



City of Gahanna

200 South Hamilton
Road
Gahanna, Ohio 43230

Signature

Resolution: RES-0022-2022

File Number: RES-0022-2022

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT WITH THE BOARD OF EDUCATION OF GAHANNA-JEFFERSON PUBLIC SCHOOLS TEMPORARILY SUSPENDING CITY ORDINANCES IN CHAPTERS 1108 AND 1197 REGARDING DUTIES OF THE PLANNING COMMISSION FOR THE NEW HIGH SCHOOL PROJECT

WHEREAS, The voters living in the Gahanna-Jefferson Public School District passed a levy approving the construction of a new high school (hereafter "New High School");

WHEREAS, the Gahanna-Jefferson Public School District Board of Education ("Board"), and the City of Gahanna ("City") have been working cooperatively regarding design and construction of the New High School; and

WHEREAS, the Board is in the process of designing and constructing its New High School and appurtenances (hereafter the "Project") at the existing Lincoln High School site, Franklin County Auditor Parcel Numbers; 025-004254, 025-004255, 025-004256, 025-004257, 025-004260, and 025-004265 (hereafter the "Site"); and

WHEREAS, if the Project does not proceed immediately, project costs will increase significantly due to winter weather conditions, inflation, material supply chain issues, and labor shortages; and

WHEREAS, if the Project is not able to commence immediately, it will disrupt the Board's spending forecast for Phase 2 of the Master Facilities Project, which will have negative ramifications under IRS guidelines related to the tax-exempt status of the bonds sold for Phase 2 of the Master Facilities Project. If the Board loses tax exempt status of the bonds, the result will be a significant increase in cost to the Board projected to be multiple million dollars; and

WHEREAS, because of the abbreviated timeline being presented, the City must adjust their normal procedures in an effort to accommodate this schedule; and

WHEREAS, Ohio law through *Brownfield v. State of Ohio*, 63 Ohio St.2d 282 (1980) and its progeny of cases, recognizes limitations upon one political subdivision controlling land use by another and requires cooperation amongst political subdivisions in resolving land use issues.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

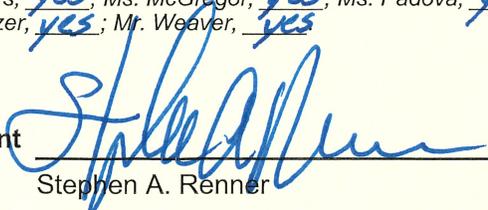
Section 1. Gahanna Ordinances in Chapters 1108 and 1197, with regard to duties of the Planning Commission for the School Project are hereby temporarily suspended, including but not limited to review of a Final Development Plan. The Planning Commission shall hold a public hearing and upon receiving proof that the final necessary approvals of the School Project, by the City Engineer and the Chief Building Official or their designee, Director of Planning and upon proof of compliance with the construction requirements in completing the School Project shall recommend approval of the School Project to Council.

Section 2. The Memorandum of Agreement with the Board attached hereto as EXHIBIT A is approved and the Mayor is directed to execute this Agreement on behalf of the City of Gahanna.

At a meeting of the City Council on August 1, 2022, a motion was made by Schnetzer, seconded by Weaver, that this Resolution be Adopted. The vote was as follows:

Ms. Angelou, yes; Ms. Bowers, yes; Ms. McGregor, yes; Ms. Padova, yes;
Mr. Renner, yes; Mr. Schnetzer, yes; Mr. Weaver, yes

President


Stephen A. Renner

Date

08/01/2022

Attest by


Jeremy A. VanMeter
Clerk of Council

Date

8/1/2022

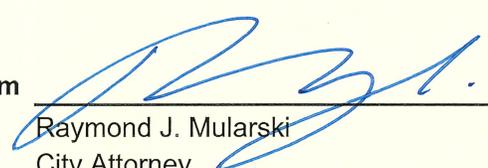
Approved by the Mayor


Laurie A. Jadwin

Date

8-1-2022

Approved as to Form


Raymond J. Mularski
City Attorney

Date

8-1-2022

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") is effective August 1, 2022, by and between the Gahanna-Jefferson Public School District Board of Education ("Board"), and the City of Gahanna ("City") collectively referred to as "the Parties."

RECITALS

- A. The voters living in the Gahanna-Jefferson Public School District passed a levy approving the construction of a new high school (hereafter "New High School") among other improvements.
- B. The Board is in the process of designing its New High School and appurtenances (hereafter the "Project") at the existing Lincoln High School site (hereafter the "Site") and has been working with the City to obtain the City's approval of the design.
 - 1. If the initial work on the Project does not proceed immediately, Project costs will increase significantly due to winter weather conditions, inflation, material supply chain issues, and labor shortages.
 - 2. Additionally, if the Project is not able to commence immediately, it will disrupt the Board's spending forecast for Phase 2 of the Master Facilities Project, which will have negative ramifications under IRS guidelines related to the tax-exempt status of the bonds sold for Phase 2 of the Master Facilities Project. If the Board loses tax exempt status of the bonds, the result will be a significant increase in cost to the Board projected to be multiple millions of dollars.
 - 3. Because of the abbreviated timeline being presented, the City must adjust its normal procedures in effort to accommodate this schedule.
- C. The Board needs City approval to commence as soon as possible the following work: temporary fencing, erosion and sediment control measures, stripping topsoil, grubbing, removing trees in the proposed stadium area, demolition of the existing stadium, demolition of selective existing structures, pavement, underground utilities, and hard scape on the East side of the Site, and starting the building pads for the New High School, visitor amenity building, and bleachers. Additionally, the Board needs to begin on the Site underground utility work for the visitor amenity building as soon as practicable. The work identified in this paragraph is referred to as "Site Work."
- D. The City and the Board have been working cooperatively together to accommodate the Board's expedited construction and building approval process, that requires an abnormally short approval period. The Board's construction timing, bond financing and raising costs necessitate that the Board start construction as soon as possible. It has become apparent that the timing of the normal process required to take the project plans through the City's

Planning Commission for review of the Board's proposed use of the Site will not meet the objectives of the Board. The City seeks to assist the Board in avoiding increases in construction and financing costs of the Project, and therefore seeks an expedited approval process. Further, Ohio courts have established that a city cannot prohibit another political subdivision from its use of land. *See: Brownfield v. State of Ohio*, 63 Ohio St.2d 282 (1980) and its progeny of cases (*Laketrans Board of Trustees v. City of Mentor* (1999), 135 Ohio App.3d 187 (a public entity is required to make reasonable efforts to the extent feasible to comply with existing zoning requirements)). *Brownfield* requires political subdivisions to cooperate with each other and to jointly seek resolution of land use questions. Pursuant to the requirements of *Brownfield*, the City and the Board agree as follows:

1. The Site is currently zoned by the City appropriately for the Board's use as a high school with appurtenant facilities.
2. The City will diligently process necessary requests for building permits and conduct necessary engineering review of submitted plans.
3. The Board will submit the Site Work for review and approval by the City's engineering department in the following segments:
 - i. Segment 1 – early demolition plan sheet; early grading plan sheet; and storm water pollution prevention plan sheet (SWPPP) (NOI for NPDES Construction Storm Water permit application shall be submitted by the Board to the EPA directly);
 - ii. Segment 2 – plan sheets for balance of the Site Work;
4. The Board will be permitted to proceed with each segment of the Site Work upon independent approval by the City.
5. If the Board requires a variance from any applicable building code standards of the City, it shall comply with the City's normal variance procedures.
6. The City's normal review process would require the Board to complete approval of all phases of the Project, at one time. The Parties acknowledge that complete Project approval is the preferred method for review and authorization of a Project and minimizes the possibility of the need to change plans at a later date during subsequent plan review and approval. However, as noted above, due to severe financial concerns of the Board, this Project will be reviewed as building permits and engineering approvals are sought, and the Board recognizes and acknowledges that there is a potential risk that later approvals may necessitate changes to work already completed and that the Board may incur additional expense because of these changes. However, the Board agrees that it is willing to accept this risk of additional expense due to its financial concerns of not starting the Project immediately.

- E. As part of the plan review process that has occurred to date, the City issued comments regarding the Traffic Impact Study (“TIS”) submitted by the Board. The City has also issued comments regarding the sanitary sewer capacity related to the New High School’s enrollment and its’ impact on the City’s public sewers.

On July 12, 2022, the City issued Final Development Plan comments (“Comments”), which are attached hereto as Exhibit A. Among the items contained in the Comments are remarks related to the TIS submitted by the Board (see paragraphs 12-33) (“TIS Comments”) and a Comment relating to the sanitary sewer capacity calculations (see paragraph 34)(“Sanitary Sewer Comments”). The TIS Comments and Sanitary Sewer Comments are summarized as follows:

1. TIS Comments – Among other issues, the TIS recommended several improvements including a new traffic signal, turn lanes, roadway widening. In addition to the recommendations of the TIS, the City strongly believes that aligning the Main Entry with Gary Lee Drive would be in the best interests of the overall traffic flow through the heavily traveled intersection.
2. Sanitary Sewer Comments – The capacity of the offsite sanitary sewer lines needs to be reviewed, which will require the Board to conduct a study of the same (“Sewer Study”). The Sewer Study must include a review of the sanitary sewer piping through the north side of the school site as well as offsite sanitary sewer to the west of the site. The purpose for the Sewer Study is to analyze the current sanitary flows tributary to the sanitary sewer piping in order to determine if the pipe has available capacity or is above capacity. The Sewer Study is currently underway.

The Parties hereby acknowledge that significant work and study is required to address the TIS Comments and the Sewer Study, which work and review will be undertaken with diligence by the Parties. The Parties further acknowledge that the TIS concerns and Sewer Study and any resulting issues must be resolved to approval of the responsible personnel at the City subject to applicable law, prior to the completion of the Project and occupancy of the Site. Further, the Board recognizes and accepts, that its occupancy of the Site may be limited to the number of people that previously occupied the Site due to limitations in sewer capacity until such time as the capacity concerns are resolved in accordance with applicable law.

NOW, THEREFORE, in consideration of the above recitals, which are incorporated herein, the Board and City enter into the following agreement regarding the Project:

- A. Pursuant to *Brownfield* and in acknowledgement of and cooperation with the Board and the circumstances that necessitate immediate commencement of construction activities in order to save the Board significant sums of taxpayer dollars, the City has, by resolution, waived the obligations of the Planning Commission review of the Project plans related to the Site Work as set forth in the resolution.

- B. The Board will cooperate with the City to complete the Sewer Study, and the Parties will act in good faith to resolve all of the Sanitary Sewer Comments, and any engineering relating issues that may develop.
- C. The Board will cooperate with the City to complete the TIS and will act in good faith to resolve all of the TIS Comments, and any relating issues that may develop.
- D. The Board acknowledges that it shall not occupy the structures of the Project until the Parties have achieved resolution of the Sanitary Sewer Comments and TIS Comments, and any Site issues relating to the Project that may develop.
- E. Acknowledging the circumstances necessitating immediate commencement of construction activities, the Board is permitted to proceed with each segment of the Site Work once approved in the manner noted above in paragraph D.3-D.4, while concurrently working with the City to resolve the Sanitary Sewer Comments, TIS Comments, building permits, and engineering approvals required by the City for the balance Project.

IN WITNESS WHEREOF, the undersigned Parties agree this MOA is effective as of day and year first written above.

**GAHANNA-JEFFERSON PUBLIC SCHOOL
DISTRICT BOARD OF EDUCATION**

CITY OF GAHANNA

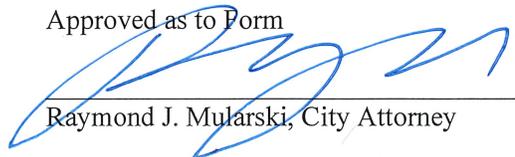


Tracey Deagle, Superintendent



Laurie Jadwin, Mayor

Approved as to Form



Raymond J. Mularski, City Attorney



July 8, 2022

Schorr Architects, Inc.
230 Bradenton Ave.
Dublin, OH 43017

RE: Project 140-206 S Hamilton Rd, Final Development Plan

Dear Schorr Architects, Inc.:

The following comments were generated from the review of the submitted plans and documents for the referenced project. For the next submittal, please provide a response to comments, revised plans, and/or other information as requested for further review. The response to comments needs to include both the original comment and the appropriate response. If desired, these comments can be emailed. Re-submitted plans that do not include the disposition of comments document will not be reviewed and will be returned to you.

Planning

1. CH 1167.14(b) requires yards to be landscaped except when parking is permitted to encroach. Several areas of the site plan show drive aisles in the yard (setback areas). Drive aisles are permitted in the front yard to connect to right-of-way but they aren't permitted to be in required yards as these are to be landscaped and free of development. Drive aisles for parking lots have to meet the same setbacks as parking (36' front, 15' side/rear). Please revise the request accordingly or request a variance.

7/7/22 - A variance has been requested. See variance application for comments, if any.

2. What is meant by future parking? Is there a time frame for construction? Staff won't be able to sign off on occupancy permits for the building if all improvements on the FDP aren't constructed.
3. Informational Comment - Please be aware that no tree clearing or site work is permitted until the parameters of CH 1108.06(a) have been met.
4. Informational Comment - Please be aware that information is provided in the Planning Commission applications that is not approvable through this process. Additional applications such as sign permit, building permits, etc will be required.
5. CH 1167.19(b)(1) provides that any structure should be located and operated in such a manner that does not interfere with the enjoyment of adjacent land. Bleachers are located just 52' from residential properties. How can a 6,500 seat stadium operate in such a manner as to not produce noise levels that won't negatively impact adjacent properties? The code states that the noise at the shared property line should be at such a level as to not be perceptible over other development or above usual street level noise. Please address how this will be accomplished. Staff is off the opinion that the location of the stadium will create noise above and beyond what is typical of developments or street traffic and will thus negatively impact the surrounding neighborhoods.

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7/8/22 - The noise study summary indicates that the new stadium location won't dramatically increase noise levels of surrounding properties. This resolves staff's comment. However, this issue will most likely be a point of conversation at forthcoming Planning Commission meeting(s).

6. The land use plan makes recommendations on development type, intensity, site layout, etc. Some recommendations to note include the following:

- Buildings should be located adjacent to r-o-w and parking should be located to the side and/or rear of the building. No parking or drive aisles should be located between the front of the building and r-o-w.

-Shared parking is encouraged.

-Parking should be fully screened from roadways.

-Structured parking is encouraged.

The site plan is not in conformance with any of the mentioned recommendations. Please revise the request to be more in line with the recommendations of the land use plan and/or provide reasoning for why the recommendations cannot be met. This is especially important in regards to parking since a variance is requested. This is also important since one of the primary goals of the land use plan was to recognize a shift from development patterns of the 70s, 80s, and 90s which were characterized by large building setbacks and parking lots along roadways. Instead the land use plan encourages buildings to be close to the street, parking to the rear, landscaping in front and side yards to soften development.

7/7/22 - Response to comments noted. As previously discussed and in this comment, the land use plan is a guide. Planning Commission has authority as to whether to require structured parking, setbacks, screening, etc. Please be aware that the staff report will include recommendations of the land use plan. At a minimum, staff will be recommending additional landscaping between the road and parking lot in an effort to screen parking areas. There appears to be ample area for additional trees and hedges.

Building

7. The project will be required to comply with the Ohio Building Code.

Parks

8. I am worried that plants inside the interior courtyard will struggle with limited sunlight. Arborvitae and ginkgo both prefer a decent amount of direct sunlight. More shade-tolerant plant species should be considered.

Norway maple should be replaced with another species. Norway maples are showing invasive tendencies and they are included on invasive watch lists in this region.

I would like to see planting specifications shown with the landscape plans.

Mulch should be pulled away from the trunks of trees to expose the root flare.

Plans show existing ash trees around the current tennis courts (adjacent to City Hall and Senior Center parking lot) to remain. These are the trees to the west and south of the proposed retention pond. These trees are in decline due to Emerald Ash Borer, and they should be removed as part of this project. New trees of a different species should be planted to replace them.

The species of proposed preserved trees must be listed in the landscape plans. I would like to see condition of the trees listed as well.

Location of protective fencing must be shown on plans.

9. As requested by GJPS staff, I inspected all trees along the school's eastern property line running adjacent to Savern Pl. By my count, there were 25 existing trees. Of those 25, I would recommend 9 for removal. These trees are marked with an orange dot on the west side of the trunk. These trees are recommended for removal based on canopy loss, structural defects such as splits and interior rot, or concerning insect activity. There were another 2 trees that should be considered for removal, but are not in poor condition currently. These 2 trees are marked with an orange dot in the grass on the west side of the tree. There is one mature sycamore with a trunk cavity and a pine. The sycamore has a healthy canopy, but the trunk cavity could be affecting the structural integrity of the tree. A second opinion by an ISA Certified Arborist should be considered for this tree. The pine appears to be in the early stages of a fungal disease, and although it has a full canopy at this time, I believe it will begin to brown out soon. There were an additional 14 trees that appear to be in good condition, and these trees were not marked.

My last comment about the existing ash trees around the proposed stormwater basin was not addressed. These trees have been impacted by the Emerald Ash Borer, and many of them have already begun to decline. I do not believe that these trees can withstand the stresses that will come with construction such as torn roots, compaction, and other mechanical damage. These trees should be removed and replaced with a different species.

Fire District

10. It was made clear that this is a design review and final development plans. The fire division has no objection as to the design review or variance for Lincoln High School. We realize these are speculative drawings and designs, although demolition of the old elementary, relocation of the football field, sitework, construction starting soon has an effect on responses to this area and is a cause for concern.

Development Engineer

11. A final engineering plan review will be required following approval of the Final Development Plan (FDP). Engineering plan review can be concurrent with the FDP process if requested. Concurrent review may expedite the project.
12. Traffic Impact Study: 1. Please provide the Synchro files utilized for the analysis to supplement the review.
13. Traffic Impact Study: 2. Please provide signal timing outputs for all signalized capacity analyses.
14. Traffic Impact Study: 3. [Page 5-1] The recommended westbound left turn lane at Havens Corners Road & Western School Access is stated as 150'. However, calculations according to ODOT L&D seem to show that the turn lane only needs to be 100'. It is unclear if the length was increased due to queuing, as the queuing analysis was not provided for the intersection.
15. Traffic Impact Study: 4. [Typical for all capacity analysis] Per the OATS manual, peak hour factors should be applied for the entire intersection, rather than per individual movement, unless otherwise

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- advised by the City of Gahanna. However, due to the timing nature of school generated traffic, the methods used in the TIS are acceptable.
16. Traffic Impact Study: [Typical for all capacity analysis] The study utilizes default heavy vehicle percentage of 2% in all cases except for turning movements in and out of school access points. CM supports this approach.
 17. Traffic Impact Study: 6. [Figures 3A, 4A, 4B] The west leg of the Hamilton Road & Gatsby's Access intersection is not shown on the volume sheets, even though volumes do enter/exit that leg in either the arrival or dismissal peak.
 18. Traffic Impact Study: 7. Synchro outputs for the 2024 No Build scenarios seem to have been printed with an incorrect title of "2021 Existing Traffic Volumes"
 19. Traffic Impact Study: 8. [2044 – No-Build Traffic Volumes – Arrival Peak Synchro Output] Incorrect volumes are entered for the northbound approach, though this is unlikely to affect capacity results.
 20. Traffic Impact Study: 9. [2044 – No-Build Traffic Volumes – Dismissal Peak Synchro Output] Incorrect volumes are entered for the northbound approach, though this is unlikely to affect capacity results.
 21. Traffic Impact Study: 10. [2044 – Build Traffic Volumes – Arrival Peak Synchro Output] Westbound right volume should be 92 instead of 82. However, this is unlikely to majorly affect capacity results.
 22. Traffic Impact Study: 11. Volume sheets for the Gary Lee Excluded scenarios don't seem to be provided within the TIS.
 23. Traffic Impact Study: 12. [Page 5-5] Remove "reconstruct" from the first sentence of the second paragraph.
 24. Traffic Impact Study: 13. Capacity deficiencies at for the split-phased operation of Hamilton Road & Gary Lee Drive/North School Access could be mitigated by aligning the North School Access to Gary Lee Drive and utilizing standard NEMA phasing for the signal. Please provide analysis of this intersection configuration in the revised study.
 25. Traffic Impact Study: 14. There is confusion regarding the proposed location of the West School access on Havens Corners Road per Figure 2A. Please clarify the access location is intended to be aligned with Oak Creek place on the north side of Havens Corners Road as provided in previous submittals to the City of Gahanna.
 26. Traffic Impact Study: 15. CM supports the recommendation to install a 300' eastbound right turn lane at the West access along Havens Corners Road. At this location, there are two eastbound through lanes that merge into one. Due to the dual southbound left turn lanes at the Hamilton/Havens Corners signal, it is recommended that the merge lane remain as to not create lane utilization issues at the signal and not create a drop-right turn lane. We recommend the right turn lane be installed using new pavement / road width. However, this should be discussed further with the City.
 27. Traffic Impact Study: 16. There are concerns regarding the southbound left turn movements at the Hamilton Road & North School Access intersection and potential southbound through volume queue blockage. Assuming the dual northbound left turn lanes at Hamilton/Havens Corners are not reduced, there is only about 60' of storage space for left turn queues into the school (120 total feet if including both proposed left turn lanes). The

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- queuing analysis in the TIS shows queue lengths that will exceed that distance. Please provide mitigation recommendations.
28. Traffic Impact Study: 17. Please confirm or verify that there is sufficient left turn lane storage distance between Gary Lee Drive and the South School Access along Hamilton Road. The TIS addresses left turn lane storage needs for the South School Access. However, northbound left turns to Gary Lee Drive will need to be maintained.
 29. Traffic Impact Study: 18. Due to the proximity of the internal east/west cross street immediately south of Havens Corners Road, it is recommended that proper signage be placed on site to ensure entering vehicles at the West and East site access points are not blocked by queued vehicles exiting the school at either access point. CM recommends stop-control on the eastbound, westbound, and (if applicable) northbound approaches of these internal intersections with southbound traffic unrestricted.
 30. Traffic Impact Study: 19. It may be necessary to restrict left turn egress at the South School Access on Hamilton Road due to LOS/delay deficiencies. The TIS indicates that left turn egress at this access will be limited to staff only. Please provide analysis of this intersection with left turn egress restricted and redirect left turning vehicles to the signal at the North School Access. Additionally, please evaluate the North School Access with these additional outbound left turn vehicles to determine impacts of the restriction of the South School Access.
 31. Traffic Impact Study: 20. Additional comments may be provided after reviewing the Synchro files and signal timing outputs.
 32. Utility plan has been included with second submission. Planning Commission-level review of utilities awaiting requested calculations.
 33. Traffic Impact Study's second submission is currently in review. Comments will be provided separately once available.
 34. Engineering plans (including sanitary sewer calculations) are under review. Comments will be provided separately once available.

If you have any comments or questions, please contact me at kelly.wicker@gahanna.gov or (614) 342-4025.

Sincerely,

Kelly Wicker
Planning and Zoning Coordinator