



# City of Gahanna

## Meeting Minutes

### Planning Commission

200 South Hamilton Road  
Gahanna, Ohio 43230

*Thomas Shapaka, Chair*  
*James Mako, Vice Chair*  
*Michael Greenberg*  
*John Hicks*  
*Michael Suriano*  
*Michael Tamarkin*  
*Thomas J. Wester*

*Pam Ripley, Deputy Clerk of Council*

---

Wednesday, March 22, 2023

7:00 PM

City Hall, Council Chambers

---

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

Gahanna Planning Commission met in regular session on March 22, 2023. The agenda for this meeting was published on March 17, 2023. Chair Thomas Shapaka called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Mr. Suriano.

**Present** 5 - John Hicks, James Mako, Thomas W. Shapaka, Michael Suriano, and Michael Tamarkin

**Absent** 2 - Michael Greenberg, and Thomas J. Wester

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

Shapaka said that at the request of the applicant the Roger's Market applications V-0004-2023, and DR-0005-2023 will be postponed until April 12, 2023.

#### C. APPROVAL OF MINUTES

[2023-0048](#)

Planning Commission minutes 3.8.2023 DRAFT

**Motion was made by Hicks, seconded by Mako, that the Minutes from March 8, 2023 be approved.**

**Motion carried with the following vote:**

**Yes:** 5 - Hicks, Mako, Shapaka, Suriano and Tamarkin

**Absent:** 2 - Greenberg and Wester

#### D. SWEAR IN APPLICANTS & SPEAKERS

Assistant City Attorney Matt Roth administered an oath to those persons

wishing to present testimony this evening.

## E. APPLICATIONS - PUBLIC COMMENT

### [V-0003-2023](#)

To consider a Variance Application to vary Chapter 1171.03(f) fence standards of the Codified Ordinances of the City of Gahanna, for property located at 167 Shull Ave.; Parcel ID: 025-000173; Current Zoning OG-1; Joseph Belczak, applicant.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation. The property is zoned OG1, residential single-family zoning for Olde Gahanna. They are requesting of variance to allow a privacy fence in the front yard, and it exceeds the 42-inch maximum height allowed by code. They are proposing a five-and-a-half-foot tall fence. It is about seven feet from the property line. The site has frontage on two roads, Shull, and Dawson Alley. From a zoning code standpoint, that means it has two front yards. If you have a front yard in this case, the east and the west side, then you really don't have a rear yard. That's where fences of six feet in height or more of a privacy nature are typically located. From a zoning code standpoint, this is a front yard but in the real world it's a rear yard. They would like to have the fence off the back edge of the garage that's existing. It is consistent with other properties along that alley. There are similar fences existing to the north and south. This is in keeping with the character that's already existing in the area. Blackford showed an image of the fence on the northern property line. They are proposing to connect to that existing fence. The two properties to the south have very similar existing fences. Last year, Planning Commission approved a very similar variance for a property just to the west.

Fence variances are a bit different in criteria. The Commission needs to consider whether the variance is substantial. Would the character of the area be substantially altered? Would it adversely affect delivering of government services, like gas, and power things of that nature? Is there an alternative to the variance? In this case, yes, it would be a decorative fence of only 42 inches in height. It is not the same kind of fence they're proposing and not one that we typically see in a rear yard of a home. Would the spirited intent of zoning be observed by granting the variance? Staff is in favor of granting the variance. This is the only part of the city that has alleys, the downtown and Creekside area. Would the fence be compatible with the character of the neighborhood? Would it be hazardous to traffic or detrimental to the public safety?

Chair opened public comment at 7:08 p.m.

Applicant Joseph Belczak thought the presentation was good and shows what they are hoping to achieve. It does very much feel in character with the neighborhood. He is available for questions.

Clerk confirmed there were no comments from the public.

Chair closed the public comment at 7:09 p.m.

Chair called on questions from the Commission: Suriano asked for clarity of where the height is. He asked, in looking at the picture, where is it located? Belczak said that the picture is from the back alley standing right about the corner of the garage, facing the adjoining fence on the north side. The height would be the same.

Shapaka asked if the fence already there was approved by a variance. Blackford is not aware of any variance in this area. Whether they were permitted or not, he can't say. He can't go back that far in time. He has his suspicions as to it was probably a different interpretation of a code. But unfortunately, the code is very plain to current staff. It only applies to this area. If we were rewriting the zoning code, which we'll talk about later, we would carve out some exemptions. I would think that would be staff's preference. They may have been permitted, but I believe there was a different staff interpretation of the code at that time. Shapaka asked if Mr. Belczak is going to mimic the top of the fence. Belczak said it will be the exact same as the existing fence.

Mako asked what the design is going to look like. Belczak said it will be the exact same as the other fence, a dog ear top, the same materials, and he is going to match the color. Mako asked if any of the neighbors had any feedback. Belczak said his neighbors are totally fine with it.

**Motion was made by Mako, seconded by Suriano, that the Variance application be approved.**

**Motion carried with the following vote:**

**Yes:** 5 - Hicks, Mako, Shapaka, Suriano and Tamarkin

**Absent:** 2 - Greenberg and Wester

## **Roger's Market**

Shapaka said that at the request of the applicant the Roger's Market applications V-0004-2023, and DR-0005-2023 will be postponed until April 12, 2023.

### [DR-0005-2023](#)

To consider a Design Review Application for a site plan and landscaping for property located at 1379-1391 Johnstown Road; Parcel ID: 025-009559; Current Zoning NC; Roger's Market Limited; Eric Leibowitz, applicant.

### [V-0004-2023](#)

To consider a Variance Application to vary sections 1163.01(a), 1163.08(h), and 1167.15(b) of the Codified Ordinances of the City of Gahanna, for property located at 1379-1391 Johnstown Rd.; Parcel ID:

025-009559; Current zoning NC; Roger's Market Limited; Eric Leibowitz, applicant.

## Rosen USA

### [CU-0001-2023](#)

To consider a Conditional Use Application for property located at 1195 Technology Dr.; Parcel ID: 025-008886; Current Zoning OCT, Rosen USA, Brian Brooks applicant.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation. The property is zoned OCT, which is Office Commerce Technology, industrial Warehouse office type uses are allowed by right. There is a conditional use for the outside storage. The site sits back about 600 feet from Taylor Station and the proposed building is about 300 feet from Technology Drive. There are four applications, a final development plan, design review, conditional use, and a variance. Planning Commission approved a request in 2022 that added about 30 parking spaces and about 3,000 square feet of a prefab modular building. They have outgrown those improvements. That's why they're here tonight with a more permanent solution, which is a 45,000 square feet warehouse. There is also a substantial amount of hardscape improvements, a parking lot with 68 new spaces and the expansion of the outdoor storage area, which is why there's a conditional use application. They had a conditional use approved in 2022, but the area that they're going to be using for outside storage is increased. The site plan presented shows where those new improvements in blue are going to be. The building is 45,000 square feet. It sits about 300 feet off Technology Drive. You can see the yellow area, the parking and drive. To the rear of the building in green, that is the equipment yard.

The proposed building colors are white and gray, using metal panels which is allowed by the zoning in this area. It is common material we see in the industrial area of the city. There is one variance that is to the setback requirement for pavement. In OCT, the requirement is 10 feet. They are requesting to encroach six feet into that required setback. There are existing improvements in and around basically all these properties. If the commission approves the variance, it would be in keeping with the development character of the area. A lot of these properties were developed prior to the current code. The OCT designation is a relatively newer zoning code. There are a lot of properties that were developed with basically zero setbacks.

The Conditional Use criteria to consider is as follows: Is it a conditional use of the zoning? Is the development in accord with appropriate plans for the area? Would the proposed development have undesirable effects on the surrounding area? Is the development in keeping with the existing land use character?

Variance criteria to consider is as follows: Are there special circumstances or conditions applying to the land, building or use referred to in the application? Is the variance necessary for the preservation and enjoyment of substantial property rights? Is granting of the variance detrimental to the

public welfare? Blackford said this has been reviewed by about eight different city staff. Not one had any objections to the variance requested.

Design Review criteria to consider is as follows: Is it compatible with existing structures? Does it contribute to the improvement of the design of the district? Does it contribute to the economic community vitality of the district? Does it enhance the physical surroundings? The commission has seen several similar types of requests in the OCT area of the city. The materials, the colors, and the development standards. Blackford said in staff's opinion they are all in keeping with those recent approvals in that area. Staff does recommend approval of the conditional use

Final Development Plan criteria to consider is as follows: Does the plan meet applicable development standards? Is it in accord with appropriate plans for the area? Would it have any undesirable effects on the area? Is it consistent with land use character and development of the area? Blackford said it exceeds minimum parking standards. It meets all the landscaping requirements, which is not something we see all the time. The lighting requirements are met. This building and site are located off any main roadways. It's shielded quite a bit and screened by existing development and would have little impact on surrounding properties. Staff recommends approval of the final development plan.

Chair opened public comment at 7:22 p.m.

Applicant Brian Brooks, 14120 Interdrive East, Houston TX, Rosen USA. Brooks said Mr. Blackford did a great job presenting their applications. Last year, they were before the commission for a modularized sprung structure that was put up to relieve some of their immediate space needs. This project will serve them a lot longer and be a more long-term solution more fitting and suits the architecture of the existing structure.

Clerk confirmed there were no comments from the public.

Chair closed the public comment at 7:23 p.m.

Chair called on questions from the Commission: Tamarkin asked if the modular structure approved last year has been constructed on the property, and will it stay with this project? Brooks said they need the land for this new project. It will be torn down. Tamarkin said when you look at the aerial view, most of where this project goes is woods. Brooks said that is correct. Tamarkin said it is going to encroach a little bit. Brooks said what they wanted to try and achieve was to integrate that space into this new building. They already have two buildings and didn't want to have three. Tamarkin said the old building comes down and the new building goes where the star is on the rendering. Brooks said on the renderings you see it's a bit of an I-shape that's extended. You can see the little blue extension that goes up at the top. That's where that sprung structure is currently located.

Suriano asked if the metal panel that's being used on the project is a composite panel, or is it like a pan type? He asks because of the thickness

the gauge of the metal. Brooks said it is an insulated metal panel. It is a product they have used quite extensively in some of their other facilities around the world. It is an aluminum clad panel. He is not exactly sure of the thickness, but the R value is dependent on how thick it is. Suriano asked if it is compiled like a hard insulation with an aluminum face. Brooks said that is correct.

Shapaka asked about the set of stairs going up the side of the building, and if there are rooftop units that need to be serviced. Brooks said the staircase is an emergency set for the mezzanine. There is a mezzanine just off there. They elected, rather than put a ladder and a roof hatch, to just carry on the staircase to the rooftop. There are going to be four rooftop units. Shapaka asked if the equipment yard is going to be paved. Brooks said it will be. Shapaka asked if the fence around it has screening to it, or is it just fenced in with a chain link fence and what type of fence is existing? Brooks said there is a seven-foot-high chain link fence with privacy slats installed. They would do the same fence.

**Motion was made by Tamarkin, seconded by Suriano, that the Conditional Use be approved.**

**Motion carried with the following vote:**

**Yes:** 5 - Hicks, Mako, Shapaka, Suriano and Tamarkin

**Absent:** 2 - Greenberg and Wester

#### [V-0005-2023](#)

To consider a Variance Application to vary Chapter 1155.04(c)(2) of the Codified Ordinances of the City of Gahanna, for property located at 1195 Technology Dr.; Parcel ID: 025-008886; Current Zoning OCT; Rosen USA; Brian Brooks, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

The application was discussed under CU-0001-2023. See attached staff presentation.

**Motion was made by Tamarkin, seconded by Mako, that the Variance be approved.**

**Motion carried with the following vote:**

**Yes:** 5 - Hicks, Mako, Shapaka, Suriano and Tamarkin

**Absent:** 2 - Greenberg and Wester

#### [FDP-0002-2023](#)

To consider a Final Development Plan Application for property located at 1195 Technology Dr.; Parcel ID No. 025-008886; Current Zoning OCT; Rosen USA; Brian Brooks, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

The application was discussed under CU-0001-2023. See attached staff presentation.

**Motion was made by Tamarkin, seconded by Hicks, that the Final Development Plan be approved.**

**Motion carried with the following vote:**

**Yes:** 5 - Hicks, Mako, Shapaka, Suriano and Tamarkin

**Absent:** 2 - Greenberg and Wester

#### [DR-0006-2023](#)

To consider a Design Review Application for site plan, landscaping, building design, and demolition for property located at 1195 Technology Dr.; Parcel ID: 025-008886; Current Zoning OCT; Rosen USA, Brian Brooks, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

The application was discussed under CU-0001-2023. See attached staff presentation.

**Motion was made by Tamarkin, seconded by Suriano, that the Design Review be approved.**

**Discussion on the motion: Suriano is in support of the design review. He feels it is consistent with what is seen in the OCT district and is relative to the buildings existing on the site for materials and mass. Shapaka is in favor of the design. He thinks it is a wonderful addition to the property.**

**Motion carried with the following vote:**

**Yes:** 5 - Hicks, Mako, Shapaka, Suriano and Tamarkin

**Absent:** 2 - Greenberg and Wester

## Stonehenge

#### [V-0006-2023](#)

To consider a Variance Application to vary Chapters 1167.18(c)(1), and 1163.08(h) of the Codified Ordinances of the City of Gahanna, for a 13.96-acre tract on Morse Rd.; Parcel ID: 025-011219; Current Zoning MFRD; The Stonehenge Co.; Douglas Ervin, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation. Blackford said the property is located off Morse Road and is zoned Multi-family Residential District (MFRD). Blackford showed a zoning map of the other MFRD properties in the area. In November 2022, the Commission approved three applications for the property. The property was rezoned from ER-1 (Estate Residential) to MFRD. It was approved for a conditional use to allow for the increased density and building height, accessory buildings, and a flexible arrangement of buildings and for variances to allow for reduced lot width, reduced parking setback from the residential buildings, and an extension of the conditional use expiration.

The unit total is 251, which is the same unit total that was anticipated when it went through the rezoning process. There were several conditional uses as part of that rezoning request. One of them was to allow for up to 18 units an acre. There are 18 buildings, 11 residential and seven garages, a clubhouse, and 505 parking spaces. The parking meets minimum code requirements. They are either preserving or planting just over 500 caliber inches of trees. Tree inches required is 280 inches. There is a significant amount of tree preservation and tree planting above what city code requires. Blackford showed the rezoning site plan. The Final Development Site plan shows the access has shifted farther west on Morse Road. That roadway is under the jurisdiction of the City of Gahanna, City of Columbus, and Franklin County. He believes it was those jurisdictions which requested the applicant shift that access to the west. Blackford showed the landscape plan, which shows where some of the tree preservation and plantings are occurring. They are on the perimeters of the site, especially along the southern boundary. This is about twice as much as what the code requires. Code says you don't need to have any buffering or landscaping on the southern property line because the two zonings are the same. But through the rezoning process, the applicant has been working with the adjacent properties on having a development that's more compatible. He believes that is why you see the buffer, the landscaping. They reduced the number of buildings along that southern property line. Blackford showed the elevations proposed. The main material is brick, board, baton, and cement board. There are two different brick colors. There are a couple of variances requested. One is the screening of the trash container. We do see this one sometimes because the codes are written in maybe not a way that's conducive to multi-family or multiple buildings on a site. It does say that the trash containers must be located to the rear of the primary structure. When you have 11 buildings, and they're all similar, you can't really put it to the rear. You would have to put it on the southern property line, and that's obviously not a good idea. Staff is in support the variance request. The interior landscaping requirements, this is seen quite frequently. The interior requirement is to have a 10-foot tree island. Staff supports this variance. Code says you need to have a 10-foot row of parking between the headlights of the of the cars.

Variance criteria to consider is as follows: Are there special circumstances or conditions applying to the land, building or use referred to in the application? Is the variance necessary for the preservation and enjoyment of substantial property rights? Would there be any detrimental effects to the

public welfare or injurious to property or improvements in such neighborhood? Blackford said not granting the variance for the dumpster might put it in the very south of the property in an area where we wouldn't want to have dumpsters close to adjacent properties.

Design Review criteria to consider is as follows: Is it compatible with existing structures? That is in the purview of Planning Commission. In recent meetings, there has been discussion about some of the existing structures. Does it contribute to the economic, community vitality of the district? Does it enhance the physical surroundings?

Staff recommends approval of the variances. Staff sees that the interior parking lot requirement as being not necessary, not adding anything. Staff recommends approval of the dumpsters. Staff recommends approval of the design review application. There is a little bit of code language related to colors. It says that they should be natural historic earth tones or similar colors that would be least likely to contrast with the existing color scheme. That is the existing color scheme of those in the area. That is fully within the purview of Planning Commission to consider. The final development plan meets all the requirements except for the two variances that have been requested. There are about twice as many trees that are being planted or preserved over what the code requires. All the setbacks are being met. Open space requirements are also met.

Chair opened public comment at 7:39 p.m.

Applicant Doug Ervin, Director of Planning and Development for the Stonehenge Co., 147 N. High St. Gahanna. Mr. Ervin thanked the commission for the opportunity to present the Elliott Parc development.

Ervin shared there were very spirited meetings as they went through the rezoning process. There was high attendance. As a result of that, they have engaged in a meaningful and respectful dialogue with their neighbors. Many of them are in attendance this evening. They met with their neighbors several times. Through the rezoning process with city council, they made certain commitments to their neighbors that did affect their plan. Ervin showed the color palette for the project. When meeting with the neighbors, one of the things that they really didn't want is for this to be in complete stark contrast to their communities. They tried to break it up a bit and picked colors that are more in the earth tones. They consider them neutrals and are complimentary. They have had no objections from the adjoining property owners about the color selection. Throughout this entire process they have been very accessible and approachable and will continue to be, which he thinks is very important. They have met with officers of the Windward Trace Condominium Association and the Amberlea Village on several occasions. They have hosted the meetings on their other properties so the neighbors can see that they know what they are doing, and they do a good job. They will continue the dialogue with these group of individuals throughout the pre-development process, construction, leasing, and long term. They believe this interaction has led to a better design. Ervin wanted to commend both organizations for engaging in a respectful dialogue. It has gone a long

way for both, and they have been able to share a lot of ideas, concerns, and hopes. Their goal is to achieve a sustainable, competitive advantage over other housing choices in the market. They build them and hold them; they don't flip them. Adam Trautner, Vice President of Stonehenge, and his wife, Sheila, and Mo Dion, and his wife, Mina, own all the properties they build. That intentional development policy leads them to make decisions others may not make if their shelf life is five years or less. They invest in a lot of quality materials and look towards long-term maintenance and durability and long-term marketability. Their design program objectives going through this is Class A environment, modern lifestyle amenities. They intentionally designed these buildings with variegated materials, and variegated facades. They are using two different colors of brick, and four different colors, five including white, for the hardy plank siding. They are trying to break it up visually to make it more interesting. The typology of this building is different from other similar apartment buildings because it will have secure entry halls as opposed to open wind tunnel breezeways, which has been very popular for the last 25 years. They have used flat pitched roofs to reduce massing so that they complement the surrounding land use. They have sustainable stormwater. They are using strategies and best practices that, at minimum, are going to reduce the storm water discharge by at least 40 percent. They are doing that voluntarily. There are a lot of trees on this site. With their arbor company and their landscape architect, they did a trees survey. Of the existing trees, 75 percent of them that are in the path of these buildings are in fair to poor health. It is a mature forest that's declining at an increasing scale. They have labeled 50 trees as a safety hazard. The city requirement for the development is 280 caliper inches. They understood that this being a treed site is important to the community and to their neighbors, so they decided that they were going to ignore the credit they got for everything that was saved and added that on to what the code requires. That is how they get up to that 182 percent of the city requirement. Ervin brought samples of windows, brick, and color boards.

#### PUBLIC COMMENT

Leo McCann, 1261 Amberlea Dr. West, Gahanna. Mr. McCann is the President of the Amberlea Village Condominium Association. He echoed Mr. Ervin's comments and that they appreciate Ervin's willingness to engage. Ervin has met with the neighbors on several occasions. He believes Ervin has listened to them. They have helped working together to make this a better situation for everybody that's involved with this parcel. It has been a good process. They appreciate it and would like to continue working with Ervin and Stonehenge on it. He had questions for Ervin. He asked if the trash compactor on the west side of the development is still moved farther north towards Morse Road and whether it is the one that is going to have a retaining wall or some sort of landscaping around it. Ervin said both. McCann said another item that they appreciate consideration on is on the western border towards the south of the development where the Amberlea Village has a front against the property that's being developed, the current site plan calls for the privacy fence that they had requested. McCann thanked Stonehenge for that consideration. Part of that is the fact that the tree structure there was going to be inside that privacy fence on the western edge. They wanted to see if there

was a possibility to move those trees and that buffer to the outside of the privacy fence, again creating another buffer between the units at Amberlea Village. He believes Ervin had replied they were going to look at that partially through the Amberlea Village property line and then maybe go back to inside the fence at Sage Park, one of their property lines. Ervin said that is correct. They will set the fence behind the trees toward their property, not the neighbors. They will have the trees. Then, the fence as the Amberlea residents are looking, they may undulate that back once they get to Sage Park to put it more in line with the property line. McCann asked if they are still talking about the eight-foot privacy fence, a beige color, or the material that they were shown. Ervin said that is correct. McCann thanked Ervin and Stonehenge for their consideration in this process. They look forward to being neighbors with them and getting through the 18-month construction period.

Dennis Huffman 737 Windward Lane, Gahanna Ohio 43230. Mr. Huffman is the president of Windward Trace Community. Huffman said McCann talked about the same items that he was going to talk about. He said Ervin has worked with them at least six times. He said he would continue through the whole process touching base with them. He said Ervin has agreed on the eight-foot, tan fence and to leave as many trees as possible if they're healthy.

Clerk confirmed there were no comments from the public.

Chair closed the public comment at 7:51 p.m.

Chair called on questions from the Commission: Mako said he wanted to commend the developer. It looks like they have done some due diligence working with the neighbors. He goes back to the rezoning, and it was a little contentious, but he thinks they heard the concerns of their neighbors. Mako said the landscape plan shows a considerable number of permeable pavers on the north side of the project. He asked the developer to describe their experience with those permeable pavers. Do they work well? Do they function as intended? Andrew Gardner 6628 Burbank Place, Westerville Ohio with V3, Civil Engineer on the project. He said they have had very good experience with them if they are constructed and installed properly. You have a paver section of pavement, underneath that is a varied section of stone with various porosity that you store your storm water in. There is an underdrain and a structure at one end that. They control the outlet. Because the area has clay soils things don't infiltrate all that great. The idea is to try to increase the storm water storage footprint in any way so they can reduce the amount of runoff they are putting out at any given time. Underneath those pavers you'll have a volume of storm water that gets held and it is released slowly into the next part of the system as it works its way downstream. There is no problem with freeze, thaw, or heaving on them that they have seen in Ohio. They do need to be maintained. You are supposed to bring a vac truck in periodically and suck any sediment that may get stuck in the pores. That is something ongoing that they will have to be committed to maintaining to make sure they work properly. It is part of the site maintenance and the investment they are making in the property. As mentioned, they continue to own and operate these facilities, so they are going to be dedicated to maintaining them.

Mako asked what the function of the rain gardens are. His concern is that they do not turn into mosquito traps. Gardner said, similarly to the paved areas, think of a grass area, same function. You have an engineered soil underneath that's five or six feet deep. There is an underdrain under those as well, and there'll be a structure at the end of each one to again restrict flow. In this situation, you store the water in the engineered soil, and you plant water tolerant plants that uptake a lot of the water and reduce the runoff. They have not found a lot of problems with mosquitoes. They are designed to hold water on the surface. It is more designed that the water will infiltrate into the ground beneath what we plant. The plants assist in uptake of water as instead of just discharging it downstream. Mako noted the wetlands shown on the landscape plan on the northeast corner of this site. What is the acreage of it? Gardner is not sure. He guesses maybe a quarter acre or slightly less. There are existing wetlands on this site that they are mitigating. That is part of their mitigation plan with the EPA. Those will be protected wetland areas. There will be markers to maintain them. Mako noted the report dated February 6th, item 24 about an off-site storm sewer that is privately owned. He asked if they are going to be dumping a bunch of water into a private system. Gardner said regarding the history of this parcel, when the development to the east was constructed, there was a 24-inch storm sewer put in. It runs along the southern property line of the development to the east. Then, it turns and runs along their eastern property line and stops about halfway up where the retention pond is at the southeast corner. They have the plans and the calculations from the engineer that installed it. It was intentionally designed to carry about 10 acres of this site's existing storm water. The unfortunate consequence of when it was constructed around 2016 is they concentrate the outlet of the storm water from the site, changed the grading, and it's what created the large wetland that they have on their site. They are now forced to mitigate. This is really their only suitable outlet for stormwater to the site. It is independent of the storm sewer that is tied to that adjacent property. It goes solely down to a drainage ditch on the east end of that property and continues to flow down from there. The oversight was when that development was built, even though the storm sewer was put in to serve drainage from this property, because they couldn't block their drainage, it was not put in as an easement. It is technically not an easement right now and they are working with that adjacent property to get a drain adjustment to access that storm sewer. Mako asked why the name Elliott. Ervin said that it is named after one of Adam Trautner's sons and sounded classy.

Tamarkin asked, since the commission was not privy to the meetings with the residents if the fence will be eight-foot and for the most part on the inside of the trees and on three sides will be solid. Ervin said the commitment they made is that on the south property line, as it is adjoining the Amberlea Village residents, that would be a solid vinyl fence in the color that they have selected. They may match the rest of the fencing along the east property line and along Morse Road with the aluminum picket with the brick post that they have shown along Morse Road. Tamarkin asked on Morse Road with the aluminum picket, are they required to do the white New Albany look? Ervin said no. Tamarkin asked if there is a white fence there now, or is it just open? Ervin said it is open. Ervin said one of the reasons they went with the picket is that they felt it was more secure. It isn't that they have an aversion to white

fences. It's just that they have used the aluminum with that picket type of fence successfully at other communities and feel it is a better deterrent to people coming around that should not be around. Tamarkin commented the fence will be on the inside of the trees. It is hard to tell from the drawing 10 to 15 feet from the property line on the inside of the property line. Ervin said, yes, a lot of that depends upon the trees. The commitment they made to Windward Trace is that they increased their setback along the southern property line to 35 feet from 25 feet. What they have agreed to do is, and are going to trying to give them as much of all that natural vegetation as buffer, place that fence as those trees allow them to be placed. Tamarkin asked if the buildings on the west side will have patios on the back. Ervin said they are the same as the front of the buildings and the only difference is on the rear of the buildings. They will not have the metal awning at the entry. They are not using that as the primary means of egress. The front has metal awnings above those doors. For the back sides of the buildings, that is not there. Everything else is the same. Tamarkin said there are still doors going out back. Ervin said yes. Tamarkin asked on the ground floor apartments, do they have patios or anything extending out beyond the building? Ervin said the way the building is designed, the balconies are recessed into building. The building jets out to capture that so you don't have balconies sticking out in the middle of nowhere. The ground floor has a concrete slab with a railing that is aligned with the building. At one of their other communities where they butted up against an adjoining property owner, they had a fence where they created yards for the first-floor residents. They demise those spaces with fences that are perpendicular to that privacy fence. It is undetermined but that's something that could happen here. Tamarkin asked about the fence around the compactors and bulk trash, is it a fence, or a brick wall? Ervin said it is a block wall that is finished on the outside, three sides with a door on the front. Tamarkin asked about the retention that is to the southwest on the plan. It is blue, but he assumes that it is not wet retention. Gardner said it is being designed as a wet retention. Tamarkin commented fencing is not required for wet retention. Gardner said it should not be required. Tamarkin said he assumes the city inspectors will make sure that it complies. Tamarkin asked about the security gates. It looks like three security gates coming in. The entrance to the west of Morse Road can queue a few cars in there. Is it going to back cars up on Morse Road waiting for someone to let them in? Ervin said their practice has been during the daytime they leave the gates open and close them at night. One of the reasons they put in the roundabout at the front of the leasing office and the fitness facility is so that they had queuing for anybody that may have inadvertently turned in. At night, they get buzzed in. Tamarkin asked about the queuing on the west entrance. Ervin said two or three cars could stack there without being on Morse Road.

Shapaka asked what age group they are aiming for residents. Ervin said they are aiming for everyone. They envision they will draw a strong preponderance of a demographic that are 45 and under. Young professionals, even though the two-bedroom units are very spacious and are popular with those that are a single head of household with a child, typically, they are geared towards young to middle-aged professionals. The ground floor units are attractive to a more mature crowd. Shapaka asked if all entry is right-in-right-out. Ervin said they have a left lane on the last access point.

You can head westbound on Morse at that point. That is full access per instruction of the City of Columbus and the City Gahanna when they did their traffic impact study on Morse Road. The middle access is right in right out. Shapaka said with the design review, the elevations that they have, there is no rooftop access. Ervin confirmed no rooftop access. Everything is ground mounted. Shapaka asked if those were parapets they are looking at because they seem a bit higher in the elevation. It seemed like they were high parapets around the building to hide something. Ervin said they are not hiding anything. They were just trying to put a visual screen on the facade. Shapaka asked if they anticipate everybody coming in from the west entrance more than the center. Ervin said it is dependent upon where you live in the community. It is going to break evenly. There may be more people that use the western entrance for an exit because of the ability to turn left onto Morse Road, even though you can take the right out at the middle and go down a half mile to the roundabout and swing around and head back. Shapaka asked if the pervious pavers will handle the heavy trash trucks. Ervin said that they can drive on them. It is a very durable system. The difference is they could have paved this and would add just these big ponds and parking lots. They didn't want to do that. He thinks there is a better way to do this, and it helps recharge the underground water table as opposed to just carting all the water wherever that pipe goes heading south of them.

Suriano asked, relative to the design review, do they feel that the colors are critical to the project design? Specifically, he is looking at the red and blue. Ervin thinks they are complementary to the other colors that they have. He wouldn't say they are critical. He does believe that one of the things they liked about Rookwood Red is that it is a very much an earth tone. It is a reddish clay color. They were trying to find colors that balance the other colors. They felt that the blue was a nice neutral. And in meeting with the adjoining property owners, they were concerned that there would be all white buildings that would be in stark contrast to everything going on around them. They are trying to create some undulation of these facades and buildings, so they just don't look like big, huge buildings plopped out of the ground, out of the sky. Suriano appreciates the change of material using the masonry at the base for the first two floors and the cementitious material is good, too. It is seen in a lot in multi-family, as well as the kind of metal accents. When he looks at compatibility and more neutral, he thinks it is debatable whether the red is in the earthy range, but he would not say it is neutral. Nor would he say the blue is neutral. He would expect those to be more in the middle chromosome of what a color is. He thinks the contrast can be achieved without something that is so arresting. He is looking at pictures of the Sherwin-Williams Dress Blue and the Rookwood Red not in a rendering. Even in the rendering, he thinks it is hard. He has less of a problem with the Dried Thyme and the Peppercorn. In the quantity that the Rookwood Red and the Dress Blue is on the buildings, he thinks it is a lot. He said it looks like there are glass doors and things like that, but he would expect those more in concert with something like an accent that is in smaller doses on a door or on a side light or something like that. For him, he must step back and say it is not our purview to design these buildings, but it is to look at compatibility. When he looks across the street, or at Windward Trace, or down the road, he doesn't see anything that is pulling any of these. There are red roofs down the road,

but it is a little bit different situation than he thinks what is here. For him, it is a little heavy. He will not be in favor of the design review as it stands with the colors proposed.

Shapaka asked about the unit identity. The top left blue over the brick, is that three units? Each floor has a unit. Is my unit all blue, part blue, part white? Ervin said in the middle is the stair tower with the door in the middle. That is where you see the blue and the brick, and to the left, the white that is one unit. The units are flats, and they break right and left of that stairwell. If you lived on the second floor, you have brick and white. On the first floor, it would be brick and white. Shapaka said it is more of a comment of design review. He understands Mr. Suriano's comment about the color and the happiness of how it's broken up. He can't read where his unit is. He does not know how disconcerting that is. It is more of a personal comment than a flaw. That would not be negative on his vote.

Suriano said his comments are less about what reads from a unit. He does not care where the units are demised, like inside of and whether or how they're coded. He is more concerned with just the expanses of color that are not in that neutral palette in his opinion. He thinks there are ways of finding color. It's not to say that everything needs to be white, black, or gray, but it is finding something that's a little less arresting regarding those tones. He thinks the way that white accents on the outside are also creating more contrast with the color behind it, which is also, for him, a little difficult. He asked if the parapets on those pieces that pop up in the renderings return back which gives those faces that pull out more kind of volume. It looks as though with that wall as it pops out, that parapet just extends up and it reads kind of like a surface. Whereas, in the rendering it looks like some of those return back. Scott Harper, Stonehenge Architect, said he thinks that is the white in the elevation that he is seeing. There is a parapet and a cap behind the balconies on the corners. When you see the balcony, there is a lower roof there that projects out from the backdrop which would be the upper parapet. The parapets on the higher sections do return. Where that looks like it returns, it does return back perpendicular.

**Motion was made by Hicks, seconded by Tamarkin, hat the Variance be approved.**

**Discussion on the motion: Hicks said that this is an example of how a developer and the neighborhood should work together. We have a lot of examples of how it doesn't work. This is a great example of how it did work. He wanted to extend his compliments to the applicant. Specifically, as it relates to when the zoning was before the Commission, and it was recommended to Council for consideration, it wasn't unanimous on either body. But Stonehenge presented a concept of the use of the plan, and he had asked at that time whether that concept plan would be presented in the final development plan, and the answer was yes. That has been done and Stonehenge didn't have to. The site plan isn't required for a rezoning application, but it was helpful to see that come to the commission today looking improved from what was presented at the rezoning. He reiterated his compliments for meeting or exceeding the city's zoning code, specifically, regarding density and the tree preservation. He is not a developer or an architect, but it appears they made concessions at the request of the**

neighbors. He will be in support of all the applications tonight for those reasons. This is a good, refreshing example of the community and a developer working together. He thanked Stonehenge.

Tamarkin wanted to reiterate what Mr. Hicks said. He thinks it is great, the communication and the effort they put in working with the neighbors. It was a little contentious the first time the applicant was here. The commission did not get a single letter about this project for the hearing tonight. He thinks that is a compliment to the developer that they have satisfied the neighbors and their concerns to the best of their ability. Again, they would have preferred that this is not going in, but once they understood that it's going in, Stonehenge mitigated their concerns and is going to do its best to be a good neighbor. The commission appreciates that. Hopefully, others learn from this.

Suriano echoed his fellow commissioners and thanked the developer for engaging with its neighbors. He thinks it has served them well.

Shapaka is in support of the variance.

**Motion carried with the following vote:**

**Yes:** 5 - Hicks, Mako, Shapaka, Suriano and Tamarkin

**Absent:** 2 - Greenberg and Wester

[FDP-0003-2023](#)

To consider a Final Development Plan Application for a 13.96-acre tract on Morse Rd.; Parcel ID: 025-011219; Current Zoning MFRD; The Stonehenge Co.; Douglas Ervin, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

The application was discussed under V-0006-2023. See attached staff presentation.

**Motion was made by Hicks, seconded by Suriano, that the Final Development Plan be approved.**

**Discussion on the motion:** Mako wanted to reiterate some of the things that have been said. He thinks the developer went over and beyond what they were required to do. He appreciates the efforts. Ervin gave credit to his colleagues and his bosses. It's a wonderful organization. He loves having that kind of support.

**Motion carried with the following vote:**

**Yes:** 5 - Hicks, Mako, Shapaka, Suriano and Tamarkin

**Absent:** 2 - Greenberg and Wester

[DR-0007-2023](#)

To consider a Design Review Application for site plan, landscaping, and building design for a 13.96-acre tract on Morse Rd.; Parcel ID: 025-011219; Current Zoning MFRD; The Stonehenge Co.; Douglas

Ervin, applicant.

In accordance with Planning Commission Rules Section 7.4.1.1., if there is more than one application on the same project, they may be discussed as one.

The application was discussed under V-0006-2023. See attached staff presentation.

**Motion was made by Hicks, seconded by Tamarkin, that the Design Review be approved.**

**Discussion on the motion: Suriano wanted to reiterate his previous comments. He is not in favor of the design review. He thinks the colors are too loud for him, and incompatible.**

**Motion carried with the following vote:**

**Yes:** 4 - Hicks, Mako, Shapaka and Tamarkin

**No:** 1 - Suriano

**Absent:** 2 - Greenberg and Wester

## Code Change

### [CC-0002-2023](#)

To recommend approval to Council, changes to Chapter 914 - Tree Preservation, Planting and Replacement, Chapter 11 - Planning and Zoning Code, and Chapter 1311 - Building Code of the Codified Ordinances of the City of Gahanna.

Director of Planning Michael Blackford said staff is requesting amendments to Chapter 914, Chapter 11, and Chapter 1311. Chapter 9 and Chapter 13 are not zoning code technically. They do not have to come before Planning Commission, but since staff has all these changes and they're all tied together, he thought it would be helpful to have these changes in front of the commission as well. Blackford reviewed to proposed changes.

Chapter 914 - Tree Preservation, Planting and Replacement.

They are adding a definition of hazardous tree and language allowing for the removal of the hazardous tree without a permit. Chapter 914 is a section of code that allows for tree removal for projects that are not going through an active construction phase. With that requirement, there is some landscape planning and some heavy lifts that must be done. Those cannot always be done in a timely manner. The previous tree code allowed for some removal of trees. What is being proposed is adding a definition of hazardous tree and then allowing the Parks and Rec team, and the city forester, to be able to go out and do a quick inspection and document it. It is a much quicker response to a hazardous safety situation. If they had to go through the permit process, it would probably take a couple of weeks because of the types of information they have to provide.

#### Chapter 1106 - Subdivision without Plat

There has been a lot of dialogue over the years with Planning Commission on this chapter of code. It looks like there are a lot of changes to that section, but a lot of that's just kind of moving language around a little bit. The proposed changes are to make subdivision without plat an administrative decision. There are already some cases of subdivision without plats that are administrative. They are proposing getting rid of the language, depending on the lot size. If it meets code, they could approve it administratively. If there is a new roadway, or if there is a variance or something required, then they would be required to plat. That requirement doesn't change. If there is a variance, it would come before the commission. He believes the subdivision without plat section does not have evaluation criteria. It has improved the permitting process.

#### Chapter 1123 - Definitions

Adding in a definition of the Planning and Zoning administrator. The city does not have a Planning and Zoning administrator position. They are adding the definition to clarify who has those responsibilities.

#### Chapters 1136, 1137, 1139, 1141, 1143, 1145, 1147 - Yard Requirements

These code sections are all the single-family zoning categories. Over the last couple of years, the variance applications for sheds have been the most prominent applications seen. There are two sets of changes to these sections. One of them is to address the sheds. It is more than sheds. It is unattached accessory structures. It is to reduce the side yard setback, and it changes based off the zoning. The most prominent zoning is residential single-family zonings, SF2 and SF3. That would allow a five-foot side yard setback for those unattached accessory structures such as a shed. He thinks a lot of times when they see the variance, it is reduced a little bit more, maybe even down to three feet. It is 10 feet now, splitting the difference between five feet. Currently, code changes are only for the side yard setback. If the commission wants the rear yard setback, it can be reduced as well. Blackford said he can incorporate any changes and bring it back to the commission or it can be approved with changes. The other changes are not changing the setbacks but just rewording it. It is an old zoning code, written from like a lawyer's standpoint, which is great for the most part. Except it is very difficult for a lay person to figure out what the setbacks are. A lot of the language can be eliminated and just say it is 25-foot front yard setback, instead of talking about how it's measured. It already talks about how it is measured in the definition section. We don't need it repeated throughout the code. There is a lot of repeated information in code and a lot of what staff hears, whether it is the folks that we have seen tonight, the professionals or folks from the public, they have a hard time finding information. This declutters it a little bit.

#### Chapter 1155 - Office, Commerce, and Technology

They are proposing to remove elementary and secondary schools. He believes the North American Industrial Classification System says that Charter Schools fall into the secondary school's classification. Staff is proposing to move that from a prohibited use in OCT and to a conditional use.

If those changes move forward, Planning Commission would see those requests for schools. There have been a couple of inquiries in the last six months or so about these uses in our OCT areas south of Taylor Road. There is around a 40% vacancy rate in the office area of the city. It is a possible reuse for some of those buildings

The next change is outdoor storage. There are screening standards. There are placement standards. Staff would suggest making outdoor storage a permitted use in the OCT area, which is mainly industrial and warehouse. Pretty much any property out there that is not developed with an office has some level of outside storage. Staff does not see the need for a conditional use when there are screening requirements and placement criteria. It has never been an issue in his experience of nine years with the city. Outdoor storage in an office or really an industrial area doesn't seem to create any issues. Since there are screening requirements and placement standards, staff suggests it be a permitted use.

The next one is a unique section of code. It only applies to the OCT section of areas of the city. There is a requirement that if you have a 400 gallon or 10-foot-tall tank that it must come before Planning Commission for approval. There are a lot of different tanks out there. Blackford would say most folks aren't going through a process that involves Planning Commission. From his limited experience, 400 gallons isn't that large. A lot of these industrial sites have much larger tanks. There is no approval criteria. There are no items to consider for Planning Commission. It is probably not the best for processing code to take things forward and not have any criteria to evaluate with. Staff proposed to eliminate the gallon requirement but put in a height limitation. If the commission does not want to see storage tanks ever again, it could be eliminated and be an administrative requirement. Staff looked at recent requests and there were only a couple requested every other year.

#### Chapter 1163 - Parking Regulations

Staff proposes to eliminate the variance that is seen on basically every new development request, which is the 10-foot island in between parking rows. Staff proposes instead of landscaping around the perimeter of the parking area when it's adjacent to the right-of-way. In his opinion, it is interesting that this is a requirement in OCT, which typically has your industrials with less design standards. It is a requirement in OCT and Olde Gahanna already. They would be bringing over perimeter parking screening regardless of where the parking lot is but reducing that interior parking screening. There are still landscape islands that are required but not the 10-foot row in between the parking.

#### Chapter 1165.07 - Temporary Signs

Blackford said when the zoning code rewrite is done there will be more changes to this section. There are a couple of minor improvements to make regarding temporary signs. Planning Commission does not see temporary signs. It is an administrative process, and in residential districts, you don't even need to have a permit, but we have language. Sometimes they don't even see the signage. One of the things discussed for quite a while is that the temporary signage code has the word "consecutive" in it quite frequently.

He would say the temporary sign code is unique, where there are limitations on signage types. Then, there are limitations on duration based off the material type. It uses language throughout the code that talks about your cardboard sign can't be up for more than three consecutive days. A lot of it says 30 days. So, if you had it up for 29 days, took it down for one day, you could keep putting the sign up and down because it's 30 consecutive days. There is no way for staff to enforce something that's a consecutive day like that. They are proposing to remove the word consecutive, which he thinks is the intent of the code. There is one section in the temporary sign code which he thinks was a mistake because all the signage is from the right-of-way. In one portion of the temporary sign code, it talks about it being from the edge of pavement. It conflicts with engineering rules and regulations where you can't have a sign in the right-of-way and things of that nature. It does allow cardboard paper signs. Typically, those are associated with garage sales and things of that nature. It is not a good look to have cardboard signs in commercial areas. Staff is requesting language for it to be in a residential area. Staff is proposing a duration change for plastic signs, which are typically signs for a community event, church event, or political signs. The proposal is changing the duration from 30 days within six months to 30 days in a four-month period. Blackford will talk more about the zoning code rewrite under comments. He expects more substantial changes as part of the zoning code rewrite, but temporary signage and permanent signs are something they deal with quite frequently, and it is important that these go forward.

#### Chapter 1165.11 - Permit Requirements (Signs)

The city has a requirement for a Master Sign Plans (MSP) for shopping centers and any multi-tenant building. The sign code was rewritten in 2007, and the MSP was added. There are hundreds of multi-tenant buildings. There are about 20 MSPs.

Staff is requesting some minor changes to the code. If a tenant is going into an existing shopping center, code isn't written that the city can give them a sign permit unless the landlord comes in and does an MSP that has to come before Planning Commission for approval. Landlords and tenants do not like it. It delays significantly when they can get their signs and some landlords just refused to do it for whatever reason. Code does not address what the sign limitations are and how large of a sign, and how many, and things of that nature. To address the need of allowing a tenant to get signage, staff is proposing to allow a very limited amount of signage, limited in the number of signs, the types of signs, wall signs, and window signs at a similar size, square footage, and in height of what we've seen in the master sign plans, but a little bit smaller. Most of the master sign plans that he has seen are if you're a tenant, width is 20 feet. It's like 80 percent of your tenant width. So, 16 feet can be like 36 inches in height. Almost all say pretty much the exact same thing. Staff is proposing 50% of your tenant width. It can be a sizable amount of square footage. It allows for a wall sign. When there is a new tenant, they can pull a permit, get their approval, get some signage up, and allow for a very limited amount of window signs. This would be mirroring what is allowed in the code for window signs. It helps the tenant experience going through the

permitting process. It would require a letter of authorization from the landlord for approval. It is another means of allowing folks to have signage without going through a public hearing process.

#### Chapter 1169.05 - Conditional Use Approval

Staff is proposing to extend the time frame for conditional uses to be effective from one year to two years. The way the code is written, it says that you have one year to get your zoning certificate. That would be issued when you get your building permit at the very end of the building permit phase. When folks come in for a conditional use, when it involves new construction, Planning Commission happens at the very beginning of that permitting journey. The engineering plans and building permits are at the very end. On larger projects, it is very difficult, especially nowadays or post-COVID, to get through it in one year. It is very challenging on newer development. He believes this helps in the short-term address some of those issues. Different language could be looked at with the zoning code rewrite because zoning certificates aren't always issued. It is not super fantastic language, but it works most of the time. That's why staff is suggesting changing it.

#### Chapter 1311 - Contractor Registration

Blackford feels this is the most impactful change. Contractor registration is an element that Planning Commission doesn't normally get involved in. It is part of the permitting process. Blackford explained what contractor registration is and how it plays into the permitting process. Most types of contractors have to register with the city yearly. The Building Division cannot issue permits until a contractor is registered. There is very little information that is required. Once the building team and the planning team started having dialogue, they talked about contractor registration. Contractor registration is every day, every hour of the day. If we want to talk about how to improve permitting, and what is the value of some of the code, we have to look at some of the processes and requirements. This is one of the provisions that we can move on from. Contractor registration is a yearly endeavor that has to be done. If he is a contractor and does plumbing work, he will have to register as a plumbing contractor. Then, next month if he pulls a HVAC permit, he will have to register as an HVAC contractor. One company might have to register multiple times. That creates some challenges. Being that our process is yearly, the registration expires December 31st. Contractors have to re-register, have insurance, and provide the city with their state registration information. All those have different cycles. The permit could be valid, or your registration is valid but then insurance lapsed. Then, when they try to pull a permit, it holds them up. This is one of those provisions that in talking with the building team, the Department is not 100% sure what the intent was of this language. It does not protect the contractor. It doesn't protect the city. It does not do anything for the property owner either. If there's an issue between the property owner and the contractor, the city does not get involved. It is a civil matter. This language does not protect anyone. It does dramatically affect the permitting process. Registration does not have a test of skill involved. The local registration process has nothing to do with a contractor's abilities. They fill out a piece of paper, get the registration, and do the work. He thinks this provision goes back well over 20 years, and it is the staff's understanding the state has a requirement that wasn't around 20 years

ago. The state now has a licensing process, and that licensing process does have a workmanship component to it. So, there is testing of ability that the state does. Whether there is a state requirement or a city requirement, obviously they still have to go through the state process that is really like a test of skill. The city process does not involve any of that. There are also exemptions built in for homeowners. If you're a homeowner and you're going to do the work, you don't have to register, which is a fair amount of residential building permits. Staff believes that this code is no longer necessary because of some of the state licensing requirements. In asking other municipalities, it looks like about 50/50 of the communities have a registration requirement.

Shapaka said contractor registration is a generic thing that everybody in his industry does. He asked if Gahanna has their own fee that they collect, and on that application is there a City of Columbus number that says they are registered in other places? Blackford said no. Shapaka said, so it is just a piece of paper saying, "I want to do plumbing in City of Gahanna; here is my \$35; here is where I live," that's it? Blackford said if there is a state licensing requirement, he believes that they are required to put that number down. He believes the ORC says that a local jurisdiction cannot issue a contractor registration if the state requires state licensing, and they don't have a state license. Shapaka said they should have a state license and prove that they've done this work for so many years and is able to do the work. Kelsey Bartholomew, Planning Division, said they are required to provide a copy of their state license which includes the expiration date. Shapaka said the city can accept that without giving them another number. Blackford said absolutely.

Mako asked if there is any type of bonding requirement for the contractor registration. Bartholomew said there is not. It is her understanding that there used to be bonding requirements. Blackford is not familiar with any bonding requirements. Tamarkin said that would be between the buyer and the seller. Whoever engages the contractor could require a bond. Anyone in commercial is going to require the bonding. A resident might not think of it. Blackford said he is not familiar with bonding, and when it is mentioned around the office, it is related only in the engineering process and some of their requirements. It is not required in the Department of Planning. Mako said the only reason he mentioned it was his experience running a building department. They did contractor registration and that was a requirement for someone who wanted to come in and do work. It was a commercial billing department, but you always had to show some type of bonding or else you were not going to get your permit. Suriano asked if a contractor is licensed through the State of Ohio, does registration require showing that licensure? Blackford said the city contractor registration process requires the applicant to provide their state certification. Suriano agrees with the sentiment that it doesn't necessarily guarantee the quality of work. As an architect, you have to meet certain levels to be licensed. You have to maintain credentials. He is looking for the recourse to not put the city at risk or put constituents at risk. With this language in place, and the city building official has been with the city in various capacities for several decades, it never has come into play. It is really a civil matter. It is part of the building team's inspection on a property or

improvement. It's not up to whatever the state requirements are whether they are licensed or not. We are not going to issue that building permit, that certificate of occupancy, until that gets corrected. It does not affect in any way the building division's ability to go out and do inspections to make sure that the appropriate work is being done. Shapaka said it was 50/50 on the adjoining municipalities or cities that have this. Every city that he has gone to requires one. Blackford said the building team has code consistency meetings, and he knows Worthington does not have them. He has been told there are a couple other ones. Shapaka said the City of Gahanna will not require it, but the building department when they review it, that contractor has to be licensed with the City of Columbus or the State of Ohio. Blackford said the state has their requirements. Shapaka said the city is just approving the work that it is done and staying out of whether he's licensed or not. Blackford said if other jurisdictions have licensing, it is up to those jurisdictions. He is saying that this isn't a licensing; it is a registration. Roth said if somebody comes in to get a heating and cooling permit to replace a furnace at John's house, he cannot do that because he is not a licensed Heating and Cooling contractor. All that goes into the permitting. This is just a separate registration list saying he can do business in Gahanna. We are still checking to make sure people have credentials because they can't get the permit if they're not a licensed contractor. Roth asked if that is correct. Blackford said you don't have to be licensed in certain trades. Roth said to get a permit, separate from the registration, if he is doing work on somebody's house, he can't come in and get a permit saying he is going to do plumbing or something like that because he is not a licensed plumber. It has nothing to do with the city registration. It has to do with he can't contract because the state regulates that. Blackford said that is correct. Roth said that for the trades that require licensing by the state, they still have to get a state license. The city contractor registration is just being on a list saying I can do business in Gahanna. Blackford said that is correct. Tamarkin commented this is regardless of who you are or what your skill set is. Blackford said that is correct. Suriano said he doesn't fundamentally have a problem with it if it is expeditious, and it's cumbersome in terms of administration and what we have to do. As long as, like Mr. Roth said, the state licensing and all that still holds as we look to health, safety and welfare of people. Tamarkin said it also sounds like the city does not check anything. They take the money and say you're on the list. He asked if the city ever says no. Blackford said that is correct. They fill out the paperwork and pay the fee. That code section even says the city is not testing. The city doesn't have an ability to do that. He would say it is an extremely slippery slope if the Chief Building official was to start doing that. It is probably not good language in the first place to leave it up to the discretion of an individual or two to grant those approvals.

Discussion on the following proposed changes to code:

#### Chapter 1169.05 - Conditional Use Approval

Shapaka said the conditional use approval is changing from one year to two years. He asked if they file an extension after one year or pay a fee for an extension. Blackford said they would have to file a new conditional use application and come back through the process.

Suriano said projects are taking longer. He noted if someone gets granted a conditional use on a contentious project which then takes longer than a year to construct, they would have to reapply for conditional use without potentially the same board members or something and that gets denied. Blackford agreed in theory. Then, it could possibly be mid-construction, something along those lines. It would be a challenge.

Tamarkin asked if the deadline for one year was to start or to finish construction. Blackford said the zoning certificate is part of the sign off for occupancy of a building.

#### Chapter 1155 - Office, Commerce, and Technology

Shapaka said the OCT requirements are 400 gallons. If you get a septic tank, it is 500 gallon, 5x5, eight foot long, not very big. He thinks the height requirement is an excellent idea, but if there is not a height requirement, he might make it two acres wide. There needs to be a limit on the height and a gallon size. Blackford asked what the commission wanted on a gallon size. Shapaka said that 2,000 gallons is a good size for a family home. Blackford said that he is good with 2,000 gallons.

#### Chapter 1165.07 - Temporary Signs

Shapaka likes removing the word "consecutive". Suriano agreed.

#### Chapter 1163 - Parking Regulations

Shapaka said it makes a lot of sense, the parking with the 10-foot landscaping island is an excellent thing. The perimeter with the OCT and OG makes sense.

#### Chapter 1136, 1137, 1139, 1141, 1143, 1145, 1147 - Yard Requirements

Shapaka asked Roth if he had a comment on the setback "lawyer speak" to make English. Roth has no comment.

Tamarkin said the setback should include rear yards. He would rather see the shed in the rear yard than on the side yard, so it is less visible from the road. If it is going to change to five feet on the side yard, why not make it five feet on the rear? Blackford is fine with that change.

Suriano said it creates dead space, unusable space if you're trying to limit it in your yard. He agrees with Tamarkin. Tamarkin said most of the sheds the commission sees are inside fences and the fence is pushed further back than the 10 feet. Shapaka asked if there is clarification for corner lots. Blackford said there was not. Shapaka said so no clarification and the commission will see all corner lots with a shed. Blackford asked the commission what they would like to see for a corner lot. It would be allowing it basically the front yard. Blackford said it could be written specifically for corner lots. He is not sure what that code language would be. He thinks when they changed the code for fences on the corner lot, the fencing typically ends up being one type. It is six feet and like a privacy fence of some type. There's not a lot of variation. With unattached accessory structures that could be a lot of things. He would be more hesitant with the front yard of a

corner lot because that can be lots of different things. Typically, it is sheds, but it could be other improvements as well. There are some odd things that could potentially go in those areas. Staff can do a deeper dive if the Commission thinks that's something that should be addressed. It is probably more of the zoning code rewrite than this change.

#### Chapter 914 - Tree Preservation, Planting and Replacement

Shapaka asked, who declares the tree hazardous? Blackford said it is normally Parks staff. A few times it has been in parking lots or over sidewalks where that hazardous tree has been located. Shapaka said if the city parks crew declares a tree is hazardous, they have to go out and verify. Blackford said typically the city forester goes out and does an examination of the tree. Shapaka asked if they are in the public right-of-way. Blackford said if it were in the public right-of-way, the city would have jurisdiction over that tree. Shapaka asked if other municipalities do this. Blackford is not that familiar with other tree codes. He does have a meeting tomorrow with City of Columbus about tree code.

#### Chapter 1155 - Office Commerce and Technology

Mako said he spoke with Blackford earlier about the removal of elementary and secondary schools from a prohibited to a conditional use. In his day job in Westerville, they have had the stipulation where schools are a conditional use in these commercial areas. They have been problematic. They have had some issues arise from putting schools in commercial areas. Westerville Planning Commission is going through a conditional use permit with a charter school that is proposed to go into a vacant office building, and it has caused a lot of problems from the staff level. Based upon his experience, this may not be a wise thing.

Shapaka said there is no audience remaining in the meeting so there was no public comment on the code changes.

Shapaka asked for a recommendation to Council for the code changes. Suriano asked if the recommendation to Council would be inclusive of all of that they just read through without modification. Shapaka said yes.

**Motion by Suriano, seconded by Hicks to recommend to Council the proposed code changes.**

#### **Discussion on the motion:**

**Tamarkin clarified if the Commission says without modifications, something like where they agreed to do the five-yard setback on the shed in the backyard instead of the ten, that is a modification. Suriano said that is why he asked. He said Blackford offered to get input, take it into consideration and bring it back. Blackford said if that is what the commission prefers, he will do that, or he can make the modifications. Tamarkin said it can be recommended with modifications. Suriano said he is not sure how to read that into the record since they went through a litany of modifications. Shapaka said he thinks it needs to come back. Blackford said if the commission wanted the proposed**

changes updated and brought back, he will do that. Suriano said based on Mako's comments, he doesn't know that he would support removing elementary and secondary schools from prohibited use in OCT. That is why it is zoned OCT. If it could be added to the list, they can debate it some more. Blackford said they can make the motion and not include that change. Blackford asked if they wanted it to come back on April 12, and if they wanted that removed. Tamarkin said if they remove it and someone wants a school there, they just come in and ask for the variance, is that correct? Blackford said it should be a rezoning. The whole southern part of the city, almost all of it, is zoned OCT, so then it gets very difficult to rezone. A spot rezoning like that is a challenge, but you shouldn't be doing a use of variance to prohibited use. That is circumventing the rezoning process. Suriano said there are three major pieces, and he doesn't know if it warrants some more discussion on that topic. Blackford will make some changes and get them back to the commission before April 12. Some of those single-family zonings have very substantial setbacks because of the minimum property size. We don't deal with those designations very often. If you were to look at what the rear yard setback is and going down to five feet, he thinks some of them are like 60 feet and more agricultural in nature. Blackford will bring back the following modifications: 2,000 gallons and 20 foot high, five feet for some of the smaller lots, but for some of those larger estate residential lots, he will propose reduced setback like what the side yard setback is. Tamarkin said the rear and the side yard setback should be equal.

Hicks withdrew his second, Suriano withdrew his motion to recommend to council.

Motion by Suriano, second Hicks to postpone the recommendation to Council for CC-0002-2023 to April 12, 2023.

Motion carried with the following vote:

Yes: 5 - Hicks, Mako, Shapaka, Suriano and Tamarkin

Absent: 2 - Greenberg and Wester

**F. UNFINISHED BUSINESS - NONE**

**G. NEW BUSINESS - NONE**

**H. OFFICIAL REPORTS**

**Director of Planning/Council Liaison**

Blackford said he gave City Council an update on the zoning code rewrite. He shared the timelines. They are at about six drafts, and he is optimistic that with the next draft they get, they can share and have some discussion. He would like to have a joint workshop with Planning Commission and City Council, to do a deep dive on a few subjects. Hopefully, this would occur in the second quarter. A lot of times when

talking about zoning, a lot of people are interested in what is being allowed and where. It has been a topic recently but is always something that is very important with zoning. Where do we locate those zoning classifications and what does the built environment look like? Those are very community specific. He asked if there were any suggested topics the commission would like to discuss in a workshop steering committee about the zoning code. He would like to have those discussions at a high level where we are thinking about uses and design, and if there are other items they might want to discuss, like signage. He would also like to have some engagement activities for the public. They are targeting perhaps an event at Creekside to get some involvement and input on some of the issues there. Hopefully, the Department will be coming back in summer and fall with Planning Commission with a more refined document with approval before the end of this year. As the mayor said, and he agrees, it is extremely tedious rewriting a zoning code even with an excellent consultant. Current code is 399 pages and is lengthy. He thinks with some modernization, more tables, more images, and less repeated information throughout the document, it will be more user friendly.

**I. CORRESPONDENCE AND ACTIONS - NONE**

**J. POLL MEMBERS FOR COMMENT**

Hicks reminded the Commission that Thursday is the State of the City address at 825 Tech Center Drive. Doors open at 5:30 p.m. The program will start at 6:15 p.m.

Shapaka said he has received comments from city council about the job the commission did at the last meeting. They were very proud of the work that the commission did. It was nice to have the next level look at the commission and give them more encouragement to keep on doing what they do, whether it is in favor of some people or not. It was just nice to have that support.

**K. ADJOURNMENT**

There being no further business the meeting adjourned at 9:24 p.m.

*APPROVED by the Planning Commission, this  
day of 2023.*

---

Thomas W. Shapaka