



# City of Gahanna

## Master Report

200 South Hamilton Road  
Gahanna, Ohio 43230

File Number: ORD-0154-2001

1 Committee of the Whole 8/13/2001 Recommended for  
Postponement to a  
Date Certain

**Action Note:** White stated that the purpose and intent of this ordinance is trying to accomplish a good situation; it is really on the mark; most communities have an institutional district; typically schools and churches and public administration buildings; breaks it down to make it easier when a new one comes to us; we can look up definition to see what they fall under; sometimes fall in the cracks; they will be limited under permitted use; it is most critical we have development standards; at one time churches didn't have large parking lots; churches did very specific kinds of work; now they are doing a number of things that change the impact; we have huge churches; wanted to come up with development standards with appropriate set backs, site requirements and height requirements; high standards have made our industrial area far better. Stinchcomb asked which is the legislation that is going to set the new standards. Sherwood answered that ORD-1154 is the only one to enact; the others show changes. Stinchcomb asked if there was a situation that made us decide to do this. Mayor answered that the main one was the masonic group; built here on Rocky Fork Creek; at the time didn't have institutional standards; put them in commercial zoning; they decided to sell; they waited until they found a good developer, but it is not a good site; developer wants us to hook Carpenter into Clark State; won't work; Carpenter is not a through road; getting to be complex and developer is discouraged; will have to think about some other use of site; will eventually not be able to market what they are proposing; really is institutional; could have gone into another institution. Stinchcomb stated that we have a number of churches in various stages of expansion; will this change affect them. Sherwood stated that they have not forced it; all the churches have followed 1108 and 1191; they all have to follow some standards. Stinchcomb asked about the number of churches that are planning to expand. Sherwood stated that they are aware of the changes; our major churches have all expanded; it has become more and more of a burden to the residential areas. Stinchcomb asked if any of the churches that are in the process of expansion will be affected. White stated that if their expansion has already been approved they wouldn't be; but once this is passed any new applications would have to follow these standards. Mayor stated that Planning required New Life to go through this process. D'Ambrosio stated that if a new church or institution comes in the requirements right now are more of a commercial type of code; for churches that are planning to expand, it will not be as loose as for residential areas. Sherwood added that the other point is that by enactment this does not change the zoning on any existing church or school; we will be contacting the schools and churches to rezone each one to this district. Stinchcomb asked if the current buildings will be grandfathered. Sherwood stated they would. Hogan asked if we are going to actively try to rezone everything. Mayor stated that this will bring all properties into compliance; gives any institution very specific knowledge of how it is going to work for them; right now nobody knows what applies; gives everyone an even playing field. Hogan asked have we thought about getting some of these people on board first before we go ahead with this. Mayor stated that the law doesn't affect existing properties. White added that it wouldn't affect them as they stand now; if they want to do something new it would affect them; spoke with Weber and was told we could do an initiative zoning; this can change the zoning for the good of the community; certainly it would be easier if the institutions had come forward for this; we would have a standard and not arbitrary zoning. Stinchcomb asked about a church day care or school; what happens then. White answered that if it is on their site under the control of the church then we treat it as a part of that site; if it is somewhere else it would be commercial. Payne asked if we would need to change all land use plans to incorporate these new uses. Sherwood answered that eventually we will need to update the Land Use Plan; we have been focusing in on churches but the schools have gotten much worse over the years; addition at Goshen Lane was done without Planning Commission input as we had no control at that time; they went toward the residents. Angelou asked if there was a public hearing on these changes. Sherwood stated that no one came. O'Brien stated he had gone through the changes; have some confusion; are we tightening the ability for our churches to continue to grow or just giving them some guidelines; if we are doing anything to upset the way they do business today we need to proceed carefully; really proud that Gahanna has so many churches. Mayor agreed that this is a difficult process; give credit to Planning Commission and Development; we frequently have very upset neighbors related to church expansions; churches don't want disagreements; administration and



# City of Gahanna

## Master Report

200 South Hamilton Road  
Gahanna, Ohio 43230

**File Number: ORD-0154-2001**

---

Planning Commission are in the middle; need to make the process more organized and peaceful. O'Brien asked what will be the institution's responsibility after we pass this. Mayor answered that the only way zoning would change would be if Development would intimate the change; no obligations. Stinchcomb asked if there would be any fees. Sherwood stated that if the zoning changes, the only cost would be a survey for a legal description; if the institution cannot provide a recent description, the City would bear the cost of the survey. O'Brien stated that he would like to get some more information and feedback on this. White stated they will send out the changes with a quick cover letter to all the institutions and the Board of Education. O'Brien stated that we will ask for feedback on September 10th at the Committee of the Whole and then act on the 17th.

1 City Council

8/20/2001 Postponed to Date  
Certain

Pass



# City of Gahanna

## Master Report

200 South Hamilton Road  
Gahanna, Ohio 43230

File Number: ORD-0154-2001

1 Committee of the Whole 9/10/2001 Recommended for  
Postponement to a  
Date Certain

**Action Note:** O'Brien stated that these issues are not on the fast track; we are on an information tract; starting to get information back; want to hear the concerns; most questions can be answered; we are prepared to continue into other meetings if we still have questions; we will set up another night. White went over the legislation that was sent out to the institutions section by section. White stated that the basic purpose of the zoning will provide for the orderly growth and development of the city; need to have compatible and uniform areas; permitted uses means automatically permitted; conditional use does not mean ordinarily allowed; it is not allowed; it can be if it meets standards in some instances; may not be compatible; Planning Commission makes a determination; then they are granted a conditional use; limited to a very few; we want to provide equitable fair uniform treatment; we need development standards; we have attempted to be as equitable and uniformed; have utilized commercial standards in the past; we did not include a minimum lot area; a lot of communities have done that; allows for separation between residential use and institutional use; we look at site plans; this legislation will give us something to go by with standards that are generally minimum; we want to get the best development we can for the City of Gahanna; churches, schools and public offices would be required to do a final development plan; we have required industries to do final development plans; we believe this will accommodate all of our institutional uses; want everyone to continue to survive and thrive; be able to provide orderly growth and development. Hogan asked what about existing institutions not meeting these standard. White stated they would be grandfathered; standards for future development would change; we do allow for variances; restrictive conditions will be taken into consideration; we are not trying to stop development. O'Brien asked what right of appeal would the institutions have. White stated that if a final development plan failed, we have a Board of Zoning Appeals; they can overturn the Planning Commission's decision. Angelou asked why was the restricted institution zoning developed at this time. White stated that when you look at institution and residential they are not compatible; we have nothing by which we can consistently regulate the growth and development. Angelou asked a question about wording. White stated she would check into it. Payne asked currently when churches or schools come in with expansions do we end up with a lot of variances. White answered that it depends; Planning Commission has to have several workshops to work it out; they can end up with variances.

Steve Hielkema with Good Samaritan stated that he has looked at Westerville and Worthington's legislation; have they been researched; especially when they talk about set backs; what are some of the requirements in that type of setting; what also is the difference between commercial and residential; between a church and a 7 Eleven. White stated that the setbacks are around the same per community; when we talk about commercial we try to keep that as far away from residential; buildings are taller and bigger; people can look down on homes; headlights shine in; set back allows for at least that sight distance to diminish.

Jim Strong with New Life Community stated he met with Tom Weber; thought that commercial standards for abutting residential was 25 feet in proposed legislation; now you are proposing 50 feet; not sure why you chose not to advise; newspaper accounts said when you introduced setbacks they would be above residential and below commercial. White stated that this will be a point of clarification; we are saying 25 feet with commercial; these are minimum requirements; we attempt to get more. Jim Strong asked why is it being doubled for churches; this is not an overwhelming structure on residential. White stated that in most instances we are not talking commercial against commercial; looking at commercial against residential; looking at institutions in all instances; need to have them compatible within residential because the residents have spoken loud and clearly; have to look at what's being proposed; these two uses are not compatible; that is what we are trying to say here; trying to allow growth and development. Strong stated that New Life had a proposed youth building; negotiated with neighbors to 40 feet; that was acceptable; set back of 10 more feet would push us back. White stated that we are not here to target anyone; looked at standards that we feel with the use; not individual use. O'Brien asked what about in the case of a flood plain; would that be a reasonable variance. White stated that would be a possibility; don't make those reasonable



# City of Gahanna

## Master Report

200 South Hamilton Road  
Gahanna, Ohio 43230

**File Number: ORD-0154-2001**

---

decisions; we try to direct applicant. Mayor stated that the process is not smooth now; this will allow the institutions to be in less confrontation.

Rod Dempsey with New Life stated that White was quoted in Rocky Fork Enterprise; this category is designed to protect the residential area; the goal here is to protect the residents; when you are talking about 7 acres we are severely limited. White stated that we would stand beside that; we are here to serve the residents; the other uses are to serve the residents; any building, even if it is our building, if it encroaches upon residents it impacts them adversely; Gahanna is only going to grow so big; we are open to suggestions; please feel free to contact us; we would be more than happy to analyze.

Eddie Estep with Shepherd Church of Nazarene asked if the rezoning will be at the City's expense. White answered yes; we can do an initiative zoning across the board; we could if all the institutions come in and we agree; we may have to do it site by site.

Steve Resch with Walnut Creek stated that there needs to be an understanding in order to enact amendment; a lot of other codes were very well defined; it seems ambiguous to say a religious organization; tighter definition would benefit. Sherwood stated that the section mentioned was put out by the federal government; it is our standard for commercial code; this is what our zoning administrator uses.

Angelou asked why were libraries not included in permitted uses; it is under generalized. White answered that libraries are more of a commercial development.

Windy McKenna with Board of Education asked about the set back of 25 or 50 feet; can the unused space be used for some sort of a playground. White answered that it possibly could; we would have to look at the area; playgrounds per say haven't been regulated as a structure.

Jim Strong with New Life stated that we feel Planning Commission is highly subjective; they question the intent of why we want to build something; would like to see it much more structured; feel churches are being disenfranchised. Mayor stated that we are trying to find a process that heads off that kind of conflict.

McGregor stated that churches that are wholly surrounded by neighborhoods can be a problem; Christian Center over on Rocky Fork is completely surrounded by residential; if that was thought that it could be rezoned to commercial it could be a problem; churches are good to be around; should be permanent; should be no question they should stay in some sort of that capacity; thank heavens the Masons were good about finding a good buyer; the Christian Center hasn't come up yet; most church properties if sold become another church like Peace Lutheran's old one; Peace Lutheran outgrew and moved on; feel it is reasonable to try and preserve church property for similar institutions; those are our goals.

White stated that commercial against residential has a formula; the setback based on height and width times the length; then you take a fourth of that; for the most part it is far more than 25 to 30 feet; we intended for the residential set back to be 50 because of the impact of the institution; most institutions are larger; 2 to 3 stories taller; if you look at that particular part much more stringent.

O'Brien stated that we are going to postpone this legislation; will get the schedule worked out.

Rod Dempsey with New Life asked what responsibility did the developers have of the building around the churches; did they explain to the buyers; New Life has had a 10 year plan; new residents are saying what to preclude; do we penalize people who did what they were supposed to.

James Crabtree with Gahanna Church of Christ asked about septic tanks and leech beds; this is a concern at my congregation; like to see that brought into this.

Schirtzinger stated he would like to see City Council come to a compromise. O'Brien thanked everyone on behalf of Council; worked well tonight; will have a group of documents to help the City



# City of Gahanna

## Master Report

200 South Hamilton Road  
Gahanna, Ohio 43230

**File Number: ORD-0154-2001**

---

1	City Council	9/17/2001	Postponed to Date Certain	to bring community together rather than to have dissension; we will bring this back in 2 weeks.	Pass
---	--------------	-----------	------------------------------	---	------



# City of Gahanna

## Master Report

200 South Hamilton Road  
Gahanna, Ohio 43230

File Number: ORD-0154-2001

1 Committee of the Whole 9/24/2001 Recommended for  
Postponement to a  
Date Certain

**Action Note:** Sherwood said there was a change made by Planning Commission; she has corrected ordinance but it will have to be substitute. O'Brien said that he received several emails today from Jim Strong, New Life Community Baptist; have not had a chance to read them.

It was asked when this had to be done, and Weber said by November 5th. O'Brien said this is the recommendation of the Administration and Planning Commission did recommend to Council the adoption of the Restricted Institutional District chapter; is a good document. He asked what Council could review for the church representatives present. Angelou questioned new legislation under federal law; not want this to put us in harms way. Weber said nothing would forbid the church from exercising their religion and their mission to grow; hard pressed to have setback lines having a significant impact on their ability to carry forth their mission.

Steve Resch, Gahanna Christian Ministerial Association President and Pastor of Walnut Creek Presbyterian Church, said understands that it is excellent to standardize a bit but this proposed legislation is too strict because the mission of the church is to expand; if the land usage restricts the expansion of church then some of the setbacks seem to be too large; proposed too wide; churches need approximately 10 developable acres; would have to have 3.8 acres set aside for parking and setbacks. A church has a vision to be in a community for a long time; not just 3 to 5 acres; need as much as possible so church can grow. They would propose that the minimum side and rear yard setbacks be reduced from 50 to 25 feet. White passed out chart prepared by Gard comparing basic zoning districts, residential, commercial and industrial; they all have a minimum lot requirement. Resch said that minimum lot size is not a concession on your part; at least down to 2 acres to develop. White said the setback has to allow for appropriate compatible development; really guides every lot; really restricts lot coverage footprint. White said that anything can be varied, there are issues related to the lot and circumstances that may make a variance possible. Hogan said when we use the word setback property line we are talking to the closest building; not talking 50 feet around building structure; bringing parking lot within 15 feet; building setback is the problem. There was discussion about Westerville and Dublin legislation and White said that they are regulating different standards for residential and institutional; two sets of standards. Angelou said that we deal with them on a conditional use to allow them in residential neighborhoods.

Mayor said the neighbors were not happy about the proposed addition at New Life; we need something very specific; this is the setback; not a problem. White said schools and churches are in residential districts; if they weren't expanding this would not have come up; issues would not have come up; houses developed at the same time; conflicts started coming up; this is reoccurring; not have appropriate zoning category; development standards to side by side coexist to do their mission also with the mission of the residents.

Rod Dempsey, New Life, said they are faced with a double whammy; proposing a youth center fall within the 50 foot setback, need it to be about 40 feet; strike 1; strike 2 zoning proposal a gymnasium is not allowed; questioned the youth center considered a gym; this is a major part of the church; reach out to the teens be able to invite them to come into our church; at this point inside the setback. White referenced RLUPA; be careful use not permitted on that same property; building on another piece of property; property building on another piece of property put up a stand alone gym and the church. Mayor said the code is intended so that such as a gymnastics business cannot come in to a residential area.

In response to question Weber said the financial burden is a separate test; broad protection of religious; all land use restrictions an infringement balancing the right of the church and the right of the public to protect the health safety of the community; individual basis. Strong said caution should be used in how Council structures this proposed chapter; left open and undefined not putting any definition still up in the air; less defined more opportunity.



# City of Gahanna

## Master Report

200 South Hamilton Road  
Gahanna, Ohio 43230

File Number: ORD-0154-2001

---

O'Brien said that we just received the emails late today and have not had time to review them and it is almost 11:30 p.m.; would like to continue this discussion at next committees. Stinchcomb suggested that Committee of the Whole be held first at 7:00 p.m. at the next Committees.

2	City Council	10/1/2001	Postponed to Date Certain	Committee of the Whole	Pass
2	Committee of the Whole	10/9/2001	Recommended for Indefinite Postponement.		

**Action Note:** Stinchcomb apologized to the ministers for keeping them late last time; we were working through issues all evening. White briefly went over what Angelou and the ministers discussed prior to the meeting; the sets backs were not etched in stone; we came up with a compromise of front is 60, side is 30 and rear is 40; we felt that was acceptable; the churches also felt that they should be entitled to use up to 75% lot coverage; they believe that would be fair and acceptable for the most part; as far as concerns with the FDP there is no reason they cannot come back for time extensions after the plan has been approved; realize that it takes time for churches to raise the money for the project. Angelou stated that the attorney for New Life felt that if we were going to enact a code by putting all institutions in a zoning category it should be done simultaneous; no limbo; do think that these tend to be substantial; we are going to send it back to Planning Commission; give opportunity for all the churches to make sure it meets the needs; also need protection of residential areas; this is really to protect both sides. White stated that this would not go for vote at Council at this point; it will all go back to Planning Commission and they will make a recommendation; more opportunity for public comment. Steve Resch stated that was the substance of what we talked about; thanked Council and White; appreciated having a voice; we feel we have been heard; very amenable and positive to what has been discussed; we want to be good neighbors. White stated that we appreciate input; my office is always open; these codes are for us as a community that works and works well. Thom stated that it was never the intent for churches or schools to be eliminated from the standards; we need to operate by some type of standards; many times we have been caught between a rock and hard place; need a higher degree of standards in the long run to help Planning Commission. Weber stated that because of time restraints this will need to be postponed indefinitely; send it back to Planning Commission; start the process over.

2	City Council	10/15/2001	Postponed Indefinitely		Pass
---	--------------	------------	---------------------------	--	------

---