



City of Gahanna

Meeting Minutes

Planning Commission

200 South Hamilton Road
Gahanna, Ohio 43230

Donald R. Shepherd, Chair
Bobbie Burba, Vice Chair
David K. Andrews
Kristin E. Rosan
Thomas J. Wester
Jennifer Price
Joe Keehner

Wednesday, February 10, 2016

7:00 PM

City Hall

Commission may caucus at 6:30 p.m. in the Committee Room

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 10, 2016. The agenda for this meeting was published on February 5, 2016. Chair Don Shepherd called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Bobbie Burba.

Present 7 - David K. Andrews, Donald R. Shepherd, Bobbie Burba, Kristin E. Rosan, Thomas J. Wester, Jennifer Tisone Price, and Joe Keehner

B. ADDITIONS OR CORRECTIONS TO THE AGENDA

None.

C. APPROVAL OF MINUTES:

[2016-0030](#) Planning Commission Minutes - January 27, 2016

A motion was made by Rosan, seconded by Andrews, that these Minutes be Approved. The motion carried by the following vote:

Yes: 7 - Andrews, Shepherd, Burba, Rosan, Wester, Price and Keehner

D. HEARING OF VISITORS - ITEMS NOT ON AGENDA

None.

E. APPLICATIONS/PUBLIC HEARINGS:

In accordance with Planning Commission Rules Section 6.10A, if there is more than one application pending before the Commission for a particular address at a meeting, the public hearings on each application may be consolidated and held as one.

Chair stated Public Hearing Rules that would govern all public hearings this evening. Assistant City Attorney Thomas L. Weber administered an oath to those persons wishing to present testimony this evening.

[CU-0002-2016](#)

To consider a Conditional Use application to allow the commercial sale of auto parts in a Community Commercial (CC) zoning district; for property located at 403 Agler Road; Parcel ID numbers 025-001029 and 025-012296; O'Reilly Auto Enterprises, LLC, applicant.

(Advertised in the RFE on 2/4/2016.)

Blackford gave summary of the applications; said the project should look familiar; same request that was approved in Fall of 2014; the requests expired in Fall 2015; the variance was considered in Fall of 2015 but action was not taken; they are asking for a 71.12 square foot wall sign; the code allows for a maximum of 50 square feet; the rendering for the variance was shown; future land use is commercial as are majority of adjacent properties; all are zoned Community Commercial (CC); one change is that the City completed the Economic Development Strategy (EDS); this is target site 1A; there is a roadway realignment proposed; recommend retail through this property; target site 1A was shown from the EDS; the strategy is a concept; property is located within the West Gahanna Development Study that was adopted in 1997; was meant to guide Planning Commission decisions, like the recent EDS; encourage fewer and less obtrusive signs; also realizes the area needs additional retail uses; reviewed code criteria for a conditional use; the existing use, or previous use was Frank Duff's Auto and it was a more intense use; reviewed the final development plan criteria; said proposed development meets development standards; consistent with character in the area; reviewed design review criteria; building is stylistically compatible with other new or renovated structures; staff recommends approval of three of the applications; the CU, FDP and DR applications; applications were previously approved by Planning Commission; as to the variance, staff has some concerns as requested; questioned whether the property will yield a reasonable return without the variance; where the variance is substantial; and whether the property owner purchased the property with knowledge of zoning restrictions; when first submitted their signage was consistent with code knowing our requirements; staff recommends denial of the

variance; request is inconsistent with West Gahanna.

Chair opened the public hearing at 7:11 p.m.

Applicant, Nick D'allura, 516 Thorngate Court Galloway, Ohio; Robert Deitz, 645 Swift Road, Kirksey, Kentucky; D'allura said they want to stay consistent with their design and their buildings; want their signs to look uniform on all buildings; they have had signs that look out of proportion with the building; Deitz said he is here to answer any questions for the site.

Chair called for proponents; there were none. Chair called for opponents; there were none.

Discussion: Wester asked if they will do repairs in the parking lot; D'allura said they do and they will change wiper blades or check the oil; will not conduct brake repairs; will offer the courtesy of changing the battery; want their customers to be safe on the road; do not do major repairs; Keehner said two drawings have a rectangle next to the building; asked what they were; said they are on the west side of the building; Deitz said it is the underground retention; needed to comply with stormwater requirements; Keehner said the sign is the same for each store but not the size; the proportion argument is a valid argument; in terms of landscaping, usually encourage applicants to plant herbs and shrubs; said the current plan has four kinds of plants on the site and the shrubs are okay; said it is not overly inspiring; would like to see some herbs as this is the herb capital; Andrews asked if there was landscaping on the back along US-62; said he was not in favor of this application when it was previously approved; there are two auto part stores in that area currently; have trouble approving a variance for a larger sign because they do not want the other auto stores in the area asking for larger signs; concerned that the applications expired; Wester said he is in support of the West Gahanna Development Study and the requirements; 40% in context is a good jump; said our code does not prohibit it, but questioned allowing repairs to be made in the parking lot; we have other retailers in the area that do that; D'allura said they have traditionally been very good neighbors; try to give back and work with local groups; very community oriented; apologized for the length of time that passed between the applications being approved and now; Andrews said was concerned with Blackford's comment that this was consistent with the West Side of Gahanna; asked if we would approve this store in another part of Gahanna; Deitz said the reason for the additional auto store in the area is that it creates a destination point; if a customer is not able to be accommodated at Autozone, they can come to O'Reilly's; it is like Applebees locating next to another restaurant; you purposefully build next to other like stores; D'allura has had these

stores for 3-4 years and they take very good care of their stores; their stores are clean and inviting; want customers to say the space was well-lit and clean; most of the stores have long term leases and they are invested in their future; Price said she wants to revisit the landscaping; said it was a valid point to enhance the landscaping more in the back of the building and the view from US-62; not sure that can be done today; asked what our options are for landscaping coming back for approval; Rosan said it is the Design Review application and we can table that application; Price said some of the frustration is that there is a big push to revitalize that area; believes the City is taking some proactive steps to revitalize the area and as everything goes in it should set a standard; additional landscaping would speak to the business in Gahanna; would like to look at a new landscape plan; Keehner said there is an improved landscaping over what is shown now; on the back of the building they are showing holly shrubs, Eastern Red Cedar and Norway Spruce; they also have the fence that they have no control over; Price said aware they have something; can put in larger bushes and enhance the area and not worry about them surviving; cannot wait 10 years for trees to grow and provide buffers.

Chair closed the public hearing at 7:28 p.m.

A motion was made by Burba, seconded by Keehner, that this Conditional Use be Approved.

Discussion on the Motion: Keehner said this is a plan for the future; does not find it totally irrelevant; will likely vote for it; if you look at the EDS you see that one of the auto stores in the area could be moving; do not know how long the entire plan will take to evolve; Wester said he will support this and believes it is a step in the right direction to revitalize that area; O'Reilly is a good looking building; believes it will be a good addition; Andrews said will be voting no and feels this side of Gahanna is getting something they do not need or want; this will not help with increasing walkability in Gahanna; Burba said they own this property and they have an investment in the area; believes they are invested; will support it.

The motion carried by the following vote:

Yes: 6 - Shepherd, Burba, Rosan, Wester, Price and Keehner

No: 1 - Andrews

[V-0002-2016](#)

To consider a Variance application to vary section 1165.08 (b)(1), Permanent Signs, of the Codified Ordinances of the City of Gahanna; to allow a wall sign to exceed 50 square feet; for property located at 403 Agler Road; Parcel ID numbers 025-001029 and 025-012296; current zoning CC, Community Commercial; O'Reilly Auto Enterprises, LLC, applicant.

(Advertised in the RFE on 2/4/2016.) Postponed from 2/10/2016 meeting.

See discussion under CU-0002-2016.

A motion was made by Burba, seconded by Rosan, that this Variance be Approved.

Discussion on the Motion: Wester said looking at the plan, we have to start adopting it at some point in time; cannot support the variance for the signage; believes there is a monument sign in front; will not be supporting this variance; Keehner asked if we had seen the monument sign; Gard said the placement has been seen; they have not come in for the monument sign; D'allura said he will be in front of Planning Commission if a variance is requested; Rosan said that would be administratively approved; Andrews said he agrees with Wester and will stick to our rules; Price said will not support this application; important to move toward the design standards; code allows a sign large enough that is visible to patrons; said there is no need for a variance on this sign; Rosan said we have talked in the past about adjusting the sign standards to be based on the percentage of the building as opposed to a flat, uniform 50 square feet; we have looked at variances like this in the past and reviewed the percentage of the sign to the building; would want to see a rendering of the sign scaled to meet code before it is installed and looks out of proportion; that is a risk we take if we deny the variance.

A motion was made by Rosan, seconded by Wester, that this Variance application be Postponed to Date Certain to the Planning Commission, due back on 2/24/2016.

Discussion on the Motion: Price said Rosan made valid points; frustrated that we have repeatedly expressed concerns over the sign and asked for changes in the scale of the sign; open to another opportunity; will support postponing it; D'allura asked for clarification; Rosan said at the last public hearing, the request did not match what they had on paper and they asked for additional renderings to scale; Keehner said the largest letter is 38" high; the sign is not overly large; would be nice to see what it will look like with a sign within code.

The motion carried by the following vote:

Yes: 7 - Andrews, Shepherd, Burba, Rosan, Wester, Price and Keehner

[FDP-0003-2016](#)

To consider a Final Development Plan application for a new Auto Parts Retail store; for property located at 403 Agler Road; Parcel ID numbers 025-001029 and 025-012296; current zoning CC, Community Commercial; O'Reilly Auto Enterprises, LLC, applicant.

(Advertised in the RFE on 2/4/2016)

See discussion under CU-0002-2016.

A motion was made by Rosan, seconded by Wester, that this Final Development Plan be Approved. The motion carried by the following vote:

Yes: 7 - Andrews, Shepherd, Burba, Rosan, Wester, Price and Keehner

F. UNFINISHED BUSINESS:

[CU-0001-2016](#)

To consider a Conditional Use application to allow stockpiling of construction materials in an Office, Commerce and Technology (OCT) zoning district; for property located at 1000 Bricklawn Avenue; Reclamation, LLC, applicant.

(Advertised in the RFE on 1/21/2016)

This application was discussed after a Motion on the Design Review (DR-0005-2016) under New Business.

Blackford gave a summary of the application; said this was previously approved with a two year extension in 2010, 2012 and 2014; showed an aerial map of the site in relation to Enterprise Drive and Bricklawn Drive; showed an image of the site plan; said in 2014 conditions for approval expired in December 2015; applicant needed to provide evidence of progress to ready the site for No Further Action by the EPA; other conditions discussed but not adopted were road maintenance and dust control procedures and no truck signs on Enterprise Drive; it was determined they did not have to adhere to these conditions; staff recommends if approved today they have to abide by these conditions; reviewed code criteria for the conditional use; located within a target site of the EDS; do not have a specific layout and uses determined for this area; development will not have undesirable effects on surrounding area; use will be keeping with existing land use character; staffs opinion that this request is consistent with criteria for conditional use approval; recommends approval with conditions: a timeframe of two years; adhering to the road maintenance and dust control procedures document previously provided by the applicant; no trucks sign on Enterprise Drive; and a progress report be provided documenting progress to achieving No Further Action letter.

Applicant, Wendy Geiger, 173 James Road, Steve Geiger, 6 Town Street Pataskala Ohio; Wendy Geiger handed out information to the Planning Commission; said in March 2009 Geiger Excavating and Reclamation purchased and began the task of closing and site remediation for the 22 acre parcel; as done with previous landfill projects in the City of Columbus, they began operating a concrete, asphalt and dirt recycling facility; at that time they did not realize Gahanna's code limited outside storage height to 10'; speaking with Gahanna staff they learned that the OCT district is the only area in Gahanna that has a limit on outdoor storage height, believed to be because of an old FAA restriction that is no longer in place; in August 2010 we applied for a conditional use permit to allow materials be stockpiled over 10'; we were approved with a recommended time frame of only two years; previous experience showed that the estimated timeline for the project would take 10-15 years and over \$4 million dollars; we have been in front of Planning Commission for this

request in 2012, 2014 and again today asking to continue operations; the process is so long because we are a private company; most landfills are closed by cities or townships that have qualified for sometimes millions of dollars in grants to make the clean up possible; even with those funds a project like this can take years; since 2009 we have invested close to 3.5 million dollars in site remediation and added over a million and a half yards to get this site closer to the No Further Action letter; in 2010 Geiger applied for \$200,000 worth of browns field funds that were given back to the state and the application process had to start over; in 2011 we began working with Erin Hazelton at the Ohio Development Services Agency to secure outside funding for the project; the first application took 9 months to get to submission and an additional 3 months for review; we were then directed to Ohio Water Development Agency (OWDA) funding; in late 2013 OWCA awarded a loan of \$221,000 to complete phase 1 assessment to the property as a first look into what they would want to see done next; since last Commission meeting, this phase 2 property assessment consisted of having trees that had been cleared from the site and hauled away, the installation of 3 water wells and soil and water sampling by our environmental engineer firm, Weaver Consultant Group and Rob Freda, our engineer; this took a little over a year and close to \$250,000 to complete; the document was received on December 30, 2015 but the file was too large to print everyone a copy; in January discussion began to see what needed to be done at the state level before moving onto the federal level; they have a large document to review, so we will not get an answer likely right away; we have also been meeting with JobsOhio, Columbus 2020, and Gahanna's Development Department to work on the marketability of the site for rail access; we have completed this in less than 7 years with a 6 person crew while building a profitable business and paying taxes; we are self funded and rehabilitate these properties to utilize the land as a funding source to recoup investments; we recycle concrete and asphalt and feed it into a machine that the opening is 15 feet off the ground; then we screen it to size where it gets distributed by the stackers that are 25' high; the image passed around shows me standing at grade the first pink flag represents 10' and the second pink flag 25'; that 15' of airspace on a 22 acre parcel that can only be seen upon entry into our site or if you are flying Southwest Airlines; we are asking to continue to allow us this use so we can continue to fund remediation to this site; our environmental engineer is here to answer any questions you may have.

Wester said this activity started in 2009; it has now been 7 years; asked what percentage we are at in regards to capping the landfill; Rob Freda, environmental engineer, 12678 Oakmere Drive Pickerington, said we still have assessment work to do out there; cap that is there is close to the 90% mark; Wester asked if it was safe to

assume we will have a completion date of June 2017; Freda said it is achievable but will depend on meetings with Ohio EPA's requirements; Wester asked how many yards have been added to the fill; Wendy Geiger said 7,000 loads at 20 yards a lot; they had to stop taking loads for the summer; they were out doing soil samples for phase 2; could not add any material to the site until completed; Wester confirmed they are asking for the ability to store construction materials that are recycled concrete and asphalt; Wendy Geiger said they recycle concrete and asphalt to a gravel product to use and retail; Wester asked if this is approved, asked what the volumes of the piles are; Wendy Geiger said it will depend on the square foot; said if we flatten it out over the 30 acres versus stockpile it, the footprint at the base will get smaller; Steve Geiger indicated 25 feet will be close to 2,000 tons; stackers pivot on wheels to make the pile in a portion shape so you can obtain aggregate in a 10-15,000 ton per pile; Wester asked how many yards to a ton; Steve Geiger replied on concrete, there is 1.9 tons to a yard; Wendy Geiger said it is 1.5 crushed; Wester asked if more materials are stored if it impedes the progress; Steve Geiger said these are portable and they can be moved around the site except the scales; as we are stockpiling the gravel, we can move the plant; Rosan asked the building height permit in OCT; Gard said it is governed by the FAA; do not have the exact height; Rosan said one of the things noticed, talking about the 10 feet, it is for materials being stored outdoors; stuff referenced from city code, City of Columbus city code given is referring to building height; Wendy Geiger said may have pulled the wrong code; Rosan said doubts that the City permits 60' feet of outdoor storage; Wendy Geiger agreed, said within code said any district that did not limit, they said there was a 35' height limit; Rosan said Gahanna was referencing buildings being only 10' high; on a separate note, the last time there were neighbor complaints of dust control measures and ingress and egress on Enterprise Drive; asked if they have controlled those; Wendy Geiger said they water their roads everyday to control that; have followed the plan submitted to the City; Rosan asked Gard if there have been additional complaints; Gard said there have been none; Rosan asked about ingress and egress on Enterprise Drive; understood there was once a sign and then it was taken down; Wendy Geiger said they decided to take the sign down; Enterprise Drive comes into their property; have deeded access; said it came to their attention that part of Bricklawn is not owned by the City of Gahanna and could be shut down at any time; did not want to get into a situation where they were directing all traffic through an area that could be shut down; Priestas said there is a lack of dedicated right-of-way on a portion of Bricklawn; working with property owners for a dedication that was promised; there is right-of-way that fronts Levitt service road and their property; Steve Geiger said there is a 15 foot hill and there is a grade factor they would have to follow for the street design; cannot do it with the amount of footage they have;

Rosan said understands the sign has been taken down; asked if trucks were still being redirected to avoid complaints from neighbors; if the City gets complaints it is hard to issue a conditional use; Wendy Geiger said we still direct trucks to use Bricklawn; if a truck comes from Enterprise they tell them to use Bricklawn; left Enterprise Drive up because if Mapquested, it directs drivers to Enterprise Drive; did not want to have signs up for drivers to be told "do not enter" as Bricklawn does not show on Mapquest; Rosan said those familiar with their establishment know to use the Bricklawn entrance; Wendy Geiger confirmed yes; Price said in the application there is a letter dated June 1, 2015 from JobsOhio that had a summary of assistance with it; said it is a very positive letter; said the summary of assistance is not in the application; trying to get a feel of what services and assistance they were offering; Wendy Geiger said they were offering assistance to complete the second phase; it is a document over 1,000 pages for that assessment; Price confirmed they helped fund that; asked if there was anything else to help complete this; Wendy Geiger said there was not; Freda said after the document was complete they found their drinking water levels needed to be dealt with and their soil and waste levels were what they expected; Price said it was the soil samples that were deeper in the ground; Freda said it is the waste and soils mixed together; said the cap itself is the barrier; Price said 90% of the cap is in place; Freda said the amount they are at should satisfy Ohio EPA; Price said in 7 years they have about 90% complete; asked if it is fair to say the other 10% can be complete in a year; Freda said that is fair to say but we still need to meet with Ohio EPA; it has been submitted to JobsOhio; as far as the cap, it is pretty close; will have to get a survey done of the entire property; still some work to be done; Wendy Geiger said reason for the stockpiling is to afford the remediation of the site; Freda said typically this would be funded by the state or a municipality; it is on the private owners in this case; Keehner said he was comfortable with this application request the last time; said this is a complicated kind of thing; as he sees it they are offering a service to the City; Andrews said we keep seeing the owners every once in awhile; concerned about the road maintenance and the truck sign coming down; disappointed attorneys got involved and the sign came down; Wendy Geiger said they did implement the road maintenance; there were no attorneys involved as they spoke with the City about not owning a portion of Bricklawn; have not had additional complaints; amount of truck traffic has slowed from the amount of testing on the site from last summer; believes they have enough on site to complete the project; said they are not taking in anymore asphalt as they have reached a max at this time; Burba said has known the Geiger family for a long time; they have lived in Gahanna; have no issues with this; Shepherd asked about a deed showing legal access; Blackford said does not believe staff has seen that; Wendy Geiger said can get them a copy; believes Anthony Jones

has seen the deed in an on-site meeting; they have deeded access to Enterprise Drive; Shepherd requests they bring that in within 2 weeks; said phase two and environmental studies take a long time; the meat of it takes forever to go through and sift through; understands it takes time; seems like we are moving closer to the end; Wendy Geiger said at sale it is appraised at 1.2 million but will require about 3 million to complete; Shepherd asked how much time they realistically need; Wendy Geiger said in original statement, believed this project to take 10-15 years; said we do not have a timeline right now with this being in the hands of others; Shepherd asked if it would be unreasonable to ask for a quarter progress report or every bi-annual report; Rosan said staff recommends two years for the time frame; Wester said that is fine as long as we get a 6 month progress report; Blackford said believes it would be beneficial for staff to have those reports; Wester said would like staff to report to Planning Commission; Blackford said that is something that can be brought forward every 6 months to the Commission; Rosan said some of the reason why they did not get complaints was due to dust control and little work going on in the summer; once things get underway we may have complaints; no way to know that; asked if there was a way to formulate the condition to bring the sign back up; Weber asked if that is something staff can monitor administratively; Rosan said fine with the sign staying down unless there are complaints and then staff can require the sign back up; Gard asked if we tell the truck drivers to exit on Bricklawn; Wendy Geiger said they are told; Gard said witnessed differently in January; asked about posting a sign for the exit; Wendy Geiger said there is no problem with that.

A motion was made by Price, seconded by Rosan, that this Conditional Use be Approved with the following conditions:

- There will be a timeframe of two years.
- There will be adherence to the road maintenance and dust control procedures document previously provided by the applicant.
- Signage will be added to ensure that trucks are not exiting on Enterprise Drive.
- A progress report will be supplied to the Development Department every 6 months documenting the progress to achieving the No Further Action letter.
- Within 14 days of this hearing the applicant will provide a copy of the deed that will show the Enterprise right-of-way issue.
- Staff may require the replacement of the no truck sign on Enterprise Drive if staff receives complaints; will leave that to staff's sole discretion to make that request; also that staff will notify the applicant of any complaints received so they can take measures to address them.

Discussion on the Motion: Rosan asked if we want to add the ability for staff to request the sign be put up if there is a complaint; Geiger said there was nothing implemented on how to notify the owners there was a complaint; they had no time to address a complaint; would like to address it and be notified; Gard said a postal letter is sent; Wendy Geiger said that is fine; Rosan confirmed we are adding that staff may require the replacement of the no truck sign on Enterprise Drive if staff receives complaints; will leave that to staffs

discretion; also ask that staff notifies the applicant of any complaints received; Shepherd noted that condition will be applied to the Motion.

The motion carried by the following vote:

Yes: 7 - Andrews, Shepherd, Burba, Rosan, Wester, Price and Keehner

[2016-0049](#)

2-10-16 information handout from Wendy Geiger

G. NEW BUSINESS:

[DR-0005-2016](#)

An application for Certificate of Appropriateness for Site Plan, Landscaping, and Building Design; for property located at 403 Agler Road Parcel ID numbers 025-001029 and 025-012296; O'Reilly Auto Parts, applicant.

Postponed from 2/10/2016 meeting.

This application was voted on immediately after the Public Hearings section of the agenda. See discussion under CU-0002-2016.

A motion was made by Rosan, seconded by Wester, that this Design Review be Postponed to Date Certain to the Planning Commission, due back on 2/24/2016.

Discussion on the Motion: Keehner confirmed this will bring forward the landscaping questions; Shepherd said yes and said the applicant can bring in plans and work with staff; they should be a great guidance to the landscaping desires of Planning Commission.

The motion carried by the following vote:

Yes: 7 - Andrews, Shepherd, Burba, Rosan, Wester, Price and Keehner

[2016-0031](#)

Planning Commission Rules of Procedure - to be adopted as amended.

A motion was made by Rosan, seconded by Wester, that the Rules of Procedure be Adopted as Amended. The motion carried by the following vote:

Yes: 7 - Andrews, Shepherd, Burba, Rosan, Wester, Price and Keehner

H. OFFICIAL REPORTS:

City Attorney

No report.

City Engineer

No report.

Department of Development

No report.

Council Liaison

No report.

CIC Liaison

No report.

Chair

No report.

I. CORRESPONDENCE AND ACTIONS

None.

J. POLL MEMBERS FOR COMMENT

None.

K. ADJOURNMENT

8:36 p.m.

Kayla Holbrook
Deputy Clerk of Council

*APPROVED by the Planning Commission, this
day of 2016.*

Donald R. Shepherd