

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Wednesday, February 22, 2012**

**Commission may caucus prior to Regular Meeting**

**7:00 PM**

**City Hall**

## **Planning Commission**

*Jennifer Tisone Price, Chair*

*David B. Thom, Vice Chair*

*David K. Andrews*

*Joe Keehner*

*Kristin Rosan*

*Donald R. Shepherd*

*Thomas J. Wester*

*Stacey L. Bashore, Deputy Clerk of Council*

**IT IS THE RESPONSIBILITY OF THE APPLICANT TO HAVE A COURT REPORTER PRESENT, AT THE APPLICANT'S EXPENSE, IF THEY WISH TO HAVE A VERBATIM TRANSCRIPT OF THE MEETING. COUNCIL OFFICE SHOULD BE ADVISED IN ADVANCE IF A COURT REPORTER IS GOING TO BE PRESENT.**

**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 S. Hamilton Road, Gahanna, Ohio on Wednesday, February 22, 2012. The agenda for this meeting was published on February 17, 2012. Chair Jennifer Price called the meeting to order at 7:00 p.m.

**Members Present:** Jennifer Tisone Price, Kristin E. Rosan, David K. Andrews, Donald R. Shepherd, Joe Keehner and Thomas J. Wester

**Members Absent:** David B. Thom

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

There were none.

**C. APPROVAL OF MINUTES: February 8, 2012**

A motion was made by Rosan, seconded by Andrews. The motion carried by the following vote:

<b>Yes</b>	<b>6</b>	Price, Rosan, Andrews, Shepherd, Wester and Keehner
<b>Absent</b>	<b>1</b>	Thom

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

There were none.

**E. APPLICATIONS:**

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-0003-2012**

To consider a variance application to vary Section 1181.07 of the codified ordinances of the City of Gahanna; to allow a fall zone of zero feet; and to vary Sections 1181.08 (d) (6) and 1181.20(b) of the codified ordinances of the City of Gahanna; to vary the landscape requirements; for property located at 215 W. Johnstown Road; by Verizon Wireless, applicant. (Advertised in the RFE on 2/9/12)

David Minger interrupted the chair requesting that the Commission move to the next item on the agenda until their presenter arrived. Commission granted the request.

Gard reviewed the application with the Commission.

Public Hearing opened at 7:44 p.m.

Bob Grant stated he was an attorney for Verizon Wireless; is in administration file; apologized for being late and for shuffling agenda. City Attorney gave oath. Grant stated he prepared a written report and gave it to the Commission. (Copies available in the Council office) thanked Bonnie Gard for helping us wade through this application

process; worked hard to comply with all of the exhibit requirements; worked hard to find the least intrusive site; found a site that complies with all the requirements of code and fulfills our need to provide state of the art communication services to your community; there is a critical service gap in your community; it is a capacity gap; that means only so many calls can go through the system at one time; results in call blocking; calls gets dropped or don't go through; critical service; 26% rely exclusively on cell phones to make calls; in event of emergency they turn to the cell phone; shouldn't be blocked; worked hard to design a fix for this; as part of that our team has scoured your community; we looked at every parcel available; designed a search area; that is the area where a new facility has to be located to correct this service gap; extensive report in Exhibit N; determined whether or not it was available; whether it was suitable from radio frequency; willing landlord; examined closely; determined only one location where we could put this tower to correct the service needs; in staff report her opinion meets all location standards situated in the least conspicuous corner of the property; we are proposing a 120' monopole; designed like a light pole located on a 2.7 acre parcel; small lease parcel; enclosed by an 8' foot privacy fence; tower engineered for a zero fall zone; engineered 2/3 of the way; in the event of a significant wind event that would cause a failure there is a buckle in the tower; it buckles over the fail safe point; doesn't fall like a tree across the property line; nearest structure is 256 feet way to the west; we do have it in the northwest corner; most logical location for it; in that corner it gets it out of the operations of the bowling alley; saves parking spaces for them; unused corner of the parcel; have some photos; this corner has existing mature vegetation buffer to the north and west; to south and east will be a parking lot; asked for a landscaping variance; not because we wouldn't be willing to put in plants; but it doesn't make much sense; for the landlord to lose parking spaces to landscaping doesn't make much sense; request for zero fall zone variance; tower will be 26 feet from property line; tower is engineered to fall in an area of zero feet.

Time extended by two minutes. Grant stated we would have co-located on another structure if we could have; only structure that is existing is self supporting in Mifflin cemetery; unfortunately it wasn't structurally sufficient to co-locate; have to build a new tower to correct the problem.

Chair asked if there were any opponents.

Fred Bichsel, 398 Gary Lee Drive; asked where are the towers for At&t and Sprint; we have Sprint and we have no problems; they're telling you that their 4G network doesn't cover Gahanna; that doesn't cut it; people live and exist right around where this tower would go. Terry Duris, 4350 Watkins Road, Pataskala; stated he owns the 117 apartment units; representing 150 people who live in these apartments; will be in direct line of sight; you have received before and after pictures to illustrate the visual impact; think we can all agree they are poor quality; don't show anything; better reference is the tower right outside at the police station; tower will be 220 feet to the closest part of our building; that is the view they will have out of their living room window at home; after 40 years in this business curb appeal is important; 75% of apartments are rented by drive bys; right now we do a good job at curb appeal; if the tower goes up, the first thing you see is going to be this mammoth 120 foot tower; sitting on the edge of our yard; people will figure out that is what they will be looking at out of their windows and will leave; that would be terrible for us; the apartment business is a competitive business; people aren't buying; lot of apartments available; homes become rental properties; seem like there are fewer and fewer applicants that are qualified; have to share these people; to put a tower right in front of us would be a tremendous deficit; could chase away existing tenants; hard to complete with a 120 foot tower; can't hide this; once it's up we are stuck with it; on the surface it would appear that Verizon has exhausted all of their options;

provided a list; disagree that they fully sought the best options; several on here that do not qualify; few of them the landowner declined to lease; they didn't want to pay the tab; they struck a deal with the bowling alley; knowing it was not a desirable location; we need your help; need you to say no to Verizon; this is not a proper location; can't totally ignore words in code book; unprecedented to have a cell tower built this close to someones living room window; to rub salt in the wound they ask for a variance to not acquire a fall zone; they don't even want to landscape; let them keep looking; they know where the desirable locations are.

Chair extended the opposition's time for another 7 minutes.

Terry Andrews, 147 N. High Street; stated we heard on an earlier application about visual clutter; this is truly visual clutter; this is 125 feet; not objecting to the use; think that a more industrial location could be found; being up against residential properties is inappropriate.

Neil Wengatz stated he represented the Masonic Lodge on Johnstown Road; this property was selected because it was a wonderful area of Gahanna; we believe it will be clutter; appalled that they are trying to get away with no landscaping; appalled they are trying to get away with no landscaping; put it in an area that is in visual site of the entire neighborhood.

Marsha Siaopao, 161 Creekside Green; stated her drive is on the side of the bowling alley; wouldn't like to look at it every day; will also play a part on property values; new development; still have more to be developed there; values have already dropped; take that into consideration.

Joe Hebdo, 555 McCutcheon Road; stated the tower will be in front of my entrance; right across from the parking lot; 120 feet is an issue; becomes an unsightly property; property value has struggled a lot; taxes went up 90% on property I couldn't give away.

Judith Hoffer, 140 Creekside Green, stated we are registered nurses; there are always pros and cons; know that there are day care facilities; Goshen Lane Elementary nearby; wanted to put that out there; subject young people to this potential health risk; still not conclusive that it is not a problem; have a lot of friends that have Verizon haven't heard any of them complain about dropped calls.

#### Rebuttal

David Minger; 7575 Commerce Court stated he was the real estate agent on the project; heard 3 categories; health affects are precluded under federal law; prohibited from considering; if you take the number of broadcast television towers it is a constant broadcast; our towers are much lower in power; heard people complain of aesthetics; individual judgment seems to be a standard thing; not addressed in ordinance; site plan ordinance requires facility to be behind an existing structure; impossible to put it behind the structure; only place to put it would be in the middle of parking lot; would no longer have appropriate number of parking spots; engineering statements; referred to Exhibit M; returning to the aesthetics; understand opponents will focus on one element; no one focus on one thing; we calculated field of view; none of those calculations exceed less than 1 part of their visual field of 250; just how small does a structure have to be; don't believe that is what the code says; need to make a decision based on objective facts not subjective feelings of aesthetics; other elements of visual assertitude; they are asking you to impose a scenic easement by law; fall zone is akin to the crumple zone built into a

car; folds in on itself.

Rosan stated she was looking at Exhibit M; Appendix 5; evaluation of different parcels for alternate locations; appears there are a number of them that do meet the internal criteria; either landowner didn't respond or declined offer of lease; what efforts went into these other locations. Minger stated call blocking; dropped calls are not the issue; the calls go uninterrupted; can only have so many users; over 101,000 blocked calls; this is an optimal location; had to divide the service areas into 3 zones; for the northern part of Gahanna we have co-location; this is the southern part; the search area is in Exhibit M; identified general area from cemetery to bowling alley; 3 broad categories for feasibility; if it is not technically feasible it is useless; identified several sites as being technically feasible; does not mean it meets zoning criteria; looked at zoning classifications; limited it to commercial zones; some people said go away; if a landlord does not give you consent to lease you can't lease it; that limited us to one site; that is how we got to this site; it requires setback; ordinance came after the area was developed would pretty much preclude federal zoning overlay; that preserves your jurisdiction; if your ordinance would act as an exclusionary ordinance. Chair stated we are looking for more information in regards to the attempts to negotiate with the landowners. Minger stated we have a site acquisition agent assigned once we have search area; we start by performing site visits; make sure there is adequate ground space; determine whether the landowner would have to give up anything; we always contact the landowner; introduce themselves at the door; explain why they are interested in the site; sometimes there are absentee owners; we ask for contact info; see if they are interested in; some people do not respond and others decline not to enter; others don't want to deal with it and just say no. Price if a landowner declines is that within the first initial contact. Minger stated if a landowner says no that's it; if an owner says they are not interested we are not obligated to pursue it further. Price asked if there was a formal process in writing. Minger stated that is not part of the ordinance submission requirement; in terms of written documentation we could give you written documentation. Price asked what is the process for inquiring. Minger stated the purpose of all that is to find a willing land owner; meets ordinance requirement; no mandated procedure. Rosan asked if the site acquisition person would be available to testify; would like to hear from the person who helped compile this list. Minger stated they can be. Shepherd asked what type of event could cause the pole to crumple; ice, wind. Minger stated the design load is over 3000 mph sustained winds; in hurricane Katrina none of our poles blew over; foundations weigh 35 to 55 tons; any wind force that is strong enough to blow it down wouldn't leave anything else around it standing; the Ohio building only includes up to 75 miles an hour; our towers are securely fixed; typically ice fall has not been a problem. Shepherd asked why the co-location on the cemetery tower didn't work. Gard stated the last tower wouldn't support the weight; the location change was closer to the township and the neighbors spoke out in opposition. Shepherd asked by putting this tower here will it get rid of all of the blocked calls. Minger stated you would be looking at a 250' tall tower. Shepherd clarified that this tower will only help some of the problem. Minger stated a single site won't work; had to divide in three sections; 3rd site is still under development. Shepherd asked are you familiar with other towers in this area. Minger stated we are seeking this site because we have more customers than the other companies; not the height of the tower that limits it; it is the maximum number of simultaneous users and maximum amount of power before it interferes with sister site; trying to reduce the load on existing towers. Shepherd stated he didn't buy that the site acquisition person just took no for an answer; unless you are prohibited by Federal Law; not satisfied that we searched the alternative sites enough first; we have the option to say yes or no; we need to make sure that all other sites were considered and fairly negotiated; we are responsible to the citizens of Gahanna; if you took the easy way out, that's not good enough; would like some more information; would like to take this to workshop; how

much work went into it. Minger asked if this is part of your ordinance; this is an additional requirement. Price stated this is in response to the materials you submitted. Rosan stated we are looking for the testimony of the site acquisition person to explain notes; not asking for additional requirement; want to talk to someone that participated in the work. Minger stated as the applicant we will consider it as an additional requirement. Keehner asked about seismic activity vs wind. Minger stated there is no requirement for seismic activity; no code for that; we will comply with all building codes. Keehner stated he would be interested to know about the transmitted waves. City Attorney Ewald stated due to Federal Law we cannot dive into the health aspects; may be a concern but can't base a decision on that; as far as the application that you submitted there are no additional requirements; we are asking for the person who prepared the report to come forward at workshop and give testimony. Minger stated I prepared that document over the course of several years. Rosan stated we are looking at the list under section M appendix 5; would like to hear testimony from the site acquisition person that did the work; you have heard the questioning and understand the nature of our questions; up to your discretion whether to produce and provide testimony. Wester asked what happens to the blocked calls. Minger stated they don't connect. Wester stated according to my calculations that is about 10 or 12 an hour. Minger stated the exhibits show the locations of the calls. Wester stated according to the cell phone maps I didn't find where the other sites were proposed; want an answer to that in workshop; heard the term technically feasible; technically non feasible; won't accept that; need more information on that; questions brought up for alternative sites; in this economic climate some of those may reconsider; what were the issues with the Mifflin Site; have you looked at County or State property. Price asked whether this tower would have space for co-location. Gard stated it has space for two. Chair reviewed that the Commission would like more information on alternative site; need a better understanding of that process; concerns that some of these took place over 10 years; is the initial research still relevant today; what were the contact efforts made; would like to hear from a technical expert for more specific information on blocked calls; need to get a better understanding.

RECOMMENDATION: To be discussed in Workshop on March 21st at 6:30 p.m.

**Postponed to Date Certain to Planning Commission Workshop**

**PWSF-0001-2012**

To consider a Personal Wireless Service Facility application to construct a new cell tower; for property located at 215 W. Johnstown Road; Verizon Wireless, applicant. (Advertised in the RFE on 2/9/12 and 2/16/12)

See above discussion.

**Postponed to Date Certain to Planning Commission Workshop**

**CU-0003-2012**

To consider a Conditional Use application to allow a gas station and to allow a drive thru; for property located at 360 Hamilton Road, current zoning PUD/CC; by Circle K/Tim Hortons, Sean Sanford, applicant. (Advertised in the RFE on 2/16/12)

Gard reviewed the application with the Commission.

George Sweither, 3331 E. Livingston Ave, Columbus OH, stated my company has been involved in this from the site planning point of view; the way we see it there is currently a gas station there; asking for the same use; Tim Horton's will be there as well; 50% of their business is done through the drive thru; has a 12 car stack; enough room to stack cars without causing congestion; adding additional landscaping; asking for variance 76.1 required; is 75; adding greenspace to what is on the site right now; curb cuts are existing; will serve the site fairly well; asking for a setback variance; closer to Morrison Road; others are in compliance; lines up in line of site; site has lost 10 feet to right of way; the canopy we are showing is back away from Hamilton Road; site triangle is

improved; well circulating plan; have representatives for Tim Horton's and Circle K that can answer questions.

Chair asked for any opponents. There were none.

Wester asked what will the 4,000 square foot retail consist of. Bill Bishop stated he was the real estate acquisition representative for Circle K; it will be a very typical convenience store; cooler doors; racks and display kiosks; will have a roller grill. Wester stated it has been addressed as a gas station; so there will be 7-11 type store; what about the Tim Hortons retail shown; what is that proposed to be. Scott Messing with Tim Hortons real estate; stated it will be some type of electronics retailer; waiting to get through Planning Commission; had a lot of people contacting us that are interested in the site; will be a professional company. Wester asked what happens to the number of vehicles that go in; has a traffic study been done. Messing stated we will do one. Rosan asked about all of the different ingress/egress; 3 different ones on site plan; how does that relate to the heavy traffic on Hamilton Road and Morrison; would like consideration given to that with traffic study; may be wise to do a right in/right out on southern entrance on Hamilton Road; will have more traffic because of the Circle K than what is currently there; possibly making the other area on Morrison a right in/right out as well; consideration given to help direct traffic through the site. Sweither stated in consultation with Karl Wetherholt we decided to leave the access as currently configured; some relief to that intersection; know it is very congested; would be amenable to a right in/right out on southern portion; will put all of that in our traffic study; the layout that we have is conducive to what will be there. Rosan asked if they looked at utilizing the shopping center's entrance to access their site. Sweither stated we have not been successful getting a cross access agreement. Wester clarified that the study will also include left hand turn traffic from Hamilton. Rosan clarified that parking was sufficient. Shepherd asked if the signs were in compliance. Gard stated it looks like a lot of signs, but they are in compliance. Shepherd asked if the number of the directional signs could be reduced; and if the height of the signs could be reduced as they were at McDonalds. Gard stated McDonald's signs were reduced to a two foot pole and height was to be no more than 48 inches. Messing stated we could make it work; we can adjust the signage. Price stated you can accomplish some of the directional signage with striping to reduce the signage. Shepherd stated he didn't see the need for a Please Do Not Litter sign. Wester asked what the height of the canopy was over the pumps. Bishop stated the canopy will have brick columns; the underside will be 17 feet; the top of the canopy will be 21 feet. Price clarified that was similar to the Kroger canopy. Andrews clarified that the issues from the Building Department had been addressed. Keehner asked about the doors shown on the west elevation of Circle K. Bishop stated we can go in either direction; would prefer to keep what is on the elevations. Chair stated we will be sending this application to workshop to work through some of these details.

RECOMMENDATION: Schedule for Workshop on March 7th at 6:30 p.m.

**Postponed to Date Certain to Planning Commission Workshop**

**V-0004-2012**

To consider a variance application to vary Section 1153.03(c)(7) of the codified ordinances of the City of Gahanna; to allow lot coverage to exceed 75%; and to vary Section 1167.15 (a)(b) of the codified ordinances of the City of Gahanna; to allow a building setback of less than 60' from Right of Way and to allow a parking setback of less than 36' from ROW; for property located at 360 South Hamilton Road; by Sean Sanford, applicant. (Advertised in the RFE on 2/16/12)

See above discussion.

**Postponed to Date Certain to Planning Commission Workshop**

**FDP-0002-2012**

To consider a Final Development Plan for a Circle K Gas station and Retail Center; for property located at 360 S. Hamilton Road; by Sean Sanford, applicant. (Advertised in RFE 2/9/12)

See above discussion.

**Postponed to Date Certain to Planning Commission Workshop**

**DR-0003-2012**

To consider a Certificate of Appropriateness for Site Plan, Landscaping, Building Design and Signage; for property located at 360 S. Hamilton Road; by Sean Sanford, applicant.

See above discussion.

**Postponed to Date Certain to Planning Commission Workshop**

**CU-0004-2012**

To consider a Conditional Use application to allow a Children's Daycare Center; for property located at 973 E. Johnstown Road, current zoning CC; by Kiwi's Clubhouse, Sunshine Diller, applicant. (Advertised in the RFE on 2/16/12)

Gard reviewed the application with the Commission.

Sunshine Diller, 617 Berkley Place, Westerville, OH stated she would answer any questions.

Chair asked for opponents. There were none.

Rosan stated she noticed the proposed site is not adjacent to the playground area; how are you planning to navigate children from the daycare. Diller stated we will be walking in front of the enclosed area; currently have a similar situation at Lewis Center; they have two teachers with them and they hold onto a walking rope. Rosan clarified there have been no problems with that. Price stated we are excited to see the landlord is supportive of the application.

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

**Absent 1 Thom**

**Yes 6 Price, Rosan, Andrews, Shepherd, Wester and Keehner**

**CU-0005-2012**

To consider a Conditional Use application to allow a Training Center for Developmental Disabilities; for property located at 222 W. Johnstown Road, current zoning CC; by PALS Chrysalis Health, applicant. (Advertised in the RFE on 2/16/12)

Gard reviewed the application with the Commission.

Hector ???, 351 Alteera Avenue; stated we are trying to do an adult training facility in the temporary facility; will be 7 to 8 months to finish up the permanent facility; will ensure that all of the concerns are met. Aaron Burkone, 155 East Broad Street; have been working with people with developmental disabilities for 10 years; goal is to get them a center they can enjoy for their needs; really wanted to give them a place; Gahanna is a fitting location; there are a lot of the recreation opportunities around; will work hand in hand with the community to make this a success; wanted to change the adult day support; most people are in residential with very little recreation; obesity has been a big problem; will also work with local employers to help find jobs for them.

Chair asked for any opponents. There were none.

Andrews stated this sounds like a wonderful program; like the idea; good for Gahanna

and the businesses; reading about doing community outreach programs; outside getting fresh air; talked about police concerns; working on those issues. Shepherd asked how long until the permanent facility is finished. Burkone stated it will be around 6 to 7 months; working with George Parker on that. Shepherd asked what kind of hours will the facility be open; Burkone stated it will be open from 9:00 a.m to around 3:30 p.m.; we provide all transportation.

A motion was made by Rosan, seconded by Shepherd, that this matter be Approved for a temporary use of 222 W. Johnstown as a training center for the developmentally disabled community until such time as the location at 240 W. Johnstown is available; said location of 240 W. Johnstown is also approved The motion carried by the following vote:

Yes	6	Price, Rosan, Andrews, Shepherd, Wester and Keehner
Absent	1	Thom

**F. UNFINISHED BUSINESS:**

**G. NEW BUSINESS:**

**DR-0006-2012**

To consider a Certificate of Appropriateness for Site Plan, Landscaping, Building Design and Signage; for property located at 701 Tech Center Drive; by Eastside Urologic Center, applicant. (Amends DR-0018-2011)

Gard reviewed the application with the Commission.

Shital Guilal with Andrews Architects, 661 Bay View, Dublin Ohio; stated we are amending what was approved about 2 months ago; had minor revisions to elevations; west elevation front entrance; that had not been angled to line up with canopy; on elevation b; changed the center section; due to the nature of aesthetics; to accommodate those things; space between windows and stairwell; as a design element didn't look appropriate; still has 5 windows; so aesthetically looks better; brackets are no longer appropriate; can answer any questions.

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

Yes	6	Price, Rosan, Andrews, Shepherd, Wester and Keehner
Absent	1	Thom

**H. COMMITTEE REPORTS:**

**Hamilton Road Corridor Committee - Andrews**

No report.

**I. OFFICIAL REPORTS:**

**City Attorney.**

No report.

**City Engineer.**

No report.

**Department of Development.**

No report.

**Chair.**

No report.

**J. CORRESPONDENCE AND ACTIONS.**

There were none.

**K. POLL MEMBERS FOR COMMENT.**

Andrews stated he met with the Convention and Visitors Bureau about creating a walking tour for herbs for both culinary and health issues; discussed going for a grant of \$25,000 to \$40,000 through Chase bank; people can walk around with their I-phone and scan the tags; will bring more information forward as we get further into it.

**L. ADJOURNMENT.**

Adjourned at 9:22 p.m.; Motion by Shepherd.

**M. POSTPONED APPLICATIONS:**

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**Stacey Bashore**  
**Deputy Clerk of Council**

*APPROVED by the Planning Commission, this  
day of 2012.*

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**Jennifer Tisone Price**