



**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*

*Kayla Holbrook, Deputy Clerk of Council*

*The Commission may caucus at 6:30 p.m.*

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Wednesday, September 28, 2016

7:00 PM

City Hall

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**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, September 28, 2016. The agenda for this meeting was published on September 23, 2016. Chair Don Shepherd called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Jennifer Price.

**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:**

2016-0299 Planning Commission Minutes - September 14, 2016 & Workshop - September 21, 2016

A motion was made by Wester, 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-0008-2016

To consider a Conditional Use Application to allow a towing & auto care facility in an Office, Commerce, and Technology (OCT) zoning district, for property located at 788 Taylor Station Road; Parcel ID No. 025-003996; Ahmed Shehata, applicant.

(Advertised in the RFE on 9/22/2016)

Gard gave a summary of the application.

Chair opened the public hearing at 7:06 p.m.

Applicant, not present.

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

Chair closed the public hearing at 7:06 p.m.

Rosan said has driven by this property; privacy fence is up; looks a lot better than it did under the prior tenant; did not see any cars or trucks being stored there; asked Gard if there were complaints with prior use or tenant; Gard said no; Rosan said inclined to support the application; seems like a less intensive use; cannot see any future complaints with the tow truck company; as for the trailer; recommend a one year time frame; if able to finance the building, will not need to come back, if they need more time they will come back; Price asked Gard how it will be used as an impound; will it be coming to pick up a car from an impound; Gard said yes, that is exactly how it will be; Price asked if there will be security issues; Gard said that is why no one can get back to the impound lot; will not be allowed access; Price said is the fencing that is up now, is that it; Gard said chain-link will be added to the back; Price asked if it was adequately lit; concerned with safety; Gard said they could have a ten foot high fence; lighting was not discussed; believe they are very concerned with security; Gard believes the Police will adequately patrol that area.

A motion was made by Rosan, seconded by Wester, that this Conditional Use be Approved with the condition that the temporary trailer onsite only remain for a period of one year from approval. The motion carried by the following vote:

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

V-0009-2016

To consider a Variance Application to vary section 1153.03(b), Conditional Uses, of the Codified Ordinances of the City of Gahanna; to allow a conditional use not listed for Community Commercial zoning district; for property located at 121 James Road; Parcel ID No. 025-000855; current zoning, Community Commercial (CC); Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016 and 12/1/2016)

Gard said the applicant will be asking for a postponement for these two applications.

Applicant, Donald Plank, attorney for the applicant, asking for postponement to October 26, 2016; received staff report on Friday; asked for a meeting with the City; they are meeting with them either on the 13th or 14th of this month; also setting up a meeting with the neighbors; likely that we may withdraw one application; will share that with the Commission at that time.

A motion was made by Price, seconded by Wester, that this Variance be Postponed to Date Certain to the Planning Commission, due back on 10/26/2016. The motion carried by the following vote:

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

CU-0009-2016

To consider a 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; Parcel ID No. 025-000855; Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016 and 12/1/2016)

See discussion under V-0009-2016.

A motion was made by Price, seconded by Wester, that this Conditional Use be Postponed to Date Certain to the Planning Commission, due back on 10/26/2016. The motion carried by the following vote:

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

DR-0021-2016

To consider a Certificate of Appropriateness Application for site plan, landscaping, and building design; for property located at 94 Granville Street; Parcel ID No. 025-000139; State Bank - Branch; Matthew Wilson, applicant.

Gard gave summary of the application.

Applicant, Matthew Wilson, 800 Cross Pointe, Gahanna; will be an improvement to the site; hired a landscape architect to improve the property.

Shepherd confirmed signs would be administratively approved; Gard said yes; Shepherd asked what additional signs there would be; Wilson said an awning on the top and what is pictured in the renderings; Shepherd confirmed the signs comply; Gard said yes; Price asked if they envision traditional banking hours; Wilson said yes; Price asked if there was any thought for this parking to be used by the public outside of general business hours; Steve Watson, owner, 4080 West Dublin Granville Road; said would have no problem outside of business hours; Price said appreciates that; history of this building with different owners and the proximity to Creekside; great to hear; Shepherd asked if this is primarily lending; Watson said virtual teller to connect to the Dublin office; Shepherd asked if you will open accounts there; Watson said not at this branch; Burba asked how many employees; Watson said 6 potentially; Andrews said heard earlier about herbs and landscaping earlier; Gard said that was in the staff comments; would that be something we can incorporate; Watson said yes; Keehner said boxwood would be herbal, they have a lot of those; Burba said discussed the ingress and egress; would not exit onto Granville Street; Rosan asked if that is something that would come in the sign package; Gard said it could be; can consider directional signage; Rosan asked if they will put a sign up or paint asphalt; Wilson said would like to hear back from the City; Rosan suggested the applicant work with staff and the City Engineer on recommendations; hard to get out on Granville in that area.

Shepherd asked when they will be open; Watson said hopefully near May.

**A motion was made by Andrews, seconded by Wester, that this Design Review be Approved.**

Price commended the applicant for nice work on the design; looking forward to the renovations to this; thrilled they are willing to be a good partner with the community; Rosan said this was a very thorough application.

**The motion carried by the following vote:**

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

V-0007-2016

To consider a Variance application to vary section 1143.08(a), Yard Requirements, of the Codified Ordinances of the City of Gahanna; to allow front setbacks to be varied from thirty-five feet (35') to twenty-nine feet (29') and +/- twenty-eight feet (28'); and to vary section 1143.09, Off-Street Parking, of the Codified Ordinances of the

City of Gahanna; to allow a garage facility to exceed 800 square feet in addition to the existing facility of 528 square feet; for property located at 305 Olde Ridenour Road; Parcel ID No. 025-007460; current zoning, Single Family Residential (SF-3); Adam Rich, applicant.

(Advertised in the RFE on 9/8/2016)

Gard said applicant requested postponement to the October 12, 2016 meeting via email.

A motion was made by Wester, seconded by Rosan, that this Variance be Postponed to Date Certain to the Planning Commission, due back on 10/12/2016. The motion carried by the following vote:

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

**F. UNFINISHED BUSINESS:**

None.

**G. NEW BUSINESS:**

None.

**H. OFFICIAL REPORTS:**

**City Attorney**

No report.

**City Engineer**

No report.

**Planning & Zoning Administrator**

No report.

**Department of Development**

No report.

**Council Liaison**

No report.

**CIC Liaison**

No report.

**Chair**

No report.

**I. CORRESPONDENCE AND ACTIONS**

Clerk Holbrook said the Open Town Hall survey regarding chickens that was requested last week has been finalized and is up live on the City's website; there are a total of three questions with an option to give additional feedback; this will run for 3 weeks, until October 19th; a report will come within the next few days after the survey closes and the results will be reported to the Commission at the October 26 meeting.

**J. POLL MEMBERS FOR COMMENT**

Andrews said there is a Community Reinvestment Area Housing Council (CRAHC) Board meeting coming up; date not set.

**K. ADJOURNMENT**

7:29 p.m. by Wester



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*Thomas J. Wester*  
*Jennifer Price*  
*Joe Keehner*

*Kayla Holbrook, Deputy Clerk of Council*

*The Commission may caucus at 6:30 p.m.*

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Wednesday, October 26, 2016

7:00 PM

City Hall

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**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, October 26, 2016. The agenda for this meeting was published on October 21, 2016. Chair Don Shepherd called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Tom Wester.

**Present** 6 - David K. Andrews, Donald R. Shepherd, Bobbie Burba, Thomas J. Wester, Jennifer Tisone Price, and Joe Keehner  
**Absent** 1 - Kristin E. Rosan

**B. ADDITIONS OR CORRECTIONS TO THE AGENDA**

None.

**C. APPROVAL OF MINUTES:**

2016-0331 Planning Commission Minutes - October 12, 2016

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

**Yes:** 6 - Andrews, Shepherd, Burba, Wester, Price and Keehner

**Absent:** 1 - Rosan

**D. HEARING OF VISITORS - ITEMS NOT ON AGENDA**

None.

**E. APPLICATIONS/PUBLIC HEARINGS:**

V-0009-2016 To consider a Variance Application to vary section 1153.03(b), Conditional Uses, of the Codified Ordinances of the City of Gahanna; to allow a conditional use not listed for Community Commercial zoning district; for property located at 121 James Road; Parcel ID No. 025-000855; current zoning, Community Commercial (CC); Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016)

Applicant requested postponement to 11/16/2016

**A motion was made by Andrews, seconded by Wester, that this Variance be Postponed to Date Certain to the Planning Commission, due back on 11/16/2016. The motion carried by the following vote:**

**Yes:** 6 - Andrews, Shepherd, Burba, Wester, Price and Keehner

**Absent:** 1 - Rosan

CU-0009-2016 To consider a 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; Parcel ID No. 025-000855; Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016)

Applicant requested postponement to 11/16/2016 ✓

**A motion was made by Andrews, seconded by Burba, that this Conditional Use be Postponed to Date Certain to the Planning Commission, due back on 11/16/2016. The motion carried by the following vote:**

**Yes:** 6 - Andrews, Shepherd, Burba, Wester, Price and Keehner

**Absent:** 1 - Rosan

DR-0023-2016 To consider a Certificate of Appropriateness Application for site plan and building design; for property located at 789 Science Blvd; Parcel ID No. 025-013637-00; Depot Golf Center LLC, applicant.

**RECOMMENDATION:** Postpone to 11/16/2016 - Variance application currently being processed and expected to be on the 11/16/16 Agenda.

**A motion was made by Andrews, seconded by Burba, that this Design Review be Postponed to Date Certain to the Planning Commission, due back on 11/16/2016. The motion carried by the following vote:**

**Yes:** 6 - Andrews, Shepherd, Burba, Wester, Price and Keehner

**Absent:** 1 - Rosan



FDP-0013-2016 To consider a Final Development Plan Application for six condominium buildings; for property located at 870 East Johnstown Road; Parcel ID No. 025-001984; current zoning, Estate Residential (ER-2) and Limited Overlay Suburban Office (L-SO); Brookewood Construction Company; David Hodge, applicant.

(Advertised in the RFE on 10/13/2016)

RECOMMENDATION: Postpone to 11/16/2016 - Application needs further review by staff.

A motion was made by Andrews, seconded by Burba, that this Final Development Plan be Postponed to Date Certain to the Planning Commission, due back on 11/16/2016. The motion carried by the following vote:

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

Absent: 1 - Rosan

FDP-0014-2016 To consider a Final Development Plan Application for four cottage buildings containing two independent living units; for property located at 5495, 5511, and 5505 Morse Road; Parcel ID Nos. 025-011235, 025-011236, and 025-011239; proposed zoning currently before City Council, Limited Overlay Suburban Office (L-SO); Spectrum Acquisition Gahanna, LLC, applicant.

(Advertised in the RFE on 10/13/2016)

Related Zoning Ordinance Postponed by City Council.

RECOMMENDATION: Postpone to 11/16/2016

A motion was made by Andrews, seconded by Burba, that this Final Development Plan be Postponed to Date Certain to the Planning Commission, due back on 11/16/2016. The motion carried by the following vote:

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

Absent: 1 - Rosan

DR-0022-2016 To consider a Certificate of Appropriateness Application for site plan, landscaping, building design, and signage; for property located at 5495, 5511, and 5505 Morse Road; Parcel ID Nos. 025-011235, 025-011236, and 025-011239; Spectrum Acquisition Gahanna, LLC, applicant.

Related Zoning Ordinance Postponed by City Council.

RECOMMENDATION: Postpone to 11/16/2016

A motion was made by Andrews, seconded by Burba, that this Design Review be Postponed to Date Certain to the Planning Commission, due back on 11/16/2016. The motion carried by the following vote:

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

Absent: 1 - Rosan

SWP-0004-2016 To consider a Subdivision Without Plat application to split a portion to create a 2.55+/- acre parcel to allow the development of four independent senior living cottages adjacent to the existing Three Creeks Senior Living project; for property located at 5495, 5511, and 5505 Morse Road; Parcel ID Nos. 025-011235, 025-011236, and 025-011239; Spectrum Acquisition Gahanna, LLC, applicant.

Related Zoning Ordinance Postponed by City Council.

RECOMMENDATION: Postpone to 11/16/2016

A motion was made by Andrews, seconded by Burba, that this Subdivisions Without Plat be Postponed to Date Certain to the Planning Commission, due back on 11/16/2016. The motion carried by the following vote:

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

Absent: 1 - Rosan

**F. UNFINISHED BUSINESS:**

None.

**G. NEW BUSINESS:**

None.

**H. OFFICIAL REPORTS:**

**City Attorney**

No report.

**City Engineer**

Not present.

**Planning & Zoning Administrator**

No report.

**Department of Development**

Not present.

**Council Liaison**

No report.

**CIC Liaison**

No report.

**Chair**

No report.

**I. CORRESPONDENCE AND ACTIONS**

**Open Town Hall Survey Results -**

Holbrook said that the Open Town Hall Backyard Chicken Survey has concluded; the results are uploaded; at this time, the Commission can set a public hearing date and set the next steps for finalizing a code to be voted on.

Shepherd said this will be discussed next Wednesday; meetings change to the 1st and 3rd in November and December; will meet to discuss prior to next meeting; will hold a public hearing on November 16, 2016; Keehner said he went to the MORPC Summit on Sustainability last week; was on local foods; spoke with the Agricultural Specialist for MORPC; said he could ask questions; said Powell is considering; Whitehall and Columbus and a few other cities allow this; interesting that it is so controversial; local food is important to many individuals.

CC-0002-2016

To recommend to Council, changes to Part Eleven - Planning and Zoning Code, to form a Chapter 1170, Regulation of Chickens, of the Codified Ordinances of the City of Gahanna.

TO BE DISCUSSED AT A WORKSHOP MEETING ON NOVEMBER 2, 2016 at 6:15 PM; PUBLIC HEARING SET FOR NOVEMBER 16, 2016 AT 7:00 PM.

**J. POLL MEMBERS FOR COMMENT**

None.

**K. ADJOURNMENT**

7:10 p.m. by Wester



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*Jennifer Price*  
*Joe Keehner*

*Kayla Holbrook, Deputy Clerk of Council*

*The Commission may caucus at 6:30 p.m.*

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Wednesday, November 16, 2016

7:00 PM

City Hall

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**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, November 16, 2016. The agenda for this meeting was published on November 9, 2016. Chair Don Shepherd called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by David Andrews.

\*Jennifer Price left the meeting at 8:52 p.m.

**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:**

2016-0353

Planning Commission Regular Meeting & Workshop Minutes - November 2, 2016

A motion was made by Andrews, seconded by Wester, 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. City Attorney Shane Ewald administered an oath to those persons wishing to present testimony this evening.

V-0011-2016

To consider a Variance Application to vary Section 1152.02(g), Limited (L) Overlay District, of the Codified Ordinances of the City of Gahanna; to allow a variance to a limitation specifically identified and imposed in the development plan referenced in the Ordinance passed by Council, to specifically allow an accessory use storage facility to exceed in size 25% of the main Golf Depot building and to allow the deviation from the prescribed exterior finishes to a metal building with a metal roof; for property located at 789 Science Boulevard; Parcel ID No. 025-013637; current zoning, Limited Overlay-Office, Commerce, and Technology (L-OCT); Jordan Fromm, applicant.

(Advertised in the RFE on 11/10/2016)

Gard reviewed the applications; code reads that the storage facility cannot be greater than 25% of the original building; overlay text governs this particular property; will not see this facility from the Golf Depot itself; more toward the Claycraft side of the building.

Chair opened the public hearing at 7:05 p.m.

Applicant, David Poe, 919 Old Henderson Road, Columbus; here to answer any questions.

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

Keehner said all issues from last time have been resolved; Gard said yes, they have asked to vary the code; Keehner said does not see this as an unreasonable request; Andrews said agrees with Keehner; understands them being in the golf business; Shepherd said he too agrees; only place he knows that does not have at least somewhere to store their equipment; will support this application; encourages working on the overlay zoning text to avoid any requests for variances in the future.

Chair closed the public hearing at 7:08 p.m.

A motion was made by Andrews, seconded by Burba, that this Variance be Approved. The motion carried by the following vote:

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

DR-0023-2016

To consider a Certificate of Appropriateness Application for site plan and building design; for property located at 789 Science Blvd; Parcel ID No. 025-013637; Depot Golf Center LLC, applicant.

See discussion under V-0011-2016.

A motion was made by Andrews, seconded by Wester, that this Design Review be Approved.

Discussion on the Motion: Shepherd said these designs do not agree with original design parameters but will match nicely.

The motion carried by the following vote:

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

DR-0024-2016

To consider a Certificate of Appropriateness Application for demolition; for property located at 79 Mill Street; Parcel ID No. 025-000108; Lew Griffin, applicant.

Gard summarized the application; code requires this application; Mr. Griffin does not have a pen and paper plan for this property; there is a vision.

Applicant, Lew Griffin, 2737 Colts Neck, Blacklick; the financial side, it is a 4 wall building; windows need replaced; roof needs attention; could build something with more advantages; we need parking in the area as well; taking this lot, which will accommodate 50+ parking spaces, cannot have a paid parking facility that will assist the restaurants; will not have just a paved parking lot; envision a view from Mill Street straight back to the falls and bridge at Creekside; have had conversations with City officials; will function as an activity area and a parking lot; possibly have water features and video signs.

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

Keehner said it would be interesting to have a pedestrian friendly connection; one that doesn't require steps; seems appropriate; building is generic at this point; Price asked if the building is on a separate parcel; Griffin said yes; Price asked if the City should look at improving this; Blackford said their department has looked at these options; nothing specific has been vetted at this time; considering various options; other initiatives are going on in the area but there are multiple options;

Shepherd asked him to walk him through a timeline of what he will do; are you leaving the slab or removing it; Griffin said want to complete before the end of the year; have been working with the Development Department on a possible restaurant; parking was an issue; once demolition approval, will complete by the end of the year; will be graded; concrete slab will be removed; likely too late for pavement; will have plans set for spring; Keehner said redeveloping that not as a building, would consider storm water retention and things; also have to address the view to the north; have the utility drive-in; Griffin said if you envision removing that building, you will become neighbors will Pigskin; there is a wall to protect any water; visually not sure what to do; open to suggestions; Rosan confirmed there is not a definite plan of redevelopment; confirmed that one part of evidence must be submitted to meet requirements in code; confirmed we have what we need; Gard confirmed.

A motion was made by Wester, seconded by Rosan, that this Design Review be Approved.

Discussion on the Motion: Andrews said that is the one building that does not have any value; commended the applicant; thanked him for doing his other building; trust what he will do with it; have no issue with demolition.

The motion carried by the following vote:

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

DR-0027-2016

To consider a Certificate of Appropriateness Application for building design; for property located at 134-162 N Hamilton Road; Parcel ID No. 025-003901; Rocky Fork Plaza; Brandon Doherty - Bass Studio Architects, applicant.

Gard gave a summary of the application; limited demolition of the existing glass canopy; update will do much to refresh the center and make it more inviting; happy for the property owner to make this investment.

Applicant, Brandon Doherty, 36 King Avenue, Columbus; will remove glass canopy above entry of Dollar General; updating the rest of the storefront to have a complementary feel to what La Navona has already done; also painting and a pattern along existing brick; have paint swatches to share if interested; trying to update the strip-center.

Chair called for proponents, there were none. Chair called for opponents, Vallee Wiggins, 752 Jonsol Court; asked what is appropriate for the entire area; seems every change that is made is unique; seems like it would be better if there was a common appearance for our City; seems things should be done in uniform.

Rosan said the light color is modern, the light color brick remains; asked if there were thoughts in updating the light tan of the building bricks; interested in the thought process and not painting the brick so the whole color scheme is consistent; Doherty said partially will be painted; the entire building painted looked dull; wanted the warm brick; Price said shares concerns with Wiggins; understands residents who came that said they did not want that look; want unique-ness; asked if there is a chance to revisit that idea; Blackford said this project falls within the Hamilton Road corridor plan; doesn't require certain architectural concerns; was a topic of discussion for the GoForward initiative; do have an initiative to revisit the standards; there are folks that love consistency and there are folks that like things unique; want unique but uniform; as a City we are likely divided; that is a longer term goal at this point; the GoForward initiative is on-deck for around 2019; ultimately there will be code changes; will explore this in more detail; process will start in 2017; not sure when the end date is set for; will be public input at that point; Keehner said he is glad there was that comment from the public; is an issue; create a distinctive character in Gahanna.

**A motion was made by Wester, seconded by Rosan, that this Design Review be Approved. The motion carried by the following vote:**

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

DR-0026-2016

To consider a Certificate of Appropriateness Application for building design; for property located at 82 Granville Street; Parcel ID No. 025-000093; Gahanna Grill; William J Palumbo, applicant.

Gard gave a summary of the application; this is for exterior modifications to an existing building; stone to match the existing wall will fill in the removed door spaces.

Applicant, William J Palumbo, 5440 Green Oak Ct, Hilliard; the existing windows are blocked currently by signs; will match stones to make the same size windows; fascia will be replaced; stucco will be repainted the same color as well;

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

Rosan asked if stoops are coming out; Palumbo said that is the plan; Rosan asked if fascia will be recessed; Palumbo said the trim on the outside will be replaced; Rosan said idea is that the fascia will not dip in, will look like a seamless wall; asked how they will match the stone; Palumbo said looked very hard; will have to remove some stone and blend it in; stone will not be identical; idea is to feather it in; other treatments they may also do; Price said they also discussed tying brick into the front of the building, rather than having the large expansion of



stone; asked if there was any thought; Palumbo said not sure what was considered; came in late to these drawings; Price said already looking at cutting out some existing stones; if the bottom could be cut out maybe that stone could be used to fill in what is on the patio; adding to the aesthetics; will eliminate the look of "that used to be a door"; cutting up the stone will be labor intensive and also structural; Shepherd asked if the sign is coming down; Palumbo said sign is staying there for now; possible that he will put an awning up in the future; at that point sign will come down; Gard said if he is sure you will do it then you have to include it in the application; Shepherd asked if that is expected in the next 6 months; Gard said can approve administratively.

A motion was made by Rosan, seconded by Price, that this Design Review be Approved. The motion carried by the following vote:

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

FDP-0013-2016

To consider a Final Development Plan Application for six condominium buildings; for property located at 870 East Johnstown Road; Parcel ID No. 025-001984; current zoning, Estate Residential (ER-2) and Limited Overlay Suburban Office (L-SO); Brookewood Construction Company; David Hodge, applicant.

(Advertised in the RFE on 10/13/2016)

Gard reviewed the applications.

Chair opened the public hearing at 7:49 p.m.

Applicant, David Hodge, 8000 Walton Parkway, Suite 260, New Albany; property is now zoned MR-1; will have six doubles; there is considerable vegetation; intent is to come in and preserve the property; the City has a relatively recently adopted tree code; this will meet the requirements; using all natural materials; terrific architecture; very consistent with other recently approved residential projects; great to have a little diversity in the units; believes it will fill a niche that is needed in Gahanna; will be expensive units; said Mr. Maddy, applicant is also with him.

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

Wester asked about water and sewer lines; will they be board or cut; Priestas said will work on that through the construction plan; Keehner said cannot say anything about it; asked what the resale market is for a one bedroom; Hodge said 400K for unit; Keehner asked what the resale market is; Hodge said he has a one bedroom condo in German Village; market has changed and he could sell that condo if he wished; Keehner asked if you could make them more neighborhood friendly; have

basically garages and a big driveway; asked if they considered anything like public spaces in between; Hodge said this is not the first of the site-plan; is a two-acre site; perimeter minimizes things; want to provide the right type of reasonably quiet environment; Keehner said no issues, just wondered; Price said in Priestas comments, noticed sidewalk frontage requests; did not see that in the plan; can that be done; Hodge said thought that was in reference to Clotts Road; not sure there is any connection to the south or east; Price said likes the inclusion of side porches and front porches; believes they are more interacting; pleased to see that; Burba asked if there is room for on-street parking for guests; Hodge said no, the area below provides for overflow parking; each unit also has an interior two-car garage; cars can certainly stack behind the garage doors; and there is overflow parking; believe there is adequate parking; street parking would be too narrow; Keehner said they also have the option across the street from this location to park and walk across the street; Shepherd said Gard has staff comments, she is requesting additional foliage and a barrier; Blackford said that was their comment; the land use plan suggested density be limited to 5 units per acre; if Planning Commissions prerogative is 6 units; would like consideration given to screening; would be appropriate to mitigate those concerns; Shepherd asked if they can promise to maintain the foliage; Hodge said absolutely; said dead and diseased trees can be removed for utility crossings but absolutely; Blackford said along the roadway is where the visual impact will be; there is a lot of vegetation; no point in keeping diseased and dying trees; believes it should be part of the motion; Ewald agrees they make it part of the motion and to work with City arborist.

Chair closed the public hearing at 8:07 p.m.

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

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

DR-0025-2016

To consider a Certificate of Appropriateness Application for site plan, landscaping, and building design; for property located at 870 E Johnstown Road; Parcel ID Nos. 025-003185, 025-001984, and 025-001954; Pinnacle Point Villas; Brookewood Construction Company/David Hodge, applicant.

See discussion under FDP-0013-2016.

**A motion was made by Rosan, seconded by Keehner, that this Design Review be Approved with the condition that the applicant work with City arborist on tree preservation and with the caveats mentioned by the applicant in the discussion.**

The motion carried by the following vote:

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

FDP-0014-2016

To consider a Final Development Plan Application for four cottage buildings containing two independent living units; for property located at 5495, 5511, and 5505 Morse Road; Parcel ID Nos. 025-011235, 025-011236, and 025-011239; proposed zoning currently before City Council, Limited Overlay Suburban Office (L-SO); Spectrum Acquisition Gahanna, LLC, applicant.

(Advertised in the RFE on 10/13/2016)

Gard reviewed the applications.

Chair opened the public hearing at 8:09 p.m.

Applicant, David Hodge, 8000 Walton Parkway, Suite 260, New Albany; this is a stretch of road and property that you have seen a lot of lately; property is after some right-of-way dedication; just a smidge over 2 acres; to the east is the Goddard School; in between the two uses is this proposal for cottages; access is from Morse Road; access road may extend to the east; said the Spectrum building is under construction; these plans are intended to complement those buildings; these are very elegant buildings; predominately brick; similar to previous project discussed tonight on Clotts Road; believes this is a great project; exceed tree preservation ordinance; great use and necessary use adjacent property.

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

Chair closed the public hearing at 8:12 p.m.

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

DR-0022-2016

To consider a Certificate of Appropriateness Application for site plan, landscaping, building design, and signage; for property located at 5495, 5511, and 5505 Morse Road; Parcel ID Nos. 025-011235, 025-011236, and 025-011239; Spectrum Acquisition Gahanna, LLC, applicant.

See discussion under FDP-0014-2016.

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

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

SWP-0004-2016 To consider a Subdivision Without Plat application to split a portion to create a 2.55+/- acre parcel to allow the development of four independent senior living cottages adjacent to the existing Three Creeks Senior Living project; for property located at 5495, 5511, and 5505 Morse Road; Parcel ID Nos. 025-011235, 025-011236, and 025-011239; Spectrum Acquisition Gahanna, LLC, applicant.

Gard said the lot split should be discussed first; this was discussed prior to the Final Development Plan. See discussion under FDP-0014-2016.

**A motion was made by Rosan, seconded by Wester, that this Subdivision Without Plat be Approved. The motion carried by the following vote:**

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

V-0009-2016 To consider a Variance Application to vary section 1153.03(b), Conditional Uses, of the Codified Ordinances of the City of Gahanna; to allow a conditional use not listed for Community Commercial zoning district; for property located at 121 James Road; Parcel ID No. 025-000855; current zoning, Community Commercial (CC); Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016 and 12/1/2016)

Applicant has requested postponement to December 7, 2016. ✓

**A motion was made by Burba, seconded by Rosan, that this Variance be Postponed to Date Certain to the Planning Commission, due back on 12/7/2016. The motion carried by the following vote:**

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

CU-0009-2016 To consider a 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; Parcel ID No. 025-000855; Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016 and 12/1/2016)

Applicant has requested postponement to December 7, 2016. ✓

**A motion was made by Andrews, seconded by Wester, that this Conditional Use be Postponed to Date Certain to the Planning Commission, due back on 12/7/2016. The motion carried by the following vote:**

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

CC-0002-2016 To recommend to Council, changes to Part Eleven - Planning and Zoning Code, to form a Chapter 1170, Regulation of Chickens, of the Codified Ordinances of the City of Gahanna.

(Advertised in the RFE on 11/10/2016)

Ewald said we received input from residents over the last few weeks; discussed maximum number of animals allowed without a kennel; input received that the 65 square foot ceiling was not specific as to how much space you need per chicken; another issue under 1170.07 was for permits; what should be in the permits; does not go into the format or timing; may want to consider those items or leave to policy.

Shepherd said if we do recommend this to Council will need the code complete and ready to recommend; will not only make the recommendation to consider, it will be much more specific; the Commission would like to postpone this for several weeks to make sure what will be voted on to recommend will be ready to go to Council; trying to craft a code that works for everyone; items discussed are things they need to work out as a Commission; want to make sure we touch on this; Rosan said Ewald brought forward issues that we need to discuss; interested in hearing residents feedback for those that are here tonight; we do have a draft code; last version was August 25; question is what changes, if any, do we need to make.

Chair opened the public hearing at 8:21 p.m.

Shepherd said we are trying to learn from the public; opened public comment.

Jeannie Hoffman, 708 Waybaugh Drive; has done her research on chickens; all concerns are legitimate; main concerns are being addressed through the writing of code; did see a request for an additional part-time code enforcement officer; that should alleviate some concerns that have been raised; annual permit recommendation should be of some comfort to residents; chickens have had the highest number of responses since the City started using the Open Town Hall forum; the next highest topic was "how can the City improve its public outreach communications"; a lot of people weighed in on this topic; would be appropriate to recommend this for further review; am 100% confident legislation can be written in a way that is satisfactory to residents; have to look at majority; would like to see salmonella vaccination addressed; no protocol for vaccinations; likelihood of getting salmonella is minimal; simple hand washing will alleviate this.

Donna Perry, 1321 Haybrook Drive; gave a powerpoint presentation; said she had chickens in 2011; the code was very confusing; did not know it was illegal; called City Hall and the woman she spoke with said as long as there were no roosters it was okay; her variance request was denied; then she started bugging Mr. Renner; now owns them on a farm outside of Gahanna; owns 40 chickens; owned chickens and raised them

from state to state and almost her whole life; very interested in it being sustainable; Gahanna leans toward the gardening community; bug control and weed control exist; have people telling her she cannot have chickens but chemicals are allowed to be sprayed all over; chickens close the loop for the home gardener; they are raised humanely in the backyard; if they say cage-free they are just crammed in a warehouse; reviewed the nutrients of eggs; they are all around better for you; we deserve a healthy alternative to those in the store; debate on pets versus farm animals; dogs can be farm animals as well; chickens have accessories like outfits, leashes, etc.; said her chickens come on demand; they identify with a person; they develop a relationship with an owner; waste and odor issues on the survey - 10 chickens make less manure than a 40 pound dog; chickens do not eat the same things dogs do; have two coops with 20 in each coop; the middle smells like wood chips; if the coop is maintained, there is no odor; the waste is wet and when that is absorbed, there is not a smell; predators - that was another concern on the survey; there are already predators around going through raccoons and rabbits; they are more attracted to open field areas; has a 30 acre farm and does not have foxes; chicken waste will not attract; if food is contained properly, there will not be an issue with mice and other rodents; mouse droppings is the leading reason for salmonella; from rodents carrying it; noise levels - a hen at the loudest is 70 decibels; human talking is 60; a barking dog is 90; a parrot is 135; they also do not make noise all day; her neighbor did not know she had chickens; they are not noisy animals; if your chicken had salmonella, you can wash your hands; it is so very rare; have never come across anyone with salmonella; higher risk of getting it from factory farms; it used to be a responsibility to keep chickens; was in World War II times.

Shepherd asked Perry if she still lives in Gahanna; Perry said yes she has a second home; said she buys chickens from a hatchery; now hatches her own; they test for these diseases; vaccines are very difficult to give chickens; there are three vaccines for one chicken; very few vets do them; Shepherd asked if you can occasionally get a rooster; how do you dispose; Perry said that happened to her and it was not hard to find a home; hard to tell the difference; but it is 95% accurate; had a family friend take it; would open the offer to take any roosters from anyone; their elementary school hatches eggs; they got 7 of the chickens; four of them were roosters; Rosan asked about the space; how much space does she recommend; Perry said 2-3 square feet per chicken; the run would be more like 8 square feet; the run would be the attached area; if they are too close they will peck each other; Keehner said he read 4 square feet on the internet; Perry said 4 is recommended what she has; 2-3 is minimum; the run can be 8-10 square feet; hers are free range; Keehner asked if we should specify minimum space; Perry said absolutely; if it is

too big they will have trouble with heat in the winter; minimum and maximum; Keehner said chickens lay for 2-3 years; do you have them for supper after; Perry said there are butchers that will take them but you can keep them for a pet; part of being a responsible pet owner is finding where they will go after they stop producing; there is an option to send chickens as pets to a retirement home; Keehner said code is allowing more chickens for more acreage, would be better for those who want to keep pets; Price said had concerns at the last meeting about how to make sure chickens are being cared for in a humane way; one question was if the permit holder is not in compliance and they must be removed, what would the City would do with these chickens; Perry said have seen chickens at the humane society; would suggest finding a farm to take them to; Price asked for language in the code on how to remove a chicken; Perry said knows people would be willing to be on a list of locations that they are taken to; Price asked about information on how other cities regulate this; said Columbus does it under their Board of Health; they have a public health veterinarian; next step is that information; said it is on the agenda item for this application; Perry said she has a list of veterinarians in the area that check in with chickens; can provide that list; Price asked Perry to look at that and report back her thoughts on those issues; guessing Franklin County probably has a public health veterinarian; Keehner asked if healthy clean chickens are less likely to get diseases; do you know of other areas that were concerned of vaccinations; and opened a day to do chicken vaccinations; said bee-hives in the City is a way to preserve them from going extinct; wonders if there are advantages to have backyard chickens; are there other varieties that are more appropriate; Perry said heritage breeds are going extinct right now; her rooster is a layer that lays a lot of eggs; said the breed will get big enough for a meat bird; your type of chicken is dependent on your situation; there are also endangered breeds; some hatcheries do not breed for standard quality; you have to go to a personal breeder; Keehner asked if you want fertilized eggs, have to have a rooster; Perry said backyard chickens in Gahanna will not be fertilized.

Nancy McGregor said was at the Summit on Sustainability by MORPC; hears a lot about people being able to get back to doing things themselves; just heard in Council that 97% of people thought Gahanna was a good or excellent place to live; one thing we were low in was having a supply of food in a disaster event; said there is a large gardening group in Gahanna on Facebook; said some chickens are sex-linked to a rooster; the salmonella issue, said her son had 14 chickens and he is a nurse and in the military; he is very health conscious; he distributed 100s of dozens of eggs where he worked and there was never an issue of salmonella; you just wash your hands; the

burden on the zoning officer; if the permit was annual; he would not have to check all chickens with their permits at a set time.

Vallee Wiggins, 752 Jonsol Court; has lived here since 1965; said he works on a chicken farm; said there were comments on taking care of chickens; problem is, people do not always take care of their chickens; asked who Brian Reynolds is; Gard explained he is the code enforcement officer; said he wrote a letter to a neighbor about overgrown shrubs; said the owner of that property has been there for 6 years and has never cut anything; said he cut his grass four times this summer; if you have a code enforcement officer, asked how many you expect to have chickens in the City; Shepherd said less than 50; Wiggins asked how much it will cost to add an additional part-time code enforcement officer; said the officer has not returned to check on the shrubs from the letter; said nothing will happen if people are in violation; guarantees there are mice in his yard; they apparently carry salmonella; said he works on a chicken farm and they stink; recommends we put this to a vote to the people of the community.

Megan Rogers, 400 Fenstock Court; in response to Mr. Wiggins; have a different opinion; have a different ideology on the community and how it should operate; said yes, you will always have people that do not take care of things; at the same time, we should operate from a perspective of not being exclusive; if we operate by the theory that they "might" mess it up; should we not allow bushes in yards because people might not cut them; people should be able to do what they want to do in life; has to be respected and addressed; sounds like we are trying to do that with limiting code; doubts there are a lot of people who want chickens in the City; should operate from the standpoint of being inclusive; unfair to say to those who want chickens that they cannot take care of them and that they are not allowed.

Karen Bailey, 476 Coronation; would welcome the Commission to visit her home; has chickens; they do not smell; cleans her coop once a week or more; please come during the day.

Catherine Cunningham, 667 Ridenour Road; used to live in Clinton Township in Columbus; a few doors down from people who had chickens in their backyard; did not hear or smell them; they were good neighbors; also wants to look at this from a practical standpoint and from a real estate perspective; is a real estate agent; there are some people who look for homes that will consider or rule out an area that they cannot raise their own food; thinks it would be an attribute for Gahanna to allow this; Keehner said perception is that home value will be decreased; Cunningham said cannot say she has data on this; can look and send



them; that empirical data may not exist; said it is an advantage to have a local code and enforcement.

Chair closed the public hearing at 9:12 p.m.

A motion was made by Shepherd, seconded by Andrews, that this Proposed Code Change be Postponed to Date Certain to the Planning Commission, due back on 12/7/2016. The motion carried by the following vote:

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

Absent: 1 - Price

**F. UNFINISHED BUSINESS:**

None.

**G. NEW BUSINESS:**

None.

**H. OFFICIAL REPORTS:**

**City Attorney**

No report.

**City Engineer**

No report.

**Planning & Zoning Administrator**

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**

Andrews said attended the Community Reinvestment Area Housing Council (CRAHC) Board Committee with Burba; just wanted to mention that; Keehner said went to a symposium last week; learned a few new things; one thing discussed what the centralization of telecommuting; younger generation has different interests; if you are developing your town, following the money was not as important as following the brains; interesting overlap in what a city allows.

**K. ADJOURNMENT**

9:15 p.m. by Wester



**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*

*Kayla Holbrook, Deputy Clerk of Council*

*The Commission may caucus at 6:30 p.m.*

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Wednesday, December 7, 2016

7:00 PM

City Hall

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**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, December 7, 2016. The agenda for this meeting was published on December 2, 2016. Chair Don Shepherd called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Tom Wester.

**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:**

2016-0364 Planning Commission Minutes - November 16, 2016

A motion was made by Andrews, seconded by Wester, 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:**

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.

DR-0028-2016

To consider a Certificate of Appropriateness Application for site plan, landscaping, and building design; for property located at 140 Imperial Drive; Parcel ID No. 025-003867; Stygler Village Apartments; Berardi Partners +, Inc., applicant.

Gard gave an overview of the application; seeking approval of exterior renovations; interior renovations will be made; will add additional parking spaces.

Applicants, Jon Holway and Nicholas Bruckelmeyer; 144 Westgate Avenue, Columbus; Holway said the business loves being a part of Gahanna; their facility is 150 elderly senior living units; was awarded a 2016 Ohio financing tax credit to fund this important renovation; will add a new entry and improve the back of the building; also some required maintenance; will have a new fence around part of the perimeter; material boards are here for review tonight; will be brick veneer; Bruckelmeyer said he has a natural cedar finish on the pergola as a protective finish.

Chair called for public comments.

Jeannie Hoffman, 708 Waybaugh; great thing for the west side.

Andrews said he is glad they are doing this; looks really nice; Holway said they have attempted different funding sources for the last several years; Burba asked if they will make interior renovations; Holway said yes.

**A motion was made by Andrews, seconded by Wester, that this Design Review be Approved. The motion carried by the following vote:**

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

V-0009-2016

To consider a Variance Application to vary section 1153.03(b), Conditional Uses, of the Codified Ordinances of the City of Gahanna; to allow a conditional use not listed for Community Commercial zoning district; for property located at 121 James Road; Parcel ID No. 025-000855; current zoning, Community Commercial (CC); Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016 and 12/1/2016)

Applicant, Donald Plank, said we they are withdrawing the application for variance; believes their use is a conditional use; Tom Weber said the Commission can move forward with discussing the conditional

use; the withdrawal is on the record and nothing further is needed.

This Variance Application has been WITHDRAWN by the applicant.

CU-0009-2016

To consider a 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; Parcel ID No. 025-000855; Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016 and 12/1/2016)

Gard said a Conditional Use is being proposed to allow a drug and alcohol rehabilitation facility; showed the site location on a map; on the corner of James Road.

Donald Plank, 411 East Town Street, Columbus; represent Access Energy; they are a provider of mental health services in the area; have representatives here to answer any questions; they request a conditional use to permit living quarters as part of the property; showed a site map; said they own two additional parcels in the area; property was built in 1979 for a nursing home; has two exhibits; one is the building permit; assumes it was in compliance with code at the time; City participated in the financing; wants to put those on the record; Shepherd referred him to give to Tom Weber; Plank said their architect has met with the City's Chief Building Official; has booklets to share with us on City Code; passed around to the Commission; put the booklet together but did not follow the order of the Code; said Chapter 1169.04, page 2 of his packet; read the following four conditions; that is why he withdrew his application for variance; has to be a conditional use; only section one deals with use; others deal with development; once we prove section one, intend to use the property as it is today except some conditions; page 4 in his packet reviewed the content; also reviewed the standard industrial code; 809.3, outpatient treatment clinics are discussed; that is a permitted use in the CC zoning district; it is our intention to use the residence as a treatment for drug and alcohol rehabilitation; would also point out to the staff report and as it relates to the first issue; staff says living quarters is a use, not what the code says; staff refers to the standard industrial code and Gahanna code can only be used for those sections referenced in the code; section 83 is not a referenced section in Gahanna's code; definition on page 5 is referenced; Shepherd extended the time for the applicant to speak; Plank said there is a definition for hospital; staff comments deal with use not development, speaking to section 3 of page 2; wants to thank the Commission granting postponements; met with staff and neighbors; put together conditions; not suggesting it got anyone's support or approval; want to address the issues; the access on James Road in two years will go away in the next two years as their proposal; and section 4, the land use character has been established; not a proposed development;

staff comment again, talks about use; is important that you know the plans and how it operates.

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

Chair called for proponents.

Patty Parsley, 99 N. Brice Road, Columbus; member of the operations team; will use this as a residence for their clients; they will have jobs and receive intense treatment for their addictions; voluntary; have already been detoxed; pretty in-depth program; they get 30 hours of treatment per week; also have individual counseling.

Matt Olds, 270 Flint Ridge Drive, Gahanna; is a licensed social worker; currently works in recovery services; have the honor and privilege of completing intakes and assessments each day; these are our neighbors, friends, siblings, and friends; as a homeowner close to here and this proposed facility; support this and what they are doing.

Chair called for opponents.

✓ Russ Halsey, 102 Orchard Drive; one of the residents who is very close to this property; we are getting a facility that we were not told about because we are not adjacent to that property; have Gahanna pool with young children; not notified of this; town should be notified; our children will be near this facility; will be no security measures; they are back in taxes; have that tonight; already starting off on a bad foot; are these the type of neighbors that we want; the town as a whole and St. Matthews Church should be notified.

✓ Wendy Steiner, 173 James Road; when the City has festivals in this area all children are within a quarter mile; something the Commission should take into consideration; asked if anyone has done a traffic study on the impact this will cause; has been a massive amount of traffic in that area; with this added pressure, what will this cause.

✓ Jason Steiner, 173 James; does not disagree with this facility; but does not want this in a residential neighborhood; what if these people want to leave; do not feel safe with this.

✓ Jerry Nicewarner, 143 James Road; is a contiguous property owner; the north side of his lot abuts the property line; we are a community meeting with them and they said their nearest residents in Dayton are just as close as we are; the closest property is 500 feet away in Dayton; does not have that; the patio area is in a lot that he takes care of; asked them about drug screening; they said they do not use drug dogs; no doubt they can smuggle these drugs here; if they think they

will get caught, they will throw it over the fence to his yard where his dog will be; if drugs are thrown over or a needle, his dog could get it; bought the property in 2003 and put a lot of money into the property; his driveway abuts their property line; if they have a drug and alcohol rehab facility, it will diminish the value of his property by \$40-50K; imagines it would be unsellable.

Carrie Godby, 102 James Road; concerned that she has grandchildren who visit often; had issues with emergency vehicles; no sidewalks in that area or a place for them to park; there was a lot of trash in their yard when the facility was just a nursing home; concerned about that element.

Christine Unverzagt, 84 Orchard Drive; lived there for 5 years; believe in the beautiful trails we have; believes these residents will be on these trails; do not like the idea that they can be working in their garage and these people can see in their garage; lost her brother to alcoholism; lived in an area he could walk to most things; this proposed facility has a bar within a mile to walk to; a huge part of rehabilitation is keeping temptations away; do not believe this should be in our residential place.

Heather Nave, 148 James Road; has a 14-year-old daughter; is a single mother; very concerned about the people who will relapse; said most people who go to rehab relapse; have festivals and bars in the area; the worst could happen; is a concern for her; her neighbors are in their 80s; all for this type of facility but not in our neighborhood.

Karen Cowans, 142 Creekside Green Drive; greatly oppose this; do not need this in our neighborhood; builder in their neighborhood went bankrupt; struggling to keep their area up as it is; need a builder to build more units; this facility will not help us at all; to all the kids in the neighborhood and festivals; and there are a number of bars within a 5 minute walk.

Donna Trotter, 156 Creekside Green Drive; agrees with everything that has been said; pointed out that there are additional rehabs in the area; do not see why we need another facility in this small area; the detox is 7-10 days sober; will not keep them from going back to it; not heard any additional on if they have changed their views; is more than concerned; not desired for their area.

Stephen Renner, 740 Quaker Ridge; is a member of City Council and represent Ward 1; also President of City Council; usually more up-to-date; this caught him off guard a little bit; opposes this; many of you know that he has been focused on Ward 1 and looking at what we can do for the west side; this is not appropriate for the west side; we

have a park and traffic issues on this side; beg you to drive on these small narrow streets and see the issues; anything like this can add to more traffic.

Rebuttal:

Plank said these people are voluntarily asking for treatment; not permitted to leave; if they want to leave they will not return; will not just walk the neighborhood; security is very important; more security than the nursing home; not animals who are attacking people; will operate just like the nursing home; trying to get back into society; if they want to leave, they are not permitted to drive; will be no activities on the back of the patio at a certain hours; will always be someone there watching; have a list of approved visitors; deal with the stereotypes; these are normal people like you and me; want to remove those not serious; the traffic issue - these people will not be driving; consistent with the nursing home; will not be extra traffic; no one is permitted with a criminal record or an outstanding warrant; not there because of a parole or a crime that has been committed.

Chair closed the public hearing at 7:50 p.m.

Wester said he would like to see a traffic study and the entrance and exit revised to be more functional; agrees with a lot of the concerns of the residents; is a recreational area; have a concern about the traffic; will leave that up to the City Engineer; Plank said has proposed to move the access after two years; Priestas said the existing size of the facility and proposed use would not peak; the proposal to utilize Johnstown as full access is concerning; would like a study to see the impacts.

Rosan understands paragraph B 2 is a permitted use as it is a living use; Plank said page 4; health and allied treatment facilities; Rosan said 809 and on page 4, 809.3; trying to understand; Plank said permitted use is an outpatient clinic; are residing at the facility for our patients; look at other uses permitted; Rosan said page 5, the definition would fall more in line with 805 use; Plank said it is not used anywhere else in the code; the nursing is permitted in CC zoning district; Rosan said they are defined as one; why wouldn't the substance abuse be in 805; Plank said if you look at 1153 and 805, is a permitted use; said writings are typically written against the writer; client has a right to rely on what the words say; living quarters are a permitted use; unfortunate that they do not use the code; common law says the property can be used for anything; supreme court says zoning can oversee the usage; Rosan asked if this is an outpatient facility with a residential part; Plank said as an integral part; not inpatient; suggests they are of a higher need; no drug or detox at this



facility; all therapy at this facility; Rosan asked if patients can come and leave daily or do they have to reside there; Plank said it is their intention to have an outpatient component; in order to comply with the code, if a portion has to be in this structure; we are willing to move that offsite to another building; will do just as the code requires; Rosan said is contemplated that there will be an outpatient; Plank said believes it is required by code.

Price asked about measures to truly secure the site and address concerns; Plank said we take security measures for granted at their other facility; heard that all doors will have alarm systems; is a 30 second delay; once they hit the door the door will not open; if they try and get out they will be removed from the premises and not allowed back; people are patted down when they come in; if they do leave the facility for a period of time, they will be required to take a drug test; part of their licensing; value them on their success; talked with the Police Department; told them that they have no complaints from their facility in Dayton; there are security measures; security measures will not make a difference; they are not attacking people; Price said when you are under the influence, you act differently; does not believe that was a concern of the residents; concern was relapse; valid to have the concern of relapse; Plank said it is highly unlikely that there will be drugs at the facility; Parsley said anywhere from 30-60 days is the time period they will be here; they have jobs within the facility; they do not have jobs outside of the facility that they will be going to; Price asked percentage of patients who complete the program; Mike Dowdy said success rate is about 90%; also set them up for services when they leave the facility; teach them a lot of living and coping skills; also want to mention that the parks and community stuff; understands that stuff is already there; is a disease that has hit everywhere; is an epidemic; our clients will not be walking around; will be in for treatment 24/7; Price asked for an example of when they leave and are escorted; Dowdy said medical appointments are an example; Price confirmed about 90% of people who enter the facility complete the program;

Wester asked for the name; Parsley said Access Residential.

Keehner said looked at neighbor concerns; relapse issue has been addressed; asked about emergency vehicles; Plank said the City will require two entrances; Keehner asked about drugs over the fence; Dowdy said they do not have access to drugs; do a urine analysis; highly unlikely that something like that will happen; walk the yard before they send someone out there; Keehner said it sounds like these people are highly motivated; Parsley said on the backside of the property and the only place the clients are allowed out is the fenced in patio area; will not be walking around to throw things over the fence;

Plank said there are two perimeter fences; Keehner asked for proximity; Plank said would be a pretty good thrower to get into the neighbor's yard; Keehner asked about alterations; Plank said building needs typical upgrades; Keehner said the Police Chief also made comments; Plank said has addressed many concerns of the Police Department; Keehner said those are his initial concerns; asked what percentage they believe will come from the City of Gahanna; Dowdy said mostly serving Columbus and Franklin County; maybe some from Delaware, Licking or Fairfield; Parsley said do not limit where the patients can come from; Keehner asked what makes them special versus other facilities; Parsley said cannot speak to that; Keehner said this does seem inpatient; is that allowable per code; staff says this is not allowed in any zoning; Blackford said that is correct; the way that the SIC code defines this use, it is listed in our code when it is outpatient; Keehner asked about Parkside; Blackford said cannot speak to each facility; SIC code has hundreds of classifications; could be grandfathered in but cannot speak to that facility; believes it is zoned Suburban Office; according to SIC and how they classify a drug and alcohol rehabilitation facility; that use is not permissible in our zoning code; Keehner asked if there is a way to have this use in this facility; Blackford said the conditional use application would potentially allow this code per the Commission; typically would have to rezone; a zoning change will not help in this case; procedurally, is this the correct route to go; Keehner asked if there are any zoning classifications this would be permitted in; Blackford said not in our current code; Keehner asked if we allow hospitals; Blackford said looking at what SIC is; Keehner said we are approving a facility where people are getting treated onsite; if that is prohibited is there a way to deal with that; understands the fear of the neighbors; Blackford said the proper way to address this is a code amendment; that is procedurally a more appropriate way; only because the SIC classifies this; Keehner said if this is prohibited can we give a conditional use; Plank said this is not prohibited in any use; is a conditional use; the basic clinic is permitted; will have residents living there.

Price asked about the staffing of the facility; if this is more a social services use; Dowdy said we have residential assistants; then we have case managers; have licensed therapists who do the counseling; we have a morning group for 90 minutes; they go to lunch and then group; get an hour recreational time in the afternoon; they eat dinner and then back to group; also have nurses on-site 12 hours a day; Missy Honeycutt 123 Highland Avenue; Honeycutt, compliance coordinator; said they typically have a psychiatrist come once a day as well; Price asked about the staff if that is part of licensing; Honeycutt said yes; a physician must be on-call; and nursing staff must be on-site; Price said the staffing changes the requirements for the type of facility.

Andrews asked what happens in a year or two if they sell, and they do not do what they say they are going to do; Shepherd asked staff, if they do sell this, and they're lax about doing this; is there anything to prevent this; Gard said if a conditional use is approved, there is nothing over that property; a new owner would need to obtain its own conditional use; Keehner asked if the conditional use would go to the owner or the property; Shepherd said it would go with the owner; Plank said have put forth conditions; could sit down with the City to expand those concerns; could be a limit to the license; would be glad to have that discussion; Andrews said typically put them into the community to be a part of the community; that is down the road; hear about facilities who are in the community to get them back in the community; understands the basics of it; things happen and people fall off the wagon; Plank said this is a step in that process; have the detox, this facility, and the sober houses where people live in the community; Andrews asked if we would want this next to us; Plank said land uses cannot be made on stereotypes.

Price asked about the modifications for security to meet the Police Department's concerns; were there specific things that need addressed; Plank said the comments from the Police are from before they met with us; told them what we did; some of that is addressed in our conditions; Police were concerned with methadone used; not what this is; Price asked if this is attractive for the structure; Plank said location and structure; not Gahanna but where it is; is right off the highway; easy access in Columbus.

Burba read the Police Chief's comments; asked what the new security is that will be addressed; Plank said again, when they wrote that letter, understood it would be intake from court; they will not stay if they leave the facility unauthorized; have alarms on the doors; will also have cameras; Parsley said the Police did not know the doors were already alarmed; the Fire Department was also at the meeting with the Police.

Shepherd said outpatient is coming and going; what is the outpatient; Plank said is required per code; Parsley said people are coming and going and still receiving the treatment they did when they lived there; are already the people who have been through the process; just follow-up appointment; this is someone who may not be an addict; could be someone suffering from depression; could be a number of mental illnesses; Shepherd confirmed people will be coming and going to the facility in the same building; Parsley said successfully separates this is Dayton; Shepherd said there are no drugs given for treatment; Honeycutt said they are not permitted to administer methadone; may prescribe suboxone.

Shepherd asked if there is merit to what the Police Chief had to say; Parsley said they will not provide needles and methadone; are not licensed to do that; will not seek that; not eligible. Honeycutt said requirements are very specific to get that license; not currently eligible; nothing in their current structure; cannot become non-profit or a government entity; their license is tied up in their current facility and operations; have nurses and doctors facility.

Shepherd asked Chief Dennis Murphy to come forward; knows his Department has done some research; Chief Murphy said this specific application has morphed over time; concerned with what happens after; we have no control over this; just will have to respond; no control over what happens in facility; deal with crime and the fear of crime; everything hearing tonight, it may work, but cannot say it will be done that way; will this application change more over time; has changed within this meeting; Rosan asked about Parkside; Chief Murphy said they have a high call for service there regularly; people are under the influence, walk away, combative, walk to the UDF; Andrews asked if that area is a low-crime area; Chief Murphy said they respond to the Pub quite a bit; Shepherd said there are a ton of kids that go to the pool in the area; grew up in that area; seems to be an odd piece to that area; it has tried to change to evolve to something better; thanked the Chief.

Rosan said has issue of access, said they have that settled; proposal of the applicant to beef up issues of the Commission and residents; not satisfied she fully understands the use and outpatient versus inpatient; listens to testimony on nursing staff services and a separate building for outpatient services; thinks this is worthy of some scrutiny from our City Attorney that we are doing this properly.

Plank suggested they work with City officials; want the opportunity to meet with the neighbors; Shepherd suggested we go to January 11, 2017, for the next public hearing; and a workshop the following week.

Keehner said his issue is living quarters; if a nursing home would be attached to an outpatient clinic, would that be allowed in zoning; not a motel; Gard said a nursing home is a conditional use.

Shepherd suggested a workshop on January 18, 2017. ✓

**A motion was made by Shepherd, seconded by Andrews, that this Conditional Use be Postponed to Date Certain to a Planning Commission Workshop, due back on 1/18/2017. The motion carried by the following vote:**

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

**Chair called a recess at 8:55 p.m. The meeting reconvened at 9:05 p.m.**

CC-0002-2016 To recommend to Council, changes to Part Eleven - Planning and Zoning Code, to form a Chapter 1170, Regulation of Chickens, of the Codified Ordinances of the City of Gahanna.

(Advertised in the RFE on 11/10/2016)

Shane Ewald, City Attorney, said the proposal came from Council; were tasked with making minor adjustments to the code; were sent out last Friday; said the Commission will not be passing anything in Chapter 5; their recommendation is for Chapter 11; other items were to clean up code; if not recommended, it stops at this process.

Price asked how we are equipped to handle enforcement; knows there is a proposal for a part-time code enforcement officer; understands that is requested aside from this legislation; knows she mentioned looking at Bexley and Franklin County for this; concerned we will not have the capacity; even if we support the changes to Chapter 11; can this administratively be done; asked Gard to talk her through the process; knows it's typically not code but procedures; implementation is very important; Gard said the part-time code enforcement officer has nothing to do with the chicken code; if this is what we are charged to do, it will get done; cannot tell the cost at this time; Price asked if there will be a need to engage the Police Department; Gard said it is a definite possibility as with any other issues in the City; Price asked about the fees; looks like Franklin County is \$350; Gard said does not have that information.

Stephen Renner said he is a proponent for this; please remember we are talking about a small number of families; understands you are looking at Gahanna as a whole; the average family will not want to do this; this is about protecting the rights of a very small minority who has a dedicated cause to doing this.

Chair opened the public hearing at 9:14 p.m.

Rosan said we have heard a lot of testimony; interested in anything not expressed already; or addressing the code change.

Chair called for proponents.

Jeannie Hoffman, 708 Waybaugh Drive; said chickens are already allowed, just not on less than an acre.

Chair called for opponents.

Vallee Wiggins, 752 Jonsol Court; refers back to enforcement; a letter from Brian Reynolds; over 190 days; City has not followed up; does not believe the City is equipped to handle this; said chickens belong on a farm in the country; chickens are not clean animals; chickens need adequate protection and shelter; shelters and coops must protect the chickens from cold weather; acceptable structures; structures will change over time; the property values will be negatively affected; stand by that chickens stink; knows about lawn chemicals; they smell for a period of hours and then go away; chickens smell forever; they do not go away; passed out his suggestions for the regulations; would like to see the code; Rosan gave a copy; Wiggins said he does not understand why we are making these changes in the first place; Shepherd explained the process; we make a recommendation to City Council; have not taken a vote yet; Wiggins said it is time to stop discussing this and vote.

Bobbie Laye, 1399 Haybrook Drive; first time at a meeting; liked that Price brought out some items she addressed in her email; moved here for the good school system and good community; felt like she would have moved to a farm if she wanted to have chickens; different to have acreage; very against it; we have enough enforcement issues; do not want things to get ugly with neighbors.

Donna Simmons, 1341 Haybrook Drive; sent an email today; hoped the Commission had time to read it; the code enforcement issue was one issue; walks our subdivision everyday; said the City's plate is full; have driveways crumbling; garage doors with holes in them; trees that need cut; a flat tire every couple weeks; they are cited bi-weekly; individuals with weeds; a fence that has been down 3 months or longer; called the City; now a board is down at the side of the house; our code enforcement cannot get to these; do not want to add chickens; Brian Reynolds cannot go to her property without permission; and it has to occur when Brian gets there; or he has to come back; it is multiple trips to a property; lives in a subdivision because she does not want to live with farm animals; the chickens are a trend; asking the Commission to say no to this.

Rebuttal:

Donna Perry, 1321 Haybrook Drive; want everyone to keep this in perspective; small animals; talking about a dozen people who may want them; not going to walk by someone's house and say "chickens live there"; not everyone can have a house and a farm; chickens are very low maintenance; they get smelly on a factory farm in a cramped area; any animal does; please keep it in perspective; does not agree you need an entire farm to have farm to table.

Jeannie Hoffman, asked if the immunization is under Chapter 11 or 5; Rosan said 11; Hoffman suggested changing that to chickens who may come from a hatchery that is approved; will not have paperwork; Rosan said will get a certificate or documentation from a hatchery; Price confirmed they get paperwork; Hoffman said it is on her receipt; Price asked Gard if that would be sufficient; Gard confirmed it would; Keehner said that would be his question; if you buy chickens, you get proof of immunization; if that is problematic, code needs to address that; guidelines from the Columbus Health Department; they require an annual veterinarian inspection; could be a moot point; important that it is in the code; wanted to know if proof of immunization from a hatchery is an issue; Perry said is an extra fee; the salmonella one is an additional one; that is what we talked about at the last meeting; could request immunization confirmation; Perry said the salmonella would be the hardship one; does not know where she could get that immunization; Keehner asked if code needs to spell out what is proof; Ewald said it does not; Keehner said this is about accommodating the freedom of individuals; not a new trend.

Chair closed the public hearing at 9:37 p.m.

Price said she supports the concept of keeping chickens for personal use in a well-regulated system; concerned with how this actually works; wants to support this; struggling when we do not have those answers; does not feel she can vote on this tonight; needs information on how this will work; referring specifically to immunizations; believes the code needs to be worked on more; do not feel comfortable with this; does not feel prepared to vote; needs these answers from our staff.

Perry said this is not about Mr. Reynolds going to a house 12 times a year; Price said if we hear complaints from residents that there are unenforced code violations, and those duties are not being fulfilled completely; hoping to come and say we could outsource this and come tonight with numbers; the fees to apply are greater than the fees to violate; needs addressed as a City; hoping we can still get that information; Shepherd asked if her vote may change based on this information; Price confirmed; Rosan said we need to draw a line between code that includes implementation and code; up to administration and the Mayor's staff to figure out a way to implement; the Mayor could very well administratively decide to reach out to Franklin County; that is their responsibility; to go to administration and ask for all the details ahead, will ask them to develop a policy and procedures on something that may never come live; looking at it from a Mayor's perspective, not planner's; this is conceptual; is the Mayor's job; we do not stop approving applications because code enforcement

will not have the resources to inspect a building; prepared to vote on it; we should clarify in the proposal the immunizations; so that we are not requiring immunizations that are a hardship; Wester said we have a code that works; the simpler the code is, easier it is to enforce; Weber said how definitive do you want; proof of immunization would be acceptable to the City of Gahanna; verifying immunizations would be more issues for administration; Price disagreed; believe in keeping it simple; when looking at law, have to make sure it is enforceable; all applications have an enforcement issue; asking if this is do-able; having an idea of how this can be done is important; not saying we put that in code; want to address the concerns of residents on enforcement; Shepherd said believes she is overstepping the application; Council will look at the money aspect and enforcement aspect; is a Council decision to make; Price said that is in their purview; valid to ask how this will work; Andrews asked about the majority of Gahanna that do not want chickens; Keehner suggested that the immunization thing was taken care of; seems to be a still ongoing concern; our code says that is a one year permit; maybe part of the annual permit is having gone to the veterinarian; the Columbus Health Department has something about a neighbor complaining and a revocation of the permit; is a local food advocate; we are a forward-thinking City; code should maybe point out the neighbor complaint clause; Andrews asked if he is willing to risk his home value; Rosan said likes Keehner's comments; if we included a section F, or added a section to D, if you interfere with the enjoyment of animal life, you shall not do that; complaint from a neighbor is grounds for revocation of a permit; which galvanizes the neighbors to be the enforcers; if they complain, staff can get that complaint; Weber said you will have neighbor issues when you involve neighbors; is a ripple-effect; Rosan said trying to find middle ground; Ewald asked for two separate motions on Chapter 1123 and 1170.

After the motions were made and voted on, Ewald said 1123.34 will be adjusted accordingly; will be a basis to modify Chapter 5 to bring to Council.

**A motion was made by Price, seconded by Wester, that the Proposed Code Change for Chapter Eleven - Section 1123.34 be Recommended to Council for Approval. The motion carried by the following vote:**

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

**A motion was made by Price, seconded by Rosan, that the Proposed Code Change for Chapter 1170 be Recommended to Council for Approval.**

**Discussion on the Motion:** Keehner said will vote yes; local food is important; does not want to live in a police state; Rosan said she will support the application; have a number of municipalities that have implemented this type of legislation; do not see it having potential of great overwhelming issues; believe we have a carefully considered and crafted piece of legislation; will be supporting this; Price said is struggling with this; support the issues in



concept; feels strongly about the system that is broken in Gahanna; going to support this legislation this evening; sending a strong message to Council that this issue and all issues with code enforcement in Gahanna need to be addressed; hears this all the time from residents; supports the legislation but putting great faith in Council to appropriately fund enforcement; Shepherd said this will impact our entire community; first reaction is shock that this is an issue being brought forward; many residents do not support this; unfortunately believe there is a silent majority that does not know what is going on; what neighbors have as pets impacts property values; not a terrible idea; do have a code that works for our entire community; does allow for chickens in a specific property; will not be supporting this; Wester said he will not be supporting this.

The motion failed by the following vote:

Yes: 3 - Rosan, Price and Keehner

No: 4 - Andrews, Shepherd, Burba and Wester

**F. UNFINISHED BUSINESS:**

None.

**G. NEW BUSINESS:**

None.

**H. OFFICIAL REPORTS:**

**City Attorney**

No report.

**City Engineer**

No report.

**Planning & Zoning Administrator**

No report.

**Department of Development**

No report.

**Council Liaison**

No report.

**CIC Liaison**

No report.

**Chair**

No report.

**I. CORRESPONDENCE AND ACTIONS**

SWP-0005-2016 A Subdivision Without Plat Application to split 0.061+/- acres from a portion of Parcel ID No. 025-009021 to add to property located at 1170 Kames Way Drive; Parcel ID No. 025-009046; Bernard and Pamela Bury, applicants; administratively approved by the Planning and Zoning Administrator on 11/18/2016.

Clerk Holbrook read the title into the record.

Read by title into the record.

SWP-0006-2016 A Subdivision Without Plat Application to combine 0.521+/- acres of property with property located at 442 Kasons Way; Parcel ID No. 025-010319; William E. Michael, applicant; administratively approved by the Planning and Zoning Administrator on 11/30/2016.

Clerk Holbrook read the title into the record.

Read by title into the record.

FDP-0007-2016 To consider a Final Development Plan application to construct two medical office buildings for FMC-Medical Clinic, Gahanna; for property located at 4251 E. Johnstown Road; Parcel ID number 025-008946; current zoning CC, Community Commercial; King Avenue LLC / Chad Middendorf, applicant.

(Advertised in the RFE on 5/26/2016)

Priestas updated the Commission on additional materials received; a concept plan was submitted; the Final Development Plan was revised; this is for the record.

Discussed and filed with the Commission.

**J. POLL MEMBERS FOR COMMENT**

Wester thanked the City people who worked on the code; truly an example of a new process; has been a lot of good discussion.

**K. ADJOURNMENT**

10:13 p.m. by Wester



# 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*

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Wednesday, January 18, 2017

6:15 PM

City Hall

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### A. OPEN MEETING

Chair Burba opened the meeting at 6:15 p.m.

\*Joe Keehner arrived at 6:34 p.m.

**Present** 4 - Donald R. Shepherd, Bobbie Burba, Joe Keehner, and John Hicks

**Absent** 2 - Thomas J. Wester, and Jennifer Tisone Price

### B. APPLICATIONS:

#### CU-0009-2016

To consider a 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; Parcel ID No. 025-000855; Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016 and 12/1/2016)

Don Plank said there were some conditions they talked about; sent a letter to all those at the last meeting that he had information for; have those documents here; understand from the City that there has been some change that they acknowledge that the proposed use is in fact a conditional use; have a copy of the code section and the conditions they proposed at the meeting and an explanation of how they operate; in section 1169.04, section a, talks about approval of Planning Commission and application for conditional use; there are 4 items indicating approval conditions; believe we have resolved that issue at this point; this is in fact a conditional use; and development standards being met; is significant that in 1 they talk about proposed use and 2-4, they talk about development; this property is developed; buildings will be left as they are; we are not changing the development of the site; it satisfies development standards, as it is an existing building; some standards were violated when this facility was built; they cannot resolve those as far as their application; the Gahanna Economic

Development Strategy; this property is not specifically named in that plan; this plan was to identify development opportunities; this area was already developed; question the applicability to that plan; number 3 and 4 in that section of code - the existing land use of the area is residential to these south and then to the north, heavier commercial; the nursing home has been there since 1979; the City of Gahanna participated in the financing in those years; number 3 - from a legal standpoint; we are talking about development; have proposed conditions; cannot say they satisfy the neighbors completely; first condition - section 1169.04 (b) - clearly the Commission can put conditions; have no problem with proposed conditions; neighbors concerned with resident smoking in the back; we are only permitted to smoke in designated area, which is in the front of the building; showed a rendering of the building and the smoking area; outside activity - showed where that would be permitted; will be prohibited at night; believes it is from 8 p.m. - 8 a.m.; a fence is proposed to be built along the southern perimeter of the building; propose to bring adjoining properties into their facility; the 6' fence will start at the building line; anything 6' or greater is within code; will be a 4' fence in the front; access drive - provide within 2 years the access to and from James will be closed from all traffic; heard that from surrounding neighbors; have a contingency of approval by the City; believes it should not be a problem; there is significant traffic on Johnstown to Olde Ridenour; if possible to move egress, it may work; will be subject to an access study and City approval; residents are not permitted to have vehicles at this facility; they get to the property by someone dropping them off; if they have to leave, we will take them off the site; no person under 18 shall be permitted to be a resident; also no person who is a registered sex offender; the property or any portion shall be used as a drug-safe zone; the police department use that term but did not find anywhere that it is a defined term; those are the conditions we offer; no one asked them for these, gathered based on feedback heard; also sent a letter to those who showed up at the public meeting; the purpose of the letter was to make sure everyone understood the facts of what they were doing; is indeed how they intend to operate; the building to the west was intended to be outpatient and not originally included in their application; both facilities will be operated by Access Ohio; a for-profit agency; all people living in the facility will be there voluntarily; not a half-way house; will not be admitted if they have a warrant; all clients will go through a 7 day detox program; all items brought in will be checked; age range is evenly dispersed between 18 and 65; yard will be monitored before and during use; showed yard area on the rendering; Patty Parsley pointed out where the yard area is; all doors will be alarmed with locks that have a 30 second delay; responded to Mr. Wester's questions in an email; each resident will have a minimum of 30 hours of treatment; they will have household chores; Burba asked about the \$200,000 in upgrades; will that be immediate; Plank

said they will start with 20-24 people; will be two wings; to be operational, will be \$200,000 in improvements; when they are fully operational, will have spent \$1 million; Clerk Banning said Mr. Wester had additional questions, will there be improvements to landscaping or interior; Plank said will improve patio area for security; have not committed to landscaping; have a fence with property to the south; not sure additional screening will make sense; the front of the property will change; may be a landscaping plan with our development plan; Gard said will be screening requirements with parking changes and development in the future; fencing improvements and patio area changes to the outside will be all at this time; likely will need to build a new parking area; Shepherd asked about the new entrance; Priestas said have discussed this with the applicant; has not looked at spacing; preference is to relocate it to the east; primary use is to the west; agreed the general location is desirable; Plank said a traffic study has not been ordered; will be part of development; if they cannot meet spacing requirements, may have to leave as is; hopeful that we have enough room; not talking about a lot of traffic; Priestas said low traffic volume; Plank said is do-able but up to the City and the City Engineer; Shepherd said section 3, undesirable effects; there are a number of kids crossing in that area; believes there is a fear that there will be unsupervised children in that area; someone with drug problems, those two shouldn't mix; likes what they are proposing to do; not sure this is a perfect fit; that place swarms with kids; not sure something that he can say or do to sway his opinion; grew up in the area; all it takes is one problem; Plank said anything that goes there could create a problem; one response is legal; code section does not talk about proposed use of property; code talks about proposed development; use and development are different; Shepherd said when you change the use you change the development; would look at it slightly different; Plank said when you are talking about people and mingling with people, cannot put a condition on that; can tell you that when people come into the facility, they are not allowed to linger on the property; if there is a condition that clarifies that, willing to make that condition; would be a difficult thing to commit to; people will be either in the building or outside in the designated secure area; Shepherd asked Rosan, they are proposing a number of things, if we find that they have violated that use, can we revoke the conditional use; Rosan said Gard's office would issue a citation and notice; if not cured would escalate through the process; diligence on enforcing zoning code; not that dissimilar to enforcing the fences and the bushes and other things they deal with; Plank said there are certain conditions more difficult to police than others; his experience is that anyone who makes a condition, they are more motivated and serious; said a phone call would solve the problem; they do not want to go through the process; we have liabilities with the people on the premises; do not want violent people there; do not want sex offenders there; things do happen and

slip through the cracks; find that there is a lot of self-policing in these kind of situations; Gard said received information from Deputy Chief Spence, want to share, piggybacking on Shepherd's comments about it being in the right place; gives information on the Dayton facility; Parsley said they are surrounded by residential all four sides; Deputy Chief Spence asked if that is the correct location on the front; Parsley said this is not their facility; not in Elizabeth Drive; at 2611 Wayne Avenue; Parsley showed their facility on Google Maps to Gard; Chief Murphy said no matter what goes in there, will always respond; ultimately the people who will pay for it if it goes bad, are the residents in the area; will defer to the Commission on what you want to do; Deputy Chief Spence said we have one facility already; knows what the call volume is there; can anticipate similar call volume; similar facility but they are not alike; no sidewalks in the area; general concern is the location, proximity to residential neighborhoods and that we will be responding to those residents and the fears of crime; will respond either way; do have a concern over the location; Hicks asked Plank about them and the City being on the same page about the conditional use permitting; Rosan said spoke with City Attorney, Shane Ewald about this; he is in agreement that it is a proper application to the Commission; he is satisfied that the way the applicant has characterized the application, is within a conditional use permit allowed to be granted by the Commission; Keehner said the existing facility has had problems; asked Deputy Chief Spence; Spence said can send those numbers to the Commission; looked at calls to Parkside; typical runs would be someone who has not been committed to the facility; they may be intoxicated; combative individuals; or a medical issue and the squad requests the presence; that is the number one address they respond to on that road; all inpatient for that facility; usually dealing with someone at admission; Keehner asked about the frequency; Spence said sometimes a number of times a week; Keehner said is it the facility or the neighborhood; Parsley said they are not Parkside; they operate totally different; they do not require that you are detoxed; you can be driven there; they take transient clients; they take Medicaid; Keehner said that was the understanding from the last meeting; they seem to be highly motivated clients; asked about the James Road access sealing off; Plank said new entrance will be off Johnstown Road; they prefer it not be lined up with the current intersection; Priestas said will be evaluated; Plank said contingent upon an access study; would prefer it be at the intersection; will look at that; access will be on Johnstown Road; will be fencing along the front side of the property; Parsley said the yellow area on the rendering will be fenced off; were concerned about the pool area and the UDF; the purpose of the fencing is to also keep people walking on the property; Plank said they will modify that condition; Shepherd asked if there will be a security guard; Parsley said will be security at night when staff is not there; specialized

security; will police the inside and outside; Shepherd confirmed have 24 hour coverage; Parsley said yes; Hicks said the letter received on the 20th - is it safe to add the security guard to the list of employees referenced; Plank said is in the response to Mr. Wester; included in the list of 100 employees; did not get in the details of what that number included; Burba asked about Parkside funding; read something in the history of being a Medicaid facility; Parsley said do not take transient people, people who cannot pay; Parkside takes people with no means to pay; we take a combination of private pay and insurance; they usually detox at a hospital; would operate as a mental health facility; will incorporate AOD follow-up; people make an appointment; just because outpatient offer is there, does not mean that people leaving inpatient will go there; have several offices in Columbus; will be first residential facility in Columbus; Keehner said it is basically residential facility with treatment options; Parsley confirmed; treatment needs vary; can be there up to 6 months; will not release someone if they are not ready; Keehner asked if they can choose when they want to leave; Parsley said is voluntary; have to make that decision during normal hours; stuck in the facility overnight; do not release in the middle of the night; Nicewarner said he took pictures and brought forward to the Commission; when he retired he moved here in 2003; bought a house that sat vacant for a while; elected to rehab it himself; have a good amount of money into the home; took pictures of the fencing and how close it is currently; do not understand that there isn't anything they can do to reduce his fears of reducing his property value; especially if potential buyers have children; what Creekside Green did when they came in, they did not follow the property line; his concern will be that things go over that fence into the area that he maintains; is property owned by Creekside Green; they have to come through his property to maintain that area; put a wire fence in the area; still some fencing from previous owners; they still have skunk, cats, raccoon animals from that area; Plank said they are building a 6' fence; not solving condo area problem; Nicewarner said the fence will not sway future home buyers; Plank said empty building will not help the property value either; the use helps to at least establish what will be there; Nicewarner said when he tells people what they want to put next to him, they gasp; Plank said we do not know with property values; Nicewarner said while it may appear voluntary, it may not be voluntary with family or employers to the patients; Michael Dowdy said those type of people do not typically come to the program; these are highly motivated people; the substance abuse people have gotten a bad knock because of what is portrayed on TV; those are the worst case scenarios; Michael Downey said it is your neighbor; someone in your family; can be anyone in this room; this is already in the neighborhood; Parsley said is likely 30% of the people attending the festival the City puts on; is everyone; we all know at least 2 people addicted that we do not even know about;



Hicks asked about the treatment, will there be controlled substances; Parsley said do not believe in methadone; use a vivitrol shot, if you use you will get violently ill; also use suboxone; administer it but do not give prescriptions; is a stick on the tongue that dissolves; Gard confirmed they will have amended applications by next week; Plank said yes; Nicewarner said understands what they are saying, but you are putting all these people in one place; concerned with this; Parsley said we do not have the kind of issues that are being brought up; we have measures in place; we are for-profit and working for the success; held to a higher standard than the non-profits; that makes us better; only way we make money is by being better; still a drug and alcohol facility.

**RECOMMENDATION:** Public Hearing on January 25, 2017.

### C. ADJOURNMENT

7:19 p.m.



**City of Gahanna**  
**Meeting Minutes**  
**Planning Commission**

200 South Hamilton Road  
Gahanna, Ohio 43230

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

*Kayla Holbrook, Deputy Clerk of Council*

*The Commission may caucus at 6:30 p.m.*

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Wednesday, January 25, 2017

7:00 PM

City Hall

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**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, January 25, 2017. The agenda for this meeting was published on January 20, 2017. Chair Bobbie Burba called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Don Shepherd.

**Present** 6 - Donald R. Shepherd, Bobbie Burba, Thomas J. Wester, Jennifer Tisone Price, Joe Keehner, and John Hicks

**B. ADDITIONS OR CORRECTIONS TO THE AGENDA**

None.

**C. APPROVAL OF MINUTES:**

2017-0023

Planning Commission Minutes - Workshop Meeting, January 11, 2017 & Regular Meeting, January 18, 2017.

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

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

**D. HEARING OF VISITORS - ITEMS NOT ON AGENDA**

None.

**E. APPLICATIONS/PUBLIC HEARINGS:**

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

CU-0009-2016

To consider a 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; Parcel ID No. 025-000855; Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016 and 12/1/2016)

A motion was made by Wester, seconded by Shepherd, that this Conditional Use be Postponed to Date Certain to the Planning Commission, due back on 2/8/2017. The motion carried by the following vote:

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

CC-0003-2016

To recommend to Council, changes to Part Eleven - Planning and Zoning Code, of the Codified Ordinances of the City of Gahanna.

Chair opened the public hearing at 7:06 p.m.

Dottie Franey, Director of Public Service, 200 S. Hamilton Road, Gahanna, said in 2016 the Building and Zoning Divisions shifted into the Service Department; at that time worked with Building, Zoning, Service, Development, and Council office to work through the 1100 code; also made some revisions to address process changes; that code is being brought forward for review and approval.

Chair called for proponents, there were no additional. Chair called for opponents, there were none.

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

Keehner said his questions have been answered; Price said she appreciates the summary document; said it was well put together and easy to follow; thank you to you and your team.

A motion was made by Wester, seconded by Keehner, that this Proposed Code Change be Recommended to Council for Approval. The motion carried by the following vote:

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

**F. UNFINISHED BUSINESS:**

**G. NEW BUSINESS:**

RULES-0002-20 Planning Commission Rules of Procedure - to be adopted as amended  
17

Holbrook said the changes are mostly clean up; added language that the Commission may meet as needed in conjunction with the recent charter change.

Rosan said at her request; we also included a provision to allow the Commission to receive public comment on hearings that are not public hearings; in the old rules, if it was not a formal hearing, technically, the public was not allowed to comment; drafted language to allow public comment up to ten minutes.

Wester said the Clerk and the team did a very good job with this.

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

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

**H. OFFICIAL REPORTS:**

**City Attorney**

No report.

**City Engineer**

Priestas said tomorrow evening here, hosting open house for the West Side Intersections; will be from 5-7pm in Council Chambers; mostly will focus on the Stygler/Agler intersection.

**Planning & Zoning Administrator**

No report.

**Department of Development**

No report.

**Council Liaison**

No report.

**CIC Liaison**

Price said next meeting is February 21.

**Chair**

Burba reminded everyone of the Groundhog Day Breakfast; is next week on February 3; would like to have a good showing from Planning Commission; Price said speaker this year is Ed Hill; very well respected in economic development; has great insight; definitely would recommend attending if you can fit it in your schedule.

**I. CORRESPONDENCE AND ACTIONS**

None.

**J. POLL MEMBERS FOR COMMENT**

None.

**K. ADJOURNMENT**

7:18 p.m. by Shepherd



**City of Gahanna**  
**Meeting Minutes**  
**Planning Commission**

200 South Hamilton Road  
Gahanna, Ohio 43230

*Bobbie Burba, Chair*  
*Thomas J. Wester, Vice Chair*  
*John Hicks*  
*Joe Keehner*  
*Jennifer Price*  
*Donald R. Shepherd*  
*Michael Suriano*

*Kayla Holbrook, Deputy Clerk of Council*

*The Commission may caucus at 6:30 p.m.*

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Wednesday, February 8, 2017

7:00 PM

City Hall

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**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 8, 2017. The agenda for this meeting was published on February 2, 2017. Chair Bobbie Burba called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**Present** 6 - Donald R. Shepherd, Bobbie Burba, Thomas J. Wester, Jennifer Tisone Price, Joe Keehner, and John Hicks

**B. ADDITIONS OR CORRECTIONS TO THE AGENDA**

None.

**C. APPROVAL OF MINUTES:**

2017-0034 Planning Commission Minutes - January 25, 2017

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

**Yes:** 6 - Shepherd, Burba, Wester, Price, Keehner and Hicks

**D. HEARING OF VISITORS - ITEMS NOT ON AGENDA**

Sissy Howell, 115 Oklahoma Ave., here tonight about chickens; said she does own chickens; some are in favor and some are against; want to point out that for those that do have chickens; they are now being considered pets versus farm animals; heard concerns about chickens making too much noise; not true that all people own chickens for their

eggs; understands they can be loud, but they are pets; understands that some people have voted no; asked why and what can be done; asked that the Planning Commission reconsider; paid \$400 for a vet visit for her chickens recently; would like to ask for an extension to keep them longer; relocating them is a headache; would like to keep her chickens until they die; when she got them originally, she checked with Franklin County; Gahanna did not have any regulations; have had them for a long time; received a letter to get rid of her chickens; has been very stressful; they require a lot of attention; would like any reconsideration.

Edouard Petit, 132 Shull Ave., knows that chickens were voted down; have chickens; did his due-diligence, or thought so, when he got his chickens; checked with all his neighbors; also got approval from all of them; has a letter; they are all in favor of him keeping his chickens; not sure why the Commission voted no; would like to ask why; has raised his chickens from chicks; would like the Commission to vote again or give an extension; have tried to get a variance, but was not permitted due to code; spoke to the Mayor and the City Attorney, Shane Ewald and was told the Commission can re-vote; said chickens live about 5 years, has had his for 3 years; chickens stop laying eggs at the 3 year mark; no one wants to take his chickens in unless they are killing them; is a law-abiding citizen; will get rid of them if he has to; also checked with the Mayor; knows he can have ducks and pigeons; understands the Commission is against chickens; cannot have cats or dogs because of his profession; chickens do not care; considering getting pigeons instead; checked with the City Attorney and they are permitted; what is the difference in chickens and pigeons or ducks; would like to keep his chickens.

#### E. APPLICATIONS/PUBLIC HEARINGS:

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

##### DR-0004-2017

To consider a Certificate of Appropriateness Application for demolition; for property located at 109 N. High Street; Parcel ID Nos. 025-000082 and 025-000140; Thomas W. Schneider, applicant.

Gard gave a summary of the application; only one criterion is needed to be met; showed the survey of the property and renderings of the property.

Applicant, Thomas W. Schneider, 120 Mill Street; owns the building; said his primary business is the insurance company; bought this property that has been sitting vacant; had renovation work by the

previous owner; thought they had a tenant a year ago but it was too expensive to get it in the shape it needs to be; requesting it be demolished; in very bad shape; no drywall or pipe in the house; does not have historical value; plan for the property is to try and have a bigger piece of property to bring into Olde Gahanna; want to get it down.

Keehner asked if there are plans for developing before it is demolished; Schneider said there are no specific plans; Keehner said to tear down an older home is problematic; would like to see plans before he agrees to tear down the property; Schneider said only have to meet one of the requirements and they meet two; it cannot be modified to any economical use; was born and raised in Gahanna; said the city has very few historical buildings.

A motion was made by Price, seconded by Hicks, that this Design Review be Approved.

Discussion on the Motion: Shepherd said agrees with Keehner and Schneider both; said in this case, there are only a half a dozen buildings in Gahanna that really have any historical significance; hates to see Gahanna gradually go by but surprised this has not fallen down; could put twice as much money into this facility and it would not be feasible for a future use; Keehner said understands that; Shepherd said growing up here, knows all properties intimately; will be voting in support; Keehner said will not support for a number of reasons; said the historical argument is semi-valid; sad that vernacular buildings do not have any historical value; with the national register, have to have architectural or historical significance; said there is no plans for the future use; is a very significant location; potentially a significant pedestrian walkway; not ready to vote yes for this application.

The motion carried by the following vote:

Yes: 5 - Shepherd, Burba, Wester, Price and Hicks

No: 1 - Keehner

### Discussion:

Price said she wanted to circle back to the concerns about the chickens; for clarification, understands that is not an issue if there will be an extension period; said she voted in support of the chickens; cant answer for those who did not; Gard directed them to City Attorney, Shane Ewald; Burba said she thought there was only one other option, the ballot; Price said there is nothing Planning Commission can do; Weber said the vote was taken; Planning Commission cannot do anything; said to talk with Shane Ewald; said they cannot extend the timeframe extension; Gard said was extended to March 31; Weber said to talk with Shane Ewald about an extension; Price wanted to clarify; Keehner said grandfathering the chickens in as pets; if they did their due-diligence, there is an interpretation thing going on about pets



versus not pets; actually brought it up to the Mayor; sounds like it is not something they want to address; Price said sounds like their options are to talk with Ewald or administration; Gard said the extension was done administratively; was a direction from the Mayor; would speak with Shane; Petit said they already got an extension to March 31, 2017; went to the Mayor and that extension was granted; will not grant an additional extension; he said it was up to the Commission; bone is going back and forth as to who can extend the timeframe; Weber said can discuss this with Shane again; apparently there is some confusion at this time; Burba said cannot make any decisions tonight; Keehner said going to your ward representative is the American thing to do; we cannot do anything about it tonight.

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)

Applicant, Don Plank, said the Commission wants to take a further look at the conditions before approval; would like to get that into a format that is enforceable by all and can be read into the motion prior to approval; will need to postpone.

Gard said this is an amended application from the last one received.

Chair opened the public hearing at 7:38 p.m.

Chair called for proponents.

Patricia Winterhalter, 102 Orchard Drive; came tonight from Knox County; owns the property at 102 Orchard Drive; objection is that she believes in these places but believes it should be set somewhere remote and away from residents; thought that the people who are on drugs have stolen to support their habit; concerned of home break-ins in the area because of this facility; believes people will opt to go to a different swimming pool or park to avoid that area; believes it should be located somewhere remotely; said her daughter and her family live in the home at 102 Orchard.

Chair called for opponents.

Lieutenant Shelia Murphy, asked to make a comment, said she is with the Gahanna Police Department; clarified with Mr. Plank that the

Police Department would not be responsible for transporting anyone to and from the facility; Plank confirmed; Lieutenant Murphy also confirmed there are no drug safe zones on the property; Plank said that is not what this facility is; have agreed to that; Lieutenant Murphy asked about the security guard; Plank said there will be staff on site 24/7 and security guard will be in addition; Lieutenant Murphy asked if the guard is armed; Patti Parsley said no; Lieutenant Murphy asked if they will call the police for assistance if a situation is out of control; Parsley said absolutely; Lieutenant Murphy asked if there is security inside and outside; Parsley said yes and they have a system that is internally monitored.

Plank said understands the discussion, when we talk about the code, we are talking about land use; a lot of the issues brought forward deal with behavior; behavior is not part of land use and it is not addressed in code; have agreed to conditions that address these concerns; have went above and beyond what would typically be involved.

Price asked about the interest in having the facility in more remote location; asked if there is a therapeutic reason or wanting to relocate to a residential area; Plank said cannot speak for this particular client; detox centers are generally in a commercial setting; when they are detoxed, generally want to be in a residential facility; their facilities face north; important that they have a setting that is not industrial; trying to accomplish them being in a residential area.

Keehner said the last comment about considering land use versus behavior issues, our legal counsel said we do not need to worry, the use suggests this is a residential place and not a treatment facility; asked if he is looking at just land use, this is a treatment center and the fears may have relevance; Plank said when we look at the zoning code and definitions, the idea is that it is identified as a use permitted with conditions; those conditions are set out; thinks they are really looking at the intensity of a use; if this were a new build would be looking at more; there is a reason for conditional uses; will be operating in the same way as a nursing home; if you look at section b of the conditional use provision, where you can grant with modifications; specifically says it points to lighting and land use issues; his legal opinion is that this use is permitted and you need to give development standards that make it more in touch with what is in the neighborhood; position is that this is permitted; is a conditional use; the other three criteria deal with proposed development; they are actually applying conditions; let's make land use and development standards compatible.

Burba asked how long ago Bon-Ing was built; Plank said 1979; Burba asked how long it has been vacant; Plank said around 2 years;

resident said since 2014; Burba asked how many people will be employed; Parsley said anywhere between 60-80 employees; Burba asked how many beds; Plank said 70 beds but starting out slow; Burba asked what the payroll will be for the facility; Parsley said a large part of the staff is specialty; asked what kind of payroll information they are looking for; looking for at least \$100K a month.

Chair closed the public hearing at 7:53 p.m.

A motion was made by Wester, seconded by Shepherd, that this Conditional Use be Postponed to Date Certain to the Planning Commission, due back on 2/22/2017 to allow staff and the City Attorney to work on conditions for the motion. The Commission will caucus at 6:15 p.m. on 2/22/2017 to finalize the conditions. The Clerk will forward the revised proposed conditions to the applicant and the Commission by 2/17/2017.

The motion carried by the following vote:

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

**F. UNFINISHED BUSINESS:**

**G. NEW BUSINESS:**

**H. OFFICIAL REPORTS:**

**Assistant City Attorney**

No report.

**City Engineer**

No report.

**Planning & Zoning Administrator**

No report.

**Department of Development**

No report.

**Council Liaison**

Hicks said Council will interview for the vacant seat on the Commission tomorrow. Banning said Council will make the appointment by February 20.

**CIC Liaison**

Price said there is a CIC special meeting tomorrow and on the 3rd Thursday of the month.

**Chair**

Burba said Insight2050 information was provided; get with the Clerk if you are interested.

**I. CORRESPONDENCE AND ACTIONS**

Keehner said ironic that this Chinese New Year is the year of the rooster.

**J. POLL MEMBERS FOR COMMENT**

None.

**K. ADJOURNMENT**

7:57 p.m. by Shepherd.



# 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*

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Wednesday, February 15, 2017

5:30 PM

City Hall

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### 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.



**City of Gahanna**  
**Meeting Minutes**  
**Planning Commission**

200 South Hamilton Road  
Gahanna, Ohio 43230

*Bobbie Burba, Chair*  
*Thomas J. Wester, Vice Chair*  
*John Hicks*  
*Joe Keehner*  
*Jennifer Price*  
*Donald R. Shepherd*  
*Michael Suriano*

*Kayla Holbrook, Deputy Clerk of Council*

*The Commission may caucus at 6:30 p.m.*

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Wednesday, February 22, 2017

7:00 PM

City Hall

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**PLEASE NOTE: The Commission will caucus at 6:15 p.m.**

**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 22, 2017. The agenda for this meeting was published on February 15, 2017. Chair Bobbie Burba called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**Present** 7 - Donald R. Shepherd, Bobbie Burba, Thomas J. Wester, Jennifer Tisone Price, Joe Keehner, John Hicks, and Michael Suriano

**B. ADDITIONS OR CORRECTIONS TO THE AGENDA**

None.

**C. APPROVAL OF MINUTES:**

2017-0040

Planning Commission Minutes - Regular Meeting, February 8, 2017 & February 15, 2017 Workshop

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

**Yes:** 7 - Shepherd, Burba, Wester, Price, Keehner, Hicks and Suriano

**D. HEARING OF VISITORS - ITEMS NOT ON AGENDA**

None.

**E. APPLICATIONS/PUBLIC HEARINGS:**

Assistant City Attorney Kristin Rosan stated Public Hearing Rules that would govern all public hearings this evening and administered an oath to those persons wishing to present testimony this evening.

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)

Gard gave an overview of the application; the application remains unchanged from the last time the Commission saw it.

Chair opened the public hearing at 7:04 p.m.

Chair called for proponents.

Applicant, Don Plank, said he is the attorney for the applicant and property owner; this is the third public meeting; have been to two workshop meetings; have picked up a new Planning Commission member; summarized the application; have access currently on James Road; Johnstown Road serves the office portion of the property; currently zoned CC; have the zoning map and code sections to pass out and discuss; 121 James Road is the previous nursing home; evidence submitted that the City played a part in the previous financing; the next predominant zoning next to CC is AR; and then after that is single family; is interesting to note that properties around them in the area have been developed; based on meetings with neighbors, City staff, the Commission, and correspondence, conditions have been drafted; we agree to those conditions; they also include a fence, site improvements; description of fence is in the original application; we have proposed their access from James Road to Johnstown Road; that was based on an earlier meeting with residents; we have proposed to do that in the conditions; also have conditions that deal with operations; neighbors were concerned with noise and smoking in the back of the facility, those issues were addressed; earlier testimony from the City said they would not require a traffic study; the noise we dealt with was to limit the outside activity hours; have cited many times 1169.04; the four conditions: the City has acknowledged that this is a conditional use;

Chair granted a 3-minute time extension.

Plank continued: the next conditions address the development; there

is no proposed development; interior is being renovated; no renovations to the exterior; do have the staff report that makes the argument that this is actually a development; met earlier with the building department; provided an adjudication order; a letter is attached that was provided to them; the only item that they have to do is that each bedroom has to have a smoke alarm; they have to be attached to the main security system; pointed out that if there is no proposed development; if they comply with area plans, in order to comply, that building has to be torn down and redeveloped; no code will require a demolition; our building is a part of the neighborhood character; have been there since 1969; actual evidence from Police Report, said they did not frequently get called to the facility; noted the facility in Dayton includes a psychiatric hospital; said there are calls from time to time from the psychiatric facility.

Whitney Prince, 283 Brookhaven Drive N., said received a flyer about this; surprised to get this; why would we want to block this; there is a heroin issue; there is a waiting list for facilities; knows a regular guy who is addicted; where else would we want this; Detective Matt Fulmer from the Gahanna Police has reported about the strong use of drugs; a Franklin County Judge said the majority of people he was seeing was an average adult white male; want facilities to be available; want them to have somewhere to go; doesn't make sense that they are having an objection to this.

Chair called for opponents.

Jerry Nicewarner, 143 James Road, said they have mentioned Dayton, they are 500 feet from the residences; there are approximately 21-27 residential homes and 10 commercial buildings; calculated that the residential value is over \$4 million; total \$6.4 billion in residences and businesses affected by this; generally on a fire system, when triggered, that system will unlock all their doors; that will allow access.

Todd Bidlack, 99 Orchard Hill Court, said according to the attorney that spoke on behalf of the property, there is no fence that has been erected; said he has not visited the property; also concerned about security issues; asked if there will be an ankle monitor; are people in the immediate area going to receive a notification if there is a breach in security; concerned with this; has a 10 year old granddaughter that spends her time at his home; asked does he need to get a pitbull to accompany her.

Stephen Renner, 740 Quaker Ridge Court; said he stands with his fellow residents on the west side; thanked everyone for their time put into this; will speak from the heart; understands there is an alcohol

and heroin epidemic; there are facilities for these things; in fact there is already a facility on the west side; appreciates some of the testimony from the applicant on development; as a resident, if you heard a collective sigh from the neighborhood on what can come next, that should be the focus here; only real testimony on this matter is that he understands and said we need these services; is not the right location for this facility.

Jean Mitchell, no address given, said she has been a Director of Nursing for these type of facilities; these people are solely covered on Medicaid; unless there is a new law; when their treatment is done, they have to have some place to go to spend the night; will be encouraged to go to day treatment; will be going to the outpatient facility; asked where will they stay; Breaking Point near Whitehall, they are similar to Parkside, they are bringing people from Youngstown to keep their beds open; they are being moved to Reynoldsburg and bussed back and forth; these folks will need a place to stay; this may turn into a big mess in the neighborhood; when she worked at Parkside within the last year, had people who wanted to leave; these people can come and go if they want to; we have had people leave Parkside and found at the cemetery; many have medication in them; they haven't been clean or sober for that long; encouraged the Commission to think about housing.

Christine Unverzagt, 84 Orchard Drive, said she lives nearby; will go down her street; residential or not, people are coming and going down their streets; doubts if they wanted to sell their home if they would have a sale; would like to know if sexual predators will be accepted; if they are can come and go when they wish; that is a real concern; if approval, it was stated that the patients would not be allowed outside the facility unless escorted; will that be signed off and be permanent; important to ask how this site will be used if this is voted down; what other activities will be provided to keep the residents busy; do not know the number of patients allowed; specifically the outpatient; a huge influx of people wondering the neighborhood; these are facts of life.

Chair extended the time for another 10 minutes.

Beth Fisher, 262 Brookhaven Drive E, said she has been a resident for 40 years; her backyard backs up to James Road; very concerned with the change that this will bring to their neighborhood; participates in outdoor activities in the area; have seen ambulances driving by at all hours of the night to Parkside; there is traffic at all hours; said they have had three people knocking at their door asking for a ride or to use the phone; one person even had a medical emergency at their home; definitely need to be thinking from a planning perspective how

to remove the stereotype from the west side.

Lisa Lambert, 293 James Road, said she feels very strongly that this is not the right location; was not notified of this application; only .25 miles away; upset to learn that the outpatient is already approved because of current zoning; have trails, the pool, soccer fields in the area; has two young children; there will be a lot of people coming and going to the area; there is a bus stop across from Creekside that these people will utilize; different from the vision she had when she found this neighborhood; concerned for her children; believes they deserve to live in a safe neighborhood; concerned there will be an increase in crime; this facility should be in a business facility; if there is a high fence, how will they even know they are in a residential area; traffic is already congested in the area; will negatively affect their property value; cannot believe anyone would jeopardize their community; asked if you would want your kids or grandkids living next to a rehab center;

Charlotte Leopard, 309 James Road, said she just became aware of this 2 weeks ago; most points have been made; said Mr. Plank noted the access to James Road, but last week, it was noted that it will be 2 years before that road is concluded and that maybe it would be closed; thought that made them not a good neighbor; also did not understand if this will be an opiate treatment center; when you look into that, is very eye-opening; totally agree that it is needed; if you are on a waiting list, will wait in a parking lot; in a stone's throw in our gateway to Gahanna.

Lisa Brabott, 227 Brookhaven Drive North, said she brought something to read that was written by a good friend of hers that did not want to read this tonight; somehow I ended up in a drug facility; family was told this was the best in the area; was surrounded by some scary individuals; many use these facilities for a roof over their head; was an eye-opening and startling experience; heroin found a friend of hers; was told to get comfortable at the facility because of her insurance; her friend had to leave but was told he will be back; while she believes the epidemic is at an all-time high, it is not appropriate for this area or any residential area; will take years to enforce and undo this if it does not turn out to work as best as described; beg and plead to turn this issue down; we should be asking why the applicants were so ready to give up and settle on conditions; added that she is totally against this; knows there are many businesses on the road; this is set away from businesses.

Chair called for proponent rebuttal.

Don Plank, said those conditions did not come easy; there was give

and take on that for a least 3 meetings; the road, they are not waiting two years; they are working on studies in the interim; the City will make the final decision; it will happen; also have someone from Access Ohio here to answer questions; hard to argue against the drug addict stereotype; we need these facilities; the building is there and in a commercial zoned area; the area to the west and north is zoned CC; this is the perfect location for this; this is a residential use; addressed many of the security issues; if you look at the conditions, they were agreed to because it was the right thing to do and how they intended to operate.

Wester asked the question about the number of patients; Plank said maximum of 70 for residential; will have less than that in the beginning; the information he has for outpatient is that it has to be done by appointment; will be no more traffic than a typical doctor's office; Wester asked within the conditions in 9D; asked if a sexual predator is also a sexual offender; Plank said they will not be permitted if registered; Wester asked for a restatement of question from the opponent; Christine Unverzagt said understands people will not be allowed to leave and wonder the neighborhood; Plank said when someone is accepted, they sign a contract; someone has to deliver them to the facility and cannot come out unless escorted out; obviously we are concerned about the neighborhood; do not want people not committed to their treatment; we have liability issues as well.

Chair closed the public hearing at 7:48 p.m.

Price said the property was appealing; Plank said was not involved in the purchase; but yes, it was appealing; Price asked if there are improvements to the site; Plank said there are improvements as it has been empty for 2 years; they are painting; not doing anything structural; are putting smoke detectors in the facility; Price said purchase price was \$1.2 million; do you envision that the improvements discussed will increase the value of the property; Plank said absolutely; the parking lot alone is in poor shape and will improve the value; in addition to the access; likely will be stormwater permits with the property; Price said it does make her pause; Plank said we can do what the community wants; this place should be improved; renovated the building as anyone would; not uncommon; Price asked staff how things are considered for development investments; are these going to come before Planning Commission; Blackford said we have a defined answer for development; read the definition to the Commission; said any use of land is development; we are wasting time talking about if this is development; Plank said will take that to court any day of the week; would not have to comply with planning if just improving another nursing home; Blackford said this applies to a

conditional use; specifically conditions 2-4 in code; this is a use of land; Price asked about the argument that this is the same use because it was a nursing home; the practical use and the care provided; significant differences between nursing home care and the proposed facility; trying to get a sense of how much care is directly provided to the patient; is there a medical director onsite; what the treatment process is; the patients get delivered to you, asked about that; Patti Parsley, 99 N. Brice Road, said typically patients are coming from a hospital where they have done their detox; they deliver to them typically; sometimes family arranges delivery; they are getting them in a lot of different ways; their admission has to be pre-arranged; once with them, they are getting 6 hours of group counseling per day and individual counseling per day; getting nursing care each day; Price asked if that is an Access policy; Parsley said that is how they operate; for the Ohio Department of Mental Health and Addictive Services (OHMAS) requires them to have a nurse at the facility for set hours; said they cannot be on benzene or related medication; can be on blood pressure medication; Price asked if they are being treated with other medications; Mike Dowdy, with Access Energy, said yes we do to help keep them stabilized; may subscribe suboxone; Price asked what percentage is that part of the treatment plan after the first detox; Dowdy said it greatly varies; Price asked about the term voluntary; sounds like the first phase is involuntarily; understands that a patient is not allowed to leave between 8pm and 8am; if it is voluntary, can you really hold them; Dowdy said they sign a document; Price asked if that is enforceable; Parsley said if they do that, will escort them off the premises so they cannot argue kidnapping; Price confirmed if they are adamant, Dowdy said they will get a staff member to take them home; Price confirmed they needed a safe place to go and how that is coordinated; Parsley said through their social workers at their facility; Price asked when it is outside of the 8pm and 8am, if they are escorted, could that be to a bus stop; Dowdy said no, will be with family or somewhere safe; Parsley said they have to have a place to go; Price asked about those that do not; they do not have a home or are not in contact with their family; Dowdy said their case managers identify family in the first place if they leave; if they have to find housing, we help them put that together; Price asked about testimony on sober homes; with other facilities, have you in the past purchased homes to create sober homes in the communities; Dowdy said no; they do not operate any; Price asked about sister companies; Parsley said no.

Wester asked about the ankle bracelet question; Plank said they do not wear ankle bracelets; Wester asked how many physicians will be in the building and the value; Parsley said misunderstanding that this is just for drug and alcohol; also treating people with mental illnesses; number of doctors will depend on number of clients seeking that



treatment; probably around 2 physicians there.

Keehner said has asked many questions over the last few meetings; listed after the meeting when the applicant spoke to residents; also spoke with friends who stated this area is number one for the heroin epidemic; said an opponent mentioned the door alarms will open when there is a fire alarm going off; will that open the doors; Parsley said at all of their facilities, none are locked, have measures in place to have staff at each door; that is a requirement for their licensure; because they are certified by OHMAS, have to show this plan in place.

Shepherd asked about the doors being locked; Parsley said there is no lock after the 30 second delay; anything is possible for the doors to get locked; Shepherd asked how this property can be used if this is voted down; Gard said both buildings can be used as an outpatient facility; Shepherd reiterated that to the audience; that is why we have a long list of conditions; have been by this property many times; grew up in this area; knows the area well; does not fit in with the area; a nursing home is a different usage, agrees with Price; only in the world of attorneys, would you argue the obvious; enjoy getting older from the standpoint that you get to see things in a different set of eyes; believes we do need facilities; just not here; just because you can do it does not mean you should do it; does believe this is a use needing a conditional use; the third condition in code is significant; will decrease property values; it is not in keeping with the existing land use; suppose that can be argued a little bit; drove the area near the facility in Dayton; said it is apples and oranges; knows the area; we are not talking about the same type of area; argues that this is not the same area; to compare the two, to state statistics, there is nothing comparable; will not be supporting this tonight; have listened, learned, and studied.

A motion was made by Price, seconded by Hicks, that this Conditional Use be Approved contingent upon the following conditions:

1. That the building located at 175 West Johnstown Road (Parcel ID Nos. 025-000798, 025-000890) will be operated solely as an outpatient facility providing therapeutic intervention for clients by appointment only.
2. That the building located at 121 James Road (the "Residential Facility"; Parcel ID No. 025-000855) will be operated as a residential facility providing intense therapy and counseling in a residential setting for clients.
3. That both facilities will be operated by a state licensed provider of treatment for persons afflicted with drug and alcohol addiction.
4. That clients are permitted to stay for up to consecutive 180 days at the Residential Facility, Parcel ID No. 025-000855.
5. At the Residential Facility, Parcel ID No. 025-000855, smoking shall be permitted only at the existing patio area in the northwest, and shall be specified as a designated smoking area.
6. There shall be no outdoor group or other activity permitted between the hours of 8:00 p.m. and 8:00 a.m at the Residential Facility, Parcel ID No. 025-000855.

7. There shall be a fence along the property lines as submitted in the application.
8. The existing access drive to and from James Road will be closed to all traffic except emergency vehicles and occasional maintenance and contractor vehicles, within 2 years from the date of granting the zoning certificate for the Residential Facility, Parcel ID No. 025-000855, provided that a traffic impact/access study, approved by the City of Gahanna, concludes that West Johnstown Road is the appropriate means for ingress and egress for the site.
9. The state licensed provider, of the Residential Facility, Parcel ID No. 025-000855, shall:
  - a) There shall be no person under the age of 18 permitted to be a resident.
  - b) There shall be no person with an outstanding arrest warrant, or pending criminal charges, permitted to be a resident.
  - c) No person with a felony criminal record involving serious physical harm within the last five (5) years shall be permitted to be a resident.
  - d) There shall be no person identified as a sex offender under Ohio Revised Code permitted to be a resident.
  - e) That all prospective residents will have successfully completed a minimum of a 7 day detox before being admitted to the Residential Facility.
  - f) That all residents are drug tested when they enter the program and when they return from any offsite/chaperoned appointments.
  - g) That all residents are given unscheduled urine tests approximately 4 times a week and rooms are periodically searched.
10. There shall be no drug safe zone on the site.
11. That residents of the Residential Facility are not permitted to have vehicles at the site.
12. Staff shall monitor the yard area of the Residential Facility, Parcel ID No. 025-000855, before and during the period a resident is permitted to use the yard.
13. That there will be an unarmed licensed security officer at the Residential Facility, Parcel ID No. 025-000855, at all times.
14. That the facilities are required to have the required signage prohibiting concealed carry on the site.
15. That all doors at the Residential Facility, Parcel ID No. 025-000855, will be alarmed with locks that have a 30 second delay between alarm and opening.
16. Law enforcement services will not be used to transport residents to and from routine and non-emergency offsite appointments.
17. Residents of the Residential Facility shall not be permitted to leave the facility between the hours of 8:00 p.m. and 8:00 a.m.

DISCUSSION ON THE MOTION: Keehner said he wrote a statement; said this is a controversial issue; "when this project was first presented to the Planning Commission I was ready to vote yes; it seemed reasonable since it had already been a nursing home and you were just reopening it with a different type of residential care; my understanding was that this was a variance request, voting yes was legally impossible without some kind of zoning change; but with some semantic changes, the project was more legally viable as a conditional use; although I wasn't comfortable with what I considered legal manipulation of code, it still seemed like a reasonable use; however after wrestling with all the pros and cons presented through testimony and trying to see this in a holistic planning context; I have come to the conclusion that this use on this particular piece of land is not in the best interest of the City; because I can see a benefit for integrating people in recovery into the community at large; locating such facility with residential areas nearby is not

necessarily a bad thing; so I don't consider this section to be prejudicial; also in trying to be objective, a Planning Commissioner should not be swayed by any bias or personal wishes voiced by elected officials, as we received an e-mail from the Mayor; although this property is zoned commercial; it directly abuts residential properties; this proximity makes the use potentially detrimental and less valuable as a buffer use between more intensive commercial uses and residential use; however a definite negative impact might be difficult to prove, since it is based on anxiety, speculation based on anecdotal evidence and observations of addictive behaviors, and on precedents suggested by realities at some similar facilities; the concerns of nearby neighbors and the negative impact of potential/residual criminal activity are valid but have been addressed and possibly mitigated by the requirement of a perimeter fence and sixteen other constraints agreed to by the developer; repurpose of the property; possible exception is the property value concern which in my opinion is a bit too myopic for consideration when balanced with the best interest of the City at large; therefore the main reason for rejection is related to what I see as long-term planning goals for the area; this area is basically a walkable extension of Olde Gahanna and the riparian recreational spine of the city; this property with its neighbor on the corner of Johnstown and James is across from the Olde Ridenour House; thus this particular area of land has a strong potential as a connective space between Creekside development and the East Johnstown Road corridor; to make this project at all viable and palatable, at this specific location, a perimeter, part privacy fence is required; that reality makes this use at this specific location problematic in terms of planning goals and is detrimental to the big picture"

Shepherd said will not be supporting this application for reasons provided earlier; would not be in accord with the appropriate plans for the area; Wester said will not support this either; thanked the residents for their show of support for the defeat of this application; and thanked them for their patience; thanked City staff for their efforts and documentation; said Mr. Plank did a great job; does not believe this belongs in a residential neighborhood; Price said will not be supporting this application tonight either; basing the approval on 1169.04; believes this meets two listed criteria; believes it will have an undesirable effect; the conditions were important to go through; these conditions may slightly improve the application; the underlying issue is lack of enforceability; these are not licensing regulations; these are internal policy; only when there is an incident and when the police respond; Burba said she agrees with what everyone has said; does not support this; thanked the applicant for their time on this; said the Police Department has been great with them and providing the information; appreciates them.

The motion failed by the following vote:

Yes: 0

No: 7 - Shepherd, Burba, Wester, Price, Keehner, Hicks and Suriano

**RECESS: 8:24 - 8:33 p.m.**

V-0002-2017

To consider a Variance Application to vary Section 1165.08(b)(3), Permanent Signs, of the Codified Ordinances of the City of Gahanna; to allow a wall sign larger than fifty (50) square feet; for property located at 1013 Gahanna Parkway; Parcel ID No. 025-006152; current

zoning, Office, Commerce, and Technology (OCT); Andrew Hedge, applicant.

(Advertised in the RFE on 2/16/2017)

Gard gave an overview of the application; applicant is requesting a variance to allow all signs to exceed 50 square feet; said the existing building is very large; a 50 square foot sign looks out of proportion; applicant has submitted three versions at different sizes; opinion is that the 80 square foot sign is proportionate; this is the site survey of this property.

Chair opened the public hearing at 8:37 p.m.

Chair called for proponents.

Applicant, Andrew Hedge, said they bought this property about a year ago; is in the industrial zone; no impact on any residential people in the area; we are a growing business; have created 5 new jobs in the area and on pace to add 5 each year; should double in the next three years; the sign on the building previously was a large wide sign; believe the code was changed 10 years ago and there are a lot of similar large signs in the area; plan to improve the property with fencing and landscaping; feel that a large sign would be best, so clients can find us, is appropriate; is a good size building; want to get the scale right in relation to the building; would personally like to use the 95 square foot sign; but willing to compromise.

Chair called for additional proponents, there were none.

Chair called for opponents; there were none.

Chair closed the public hearing at 8:39 p.m.

Price said the 50 sq. ft. looks out of place; thinks the 80 looks to be appropriate; Shepherd said could go with the 80 or 100; because of the location and area; asked if they do residential or commercial; Hedge said about 65% residential last year but will grow commercially; Hicks asked if we are to pick the size; does not have an issue with the larger size; Wester agreed; Suriano agreed; Keehner said making it larger makes sense; Shepherd agreed.

A motion was made by Wester, seconded by Shepherd, that this Variance be Approved with the condition that the signage be 97.3 square feet in size.

**DISCUSSION ON THE MOTION:** Shepherd said he will be supporting this; prefers the larger sign; Price said she agrees.

The motion carried by the following vote:

Yes: 7 - Shepherd, Burba, Wester, Price, Keehner, Hicks and Suriano

V-0003-2017

To consider a Variance Application to vary Section 1165.04(a)(7), Prohibited Signs, of the Codified Ordinances of the City of Gahanna; to allow an off premises permanent sign; for property located at 471 Morrison Road; Parcel ID No. 025- 008884; current zoning, Planned Unit Development (PUD); Melinda A. Skipper, applicant.

(Advertised in the RFE on 2/16/2017)

Gard gave a summary of the application; said this is a new business; said their building sits back and has no exposure to vehicles; this is a very small sign; they have a letter from the property owner at Waterbury allowing them to place the sign there as long as the property owner wishes; showed a rendering of the proposed location; showed the sign detail rendering.

Chair opened the public hearing at 8:47 p.m.

Chair called for proponents; there were none. The applicant was not present.

Chair called for opponents; there were none.

Chair closed the public hearing at 8:47 p.m.

Shepherd asked staff to reach out; not particularly in support of this; asked if there is something they can do on the property to open the visibility; asked staff to do that; Price said it would be helpful to know if other tenants are having this issue of finding them; said this building is likely 30+ years old; not as well-known as it used to be; want to make sure if there is an issue, we can take a better approach to address it; noting what the name of the building is; Keehner asked if we will see the actual sign before it is put up; Gard said no they would not see it; Suriano asked for an understanding on the timeframe; understanding more materials of the sign as well; doesn't appear they are set to last a long amount of time; Gard said is typical MDO form; pretty substantial stuff; they have already submitted their application for their design review; Suriano asked if they are no tree posts; Gard said yes; Suriano said other signs in the area are made of more build quality material; Shepherd asked if we should reach out to the applicant and have a workshop; asked if they are business now; Gard said yes; Price asked for a quick synopsis of sign code; if the property owner approves a temporary sign, is that allowed; Gard said there are no variances for temporary signs; Price confirmed it would have to be a setback; said her preference is to delay taking action on this until they

can get more information; Burba suggested they also talk with their landlord for insight; Price said she prefers we have this information before March 8; Gard said the applicant is an office worker at the facility; Price asked if we can reach out to the applicant to express the questions and to ask that they get with the decision maker of the signs; Blackford said when the Mayor conducted a business visit, they expressed this issue; they have been in operation for at least 6 months; asked the goal for March 8; will they identify alternative materials or the location; Price said she would like to see this is not just a one-time thing for these tenants; would like to see due-diligence in speaking with the landlord; Blackford confirmed the landlord of the facility; said it is far back from the right-of-way; would agree that would be preferable; but it will not solve this particular issue; also concerned with the one-off; we will have more of these; do not want a proliferation of off premise signs; not something we do and take lightly; this will not be an alternative that will alleviate this particular issue; will likely look at off-premise no matter what; Price asked if there are development plans for the property in front; Gard said that property owner declined allowing a sign there; Blackford said that land owner has not been active in pursuing development for that site; said this is a unique situation; would this need to be on materials or location; Wester said this is expressed in the application as a permanent sign; said this looks temporary; Suriano said the image does not represent what that size looks like; suggests this needs to be in context with buildings behind it and appropriately scaled; also would like to see drawings; Price said there is an existing Waterbury sign; Gard said it is for the shopping center; Price said does not believe it has individual numbers; Burba agrees with Suriano that this is not permanent; Gard said it is the size of a yard sign; Hicks and Shepherd said ready to vote now.

A motion was made by Hicks, seconded by Shepherd, that this Variance be Approved.

**DISCUSSION ON THE MOTION:** Price said will not supporting the application this evening; open to the applicant coming back with something different; Shepherd agreed will not be in support of this; does not want to see off-premise signs; Suriano said they need more documentation and will not support; Wester said will not be supporting but would like them to resubmit with alternatives; Keehner said can support this because it is an actual permanent sign in the current context.

The motion failed by the following vote:

Yes: 1 - Keehner

No: 6 - Shepherd, Burba, Wester, Price, Hicks and Suriano

## F. UNFINISHED BUSINESS:

None.

**G. NEW BUSINESS:**

None.

**H. OFFICIAL REPORTS:**

**Assistant City Attorney**

No report.

**City Engineer**

No report.

**Planning & Zoning Administrator**

Gard said if you go to the Garden Show this weekend, recommends you stop by Andrew Hedge's booth.

**Department of Development**

No report.

**Council Liaison**

No report.

**CIC Liaison**

Price said has been able to attend some events and meetings; yesterday they provided a recap of the Groundhog Day; said it is the largest they have had; had wonderful reviews of the speaker; they are getting closer to the Fiver project.

**Chair**

No report.

**I. CORRESPONDENCE AND ACTIONS**

None.

**J. POLL MEMBERS FOR COMMENT**

None.

**K. ADJOURNMENT**

9:07 p.m. by Wester