

File No. 16080031
Date Received: 8/8/16
Scheduled Public Hearing Date: _____

Fee: 100⁰⁰
Initials: SW
Check or Receipt No. 2170

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

***REQUIRED INFORMATION**

*Site Address 121 James Rd., Gahanna, OH 43230 Parcel ID# 025-000855-00
*Applicant's Name Donald T. Plank, Attorney 614-947-8000 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 2.325
*Reason for Conditional Use To permit living quarters an as 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 Attorney 8/8/16
*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.

Revised August 2014

SUPPORTING STATEMENT FOR
CONDITIONAL USE APPLICATION

The property is located at 121 James Rd., Gahanna, OH 43230 and more particularly described on the attached legal description (the "Property"). The Property has been used as a full service nursing home since approximately 1979. The nursing home operation ceased and the Property has since sat vacant. The proposed use of the Property is that of a drug and alcohol rehabilitation facility. 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 drug and alcohol rehabilitation programs for full inpatient treatment. 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 use of the Property should not have an adverse impact on the surrounding area and will be an improvement to the community.

121 James 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 Elizabeth Dible | 110 James Rd., Columbus, OH 43230 | 025-000947-00 |

NOT A CERTIFIED COPY

EXHIBIT A

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

Beginning at a railroad spike in the centerline of James Road at the northeasterly corner of said Bon-Ing, Inc. tract the southwesterly corner of the 1.75 acre tract conveyed to Anthony Salamony, et al (4), by deed of record in Deed Book 3503, Page 74; thence along said centerline of James Road, South 4 42'00" West 200.98 feet to a railroad spike at the northeasterly corner of the 2.325 acre tract conveyed to W. R. and A. L. Baker, by deed of record in Deed Book 1266, Page 358; thence along the northerly line of said 2.325 acre tract, North 85 44'30" West (passing an iron pin at 24.0 feet), 512.45 feet to an iron pin at the northwesterly corner of said tract and being in the easterly line of the 2.4 acre tract conveyed to A. D. Hall, by deed of record in Deed Book 1551, Page 21; thence along said easterly line of the 1.0 acre tract conveyed to A. F. and G. P. Dolla, by deed of record in Deed Book 939, Page 196, North 3 09'30" East, 192.96 feet to an iron pin at the southerly line of said A. F. and J. L. Dolla 1.0 acre tract and the southerly line of the Anthony Salamony 1.75 acre tract South 86 38'00" East (passing an iron pin at 492.76 feet), 517 feet to the place of beginning, containing 2.329 acres, more or less.

Subject, however, to all legal rights-of-way and/or easements if any, of previous record.

DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E., P.S.
BY: *[Signature]*
DATE: 09/23/2015

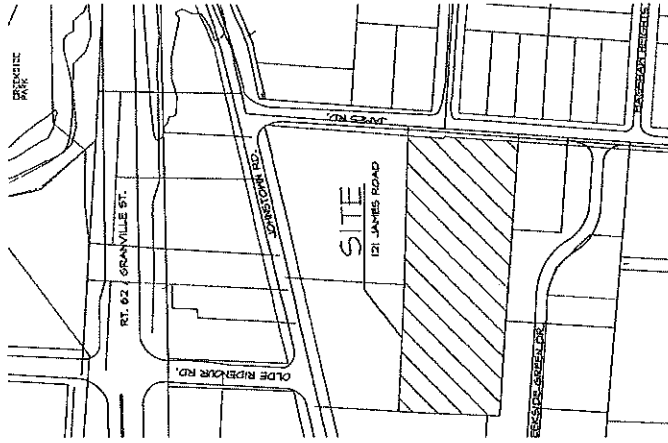


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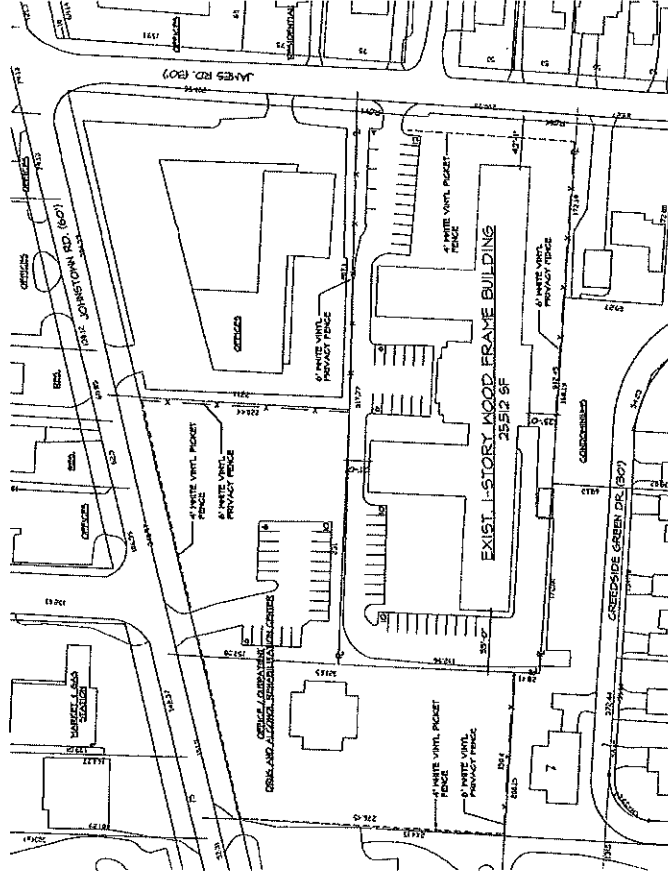
DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E., P.S.
BY: *[Signature]*
DATE: 09/08/2015



CONDITIONAL USE 121 JAMES ROAD GAHANNA, OHIO 43230



LOCATION MAP
1" = 100'



SITE PLAN
1" = 50'

PROPERTY DATA

| | |
|-------------------------|---|
| Property Address | 021 JAMES ROAD |
| Property ID | 000-000000 |
| Property Area | SOUTH 9' / 2379 ACRES |
| Building Area | 25512 SF - 238 8TH AREA |
| Parking / Driveway Area | 21246 SF - 278 8TH AREA |
| Building / Parking Area | 30299 SF - 538 5TH AREA |
| Existing Occupancy | MARSHAL HOME |
| Proposed Occupancy | ALCOHOL AND DRUG REHABILITATION CENTER WITH LIVING QUARTERS |
| zoning | CC COMMUNITY COMMERCIAL |
| Existing Parking | 47 SPACES |

Project No. 2018-001

Issue Date: JULY 19, 2018
Revision Date:

General Notes:

NOT FOR CONSTRUCTION



DCH ARCHITECTS, LLC
4503 NATIONAL AVE. SUITE 100
MILLERSBURG, OHIO 43041
740.271.7300

Project: 2018001

CONDITIONAL USE
121 JAMES ROAD
GAHANNA, OHIO 43230

Sheet No:

SITE PLAN
PROPERTY DATA

Sheet Number:

AI | 8 |

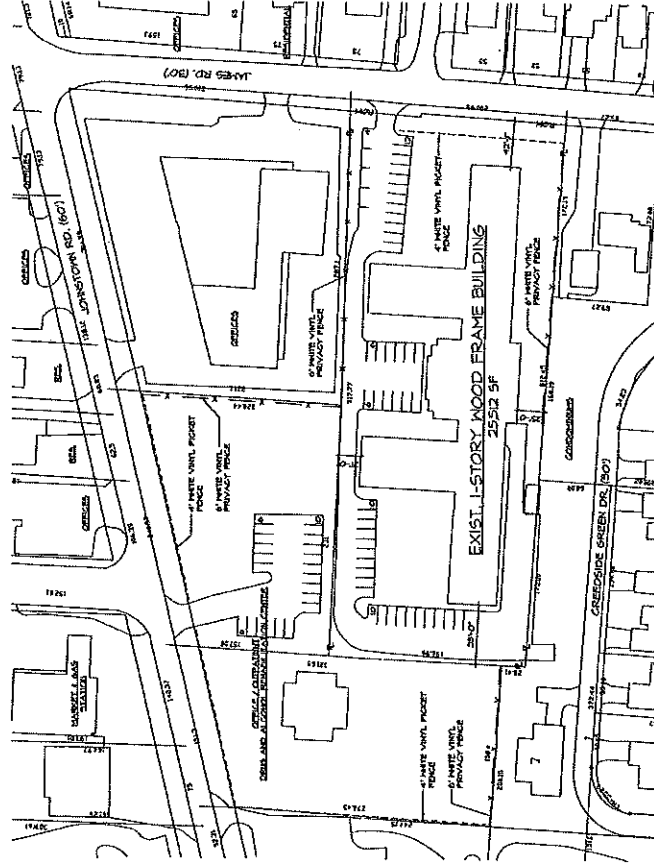
CONDITIONAL USE

121 JAMES ROAD

GAHANNA, OHIO 43230



LOCATION MAP
1" = 100'



SITE PLAN
1" = 50'

PROPERTY DATA

- PROPERTY ADDRESS: 121 JAMES ROAD
- PROPERTY ID: 025-000000
- PROPERTY AREA: 10,271 SF / 232,954 SQ. FT.
- BUILDING AREA: 25,512 SF - 23K SITE AREA
- PARKING / DRIVEWAY AREA: 37,141 SF - 27K SITE AREA
- BUILDING & PARKING AREA: 30,293 SF - 25K SITE AREA
- BUILDING OCCUPANCY: MIXED USE
- PROPOSED OCCUPANCY: ALCOHOL AND BOTTLE REDEMPTION CENTER
- DISTRICT ZONING: MIXED USE SUBCENSUS
- DISTRICT PRECEDENCE: CC COMMUNITY COMMERCIAL
- DISTRICT PRECEDENCE: RT SPACES

Project Number: 201909

Issue Date: JULY 10, 2016

Revision Date:

Revision Description:

General Notes:

NOT FOR CONSTRUCTION



DCH ARCHITECTS, LLC

121 JAMES ROAD
GAHANNA, OHIO 43230

PROJECT: 201909

CONTRACTOR: 121 JAMES ROAD
GAHANNA, OHIO 43230

SITE PLAN
PROPERTY DATA

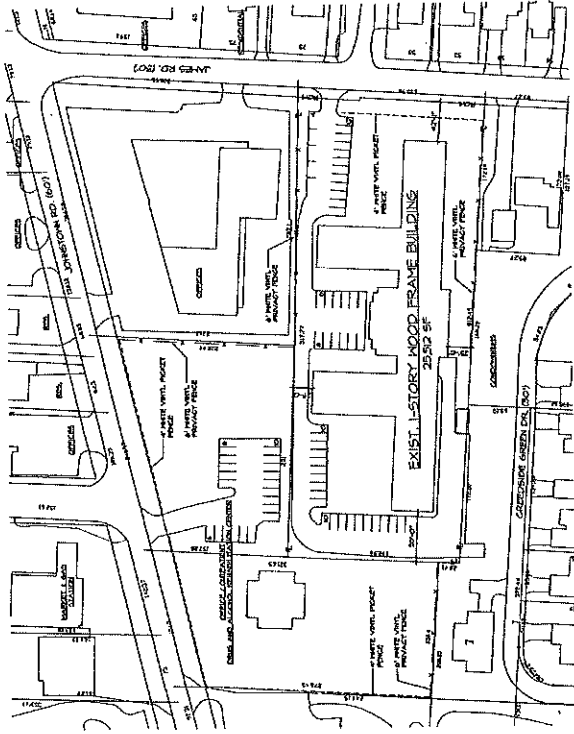
Sheet Number: AI

AI of 1

CONDITIONAL USE
121 JAMES ROAD
 GAHANNA, OHIO 43230



LOCATION MAP
 1" = 100'



SITE PLAN
 1" = 20'

PROPERTY DATA
 PROPERTY ADDRESS: 121 JAMES ROAD
 COUNTY: COLUMBIA COUNTY, OHIO
 PARCEL AREA: 2.04 AC - 204,576 SQ. FT.
 PARCEL / ZONING AREA: 2304 10' - 204 SITE AREA
 BALANCE / PARCEL AREA: 2304 10' - 204 SITE AREA
 EXISTING OCCUPANCY: VACANT
 PROPOSED OCCUPANCY: OFFICE, AND DATA REPLICATION CENTER
 ZONING ZONE: UG COMMUNITY CENTER/LOCAL
 OFFICE NUMBER: 41 31420

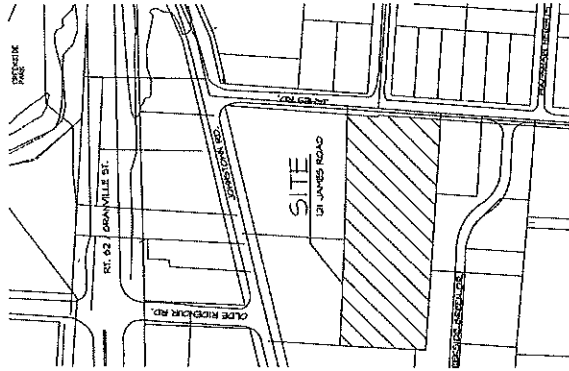
PROPERTY DATA
 COUNTY: COLUMBIA COUNTY, OHIO
 PARCEL AREA: 2.04 AC - 204,576 SQ. FT.
 BALANCE / PARCEL AREA: 2304 10' - 204 SITE AREA
 EXISTING OCCUPANCY: VACANT
 PROPOSED OCCUPANCY: OFFICE, AND DATA REPLICATION CENTER
 ZONING ZONE: UG COMMUNITY CENTER/LOCAL
 OFFICE NUMBER: 41 31420

DATE: 01/15/2014
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: 121 JAMES ROAD
 SHEET NO.: 1 OF 1

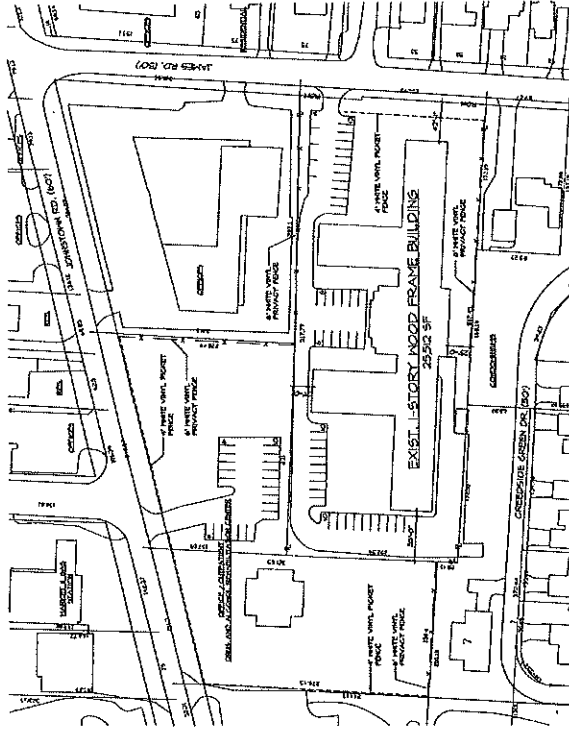
DCH ARCHITECTS, LLC
 200 S. JAMES ROAD
 GAHANNA, OHIO 43230
 PHONE: 614.291.1234
 FAX: 614.291.1235
 WWW.DCHARCHITECTS.COM

NOT FOR CONSTRUCTION

CONDITIONAL USE
121 JAMES ROAD
 GAHANNA, OHIO 43230



LOCATION MAP
 1" = 100'



SITE PLAN
 1" = 50'

PROPERTY DATA
 PROPERTY ADDRESS: 01 JAMES ROAD
 PROPERTY ID: 025-00025
 PROPERTY AREA: 30251 SF ± 73225 SQUARE FEET
 BUILDING AREA: 2026 SF ± 7298 SQUARE FEET
 PARKING / DRIVEWAY AREA: 2704 SF ± 7298 SQUARE FEET
 DRIVEWAY AREA: 2704 SF ± 7298 SQUARE FEET
 BUILDING OCCUPANCY: MARIJUANA USE
 PROPOSED OCCUPANCY: ALCOHOL AND DRUG REHABILITATION CENTER
 PERMITTED OCCUPANCY: PERMITTED OCCUPANCY
 EXISTING ZONING: GC COMMUNITY COMPREHENSIVE
 EXISTING PERMITS: 41 PERMITS

PROPERTY DATA
 PROPERTY ADDRESS: 01 JAMES ROAD
 PROPERTY ID: 025-00025
 PROPERTY AREA: 30251 SF ± 73225 SQUARE FEET
 BUILDING AREA: 2026 SF ± 7298 SQUARE FEET
 PARKING / DRIVEWAY AREA: 2704 SF ± 7298 SQUARE FEET
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 BUILDING OCCUPANCY: MARIJUANA USE
 PROPOSED OCCUPANCY: ALCOHOL AND DRUG REHABILITATION CENTER
 PERMITTED OCCUPANCY: PERMITTED OCCUPANCY
 EXISTING ZONING: GC COMMUNITY COMPREHENSIVE
 EXISTING PERMITS: 41 PERMITS

DATE: MAY 18, 2016
 TIME: 10:00 AM
 PROJECT: 121 JAMES ROAD

Client Name:

NOT FOR CONSTRUCTION

DCH
DCH ARCHITECTS, LLC
 6611 WOODBURN RD.
 SUITE 100
 GANNAH, OHIO 43230
 PHONE: 614.298.1234
 FAX: 614.298.1235
 WWW.DCHARCHITECTS.COM

PROJECT: 121 JAMES ROAD
 SHEET: 01 OF 1

DATE: MAY 18, 2016

SCALE: 1" = 50'

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CITY OF GAHANNA

STAFF COMMENTS

Project Name: Access Energy
Project Address: 121 James Rd

Planning & Development

The applicant requests a conditional use and variance to allow for a drug and alcohol rehabilitation center with living quarters. The property is located within the Community Commercial (CC) zone district. Among the allowed uses in CC are administrative, business, and professional uses. The Code includes, under professional uses, a reference to the Standard Industrial Classification System (SIC) industry group 809. Industry Group 809 is entitled "Miscellaneous Health and Allied Services not elsewhere classified. Uses within this group includes but is not limited to the following: blood banks, hearing test services, kidney dialysis centers, alcohol treatment centers with outpatient clinics.

It is not clear why the code classifies a rehabilitation center as a professional use. The use appears to have substantially different needs and impacts compared to typical professional/medical uses. The added element of onsite living quarters further differentiates the use from other CC uses. SIC classifies a rehabilitation center with onsite living in Industry Group 8361: Residential Care. This group is not a permitted use group in CC or any other zoning district. Typical uses within this group include but aren't limited to the following: drug rehabilitation centers, group foster homes, and orphanages.

The effect of the proposed conditional use and variance would be to allow a use that is not permissible within CC or any other zoning. While the use is not specifically prohibited, approving the requested applications would essentially be permitting a prohibited use. Planning staff has some concern with this as little to no information about the use has been provided. Without details regarding the use it is impossible to accurately assess potential impacts and how to mitigate those impacts. Even with additional information related to the use, staff would still have concerns with allowing prohibited uses through a conditional use and variance rather than a more traditional route such as rezoning or code amendment.

Conditional Use Criteria

Planning Commission shall approve an application for Conditional Use if the following conditions are met:

1. The proposed use is a conditional use of the zone district and the applicable development standards established in this zoning ordinance are met.





CITY OF GAHANNA

It is Planning staff's opinion that the proposed use is not a conditional use. While living quarters is a conditional use, typically living quarters in association with commercial uses are for owner occupied structures. Living quarters in this instance would be for patients of the facility. Approving the conditional use changes the nature of an allowable use, an outpatient rehabilitation facility to a prohibited use, outpatient facility with residential. This use is not listed within our code as an allowable use. CC zoning along with several other zone districts uses the SIC system for categorizing uses. The proposed use is included in group 83: Social Services and described in group 8361: Residential Care. This group is not permissible within the code. The typical method for allowing a new or prohibited use would be through a mechanism that requires City Council action such as a rezoning or amendment to the zoning code. Planning staff believes this to be a more appropriate method than a conditional use and variance.

2. The proposed development is in accord with appropriate plans for the area.

The site is designated Commercial/Office by the West Gahanna Development Study. Principles of these land uses include identifying that more consumer service, retail, and professional offices are needed in the study area. A redevelopment principle includes that new development should be both aesthetically pleasing and beneficial to existing residents.

The requested use is considered a Health Services use by SIC. Therefore, the proposed use is not in-line with the principles of the West Gahanna Development Study. It should be noted that the Study is meant to be a guide. It does not mandate uses and principles be adhered to.

3. The proposed development will not have undesirable effects on the surrounding area.

More information should be provided in order to better assess potential effects of the proposed use. Jurisdictions frequently place restrictions on drug and alcohol rehabilitation centers because of potential impacts related to crime and compatibility issues with residential and commercial uses.

4. The proposed development will be in keeping with the existing land use character and physical development potential of the area.

This area of Johnstown and James Road is a mix of residential and commercial uses. The previous use of the property was for a nursing home. The proposed use is similar in some respects as there would be individuals living onsite for an extended period of time. However, other details related to the use are unknown. Without additional details, it is difficult to assess consistency with existing development.

Planning and Development staff recommends denial or additional details related to the use be provided and time be given to properly evaluate. Operational details could/should be evaluated, considered, and be included as conditions of approval if Planning Commission deems the request appropriate.





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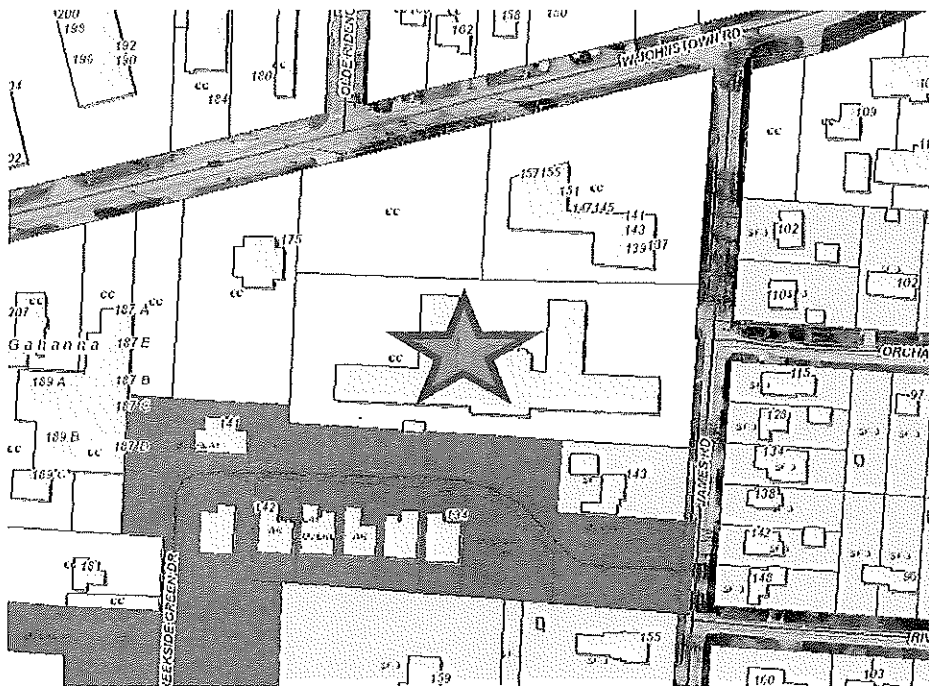
Variance Criteria

Planning Commission shall not grant a variance unless it finds that all of the following conditions apply to the case in questions:

- a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare or injurious to property or improvements in such neighborhood.

Preliminary discussion with police department staff indicated that facilities with inpatient treatment generate an increase in crime. This information indicates that the proposed variance does create safety issues. If desirable, Planning Commission may request additional information in order to more accurately assess potential impacts.

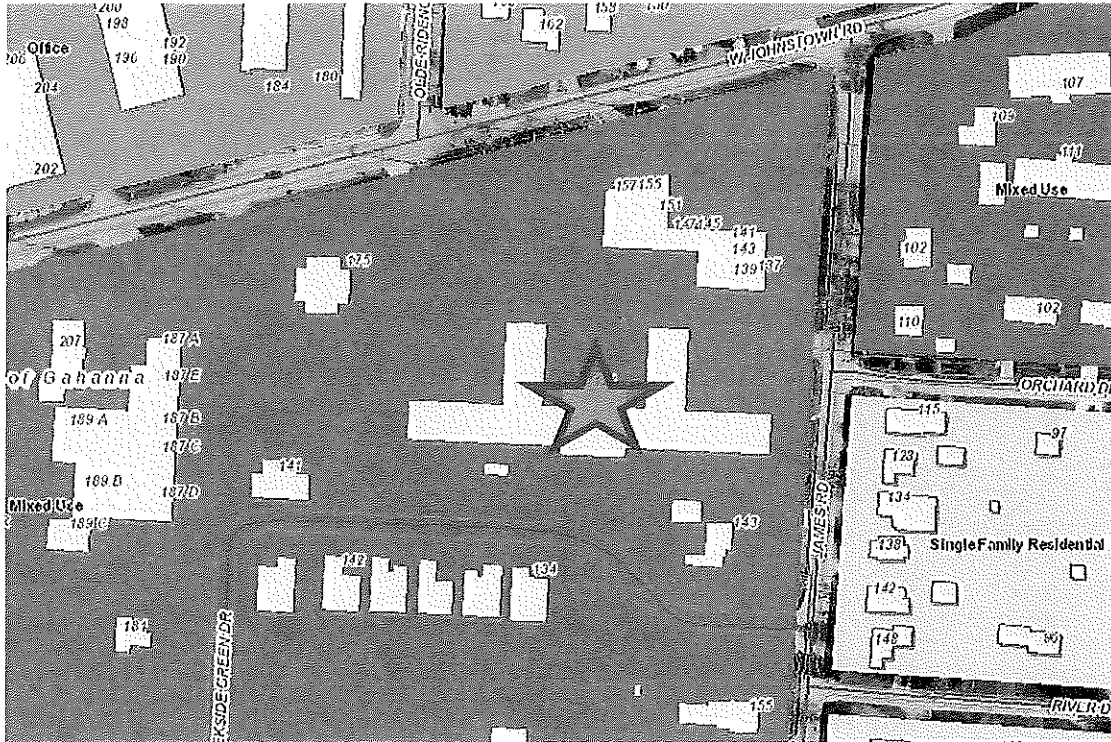
Zoning Map





CITY OF GAHANNA

Future Land Use Map



Respectfully Submitted By:
Michael Blackford, AICP
Deputy Director





CITY OF GAHANNA

STAFF COMMENTS

Project Name: Access Energy
Project Address: 121 James Rd

The building was not designed or approved for the proposed use. Building alterations would be required.

Respectfully Submitted By:

Kenneth W. Fultz, P.E.
Chief Building Official



"HERB CAPITAL OF OHIO"

200 SOUTH HAMILTON ROAD, GAHANNA, OH 43230
614-342-4000 PHONE 614-342-4100 FAX WWW.GAHANNA.GOV

APPEAL BINDER
PAGE 127



CITY OF GAHANNA

STAFF COMMENTS

Project Name: Access Energy
Project Address: 121 James Rd

The Division of Police objects to the issuance of a variance to facilitate an in/out-patient drug treatment facility located at 121 James Road. While we are not opposed to the operation of such facilities to provide the care needed to those who suffer from substance abuse, the location is not suitable for such a facility. Without significant investment in security features to the physical structure and grounds patients could easily enter into residential neighborhoods immediately adjacent to the property. The opioid epidemic has, and continues to have, a significant impact on crime in Gahanna and the resources of the Division. As one example, we have experienced a significant increase in the past year in calls for service to the one existing residential drug treatment facility in Gahanna as a result of the opioid abuse problem. Additionally, certain treatment facilities have turned into drug "safe zones" where heroin and synthetics can be used under medical supervision. None of these facilities are adequately staffed to handle the myriad of problems such safe zones have on the communities that are located within. While there is no evidence that this facility will operate as a safe zone, it is a concern that cannot be ruled out should it be granted a variance and permitted to operate. Finally, the proximity of the facility to parks, trails, pools and the Creekside area creates a substantial concern to keeping the area safe and welcoming to our residents, those who wish to recreate, business community and visitors.

<http://www.nbcnews.com/nightly-news/heroin-safe-zones-coming-united-states-n550001>

Respectfully Submitted By:

Dennis Murphy
Chief of Police

Jeffrey B. Spence
Deputy Chief of Police (I)





CITY OF GAHANNA
STAFF COMMENTS

Project Name: Access Energy
Project Address: 121 James Rd

The applicant seeks approval for two items for this address: a variance to allow a conditional use not listed in the Community Commercial code, and to propose a conditional use that would allow the proposed use of a residential drug and alcohol rehab center in a former nursing home facility.

• Planning Commission shall not grant a variance unless it finds that all of the following conditions apply to the case in question:

- (a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- (b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- (c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

• The Planning Commission shall hold a public hearing and act on a conditional use in one of the following ways:

- (a) *Approval.* The Planning Commission shall approve an application for a conditional use if the following four conditions are met:
 - (1) The proposed use is a conditional use of the zoning district and the applicable development standards established in this Zoning Ordinance are met.
 - (2) The proposed development is in accord with appropriate plans for the area.
 - (3) The proposed development will not have undesirable effects on the surrounding area.
 - (4) The proposed development will be in keeping with the existing land use character and physical development potential of the area.

(b)





CITY OF GAHANNA

Approval with Modification. The Commission may approve, with modification, an application for a conditional use if the proposed use is a conditional use of the zoning district and the applicable development standards are met, but plot plan modification is required:

- (1) To be in accord with the appropriate plans for the area; and
- (2) To prevent undesirable effects on adjacent property and the surrounding area. Such modification may include but not be limited to a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, time limits as to the length of time the use may be permitted to exist, control of access or other conditions of development as may be required. Requirements regarding the modification of plans or other appropriate actions shall be stated with the reasons for each requirement.

(c)

Disapproval. The Commission shall only disapprove an application for a conditional use for any one of the following reasons:

- (1) The proposed use is not a conditional use of the zoning district, or the applicable development standards are not and cannot be met.
- (2) The proposed development is not in accord with appropriate plans of the area.
- (3) The proposed development will have undesirable effects on the surrounding area.
- (4) The proposed development is not in keeping with the existing land use character and physical development potential of the area.

Respectfully Submitted By:

Bonnie Gard

BONNIE GARD

Planning & Zoning Administrator
Department of Public Service & Engineering
Division of Building & Zoning



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200 SOUTH HAMILTON ROAD, GAHANNA, OH 43230
614-342-4000 PHONE 614-342-4100 FAX WWW.GAHANNA.GOV

APPEAL BINDER
PAGE 130