



# City of Gahanna

## Meeting Minutes

### Planning Commission

200 South Hamilton Road  
Gahanna, Ohio 43230

*James Mako, Chair*  
*John Hicks, Vice Chair*  
*Michael Greenberg*  
*Sarah Pollyea*  
*Thomas W. Shapaka*  
*Michael Suriano*  
*Michael Tamarkin*

*Sophia McGuire, Deputy Clerk of Council*

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Wednesday, April 24, 2024

7:00 PM

City Hall, Council Chambers

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#### A. CALL MEETING TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

*Gahanna Planning Commission met in regular session on April 24, 2024. The agenda for this meeting was published on April 19, 2024. Chair James Mako called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Sarah Pollyea.*

**Present** 7 - Michael Greenberg, John Hicks, James Mako, Sarah Pollyea, Thomas W. Shapaka, Michael Suriano, and Michael Tamarkin

#### B. ADDITIONS OR CORRECTIONS TO THE AGENDA - NONE

#### C. APPROVAL OF MINUTES

[2024-0084](#)

Planning Commission meeting minutes 4.10.2024 draft

A motion was made by Hicks, seconded by Greenberg, that the Minutes be Approved. The motion carried by the following vote:

**Yes:** 7 - Greenberg, Hicks, Mako, Pollyea, Shapaka, Suriano and Tamarkin

#### D. EXECUTIVE SESSION

**A motion to go into Executive Session under Section 121.22 of the Ohio Revised Code to confer with the city attorney concerning disputes involving the public body that are the subject of pending or imminent court action.**

The motion carried by the following vote:

**Yes:** 7 - Greenberg, Hicks, Mako, Pollyea, Shapaka, Suriano and Tamarkin

**Members of the Planning Commission were joined by City Attorney Tamilarasan and Assistant City Attorney Roth in the Committee Room.**

**Planning Commission rose to report to executive session at 7:03 p.m.**

**Planning Commission rose to report from executive session at 7:19 p.m. with no further action.**

**E. SWEAR IN APPLICANTS & SPEAKERS**

Assistant City Attorney Matt Roth administered an oath to those persons wishing to present testimony this evening.

**F. APPLICATIONS - PUBLIC COMMENT**

**The Well**

[V-0007-2024](#)

To consider a Variance Application to vary Section 1163.02(a) Minimum Number of Parking Spaces Required; for property located at 140 N. High St.; Parcel ID: 025-000135; Current Zoning OG-2; The Well; Joel Trainer, applicant.

City Planner Maddie Capka provided a summary of the application; see attached staff presentation. Ms. Capka introduced the project as a variance application for a parking space reduction due to a change in use. There are currently 8 on-site parking spaces. It was previously used exclusively as an office, which requires 1 space per 350 square feet of gross floor area. This works out to approximately 16 spaces. However, the space has been operating as a legal non-conforming site, so they were able to have 8 spaces. The use is changing from an event space to a combination of office and event space plus club rooms. The change triggers the parking requirements. The parking requirements must now be met, or a variance obtained. A total of 28 parking spaces are now required with the combined uses.

A site plan was shared, showing the location of the 8 parking spaces. Two additional parking spaces are in front of the building on the street but are not counted in the total. An aerial view showed additional on-street parking available on North High Street and Short Street. The

Creekside parking garage is also within walking distance.

Capka reviewed the variance request and the code requirements. The variance is for a 20-space deficit. Staff recommends approval of the variance as submitted. The variance is for existing conditions that became non-conformities due to a change in use. The applicant believes that the number of spaces will be sufficient for their use the majority of the time. A few times a month, 20-25 spaces will be necessary for various meetings. The free public parking can be utilized during that time. The land use plan recommends using off-site parking to satisfy parking requirements in the Creekside area.

Chair opened public comment at 7:25 p.m.

Matt Toddy, 933 Taurus Avenue, Principal Architect with Elevation Studios. Mr. Toddy has been working with Joel Trainer at Three Creeks Church to develop the application. He provided some more information about the project. The existing two-story building is being purchased. There are 8 spaces on the lot, which is fully built out, so no additional spaces can be accommodated. The second floor will primarily be administrative office space. The ground floor use is changing to club room space primarily used for after-hours small group meetings and small events. He offered to answer any questions.

There were no comments from the public.

Chair closed the public comment at 7:27 p.m.

Ms. Pollyea clarified that the events held are ones in which the congregation and community will be able to use the event space. Mr. Toddy confirmed. Ms. Pollyea asked how far in advance events would be noticed. Mr. Toddy presumed that the events would be scheduled well in advance by use of a calendar. He confirmed that information on available street parking will be shared with event attendees.

Mr. Greenberg asked what times groups would typically meet. Mr. Toddy believed they will mostly be after business hours, occasionally on a weekend afternoon.

Mr. Tamarkin asked if religious services would be held here. Mr. Toddy said there is another location for services, and it is not planned for this new location to hold religious services.

A motion was made by Greenberg, seconded by Shapaka, that the Variance be Approved.

Discussion on the motion: Mr. Shapaka stated he'll be voting in favor, noting that the intent with the parking garage satisfies not only this building, but nearby buildings that have the same situation.

Pollyea noted that she is also in favor, but reiterated that event attendees should be advised in advance of where they should be parking.

The motion carried by the following vote:

Yes: 7 - Greenberg, Hicks, Mako, Pollyea, Shapaka, Suriano and Tamarkin

### **Crescent Woods**

#### [FP-0001-2024](#)

To recommend to Council a Final Plat Application for the Crescent Woods; consisting of 40.807+/- acres located on Hamilton Rd.; Parcel ID Numbers 025-017173, 025-014172, and 025-013767; Current Zoning L-MFPRD, SCPD; Griffin Caldwell, applicant.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation. Director Blackford noted there are not many final plat applications that come through. There was a preliminary plat for this request in August of last year. He provided a location map of the area. There have been other development projects in this area, such as Crescent Woods multifamily project and Orthopedic One. There was a lot split that occurred in the preliminary plat. Lots can be divided, but roadways need to be platted.

This request is a recommendation to Council. The final plat shall be recommended if it is consistent with the preliminary plat, if it is compliant with the zoning code, and if the request is compliant with specific provisions that Planning Commission places on the preliminary plat. The final plat is consistent with the preliminary plat, it is compliant with all zoning requirements, and there were no provisions placed on the preliminary plat by Planning Commission. Staff recommends approval.

Chair opened public comment at 7:34 p.m.

There were no comments from the public.

Chair closed the public comment at 7:35 p.m.

Chair called on questions from the Commission.

Mr. Tamarkin asked who the applicant on the project was. Blackford replied Casto is the applicant. Mr. Tamarkin asked if it would be largely under Casto's control.

Chair Mako inquired as to what the easements were for. Mr. Blackford replied that easements are not under the purview of the Planning Department. However, the application had been through the proper reviewing channels. This includes the Engineering Department. It has been through a few reviews and has been signed off by Engineering. Mako asked if Crescent Place will be a publicly dedicated right-of-way. Mr. Blackford confirmed.

**A motion was made by Tamarkin, seconded by Pollyea, that the Final Plat be Recommended to Council for Approval. The motion carried by the following vote:**

**Yes:** 7 - Greenberg, Hicks, Mako, Pollyea, Shapaka, Suriano and Tamarkin

### **Sheetz Lincoln Circle**

#### [CU-0002-2024](#)

To consider a Conditional Use Application for property located at 230 Granville St.; Parcel ID: 025-004250; Current Zoning CC; Sheetz Lincoln Circle; D.W. Route, applicant.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation.

The site is just over 4.5 acres with frontage on Granville Street. It is the site formerly occupied by Coaches. Creekside is to the east. Strawberry Plaza and Mighty Lion Car Wash are to the south. The new library is in the corridor as well. The property is Zoned Community Commercial, or CC. Typical uses allowed by right in CC are retail, office, medical related uses. The site does not abut any residential property. It abuts a mixed use to the west, which is labelled OG-2. Shull Park is to the north and is also zoned CC.

There are three applications for this project. The Final Development Plan includes the site plan, which is where things are located. The Design Review application is for the building materials, colors, and landscaping. The Conditional Use application would permit the gas station. Gas stations in Community Commercial zoned areas are appropriate in some circumstances but not all. It is not allowed by right.

The site is just over 4.5 acres but a lot split is contemplated. The building is just under 5,000 square feet. It is a restaurant and retail building with no drive-through. A previous application at Morse and Johnstown did have a drive through.

The exterior building materials include brick and masonry veneer with a metal roof that is red and dark bronze with a mechanical screening. A fuel canopy will match the building. Parking is to the side and rear with about 9 more spaces than code requires. All required setbacks are met. Mr. Blackford shared the site plan with the building and fuel canopy highlighted. Two important parts of the site plan are the addition of a 6' sidewalk extending from Granville Street to Shull Park. One does not currently exist. Also, there are four access points providing interconnectivity to adjacent sites. There are two to the west, which connect to the beverage drive through. To the east would be the access drive, O'Toole's, and other nearby businesses. The access points are slightly modified from the existing access points, but there are two on each side today.

A big part of the Design Review application is landscaping. This application meets or exceeds all site plan requirements. The amount of landscaping required is 1,500 square feet and this application provides 1,600. Interior landscaping requirements include 16 trees. This application provides landscape islands with plantings. There is a 3' parking screening requirement. This is met. Again, there is a 6' wide sidewalk.

Blackford shared the elevations. All other sides have the same material and same design. There is brick, bronze metal mechanical screen, red metal roof, canopies, and awnings, as well as the masonry. The south elevation shown would be the elevation most visible from Granville Street. The east elevation shows some outdoor seating visible from the traffic signal of the drive leading back to Shull Park. Blackford pointed out the red canopy on the fuel pumps, as well as the masonry base and bronze. He said that while there is signage in the renderings, they do not approve users, only uses. So that when looking at signage, it is more for artistic purposes.

There are various codes and plans that apply to the request. The Land Use Plan is one. The site is designated as "Mixed Use" on the Future Land Use Map (FLUM). Every piece of property in Gahanna has a designation on the FLUM. Mixed Use wants higher density development with buildings oriented to the street and parking to the rear. Residential density is 20-30 units per acre. Building massing is 60,000 - 200,000 square feet per acre. The way to achieve this is through multi story buildings. Recommended uses are retail, office, and residential.

Because of this site's location in the "downtown" focus area, recommendations include medium to high density residential or mixed use; development oriented toward the street, expand downtown,

specifically Creekside and Mill Street, onto Granville Street; human-scale development with emphasis on pedestrian and non-motorized network; and a mix of uses to attract businesses and residential development that support downtown residents.

There are design guidelines that apply to all projects and properties within the downtown focus area. Buildings should be adjacent to the right of way with parking to the rear, in order to cater to pedestrians. The goal is to provide a safe, interesting, and comfortable pedestrian environment. When the building is set back from the sidewalk, the intervening space should be designed in a way attractive to pedestrians. He noted this application provides access to the park as well.

The design guidelines are used to encourage and promote downtown development. Key components of a downtown are its massing, scale, and uses. There can be other uses, but mixed uses are preferred. This is why there are policies that recommend 0' setbacks and building footprints of up to 200,000 square feet per acre.

The new zoning code goes into effect May 1, 2024. This request was submitted months ago and the new zoning code has no bearing on this request. This zoning area will changing to Creekside Mixed Use District with the new code, and many items mentioned from the Land Use Plan are incorporated into the new code. He underlined that the new code will not have any bearing on tonight's decision.

Blackford shifted to the relevant criteria for tonight's decision. He noted there were many emails sent making good points regarding traffic, things we like and dislike. However, those are not land use policy decisions and are not used to evaluate applications. The first criteria used is the conditional use criteria, which asks four questions: Is the proposed use a conditional use of the zoning district? Is the proposed development in accord with appropriate plans for the area? Will the proposed development have undesirable effects on the surrounding area? Will the proposed development be in keeping with the existing land use character? Staff would recommend denial of the Conditional Use application. They do not believe the four points have been fully met. Specifically, the proposal is not in accord with appropriate plans for the area. The Land Use Plan (LUP) is the appropriate plan for the area. On the site plan, the building is set back approximately 175' from the sidewalk, behind a grassy area, parking, and a fuel pump canopy. The LUP makes the recommendation to have buildings face the street. If they are not, the area for pedestrians should be interesting. He recalled that at Creekside there is a large, vibrant area to promote pedestrian activities. The LUP also makes recommendations on a mix of uses and intensity. In

this instance, it is 5,000 square feet on a 1.25 acres, which equates to 4,000 square per acre. The LUP recommends 60,000 - 200,000 square feet per acre. This plan is a fraction of the development. But, unlike zoning code, the LUP exists to guide decisions, not mandate decisions.

There are also Design Review and Final Development Criteria. There are four criteria for any design review within the City. They are as follows: compatibility with existing structures, contributes to the improvement of the design of the district, contributes to the economic and community vitality of the district, and maintains, protects, and enhances physical surroundings. All properties zoned commercial are within the DRD-3, which is Design Review District 3. There are general provisions that talk about enhanced landscaping, use of vegetation, and preferred materials such as brick and stone. These are the primary materials found within the Sheetz application.

The Final Development Plan criteria are: Does the request meet applicable development standards? Is it in accord with appropriate plans for the area? Would it have undesirable effects on the area? And is it consistent with land use character and development of the area? The first is met. There are no variances for the project.

Staff recommends denial of the Design Review and Final Development Plan. First, if the Conditional Use is denied, these applications cannot move forward. Regardless, staff feels these applications do not meet the guidelines of the LUP. The LUP again recommends buildings that are oriented toward the street, 0-20'. This project is 175'. The LUP talks about mixed uses. This is a single use with 5,000 square feet of building on 1.25 acres. The LUP recommends multi-story buildings 60,000 - 200,000 square feet. With that, denial is recommended.

Chair opened public comment at 7:56 p.m.

Joe Miller, Vorys Law Firm, 52 E Gay St., Columbus. Mr. Miller introduced himself, adding that there is a team with him to speak on the applications. He asked Mr. Mako for dispensation of the 10-minute limit set forth in the rules. With three applications and public interest in the project, he didn't intend to belabor the issue, but did ask that the time limit be reconsidered.

Mr. Miller introduced the subject property as it sits today. It is zoned Community Commercial and surrounded by other businesses in the area also representing a Community Commercial use. He highlighted the beverage drive through, Massey's Pizza, Key Bank, and Lion Express Car Wash. This is a conditionally permitted use in the area today.



Looking more specifically at the site, it is a thoughtful design. It has been designed for the location. It is fully compliant with today's code. Fuel stations such as this one, with an accompanying restaurant, are a conditionally permitted use. No variances are required. He noted that there was a lot of talk about land use policies, which he planned to discuss. As an example, to be code compliant there is a 60' setback. They've designed a site that is not only code compliant, but meets or exceeds every requirement. He noted the increased parking spaces, additional landscaping, and greater caliper of trees that are proposed. He said what has been designed is the smallest Sheetz store in central Ohio.

Miller recalled having listened to Planning Commission's feedback at the last meeting, now back to propose a smaller Sheetz. It is 20% smaller than most Sheetz sizes. There are 10 fueling stations, whereas they typically have 16. He highlighted the walkway to the park that will improve pedestrian access and connectivity. He emphasized the lack of drive thru and stated this plan is a modest development that meets code and was designed specifically for this site. He offered for Mr. Ingram and the team to address standards for the Conditional Use permit. He thanked the Planning Commission for their time and attention.

Chris Ingram, Vorys Law Firm. 52 E Gay St., Columbus. He intends to walk the Commission through the ways in which this plan was developed specifically for this site. The zoning code is clear that the Planning Commission is required to approve conditional uses that satisfy the four criteria. The first criteria has two parts. First, it is whether the conditional uses are in that particular district. The answer in this case is yes. There are eating and drinking places, the sale of merchandise in the store itself, and grocery stores and general merchandise stores are permitted by right. Gas stations are designed to be a conditionally permitted use in this area. The fact that City Council codified gas stations as a permitted use in the city code acknowledges it as a desirable use in the Community Commercial district. The key for a conditional use under the zoning code is that it satisfies the development standards. Each applicable development standard is satisfied with this plan. There is no dispute that the applicable development standards are met; no variances are necessary.

The second criterion is whether the proposed development is in accord with plans for the area. Ingram invited Gary Smith, a professional land planner, to walk the Commission through the project's compatibility with the plan for the area.

Gary Smith, 720 East Broad Street, Columbus. Smith stated that the

uses provided in this application are entirely appropriate for the site under the community commercial zoning. As it relates to the Land Use Plan, the LUP recommends a mixed-use district. That district carries with it different standards, such as buildings closer to the street. Unfortunately, the site today is zoned Community Commercial. That carries a 60' front setback and other standards that the applicant is required to meet that are not compatible with the mixed-use recommendations. Under the current zoning code, this applicant is not required to rezone the property to develop it. The applicant is allowed to proceed forward with an application under current zoning. There are a number of things in this plan, in his opinion, that this use will help achieve some goals of the LUP. The goal of the downtown area is to create a live, work, and play environment. This project helps support that goal by supporting businesses, residents, employees with essential services and functions as they navigate their daily lives. This location provides convenient access for people, whether they are walking by, driving by, on their way to work, getting something to eat, refueling their vehicles, or grabbing a dessert after a team victory at the park. It creates an additional walkway from the site to the park, which does not exist today. It does help to enhance pedestrian activity in relation to the live, work, play areas.

Smith shared that he drives a lot for work. He puts about 30,000 miles on his vehicle per year. As a result, he fills up a lot. Something he has noticed, since he fills up at a local New Albany Sheetz, is that the Sheetz is highly utilized by what he colloquially categorized as the hard working, blue collar, lunch pail crowd. This is a community well represented in the City of Gahanna. As long as he has been involved with the City, the City has proudly supported and provided essential services for those individuals. The downtown focus area has a mix of uses that serves the needs of all residents, including pedestrians, cyclists, and motorists. But a mix of uses on each individual site is not required by the Land Use Plan. Not every project in the City can be a Creekside. Smith referenced a few things in the LUP the project supports, specifically referencing the gridded street pattern, mixed use of office and retail, and variety of housing types. He believes the project supports this. It accommodates a number of people that live, work, and play here. In the development principles, it calls for a mix of uses that will attract and accommodate both business uses and new residential development. He believes this project will support those goals. In the Projects, Programs, and Policies section of the Downtown Focus Area, it goes on to say, "attract businesses that support downtown residents." Smith stated this business will surely support downtown residents and a lot of their daily needs and functions. It goes on to say, "expedite and permit approvals for projects that support residents and do not require a variance." From a land use perspective, Sheetz performs an essential function in the City by

providing goods and services to local businesses and residents, which they rely on every day. This includes grab and go lunch services; quick dine-in; a convenient location to pick up quick grocery items necessary to support everyday life for families; fuel for personal and work vehicles and self-employed contractors; and an opportune location for people who are on the go, walking by, or visiting the adjacent park to pick up a quick treat, coffee, or drink.

Smith stated the issue of Conditional Use must start and end with the zoning code. The Land Use Plan is an aspirational document. It is a statement of what the community wants to be and how it gets there. However, it is not a legal instrument. It is the zoning code that establishes the rules that this property currently must live and be governed by. Not the Land Use Plan, not what it is desired for the code to say, but what the code says today is what the property owner must live by and what the application must be judged by. He highlighted that conditional uses are those that are often desirable but may have more intense effects on neighboring properties. The intent of the procedure for authorizing the conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area.

Smith felt the team did a good job explaining how the plan meets code, fits in with the current surrounding land uses, complies with the community commercial district it resides in, and meets many of the essential functions outlined in the land use plan. He stated that everyone is in agreement that the development standards in the code have been followed and there are no variances required.

Mr. Hicks noted to Mr. Mako that the applicant's 10 minutes had been reached; Mr. Mako asked the applicant to finish the presentation.

Mr. Smith noted the proposed use meets the goals outlined in the future LUP by providing for additional pedestrian connectivity to the local park and will provide food and refreshment opportunities for park users, pedestrians, and vehicle passengers. The buildings are designed architecturally to fit within the architectural guidelines by using materials that are preferred such as brick and stone. It meets and exceeds the landscape requirements established within the code. It provides essential goods and services to residents, employees, and businesses to support a growing, thriving, business and residential community. The zoning code provides the standards which must be upheld by the applicant.

Mr. Ingram returned to the podium and shared information on the 3rd

criterion, which focuses on whether the development will have any undesirable effects on the area. He said that Mr. Smith walked the Commission through many of the benefits this facility would provide to the community. For example, the design facilitates both pedestrian and vehicular traffic. For the first time there will be sidewalk access. It will be a 28% increase in green space on the site. There will be food service with an outdoor seating area. The development also serves pass-by traffic in need of fuel or food.

Mr. Ingram also shared that there was a traffic impact study provided to the City. That study concluded that most of the traffic associated with this development is pass-by traffic. This means that most traffic will simply stop by, thus no offsite improvements are warranted. Therefore, for several reasons, the 3rd Conditional Use criteria is satisfied. The 4th and final criterion is whether the proposed development will keep with the existing land use character and physical development potential of the area. This development was designed specifically to fit within this site and adhere to the code and be compatible with other local businesses. Ingram shared images of the existing site. He said that it lacks businesses with vibrant green space. The businesses are not easily accessible for both pedestrians and vehicles. He referred to the site as a "sea of asphalt," noting the building is vacant.

Mr. Mako asked for the presentation to be wrapped up.

Mr. Ingram noted that there were three applications, and the team was attempting to consolidate the presentation rather than spend 30 minutes discussing it.

The development addresses many of the shortfalls of the existing conditions; it brings brand new economic investment to the area. He noted there are many adjacent storefronts that are vacant. This would bring significant investment to the area and draw new economic development to the site.

Mr. Mako stated that the time limit had been reached and there would be another opportunity for a rebuttal after public comment. Mr. Ingram noted their objection to being prohibited from entering additional material for the Design Review and Final Development Plan applications.

#### Public comment

Alveda Bates, 100 Jahn Dr. Ms. Bates has been a Gahanna resident for 50 years. She appreciates anyone's interest in making it a better city. She feels the plans laid out are great, but they are not for Gahanna or that

particular site. There is a vision here, and Gahanna is in the midst of a vision to have a downtown that it is known to be. Gahanna wants a lot of the embellishments discussed in the presentation and they are being worked on as a community. They want the community to be vibrant. She said Gahanna is the biggest city of the suburbs. Sheetz did not make it inside New Albany, it is on the outside of New Albany. It does not need to be in the middle of Granville Street, which is an area that is residential and business. When decisions are made, they last a long time. She referred to Strawberry Plaza as a nightmare. Additionally, she stated that there were promises made when the fuel station across from the high school went in. These included great landscaping and maintenance. She said that promise has not been upheld. She added that the promises for Strawberry Plaza have not been upheld. It has created some of the vacancies and traffic problems that currently exist because it's not been held up. She can understand why Sheetz wants to be there and she would welcome other kinds of business. But she does not feel it is appropriate for downtown Gahanna. She hopes the Commission considers what the people want and how they want Gahanna to look.

Tom Liszkay, 457 Tresham Rd. Mr. Liszkay has been a resident for about 37 years. He wanted to address the undesirability aspect. If the facility was not selling gas and diesel, he would be in favor. He likes their food. However, he wants to consider the risk. There are two water ways, Rocky Fork Creek and Sycamore Run, within eyesight. There is a flood zone and the park area in the back. He stated he is not an engineer, but it appears the 100-year flood zone occupies about 40% of the property. When diesel trucks with fuel are brought in, every once in a while, there is a disaster. It would not be good for the creeks or flood zone. He also expressed concern about air pollution. He believes that with the fuel pumps, the rope is high enough for semis looking for low sulfur fuel. There is a school on Carpenter and people walking in the area. He hoped this area would be avoided for any type of gas station.

Tom Wester, 888 Ludwig Dr. Mr. Wester said the Land Use Plan is a leadership guide. He commended Director Blackford for creating it. He applauded former Mayor McGregor and Councilman Renner for speaking out against the proposed Sheetz location. During his tenure on the Planning Commission, Mr. Wester advocated for the gentrification of Granville Street. He recalled hearing that Granville Street should be Gahanna's "front room." He stated there was a church with a massive oak tree that was removed to put in a road with five lanes. He doesn't feel Gahanna will ever recover from that. He reiterated that the Land Use Plan is a leadership guide and previous city leadership had conditional use in it. Conditional Use approved here is essentially a 30-year commitment. He recalls hearing one or two conditional uses as a Planning

Commission member that, if asked to do it again, he would vote no. He noted Mayor Jadwin's comments that the decision lies in Planning Commission's lap. He stated that Gahanna citizens are the owners of Granville Street. He pointed to other cities in the area as examples and closed by wishing the Commission luck with their decision.

Ryan March, 278 Rivers End Rd. Mr. March expressed his strong opposition to the applications and asked for the Commission to deny them. He noted the staff's recommendation to deny the applications as the project does not comply with the conditional use for the community commercial area. The LUP makes recommendations for a reason, and it should be followed. The new zoning code has been built with feedback from the community on what kind of town residents want to live in. March is in favor of acting on the new code quickly, as it represents what residents want. Economically, this type of development represents a net loss for the area. Higher density developments and businesses are proven to show more revenue for the city as well as other businesses in the area. There are no other 24-hour businesses in the area. Mr. March stated his belief that others would not want a gas station next to a library, a school, a park, and a creek. He is a resident who walks up and down Granville Street daily and expressed concern for his safety. Many individuals and families walk up and down Granville Street daily and this project would increase traffic on Granville and surrounding roads. The application stated that Sheetz would create a connectivity between Creekside and Hamilton. March stated he does not know anyone that wants to walk from Creekside to Hamilton but won't because there is not a Sheetz. Adding cars, trucks, and delivery tankers to the driveway and crosswalk attached to the property will be a hinderance to future traffic. March said that while a sidewalk sounds great, it must go across two driveways that intersect with traffic and expressed concern about ADA compliance. He noted that dining will be by the dumpsters. Green space will be added, but shade will not be added. He wishes to see new businesses that follow the new zoning code and land use recommendations. All gas stations are inappropriate in this area, not just Sheetz. He asked the Commission to deny Sheetz' applications.

Maura O'Donnell, 278 Rivers End Rd. Ms. O'Donnell stated that the proposed Sheetz does not follow the zoning code and Land Use Plan that will be in effect May 1. She stated the Land Use Plan and new code reflect the desires of Gahanna. In other words, Sheetz is not desired here. She said she chose Gahanna as her home in 2022 due to its proximity to parks, the library, Creekside, and the community. She stated she and her husband walk on Granville Street daily to go to the library or visit other businesses along the street. She often sees students, teens, and families walking to visit the locations as well. Sheetz in this location

makes her fear for her safety due to existing traffic issues increasing. O'Donnell noted that Granville Street does not have many semi-trucks driving on it and was concerned about fuel tankers having to use it regularly. She also expressed concern about having to fight for space against tankers. The gas station in this location deters from the community's vision for a walkable community, and the site is more suited for businesses set to a human scale and are preferably locally owned. To her, this would mean the businesses are focused on local residents and not cars. She noted that Sheetz is suitable for people on-the-go but felt this would turn the area into a thoroughfare. She wants to see Gahanna become a destination, meaning people would stay longer and spend money in the area. It would be more economical for Gahanna. To conclude, O'Donnell stated that a study from Strong Towns, a non-profit advocacy organization, showed that mixed use development generates more tax income per acre than single use suburban buildings. She attended the Gahanna litter clean-up the previous weekend, and commented on the number of cigarette butts and amount of trash she picked up. She felt another business serving people "on the go" would increase the amount of litter in the area. The area has flood zones around it, allowing the litter to make its way into the Shull Park. She is against a Sheetz in this area due to safety, land use plans, and other stated undesirable effects. She implored the Commission to deny the application and allow a more suitable business at that location.

Robert Johnson, 144 Laura Dr. Mr. Johnson is concerned about Sheetz coming to the downtown area. He said there is a Sheetz located a few miles away at Stelzer and Johnstown and questioned why another one is needed so close to the community. He feels it will impact our local merchants because of reduced prices on the products they sell. He noted Sheetz has a tanker at its location every couple of days and felt it would impact safety. He also felt it would impact downtown traffic. He has been a Gahanna resident for over 20 years. He likes walking down Granville and going into the shops. He wants to be safe and doesn't want to have to be on the lookout for fuel tankers coming and going. He suggested the Commission look at the Sheetz at the corner of Stelzer and Johnstown, noting that there is trash, and it is not maintained due to lack of staff. He is concerned that the new location, after it is updated and trees are added, will be trashed.

Robert Barnette, 241 Shull Ave. Mr. Barnette recalled Director Blackford's mention of sidewalks during his presentation, as well as the Sheetz representatives' mention of sidewalks and green space during their presentation. He stated there is currently a sidewalk where children have to walk back and forth to school and to the library. He stated people walk in this neighborhood. A Sheetz in this location, having one entryway

from Granville Street, will become a “traffic nightmare.” He said that over the last hour of discussion, he had not once heard about an environmental survey. He urged the Commission to think about this, as the site is situated near flood plains and between two water ways. He said the future of the community rests with the Planning Commission.

Chair Mako confirmed with the Deputy Clerk that there were 60 emails from the public to that point. Deputy Clerk McGuire stated that three or four of the emails were in favor of Sheetz in the location.

Chair Mako then invited the applicant to the podium for rebuttal of 10 minutes.

Mr. Miller returned to the podium. He stated that Sheetz is a partner in the communities they are in. They value the feedback received tonight. However, he noted that the Planning Commission took an oath to uphold the laws of the city. It is undisputed that the site is code compliant. Although there was discussion about the policies, he noted that the site cannot be built up to the street and be code compliant. A variance would have to be sought. He pointed this out as an area where the Land Use Plan and code are in conflict. He noted that code is the law of the City. Miller pointed out that traffic was cited as a potential issue with Sheetz. However, he remarked that the Planning Commission is not permitted by law to consider traffic when making a decision such as this. He also reiterated that there was a traffic study done for the site and it raised no major concerns or issues. He also noted there was much discussion on the new zoning code; however, the new zoning code cannot be considered for this project. Mr. Miller stated that he appreciated residents taking time out of their day to speak on the issue. He stated that not desiring a development is not grounds for denying it. The team was told, during the last application process, that they were wanted in Gahanna but needed to find another location. They did so. They made the site work with the smallest Sheetz in central Ohio. They improved the site with landscaping and connectivity and by not trying to put a drive through on the site. The Planning Commission has been told how the site does meet a lot of the goals, policies, and aspirations in the Land Use Plan. Mr. Miller stated that the Planning Commission is capably represented by Assistant City Attorney Roth. He felt that Mr. Roth would agree with him on the basics of Ohio zoning law. He said the laws of zoning need to be construed in favor of the property owner. They must be strictly construed against restrictions upon the free use of property. All doubt needs to be resolved in favor of the landowner. Any ambiguity must be construed against the City. He reiterated that the plan meets code and many aspects of the LUP. All doubt needs to be resolved in favor of the land over. They believe it is a positive development and they have



worked to improve the site. The fact of the matter is they are talking about private property rights. An applicant has the right to be free from arbitrary zoning decisions. Otherwise, it violates the applicant's due process rights. An applicant has the right to be treated similarly to other applicants under the Community Commercial zoning standards and receive equal treatment in zoning matters. That is true whether someone likes Sheetz or likes the location. The evidence in favor of a Conditional Use permit is substantial. It needs to be stated that the City needlessly opens itself up to legal fees by disregarding its code in favor of policy that is merely a guide or aspirations of nearby residents. He would like to close by informing the Commission on what a positive relationship this would be for the community. He asked that the Commission vote in favor of the project in accordance with the code, Ohio zoning law, and the rights of property owners.

Chair closed the public comment at 8:45 p.m.

Chair called on questions from the Commission.

Mr. Shapaka noted there was a 1.25 acre lot split. He asked how it came about and what the advantages are. Mr. Miller noted this is a larger site with existing buildings on it. He said they would work with necessary departments on permitting to address any environmental concerns and eventually there would be a lot split. That is done at the conclusion of the project. Mr. Shapaka asked if it would be split off, leased, or owned by Sheetz. Mr. Miller said he is not sure whether it is a build to own or leased site. He confirmed with another member of the project team that it will be leased. Mr. Shapaka stated the reason he asked, is that it is a large site, and a big project could go on it. Depending on who owns it, it potentially reduces the opportunity to enhance it. Mr. Miller said Sheetz is leasing it and it would be owned by Skilken Gold locally. Mr. Shapaka asked Mr. Miller why more parking spots are being provided than what is required, noting that is not typical of applicants. Mr. Miller replied they are providing more than required to give the best functionality to the layout. He said Sheetz is a fast-casual restaurant that happens to sell gas. Mr. Shapaka asked typical clientele, whether it would be high school kids. Mr. Miller said it runs the gamut. It could be folks getting breakfast and coffee, high school kids at lunch, and young families stopping for food before soccer practice at the park. Mr. Shapaka asked if there are specific times a tanker truck would stop by to deliver fuel for the gas tanks. Mr. Miller invited Mr. Hensley to speak on this aspect.

Errin Hensley, 630 Morrison Rd. Mr. Hensley said Sheetz owns the tanker trucks and that can be scheduled by Sheetz. He said it also

depends on how empty they are. Sheetz does not want their trucks on site during busy hours. Mr. Shapaka asked if there is a specific timeframe they have blocked off for this property. Mr. Hensley said there is not. He also asked to follow up on Mr. Shapaka's question about the lease. He said there is currently a 15-year lease with the property owner and there are 5-year extensions. Mr. Shapaka thanked Mr. Hensley. He asked if the City of Gahanna has any interest in developing Shull Park, also zoned CC, as something else. Director Blackford stated that it has been investigated, but there are deed restrictions on Shull Park. He believed it was 20-30 more years. Mr. Shapaka asked Mr. Miller to address concern about fuel and the flood plain. Mr. Miller noted that Sheetz owns the trucks and controls when they are filled. The tanks are not in a flood zone and the filling will not take place in a flood zone. He invited Braydon Putnam to speak on this issue.

Braydon Putnam, 550 Polaris Pkwy, Westerville. Braydon is a design engineer on the project. His goal was to alleviate concern about the flood plain. Portions of the site do reside in the flood plain. Specifically, the rear portion. As stated, the tanker area where it will be filled is not within the flood plain. The building is designed to be at least one foot above the base flood plain elevation per FEMA regulations. The site will be designed to adhere to the FEMA regulations. They will submit a Letter of Map Revision Based on Fill (LOMR-F) application after construction for verification. Any flood plain permits needed are worked out during the engineer review phase. Also, Sheetz goes above and beyond to provide contingencies for these concerns. The site will utilize underground detention, so under the OHC permit, EPA general permit, they are required to retain 20% more extra volume. The underground detention systems do accommodate this. There are also systems to filter pollutants to ensure they do not filter into nearby streams. Bio skirts are also on some of the structures to further filter pollutants. Finally, there is a trench drain at the fuel canopy that will also lead to an oil water separator to filter out pollutants. There are multiple steps that will prevent pollutants from getting close to the water base. Mr. Miller wanted to add to this; he respects citizen concerns and wants to address them fully. He stated that denial based on proximity to waterways is speculative and not founded in any fact.

Ms. Pollyea stated she has several questions on different topics. She first asked how many extensions are on the lease. Mr. Hensley believed there are seven. Ms. Pollyea then asked if there are any first rights of refusal or option to purchase contained within the lease. Mr. Hensley stated there are first rights of refusal. Ms. Pollyea asked Mr. Hensley to elaborate on what those are. He stated that if the owner decides to sell the property they would have 10 or 15 business days to make the first offer on it. She

asked if that was during the original lease term or extensions. Mr. Hensley said it didn't matter. Ms. Pollyea inquired about the hours of the location. It is her understanding that it is open 24 hours. Mr. Hensley confirmed. She then asked about the volume of people that come during the day and whether there had been any studies on volume. Mr. Hensley stated morning, noon, and evening are the busiest time. Pollyea asked if they operated at full capacity during overnight hours. Hensley replied they do not. Typically, two staff. This time is usually used for cleaning and stocking. He isn't sure on average time it typically dies down but believed 5:00-7:00 was probably the busiest time. Pollyea recalled the applicant stating that because gas stations are listed as a conditional use in this area, they are desirable. She asked them to elaborate on what they meant by this. Miller said if it was designated as a conditionally permitted use, it is clearly not excluded or a prohibited use. It is desirable for the area. Pollyea asked if because it is listed as a conditional use it is automatically desirable. Miller stated that while he isn't sure of the actual use of the word desirable, permitted uses can be built as of right, which can be presumed as desirable. He believed that conditional uses, once permitted, also fall into the category of desirable. Pollyea asked the Planning Department if they have made any other approvals that are inconsistent with the Land Use Plan in recent years. Director Blackford said the LUP was adopted in the fall of 2019 and he did not believe that to be the case. Ms. Pollyea had no further questions.

Mr. Greenberg asked if any semis, other than those bringing in fuel, would be allowed on the site. Mr. Hensley asked if he meant 18 wheelers. Greenberg confirmed. Mr. Hensley stated no other semis would be permitted. Greenberg asked if there would be signs stating trucks are not permitted. Hensley stated a sign could be put up. He noted this would not be a truck diesel location, and that there are four others in the area off of major highways, which are 10-12 acres. Miller noted it is a good question, and that this site is set up for commercial use. Hensley also shared there is a site at Polaris that will be signed with no 18-wheeler signs, and that is something they could do here. Mr. Greenberg asked if there would be signs on the freeway directing drivers to this location. Hensley stated they would not, and that it is not a highway location. Mr. Greenberg said there is flooding potential in the back of the property. Miller noted portions of the property are in the 100-year flood plain. Greenberg asked if there will be areas other than the underground storage where there would be run off. Mr. Putnam replied that the entire site, 1.25 acres, would be designed to be detained in the underground detention system. Nothing will flow offsite onto surrounding parcels. It would be engineered that way. Mr. Greenberg noted that the LUP wants buildings toward the front of the street and inquired as to whether there was any thought given to design it according to the LUP. Putnam replied

there were two Engineering points to that. First, it would be undesirable to put the underground storage tanks in the flood plain. Second, from an operational standpoint, it worked better to have delivery trucks pulling into the front. Mr. Miller added that this is where the code is currently in conflict with the LUP. He also said that this is a good setup for people who are attending the park to quickly go into the store. He also invited the Commission to think about the site having two front yards, with the park also being a front yard.

Mr. Tamarkin noted there are no variance requests and wondered if this included variances for signage. Mr. Miller stated he did not believe signage had been discussed yet; however, he believed most of their signage around Ohio is code compliant. Tamarkin clarified that the dumpster would not require a variance at any point either.

Chair Mako recalled the discussion in which FEMA floodplain standards would be adhered to. He wondered if City of Gahanna standards would be as well. Mr. Putnam stated that the site is designed to adhere to both FEMA and City of Gahanna's floodplain standards. This would be ensured during the engineering process. Mako expressed that nature could take its toll and Putnam stated it will be overdesigned for the location. Mako again stated that he did not want the team to walk into something they could not manage. He shared that he did floodplain management for many years. He then asked if there was any consideration to widening the sidewalk, acknowledging there was a 6' sidewalk proposed, which meets ADA standards. Putnam said it could be. He recalled a conversation during public comment in which ADA compliance was brought up. He stated the sidewalk will adhere to ADA standards. Mr. Miller added that they are open to widening the sidewalk at the Commission's preference, to further enhance connectivity. Chair Mako noted there was an earlier traffic impact study mentioned. He wondered if this was included in the application packet, as he did not see it. Director Blackford stated that traffic impact studies are separate from the Planning Department's responsibility. They are part of the Engineering Department's review, which may be why one was not included in the application materials. Mr. Mako then asked Mr. Miller what the response would be to the reasoning behind the staff's recommendation to reject the applications. Mr. Miller said it boils down to factor two. One is undisputed and three and four state there are desirable traits to the project. They exceed code requirements and the team demonstrated ways in which the project aligns with the Land Use Plan. Mr. Miller said it is a respectful disagreement between the applicant/owner and staff. He added that the evidence weighs heavily in favor of the applicant.

A motion was made by Shapaka, seconded by Pollyea, that the Conditional Use be approved.

Discussion on the motion:

Mr. Shapaka shared that he is in favor of the Final Development Plan application. He noted the professionalism taken by the project staff. He specifically noted the product and branding being on par with what Gahanna would want. He would also be in favor of the Design Review application. He stated the team went above and beyond requirements. He expressed disfavor of the Conditional Use application. He stated the Conditional Use aspect indicates it is not required that that type of project go into the space, but that it can be approved. He does not believe it fits the current zoning classification and stated it is inappropriate for the area. He said it is not unique for the area and there are other gas stations nearby.

Ms. Pollyea said she takes the oath of being a Planning Commissioner very seriously, adding that the decisions they make will impact the community for a long time. She noted that as an attorney, she follows the letter of the law rather than the spirit of the law. The zoning code, as it has been pointed out, is the law in Gahanna. She felt it was important to point out that the existing code has a gas station as a conditional use. Not a conditional permitted use, but a conditional use. She stated a conditional use does not necessarily equal desirability. Pollyea cited chapter 1169.01 of the zoning code, which states, "Specifically listed conditional uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such zoning districts." Pollyea said that, given this information, she will be voting no on all three applications.

Mr. Hicks commended the team on the Sheetz proposal, noting it is a great product and better than what was presented a year and a half prior. He expressed hope that Sheetz finds a home in Gahanna. He said that, while not an attorney, Pollyea's comments resonated with him. He noted he is not equipped to debate the legalese, but believes that complying with code means more than having an absence of variances, setbacks, and parking. It should be taken as a whole. An absence of variances does not make it comply with code. He also referenced code 1169, recalling the applicant's comments that Planning Commission shall approve an application if it meets certain requirements. He added that in section 1169.04(C), Planning Commission shall only disapprove an application for any one of the four criteria. In his opinion, the proposed development is not in accord with appropriate plans for the area, and that the proposed development is not in keeping with land use character and development potential for the area. He added that he would be in support of the design review and final development plans, because the product is good. He is impressed with the effort to make the project comply with other portions of the code. He also acknowledged the public for attending to share their comments, adding it was a civil discussion. As a last comment, Mr. Hicks hoped that support would be shown for a mixed-use, high-density development.

Mr. Greenberg hopes that Sheetz will be a business in Gahanna in an appropriate location. He echoed comments that the proposed development should be in accord with appropriate plans for the area. The LUP does not include this. Therefore, he would be voting no.

Mr. Suriano stated that if an application is approved, it does not mean regulations regarding permitting, environmental studies, or building code are negated. Regarding this application, he reiterated comments previously stated during the workshop with Sheetz, that he is not in favor of this use on this site, adding that the new zoning code cannot be cited, and existing code must be used to evaluate the project. He echoed Mr. Hicks' comments, noting that the absence of variance does not necessarily imply approval. He takes some issue with the idea that Sheetz is a fast-casual restaurant. He believes that if this were the case, the pumps would not be the first thing people see. He agreed with Ms. Pollyea's comments, noting that conditional use is a more intense use, and is therefore scrutinized more. He also agreed with Mr. Hicks' comments, stating he does not feel the application meets all conditional use criteria. Specifically, he does not believe it is in accordance with the plans for the area or with land use character. There are no adjacent properties that operate 24/7 and exhibit the same characteristics of a fueling station, and no other establishments with the same volume, site use lighting, or material. Mr. Suriano stated that the first things a pedestrian would come to on this site are parking spaces and a row of gas pumps. When they discuss human scaled environments with a focus on pedestrians, the goal is to improve access. However, he believes this disengages pedestrians by pushing the building to the back of the site. He noted the focus on the car. Also, two to four stories are recommended and this structure is single story. To him, vibrant green spaces indicate spaces to play and be entertained in. He felt what was proposed in the application was strips of lawn. He does not believe it is easily accessible from a pedestrian standpoint, nor is it consistent with the city's vision for what has been articulated for the land use or development potential for the area. He will not be in favor of the conditional use or the design review. He would be in favor of the final development plan, given some of the accommodations.

Mr. Mako stated he will also not vote in favor of the application. He is in strong agreement with staff's recommendations as stated in their presentation. Mr. Mako felt Ms. Pollyea stated her reasoning concisely and concurred with her.

The motion failed by the following vote:

Yes: 0

No: 7 - Greenberg, Hicks, Mako, Pollyea, Shapaka, Suriano and Tamarkin

#### [DR-0006-2024](#)

To consider a Design Review Application for site plan, landscaping, and building design for property located at 230 Granville St.; Parcel ID: 025-004250; Current Zoning CC; Sheetz Lincoln Circle; D.W. Route, applicant.

No action was taken on this application.

#### [FDP-0005-2024](#)

To consider a Final Development Plan Application for property located at

230 Granville St.; Parcel ID 025-004250; Current Zoning CC; Sheetz Lincoln Circle; D.W. Route, applicant.

No action was taken on this application.

**G. UNFINISHED BUSINESS - NONE**

**H. NEW BUSINESS - NONE**

**I. OFFICIAL REPORTS - NONE**

**J. CORRESPONDENCE AND ACTIONS**

Ms. McGuire noted there were two additional emails that had been received during the discussion portion of the meeting regarding the Sheetz application.

**K. POLL MEMBERS FOR COMMENT**

Mr. Shapaka commented on the emphasis put on a building. He stated that as an architect, he would love to have a building define a community. He feels there is a lot of passion that goes into identifying a specific building or project and believes that Gahanna would keep its identity with or without Sheetz' presence. He encouraged the community to come out in support of projects.

Ms. Pollyea thanked community members for coming out to participate in the project.

Mr. Suriano echoed thanks to the community. He noted they all care about Gahanna, and he believes the area discussed tonight is an area of high potential for Gahanna.

Mr. Tamarkin said there are still challenges ahead. This will now be a vacant lot with a vacant building. He is hopeful Sheetz will find another location in town and hopes that this strip of Granville Street will be developed in accordance with the vision of the area.

Mr. Mako also thanked the community for coming out and communicating

with the Commission. He believed something will come into the corridor and it will be nice.

## **L. ADJOURNMENT**

*There being no further business before the Planning Commission,  
Chair Mako adjourned the meeting at 9:27 p.m.*

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**Sophia McGuire**  
Clerk

*APPROVED by the Planning Commission, this  
day of 2024.*

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**James Mako**