

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, October 25, 1999**

**Immediately following earlier committees.**

**8:00 PM**

**Council Committee Rooms**

## **Committee of the Whole**

*Debra A. Payne, Chairman  
Karen J. Angelou  
Sherie James-Arnold  
L. Nicholas Hogan  
Thomas R. Kneeland  
Rebecca W. Stinchcomb  
Robert W. Kelley, ex officio*

**ADDITIONAL ATTENDEES:**

McGregor, White, Isler, Jordan, Weber

**PENDING LEGISLATION**

**Members Absent:** Debra A. Payne and Rebecca W. Stinchcomb

**Members Present:** Sherie James-Arnold, Thomas R. Kneeland, L. Nicholas Hogan, Karen J. Angelou and Robert W. Kelley

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**990411**

TO CREATE THE FULL-TIME UNCLASSIFIED POSITION OF ADMINISTRATIVE ASSISTANT TO THE DIRECTOR OF PUBLIC SERVICE; TO PROVIDE COMPENSATION THEREFOR; AND TO DECLARE AN EMERGENCY.

McGregor stated that as Jordan outlined we still have the fueling station issues, Health Department issues and others; would be a well used and helpful position in the department; is an appropriation for it this year; if authorized at this point could be first of year before we get a person on board; all of Council needs to feel comfortable with each position we add. Kelley asked McGregor if he was satisfied with the way this has evolved; have been some questions over the last 2 to 3 months; are you ready to move forward. McGregor stated he was ready to move forward; probably won't get anyone on board until first of year at this point. Kneeland stated he supported this now; did have questions earlier; spoke with Mayor and had discussion about finances; understand need for this employee; also spoke with Stinchcomb and her concerns have been answered.

**Recommended for Adoption, Consent to Consent Agenda (Duplicate)**

**990412**

TO AMEND ORDINANCE NO. 980440, WHICH PROVIDED RATES OF PAY AND BENEFITS FOR UNCLASSIFIED PERSONNEL OF THE CITY OF GAHANNA FOR THE PERIOD JANUARY 1, 1998, THROUGH DECEMBER 31, 2000, TO PROVIDE FOR AN ADMINISTRATIVE ASSISTANT TO THE DIRECTOR OF PUBLIC SERVICE; AND TO DECLARE AN EMERGENCY

**Recommended for Adoption, Consent to Consent Agenda (Duplicate)**

**990502**

TO ACCEPT THE GAHANNA HEARTLAND CONCEPTUAL PLAN, AS REVISED AND DATED AUGUST 25, 1999, AS PREPARED BY BURNS, BERTSCH & HARRIS, INC., AND GEORGE PARKER & ASSOCIATES, AIA, AND THE DEVELOPMENT PRINCIPLES THEREON AS A GUIDE FOR DEVELOPMENT OF THE AREA.

White stated that when she came on board were many things on the table; series of plans had been identified as needed done as supplementals to our master plan; heartland plan was one of them; talked about this very unique area bounded by Hamilton, confluence at south, Big Walnut on the west and 62 on the north; felt there would be consistency in Dale Bertsch doing this since he also did the triangle plans; contracted with local architect George Parker to aid in completing the plan; had several reiterations in terms of language and various recommendations; Council did not believe the language contained in the concept plan in terms of the development principles utilized relative to subsequent development was appropriate; held several public hearings and provided opportunity for all kinds of input; Council sent the plan back to Planning Commission for reconsideration; they reviewed and made a second recommendation with some changes and public hearing was held at last meeting on the changed plan; prior to making presentation at last council meeting concerns surfaced with regard to the 6th principle in the text; third paragraph language was objectionable; have reviewed the text in 5th principle; consideration of new uses is critical phrase there; felt this language

would be more than sufficient to give us good legal standing; can easily drop that last paragraph and not destroy what Council is looking for; new uses are always considered; whether they are to be rezoned is ultimately a decision of Council; this was acceptable to the parties that contacted us; came out at public hearing that residents were not interested in aggregation any longer; need to respect single property rights; that is the first time that came out in all the public meetings we have had; concerns expressed earlier were residential character, traffic, and no opportunity for suburban office.

McGregor noted defending against some developers like the Carpenter Road developer who wanted to subdivide; also Realtor Art Russo talking to people across from Levine about potential of commercial sites; fighting legal battle with Grandminico who wanted to turn her property into commercial even though it is floodway.

White continued that one developer wanted commercial in the heartland area and even though we told him it would stay residential he speculated and bought it anyway; know we have a series of opponents out there; need a legal plan; need to give guidance to Planning Commission and then can legally defend a Planning Commission decision if they turn something down like they did on Carpenter Road.

Kelley noted he could not support any reference to Suburban Office; can this sentence be taken out; felt we would get something different back from Planning. White noted this is what Planning recommended back the second time; can strike anything out. Angelou questioned if it would need to go back to Planning as what is to be stricken has a fairly large effect on this document.

McGregor noted that it does change its feel but from a legal standpoint is defensible; to take everything out would cripple our legal defense. Weber noted this is a fairly generic document. In response to question on map changes, White stated there is only one correct map in existence at this point; have done no reductions as a cost saving measure until we knew we had the final document.

Hogan stated he can't support commercial or suburban office; Hamilton Road is no different than 62 between Hamilton and Carpenter.

James-Arnold stated that if we allow this to start it will snowball; next one will be lot splits on Carpenter and then James Road; will then need to revisit Hamilton across from K-Mart; when I was an active realtor was approached twice to talk to neighbors on Hamilton; did that and then talked to then Development Director Williams and told him what developer would like to do; was told to go away and I did; we can say no; whether we have plan or not we have the right to go through the steps to rezone; comfortable with taking out suburban office and leave new uses.

Angelou stated that often the option becomes the first line; in many people's minds suburban office is confused with commercial; will then attach that to the widening of the road and feel it will cause the area to go to suburban office or commercial; only way that can happen is if people sell their properties to a developer who brings it in; should strongly uphold zoning code so properties don't fall into disrepair; that road will be widened; believe it will be 5 lanes; maybe in 2002 or 2003 it will only support 3 lane but I believe it will say 5; it doesn't have to change character of that neighborhood; think we need to remove suburban office and can only support residential; if we don't will see the slippery slope in other areas; a lot of houses could go on 6 acres; that's not a wonderful thing either; this area is very different than Taylor Road which has always been industrial and now needs a buffer between that and houses; can't be put in same niche except for change; have done a wonderful job of presenting this for the city; believe in

plans; they are always changing documents; in 5 years or 10 years could have a different picture; will remain the same if people allow the area to remain the same; need to hold strongly here and say we want the area to remain a residential community; say that our suburban office and commercial areas are on our perimeters and our center town but our main thing is to provide residential.

White stated that what is not coming out is we are trying to make this very difficult without being impossible; will be very narrow area in which to make this area go any other way than residential especially single family residential; lot will have to do with ingress and egress; don't think commercial because that will drive the prices if we allow that encroachment in that area; may come on the heels of widening the highway; in many communities that is the sequence; need to strengthen our position to be able to say no.

Kneeland noted that this documents gives us protection; we initiated it in house to protect that area; don't see this area as any different than West Gahanna redevelopment study; don't see how suburban office can fit in there; document has been revised but needs further revision.

Debbie Levine, 460 Old Mill, stated one concern needs to be to strengthen the position of the plan to maintain residential area; how have you been able to maintain on west side across from K-Mart which has a dozen different houses. In response to question, it was noted the city owned the property next to BP; have vigorously fought plans through the years to redevelop the west side of Hamilton down to Rocky Fork South; that area has been maintained residential. Levine stated she personally knows several rentals for speculation; as developer do like to speculate in certain areas; all rentals and landlords are not slumlords; zoning board needs to be proactive; have rental houses in Bexley and they are vigorous in their enforcement; that's what keeps them clean; am a landlord heavily in Gahanna; need to stay on top of the landlords; have speculated for 20 years; sometimes it's iffy and sometimes it isn't; but what did city do to secure that area; several houses are just waiting for the right time.

McGregor stated the land use plan says that will never change; the commercial area on east side is part of a PUD, the only true one in Gahanna; houses were there first; can maintain the west side of Hamilton Road.

Hogan stated that a good portion of it has been done by administrative order and code enforcement; some people don't want to assemble; they are very shallow lots; in order to develop would need to purchase those as well as those on Iroquois to make those deep enough. Angelou stated at various times that area has also been discussed as park land.

Levine stated that the topography of land is another issue on North Hamilton; would be tough to develop at this point; is not one vacant lot there; all have single family homes; Vogelpohl is a spokesman for many of her neighbors; don't think redevelopment is possible without destroying the land; even multi family drives prices up; anything other than situation now will increase the value of that land; houses have been up for sale in last couple of years and all have sold; still concerned with the bubbles shown on the map.

Kelley asked if Levine would be comfortable if we struck that last paragraph. McGregor stated that aggregation is a protection. White stated that the bubbles represent the pressure areas. McGregor noted we are already fighting the developers; could not change zoning without a vote. White stated we were looking at pressure areas being subjected to development demands; want to be able to tell developers that if you are thinking remotely of doing commercial then you will have a great deal of difficulty

redeveloping because we have determined the use; only way you can begin to approach is that you would have amassed that land; if you amassed will only look at other single family developments; legally can ask for that kind of redevelopment; already have said that this could be redeveloped but want it to be single family; guide them and say single family proposal that meets codes; ingress and egress can be no closer than 600 feet; all this begins to say to a developer that it will not be profitable; if you buy 6 of these parcels planning on getting other than single family you will be taking a large risk; trying to create a legal document that we can use to support our fight with developers who want to develop other than what we have said. McGregor reiterated that a developer can't say this plan is unconstitutional and a taking as it does not allow for any latitude for land owner; this plan gives us a defensible stand.

Mike Levine, 460 Old Mill Drive, stated that residents have said they want to maintain single family residential character to that neighborhood; why can't we just say that. Kneeland stated we have to be able to defend the plan legally; went through those issues when land use plan was developed; if we tell them it's residential the perception is there that we have devalued their property.

Hogan stated that in the heartland plan area we have condos, duplexes, and things other than residential; can't go in and say this property is single family residential only; need to make as narrow as possible a framework for anyone who wanted to come in; if we did say this is single family residential only, and they break it legally then they can put anything in; need to take the approach they are open to new uses; a parameter you can use that is legal and defensible.

McGregor noted we consistently say no to developers; this phrasing gives us the best ability to affirm in court; don't want to cripple our own defense. Weber agreed; need to categorize rather than by zoning classifications; that hurts us in a court of law based on being able to defend our position; categorize into residential and delineate between residential and commercial zoning; that's what we did in land use plan. White stated that the other item is we have studied the area; hired experts who came up with a plan; all those are part of the defense; for example, if your property is zoned SF-1 you have every right to come in tomorrow and ask for a different zoning; we have to consider it; you can take it all the way to highest court in order to change that; but we need to have protections in place; need to look at spot zoning and uses that would be out of character; that's what this plan is for; have made it very clear that intent for Heartland is to keep the character that it has; to keep it single family and resist pressures; didn't say nothing could be done and we don't step on property rights because we only acknowledge current zoning; if you want a new use there are many things you have to do.

Weber referred to 5th principle; feel this is the most we can say without going over the line. Kneeland stated this is a plan not a zoning document. Angelou stated that if we don't update plans on a timely basis, that can act against us in court also.

In response to questions, White stated copies of the revised map will be made available; map will have all references to office removed; needs to be attached to the legislation; will scratch the last paragraph of the 6th principle for attachment also. In response to question, Weber stated this did not need to go back to Planning Commission.

M. Levine stated that from a practical standpoint and as time goes by, a viable question at election time for candidates would be their feelings on the development of Hamilton Road. Council agreed.

**Recommended for Adoption, Consent to Regular Agenda (Duplicate)**

## **Parkland Assessment - 5145 Morse Road**

Item was briefly discussed with committee recommending fees in lieu of park land for this site.

**Recommend for Approval to Consent Agenda (Duplicate)**

**ISOBEL L. SHERWOOD, CMC/AAE, Deputy Clerk of Council, reporting**