

As Amended on 1-20-17 Ming

File No. 17010011 = CU- -2017  
Date Received: 1-20-17  
Scheduled Public Hearing Date:

Fee: \_\_\_\_\_  
Initials: \_\_\_\_\_  
Check or Receipt No. \_\_\_\_\_

**APPLICATION FOR CONDITIONAL USE  
CITY OF GAHANNA - Planning Commission or Zoning Division**

**\*REQUIRED INFORMATION**

\*Site Address 121 James Rd. & 175 Johnstown Rd., Gahanna, OH 43230 Parcel ID# 025-000855, 025-000798 & 025-000890  
\*Applicant's Name Donald T. Plank, Attorney Email dplank@planklaw.com  
\*Status:  Land Owner  Option Holder  Cont. Purchaser  Agent  
\*Business Owner Access Ohio LLC Phone# 614-915-4638  
\*Business Address 99 N. Brice Rd., Suite 360 Fax# 614-386-9736  
\*City/State/Zip Columbus, OH 43213 Current Zoning CC  
\*Proposed Use Health and allied services/drug and alcohol rehabilitation Total Acreage 4.055  
\*Reason for Conditional Use To permit living quarters as an integral part of the permitted use building  
\*Developer N/A Phone \_\_\_\_\_  
\*Complete Address N/A  
\*Contact N/A Title \_\_\_\_\_  
Landowner Access Energy LLC Phone 614-915-4638  
Complete Address 99 N. Brice Rd., Suite 360, Columbus, OH 43213

Note: Planning Commission and/or City Staff may visit the property prior to the hearing.

*Donald Plank*

1/20/17

\*Applicant's Signature

Date

**Submission Requirements**

1. A plan that complies with the list of Conditional Use requirements stated in Section 1169.02(b). See attached sheet.
2. Two (2) 11x17 and nine (9) 8 1/2 x 11 copies of plan.
3. Statements of information as required in Section 1169.02(a).
4. Application Fee of \$100.
5. A list of contiguous property owners and **their mailing addresses.**

**APPROVAL**

In accordance with Section 1169 of the Codified Ordinances of Gahanna, Ohio, I hereby certify that this project, as stated above, has been approved by the City of Gahanna Planning Commission on \_\_\_\_\_. A copy of the minutes is hereby attached. The applicant shall comply with any conditions approved by the Planning Commission, and shall comply with all building, zoning, and landscaping regulations now in place. This approval is valid from public hearing date to \_\_\_\_\_.

\_\_\_\_\_  
Planning & Zoning Administrator

\_\_\_\_\_  
Date

\*Note: All correspondence will be to applicant above unless otherwise stated.

RECEIVED  
JAN 20 2017  
Ming

Revised August 2014

TRANSFERRED

NOV 18 2015

CLARENCE E. MINGO II  
AUDITOR  
FRANKLIN COUNTY, OHIO

23494

Conveyance
Mandatory: 310.00
Permissive: 310.00 RD
CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR



20151180163154  
Pgs: 2 \$28.00 T20150084890  
11/18/2015 2:54PM BXSTEWART BOX  
Terry J. Brown  
Franklin County Recorder

File No.: 01032-18457

1 of 1

**GENERAL WARRANTY DEED**

Fern J. Dolman, a married woman, for valuable consideration paid, grants with general warranty covenants to Access Energy LLC, an Ohio limited liability company, whose tax mailing address is: 175 Johnstown Rd., Gahanna, OH 43230, the following Real Property:

SEE EXHIBIT "A" ATTACHED HERETO

Property Address: 175 Johnstown Road, Gahanna, OH 43230

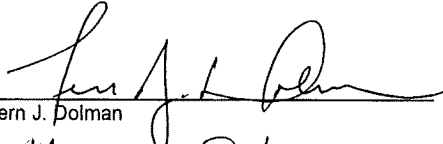
Parcel Number: 025-000798-00 and 025-000890-00

Prior Instrument Reference: Official Record 18895 Page 118 of the Franklin County, Ohio Records.

Mortimer Dolman, husband of the grantor, releases all rights of dower therein.

Excepting from said general warranty covenants, all legal highways, restrictions, and easements of record, and taxes and assessments from the date of the closing.

Executed this 13 day of November, 2015.



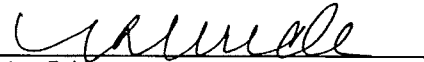
Fern J. Dolman



Mortimer Dolman, signing solely to release his dower rights

State of Ohio, County of Franklin

The foregoing deed was acknowledged before me this 13<sup>th</sup> day of November, 2015, by Fern J. Dolman and Mortimer Dolman, wife and husband.



Notary Public

My Commission Expires:

This instrument was prepared by:  
Joseph E. Budde  
Attorney at Law  
259 W. Schrock Road  
Westerville, OH 43081



KEIRSTAN URICK  
NOTARY PUBLIC  
FOR THE  
STATE OF OHIO  
My Commission Expires  
October 15, 2017

Stewart Title Agency  
of Columbus Box

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL I:**

Situated in the State of Ohio, County of Franklin, and in the City of Gahanna and bounded and described as follows:

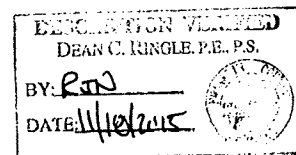
Beginning at a R.R. spike where the east line of Albert A. Beem's lot intersects the center line of the Columbus and Johnstown Road; thence with the center line of said road S. 77° 15' W. 151.3 ft. to a R.R. spike; thence S. 4° 00' W. (passing a stake at 26.04 ft.) 276.45 ft. to an iron stake; thence S. 86° 00' E. 150.40 ft. to an iron stake; thence along the west line of the Albert A. Beem lot N. 3° 00' E. (passing a stake at 295.61 ft.) 321.65 ft. to the place of beginning, containing (1 A) one acre of land.

**PARCEL II:**

Situated in the State of Ohio, County of Franklin, and in the City of Gahanna and bounded and described as follows:

Beginning at a stake in the center of the Columbus and Johnstown Pike, it being the northeast corner of John Clott's land, and running thence with Clott's east line nine (9) poles and thirteen (13) links to a stake in said line; thence east fourteen (14) poles to a stake, thence north thirteen (13) poles and nine (9) links to a stake and stone in the center of the Columbus and Johnstown Road; thence south seventy-four (74) degrees west with the center of said road fourteen (14) poles and fourteen and one-half (14 1/2) links to the place of beginning, containing one acre of land.

<u>PARCEL 1</u>	<u>PARCEL 2</u>
0-059-B	0-059-B
ALLOF	ALLOF
(025)	(025)
000890	000798



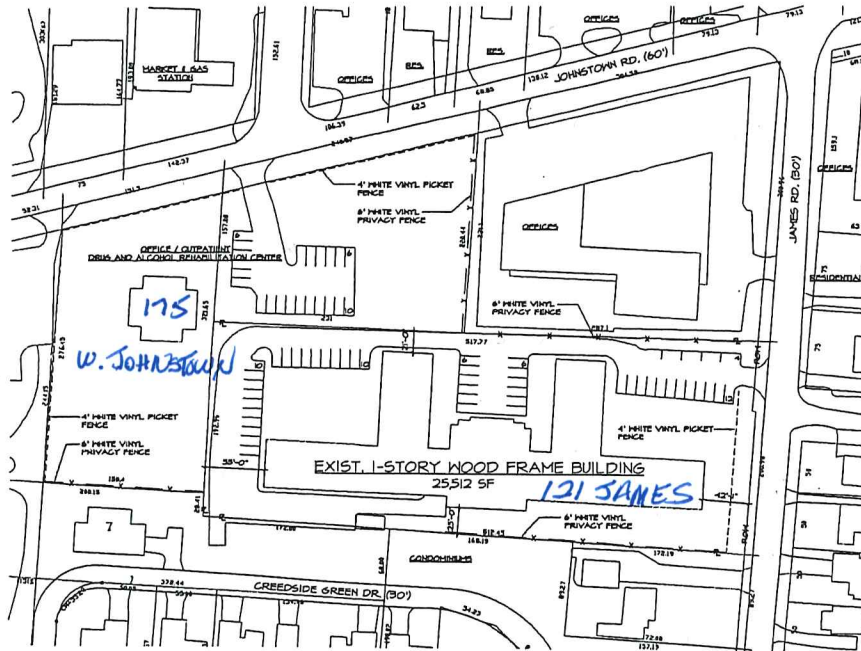
CONDITIONAL USE

# 121 JAMES ROAD

GAHANNA, OHIO 43230



LOCATION MAP  
1" = 100'



SITE PLAN  
1" = 50'



**PROPERTY DATA**

PROPERTY ADDRESS	121 JAMES ROAD
PROPERTY ID	025-000835
PROPERTY AREA	101,271 SF / 2.325 ACRES
BUILDING AREA	25,512 SF - 25% SITE AREA
PARKING / DRIVEWAY AREA	27,241 SF - 27% SITE AREA
BUILDING + PARKING AREA	52,753 SF - 52% SITE AREA
EXISTING OCCUPANCY	NURSING HOME
PROPOSED OCCUPANCY	ALCOHOL AND DRUG REHABILITATION CENTER WITH LIVING QUARTERS
EXISTING ZONING	CG, COMMUNITY COMMERCIAL
EXISTING PARKING	47 SPACES

Issue Date: JULY 13, 2016  
Revision Date: M016

General Notes

NOT FOR CONSTRUCTION

**DCH**  
DCH ARCHITECTS, LLC  
4625 Tremont Circle Drive  
Hilliard, Ohio 43026  
614.747.7223  
dcharchitects@brygholm.com

Project: 21606  
CONDITIONAL USE  
121 JAMES ROAD  
GAHANNA, OHIO 43230  
Sheet Title: SITE PLAN  
PROPERTY DATA  
Sheet Number: AI

**SUPPORTING STATEMENT FOR**  
**CONDITIONAL USE APPLICATION**

The property is located at James Road and Johnstown Road, Gahanna, OH 43230 and more particularly described on the attached legal description (the "Property"). The James Road portion of the Property has been used as a full service nursing home since approximately 1979. The nursing home operation ceased and the facility has since sat vacant. The proposed uses of the Property are that of a drug and alcohol rehabilitation facility at the 121 James Road address and a drug and alcohol therapy outpatient facility at the 175 W. Johnstown Road address. Under the Property's current zoning classification, CC – Community Commercial, an outpatient drug and alcohol rehabilitation facility is permitted; however, a conditional use is required to allow for living quarters as part of the residential drug and alcohol rehabilitation programs. The proposed use of this Property is a necessity and will be an asset to the community due to the increasing difficulties of drug and alcohol abuse and/or addiction. The programs offered at this facility will aid people in the community.

The properties in the area consist of office, condominiums, residential houses, a veterinarian hospital and a gas station. The proposed uses of the Property should not have an adverse impact on the surrounding area and will be an improvement to the community.

**Plank Law Firm**  
*A Legal Professional Association*

Donald T. Plank  
dtp@planklaw.com  
David Watkins  
dw@planklaw.com  
Christopher R. Kessler  
crk@planklaw.com

423 E. Town St., FL 2  
Columbus, Ohio 43215  
Business: 614-947-8600  
Fax: 614-228-1790

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January 20, 2017

City of Gahanna Planning Commission  
c/o Kayla Holbrook, Deputy Clerk of Council  
City of Gahanna  
200 S. Hamilton Rd.  
Gahanna, OH 43230

\*\*\*Via Hand Delivery\*\*\*

RE: Proposed Conditions – Residential Drug and Alcohol Rehabilitation  
Facility, 121 James Road

Commission Members:

Based on comments from neighbors and some City officials regarding our proposed residential drug and alcohol rehabilitation facility, Applicant submits the following terms to be included as conditions to applicant's conditional use request. Applicant's agreeing to the imposition of these terms should not be construed as a sign of the neighbors' support or opposition.<sup>1</sup>

1. No smoking areas. There shall be no smoking permitted on the Facility Property (including the grounds), except in the designated area (the existing patio area in the northwest corner of the Facility).
2. Outside Activity. No group or other activity shall be permitted between the south perimeter of the Facility and the south property line of the Facility Parcel before the hour of 8:00 a.m. and after the hour of 8:00 p.m.
3. Fence.
  - a. A six (6) foot high privacy fence shall be built along the entire south property line of the Property, starting at the required building setback line of James Road.

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<sup>1</sup> For purposes of these conditions:

- The word "Property" means Tax Parcel Nos. 025-000855 (the "Facility Parcel"), 025-000798 and 025-000890.
- The word "Facility" means the existing nursing home building on the Property.

- b. A four (4) foot fence shall be built along the north, east and west property lines of the Property.
4. Access Drive. Subject to the approval of the City based on an access study provided by Applicant, within two (2) years from the date of the granting of the zoning certificate for the drug and alcohol rehabilitation center with living quarters in the Facility, the access drive to/from James Road from/to the Facility will be closed to all traffic except emergency vehicles and occasional maintenance or contractor vehicles.
5. Occupants.
  - a. No person under the age of 18 shall be permitted to be a resident of the Facility.
  - b. No person identified as a sex offender under Ohio Revised Code Section 2950.01(B)(1) shall be permitted to be a resident of the Facility.
6. Safe Zone. The Property or any portion of the Property shall not be used as a drug safe zone or drug safe house.

Thank you,



Donald T. Plank

DTP/bp

**Plank Law Firm**  
*A Legal Professional Association*

Donald T. Plank  
dtp@planklaw.com  
David Watkins  
dw@planklaw.com  
Christopher R. Kessler  
crk@planklaw.com

423 E. Town St., FL 2  
Columbus, Ohio 43215  
Business: 614-947-8600  
Fax: 614-228-1790

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January 20, 2017

Bonnie Gard  
Zoning Administrator  
City of Gahanna  
200 S. Hamilton Rd.  
Gahanna, OH 43230

\*\*\*Via Hand Delivery\*\*\*

RE: Amended Application CU-0009-2016 – Access Ohio LLC

Ms. Gard:

Enclosed are the following documents regarding the Access Ohio LLC Amended Application:

- Amended Application for Conditional Use
- Supporting Statement
- Contiguous Property Owners – Mailing Labels
- Proposed Conditions Letter

Please call if you have any questions.

Thank you,

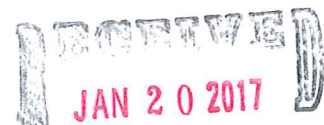


Donald T. Plank

DTP/bp

Encl.

372.00//Corres/LtrGard Amended Application (1-20-17)





**APPLICANT:**

Access Energy LLC  
c/o Donald Plank, Attorney  
411 East Town Street  
Columbus, OH 43215

Mile High Investments, LLC  
151 W. Johnstown Rd.  
Columbus, OH 43230

Christine Harrington  
144 Creekside Green Dr.  
Columbus, OH 43230

George & Jean Herbst  
138 Creekside Green Dr.  
Columbus, OH 43230

JR Nicewarner  
143 S. James Rd.  
Columbus, OH 43230

Richard Lenihan  
115 Orchard Dr.  
Columbus, OH 43230

Challomilu Enterprises Inc.  
2701 Tally Ho Dr.  
Blacklick, OH 43004

Club Properties Investments LLC  
1207 Harrison Pond Dr.  
New Albany, OH 43054

**OWNER:**

Access Energy LLC  
99 N. Brice Rd., Suite 360  
Columbus, OH 43213

Access Energy LLC  
175 W. Johnstown Rd.  
Columbus, OH 43230

Karen Cowans  
142 Creekside Green Dr.  
Columbus, OH 43230

Garry & Marianne Devictor  
134 Creekside Green Dr.  
Columbus, OH 43230

Mark Sweatland  
1200 Taylor Station Rd.  
Columbus, OH 43230

Lizabeth Dible  
110 James Rd.  
Columbus, OH 43230

Time Warner Cable Midwest LLC  
7820 Crescent Exec Dr.  
Charlotte, NC 28212

**CONTIGUOUS PROPERTY OWNERS**

Lawrence Antoine  
8964 Shoreham Dr.  
Los Angeles, CA 90069

Patricia & Zoran Botic  
140 Creekside Green Dr.  
Columbus, OH 43230

Jeffrey & Kristen Bateman  
136 Creekside Green Dr.  
Columbus, OH 43230

Bryan Ruder & Jennifer Dietrich  
128 James Rd.  
Columbus, OH 43230

158 Johnstown Road LLC  
158 Johnstown Road  
Columbus, OH 43230

United Dairy Farmers Inc.  
3955 Montgomery Rd.  
Cincinnati, OH 45212

**121 James Rd. & 175 Johnstown Rd. Contiguous Property Owner Information**

	<u>Name</u>	<u>Mailing Address</u>	<u>Parcel ID No.</u>
1	Mile High Investments, LLC	151 W. Johnstown Rd., Columbus, OH 43230	025-000808-00
2	Access Energy LLC	175 W. Johnstown Rd., Columbus, OH 43230	025-000798-00
3	Access Energy LLC	175 W. Johnstown Rd., Columbus, OH 43230	025-000890-00
4	Lawrence Antoine	8964 Shoreham Dr., Las Angeles, CA 90069	025-013457-00
5	Christine Harrington	144 Creekside Green Dr., Columbus, OH 43230	025-013605-00
6	Karen Cowans	142 Creekside Green Dr., Columbus, OH 43230	025-013464-00
7	Patricia & Zoran Botic	140 Creekside Green Dr., Columbus, OH 43230	025-013665-00
8	George & Jean Herbst	138 Creekside Green Dr., Columbus, OH 43230	025-013664-00
9	Garry & Marianne Devictor	134 Creekside Green Dr., Columbus, OH 43230	025-013436-00
10	Jeffrey & Kristen Bateman	136 Creekside Green Dr., Columbus, OH 43230	025-013663-00
11	JR Nicewarner	143 S. James Rd., Columbus, OH 43230	025-000856-00
12	Mark Sweatland	1200 Taylor Station Rd., Columbus, OH 43230	025-000926-00
13	Bryan Ruder & Jennifer Dietrich	128 James Rd., Columbus, OH 43230	025-000927-00
14	Richard Lenihan	115 Orchard Dr., Columbus, OH 43230	025-000928-00
15	Lizabeth Dible	110 James Rd., Columbus, OH 43230	025-000947-00

*Additional Property Owners for Amended Application CU-0009-2016*

16	158 Johnstown Road LLC	158 Johnstown Road, Columbus, OH 43230	025-000842-00
17	Challomilu Enterprises Inc.	2701 Tally Ho Dr., Blacklick, OH 43004	025-000797-00
18	Time Warner Cable Midwest LLC	7820 Crescent Exec Dr., Charlotte, NC 28212	025-000826-00
19	United Dairy Farmers Inc.	3955 Montgomery Rd., Cincinnati, OH 45212	025-000820-00
20	Club Properties Investments LLC	1207 Harrison Pond Dr., New Albany, OH 43054	025-000862-00