this apply now; Gard said there was a variance for no landscaping at the bowling alley as well; Price asked if we run into trouble with the landscape requirements not being the same; Ewald said they should be the same unless varied; have to be varied for a very specific reason; Price asked if we are getting too descriptive if we discuss if they are on a parking lot; Ewald said prefer to stay away from variances all together; have to look at surroundings and have it blend as best as possible; is on a case-by-case basis; if we put an overlay on a property, you are locked in; want to leave it enough open; Shoptaw asked if we should put something in there saying "if you are on an asphalt surface..."; asked if that is what Price was saying; Blackford asked what is preferable, a fence or greens; is there a type of fencing; Shoptaw said if they are going to put fencing in

there anyway, is there a way to make it so a variance isn't needed; Ewald said there is language that covers that; Schuett asked who enforces the tree requirements; Ewald said the reviewing body; would have to have a site plan submitted; Blackford said have a new tree code coming; Ewald said all plans would be submitted and they could not "break-ground" until approved; said under the notice, added back requirement where a public hearing is required; if in administrative review, will not have that; Schuett said it used to say contiguous; Ewald asked if this belongs in this section; should move to under conditional use; would not have a public hearing for administrative review; Shoptaw said would go in 1181.07(b); Ewald said should add that language here; Schuett said this would be more restrictive; Ewald said this would apply for all conditional use; Wester asked about the person on the other side of the side of the street; Schuett said would like more letters to go out; Gard said we could do contiguous or adjacent; Ewald said would go under B-1 under 1181.07; Schuett said were told in the past they did not have to give information; their reasoning was that there is no evidence, it was just a verbal confirmation; want further specification; Windeler asked if there is verbiage we can add to cover all; Moehring said they gave back statistics, but not Gahanna data; they did not define what those problems were in Gahanna; said the application was cut and paste and not for this location or municipality; did not support a need; the radio frequency needs reporting; they never gave up data when requested; Price said that came up with the bowling alley tower; they could not provide proof they spoke to these people; asked if we can ask for a certified letter; Shoptaw asked what options we have; what is reasonable to request; looks like now it is tell us and trust us; Price said they could just hire someone at minimum wage to knock on doors; contact request is extremely low; without it being cumbersome and burdensome; Ewald said let's walk through the language; page 19(C)(8)(a) would be a requirement that Planning Commission can hold them to; Moehring said is part of the application too; no different than the conditions they look through for variances or other conditional uses; Ewald said does not have a problem providing them with an FAQ; Price asked if we can require a certified letter; or set a standard for reasonable effort; Ewald said would be helpful to talk with the cell tower company; they have a very rigid process in identifying sites; Moehring said they are also in it for a profit; this is important if we want co-locations; how do we write our code to address these issues; Ewald said would have to be careful with code; wouldn't object to a checklist provided when applying; a lot of the time, before they get to Planning Commission, they are done; they are just looking for the stamp; Schuett said if you are pushing hard and asking a lot of questions, they may withdraw and move on; Price asked if we can direct them to do anything further; their word versus proof; maybe this is an isolated situation; Wester said did some site selection, if a

company does not feel comfortable, they will walk; Price said to be respectful of their location selections, they said they had communicated, and there was not an interest; struggle taking something that important at someone's interpretation on what they consider making an attempt; Ewald said thinks the code is broad enough to allow Planning Commission the authority to request additional and supporting documents; need to put that on a list upfront; Schuett said not unreasonable; Shoptaw said looking at page 19(8)(a), substantial evidence; as long as we feel written is defined; Ewald said will meet administratively again; Schuett said would like to see the 300 number increased; Ewald said cannot eliminate all of our properties; Shoptaw said leaving 1/3 is considerable; Schuett confirmed the moratorium is 145 days; Ewald confirmed; said is just enough time to get us through to effective date after Council; Schuett asked if there will be another meeting; Ewald said next week, there is a public hearing; Shoptaw asked for the result of the modification.

ADJOURNMENT

8:03 p.m.