

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Wednesday, May 22, 2002**

**7:00 PM**

**City Hall**

## **Planning Commission**

*Richard A. Peck, Chair  
Jane Turley, Vice Chair  
Cynthia G. Canter  
Candace Greenblott  
P. Frank O'Hare  
Donald R. Shepherd  
Othelda A. Spencer  
Tanya M. Word, Deputy Clerk of Council*

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

Gahanna Planning Commission met in Regular Session in the Council Chambers of City Hall, 200 South Hamilton Road, Gahanna, Ohio on Wednesday, May 22, 2002. The agenda for this meeting was published on May 15, 2002. Chair Richard A. Peck called the meeting to order at 7:00 P.M. with the Pledge of Allegiance led by Planning Commission member, Candy Greenblott.

**Members Present:** Richard Peck, Jane Turley, P. Frank O'Hare and Candace Greenblott

**B. ADDITIONS OR CORRECTIONS TO THE AGENDA - None**

**C. APPROVAL OF MINUTES: May 8, 2002**

A motion was made, seconded by Greenblott, to approve the minutes of May 8, 2002. The motion carried by the following vote:

Yes      4      Chairman Peck, Vice Chairman Turley, O'Hare and Greenblott

**D. HEARING OF VISITORS - ITEMS NOT ON AGENDA - None**

**E. APPLICATIONS:**

Chair stated Public Hearing Rules that would govern all public hearings this evening. Assistant City Attorney Ray King administered an oath to those persons wishing to present testimony this evening.

**FDP-0006-2002**

To consider a Final Development Plan for Academy Park; to allow for an addition to the Shelter House; for property located at 1201 Cherrybottom Road; by City of Gahanna, Raleigh Mitchell, applicant. (Public Hearing Advertised in RFE on 4/3/02). (Public Hearing held on 4/10/02, 4/24/02).

Chair opened Public Hearing at 7:09 P.M.

Chair read letter from applicant requesting to withdraw the application.

Chair asked for Opponents. There were none.

Chair closed Public Hearing at 7:10 P.M.

**Withdrawn**

**DR-0024-2002**

To consider a Certificate of Appropriateness; for property located at 1201 Cherrybottom Road; Academy Park by City of Gahanna, Raleigh Mitchell, applicant.

See discussion on previous application.

**Withdrawn**

**CU-0004-2002**

To consider a Conditional Use application to allow automotive services except repair; for property located at 4300 North Hamilton Road; Gahanna Self Serve Car Wash, Tom Donley by Glen A. Dugger, applicant.

Chair opened Public Hearing at 7:10 P.M.

Glen Dugger, 37 West Broad Street, stated he would like to express his gratitude to the Planning Commission for allowing him to come back and present this application to the full board; would like to talk about reasons why this Commission has been successful and has worked well in the past; while I know there are principle objections to this and I

do respect those objections, would like to talk briefly about this whole process; my impression is that this process works very well; it does because there is some level of certainty in the process; knows that the Administration works very hard to make sure that this process (although not without conflict) goes as smoothly as possible; admire the way this process works and what this Commission and Administration has done; you've adopted the Heartland Plan, the North Triangle Plan, as well as the Olde Gahanna Plan; we brought this property to the board some time ago; some members were not on the board; some members objected to it at the time; think there was a clear consensus that we should green light the general idea; the burden was on us to perform from the standpoint of landscape, architectural site plans and some of the subjective components; when we come before the Commission, we strive to present a clean cut presentation with no hidden surprises; at no point did we hide what we were doing or what we were about; thinks this process needs that level of trust and understanding and certainty as we go through it; we're all significantly worse off if there isn't that level of certainty and understanding in the process; don't know if we get the quality of projects that we hope to have and the City aspires to if we aren't able to provide some assurance to the applicants to spend the time, money, and effort to go forward in a very arduous process; don't want to imply that the Commission has been anything inconsistent in this respect; just would like to consistency all the way across.

Chair asked for other Proponents.

Larry Canini, Canini & Pellecchia, 430 Beecher Road; stated that as a large landholder in that area, we are in support of this project; think that it is something that is needed in that area; believe that Donley will stand behind this car wash project; think this will be a great fit for that corridor.

Chair asked for Opponents.

Tom Liskay, 457 Tresham Road; stated he is against the car wash as proposed in this conditional use application; followed the development of the North and South Triangles; much impressed with the development that has gone on there thus far; don't think the car wash will fit in the triangle; afraid that if you pass this application that you will set a new precedence for that area; thank the applicant for proposing a number of improvements; in the final analysis believe that everything has it's rightful place and this is not the rightful place for a car wash.

William Johnson, 1028 Ridgecrest Drive; stated that his home is in the Academy Ridge subdivision; the Planning Commission should disapprove the application for one of the following reasons as in the Gahanna Code 1169.03(c) : (1) the proposed use is not a conditional use of the zoning district, or the applicable development standards are not and cannot be met;; however, if we look at 1153.03(b) - Conditional Uses--Consumer Services, assume that it is being proposed under 754 - Automotive Services, except repair; what I want to argue is whether or not it qualifies under number three; it should also have to qualify under number one because it is a drive in facility; the reason why I believe it has to qualify under number one also is because if you look at number one it also talks about gasoline service stations; know this is a technical, legal interpretation issue, but what I'm looking at is the fact that it mentions gasoline service stations; gasoline service stations are also a conditional use under number three; why would they be mentioned at all under number one if they are always permitted if they qualify under number three; it would be a useless use of language; one rule of legal interpretation is that we have to give meaning to all of the terms in a legal ordinance or statute; so there would be no mention of 554 gasoline service stations under number one if they were always permitted under number three; what that means is that sometimes gasoline

service stations are not permitted, specifically when they have their drive-in facility and they are less than 25 feet from a residential zoning district; now if they were always permitted under number three, they could never be ruled out under number one, so what I'm saying to you is any automotive use that involves a drive-in facility has to qualify under both number three and number one; now does it qualify under number one; don't think there is a permitted use here; it is being developed by itself as a car wash; think this is a straightforward violation of 1153.03(b); it's not a conditional use, it does not qualify under number one; what are the interior walls of the bays made of; if the material is not concrete and the Commission decides to approve this application, it needs to be made explicit what the material is; with the car wash, the interior or exterior walls are not like an enclosed building where you drive by and all you see is the exterior walls; the interior walls are just as visible as the exterior walls; therefore when the applicant is looking at the quality of materials that should be in those exterior walls, they should be looking for materials of the same type that we want in this area on exterior walls, which are brick, stone, stucco, and wood; the stucco is never by itself, it is always in combination either with wood or with brick; my next point is that I didn't see where the trees were being saved; hope that the trees would be saved; as the previous resident stated this is not in keeping with the standards of this area; it is a harm to the community; we have car washes; get my car washed every week; don't need a car wash that is a couple blocks closer.

Chair asked for Rebuttal.

Dugger stated the interior walls of the car wash will be concrete and will be painted; that is the appropriate treatment for that type of functional wall; there are two residential lots; the lot to the north is used as a beauty salon; the lots in the township; there is no reasonable expectation given that existing commercial use that the property would be made a part of the City; this actually got under way when I received a call from the Department of Development asking me whether I had various people interested in annexations in the North Triangle; this was one that I was talking with Donley about; that was the initial conversation with the City; the trees that are in front of this property actually belong to the City as they are in the right-of-way; the plan notes that we will be preserving the two large maple trees further back in the front yard.

Peck commented this application has been before us a number of times; believes that in regards to a development plan; we have looked at sight lines; making sure that's it consistent with the lot next door; we have gone back and asked the applicant to move it back to a perpendicular use to minimize the exposure of the interior walls of the bays; asked Donley were the interior walls of the bays poured or blocked. Donley replied poured. Peck stated that the poured wall would present a smoother surface in terms of maintenance; as Dugger has stated, the Commission has worked with the applicant to preserve as many trees as possible within the landscaping plan and to beef up the landscaping to the adjacent properties; at the last public hearing we did not vote on the Final Development Plan or the Design Review; we had a tie vote on the CU.

O'Hare asked when I'm washing my car at the car wash are you connected into the sanitary sewer. Donley replied yes, but for car washes you have special sewer requirements; in each bay there is a holding pit and then there is another pit behind the car wash or located somewhere on the property; then it goes to the sanitary sewer. O'Hare replied that if I were washing my car at home, my water goes to the storm sewer; has your associations ever mentioned that washing in the driveways causes harm to our water ways. Donley stated that it is clearly a problem; what Franklin County does is when we haul the residue from the pit to Franklin County, they don't check it every time; you have to tell them what the source of waste is, so it is monitored.

Spencer asked what will be the hours that the car wash will be manned. Donley replied it depends on how busy we are; if it is a Saturday, generally there will be somebody there; through the week when business is a little slower, two hours in the morning and two hours in the evening.

Spencer stated he is in support of this application with the stipulations that have been added to it; the use of a car wash will not adversely impact the area and the development in the area; believes that the Commission has worked with the applicant in trying to implement as many things possible that would create good design and use in the area.

Turley commented that she can not support this conditional use application for the following reasons: In accordance with Section 1169.03 - Actions of the Planning Commission, believe that this development will have an undesirable effect on the surrounding area; concerned with the negative effect the establishment of an automotive use will have on surrounding undeveloped sites; think that we should try to maintain the standard that has been set by Dr. Hutta's building and other buildings in the interior triangle area; allowing automotive use in this area will make it a harder sale for those parcels; it is very likely that we are going to be inundated with requests for other automotive related uses in this area; think that the noise from the vacuum and the water hoses will be considerable for the interior triangle lots and neighboring businesses; the lights that will be lit up 24 hours a day, 7 days per week, believe that the proposed development will not be in keeping with the existing land use character and physical development potential of the area; there is no other automotive use near this proposed development; the only other automotive use in the entire north triangle area is the Monro Muffler at the intersection of Morse and Hamilton; in that situation there were three existing gas stations on the other corners; believes that is an entirely different setting; for these reasons, will not be supporting the conditional use application.

Chair closed Public Hearing at 7:33 P.M.

**A motion was made by Greenblott that this application be Approved with the condition that the usage will be for the car wash only in accordance with FDP-0007-2002, subject to the dedication of right-of-way; conditioned to the owner Mr. Tom Donley and his son Kevin Donley. The motion carried by the following vote:**

**No            3            Chairman Peck, Vice Chairman Turley and Greenblott**

**Yes            1            O'Hare**

**FDP-0007-2002**

To consider a Final Development Plan for a self serve car wash; for property located at 4300 N. Hamilton Road; Tom Donley by Smith & Hale, applicant. (Public Hearing. Advertised in RFE on 4/18/02). (Public Hearing held on 4/24/02, 5/8/02, 5/22/02).

Peck stated although he was opposed to the Conditional Use; believe that the Final Development Plan is consistent with the plans in that area; will support this application

**A motion was made by Greenblott that this matter be Approved. The motion carried by the following vote:**

**Yes            3            Chairman Peck, O'Hare and Greenblott**

**No            1            Vice Chairman Turley**

**DR-0026-2002**

To consider a Certificate of Appropriateness; for property located at 4300 North Hamilton Road; Gahanna Car Wash, Tom Donley by Glen A. Dugger, applicant.

Spencer thanked the applicant and property owner for their design; they have gone over and above what a normal car wash does in terms of design with the use of brick; the applicant has gone a step up from what is normally seen at car washes by using poured concrete for the interior walls.

**A motion was made by Greenblott that this matter be Approved. The motion carried by the following vote:**

**Yes 3** Chairman Peck, O'Hare and Greenblott

**No 1** Vice Chairman Turley

**FDP-0008-2002**

To consider a Final Development Plan for X-F Site Development, Phase I; to be located on the North side of Claycraft Road, 1000' West of Taylor Station Road; by P & L Systems, Inc., Mike Casale, applicant. (Public Hearing. Advertised in RFE on 5/2/02). (Public Hearing held on 5/8/02, 5/22/02).

Chair opened Public Hearing at 7:45 P.M.

Mike Casale, 171 Charring Cross Drive, Westerville, OH, stated it was discussed in workshop about truck access to the site; in the site plans we submitted last Friday, we did open the area to allow truck access; we are withdrawing our application for the side yard setback on the east side of the site; the overhead doors will be pre-finished metal white insulated doors; the proposed parking provided is 94 and we are required to have 82; we turned in revised landscape plans that corrected the door locations; did not change plant materials that was originally submitted.

Chair asked for Opponents. There were none.

Canter asked regarding the variance that you are requesting now has changed; thank you for the reduction in the variance request; however, with the Final Development Plan, the Commission will need one that reflects the request; does this reflect your request. Casale replied yes it does; we are requesting a 10 ft. rear yard setback which is in the back of the warehouse; we are proposing an addition to the existing building of 1300 sq.ft.; still need a variance because it is encroaching in the existing side yard. Canter asked what is the side yard requirement. Casale replied 25'. Canter asked what about on the eastern side. Casale replied that we don't encroach with the current plan so we are dropping the entire east side. Canter asked what these future proposed buildings would be used for. Casale replied the proposed buildings were shown because the staff asked for them to be shown on the plans; we are not asking for anything regarding those buildings; as you will note on the plans, those areas will remain green until some stage when we are ready to propose those buildings.

O'Hare stated looking at the plan, does your existing building encroach over the property line. Casale replied yes, it has been that way for years and years; we don't propose to change that; our addition that we are proposing into the setback is short of where the existing building already encroaches. Canter asked how much are your encroaching into the setback with the proposed plan. Casale replied about 5 feet plus or minus.

Chair closed Public Hearing at 7:52 P.M.

**Heard by Planning Commission in Public Hearing**

**A motion was made by O'Hare that this matter be Approved with the condition that all existing easements and utilities must be maintained and not disturbed by construction. The**

**motion carried by the following vote:**

**Yes 4** Chairman Peck, Vice Chairman Turley, O'Hare and Greenblott

**V-0013-2002**

To consider a variance application to vary Sections 1155.05(b) and 1155.05(c) - Yards Required; for property located on the North side of Claycraft Road, 1000' West of Taylor Station Road; to reduce side yard width less than 25'; to reduce depth of rear yard less than 30'; X-F Construction Services by P & L Systems, Inc., Mike Casale, applicant. (Public Hearing. Advertised in RFE on 5/2/02). (Public Hearing held on 5/8/02).

Turley stated that she will support this variance application; the special circumstance here is that they are extending from the location of the existing building which already establishes it's own setback.

**Heard by Planning Commission in Public Hearing**

**A motion was made by O'Hare that this matter be Approved using the drawing that was submitted May 17, 2002. The motion carried by the following vote:**

**Yes 4** Chairman Peck, Vice Chairman Turley, O'Hare and Greenblott

**DR-0028-2002**

To consider a Certificate of Appropriateness; for property located at 1120 Claycraft Road; by P & L Systems, Inc. Mike Casale, applicant.

**A motion was made by O'Hare that this matter be Approved. The motion carried by the following vote:**

**Yes 4** Chairman Peck, Vice Chairman Turley, O'Hare and Greenblott

**Z-0007-2002**

To consider a zoning application on 38.8 acres of annexed property located on the North side of Taylor Road immediately east of Rice Avenue; requested zoning of SF-3 ROD; Homewood, by J.C. Hanks, applicant.

Chair opened Public Hearing at 7:56 P.M.

J.C. Hanks, attorney for Homewood Corporation, 750 Northlawn Drive, Columbus, OH; stated that he would like to introduce the project and give the Commission some idea of the scope of our effort to prepare for this application; then some consultants, Linda Menerey, who is the land planner will talk about the plan itself and the changes we've made since previous applications; Greg Comfort, a partner with EMH&T will talk about some significant studies that we did concerning site characteristics such as drainage, environmental concerns and soils in preparation for this application; as stated earlier, we have retained EMH&T to do a lot of the engineering work for us; they have not only put together a comprehensive storm drainage design that we think adequately addresses storm drainage issues, they also analyzed the soil borings from years ago; their traffic division has looked at impact of these lots; it appears that with the widening of Taylor Road, there is no need for a traffic study; the impact will not be very severe; we have met with the City a number of times on many facets of this application; we have also met with the Ohio Department of Natural Resources; ODNR has written a letter which was included with the application stating that they have reviewed the plans for Foxwood and feel that our efforts and plans will contribute to the protection of the remaining natural features of Gahanna Woods; they are in support of Homewood Corporation's desire to obtain the appropriate zoning to implement the Foxwood project; we are making every effort to address everyone's concerns; we have gone as far as working with ODNR to put together a list or brochure that lists prohibited or invasive plants; there has been concern

that certain plants or flowers can grow out of control and damage the reserve; we're going to put together a brochure that will be given to all prospective buyers outlining what can and can not be done; there have been a number of concerns raised by the homeowner's association of Rathburn Woods; we have attempted to answer those questions and concerns; we believe that and have gotten the representation from the president of the Homeowner's Association that the vast majority of the members of the homeowner's association at least do not oppose the development even though we understand that if given an option they would not want to have it, which is understandable; believe that we have worked well with them.

Linda Menerey, stated that Hanks talked a little bit about the big picture, I'm going to discuss a little more from the site plan; as Hanks stated we have been here a number of times; a few differences from previous we have been in here with 78 or 79 lots; this plan is now down to 72 lots; all lots meet the SF-3 zoning classification; we are going to do a minimum 80 ft. of frontage at the building setback line, 11,000 sq. ft is the minimum lot area; we have approximately 9.1 acres of open space in three main areas on the site; the largest area is about 5.5 acres which is where the Button Bush swamp is; this is an area that we have worked very diligently with ODNR on; the second area is a reserve closer to Taylor Road; it's an area that to the east of it, the City owns the property, and the Metro parks own the piece directly to the north; this is approximately 3 acres in size; is adjacent to some parkland that the City owns currently; we hope that this gets developed in conjunction with the City parkland to be a more informal type park; the third area is Reserve C and is fairly small in size; there is an existing wetland pond that is in there; we are going to preserve that area and provide an elevated walk way; the other issue that we have had a lot of discussion with the residents of Rathburn Woods and the City is what pertains to the ROD; one thing that we are modifying are the setbacks; for the neighborhood, it was important to them and to us that we preserve the trees that are along the western property line; the ROD requires a 35 ft. front yard and a 25 ft. rear yard; we are keeping that same distance, but we are cutting the space in the front and adding it to the back; that would be consistent throughout the whole plan.

Gregory B. Comfort, Managing Partner at EMH&T, stated we have met with the residents; we have worked a drainage plan that we think addresses a lot of the concerns; there is a wetland that is very pristine; there was a concern about taking any kind of storm drainage into there and potentially contaminating; our plan has deliberately taken all the storm drainage away from the wetland and brought it down to the south; the second concern was with the neighbors along the north on Spruce Hill Drive; there are some wooded areas in the back that are relatively flat; we're providing some rear yard drainage to help facilitate that drainage; regarding soils, there were some questions regarding the suitability of the site; if you look at the package, there are innumerable number of soil borings taken over the last five years that basically delineate where the good areas are to build versus the bad areas; the areas in green are definitely not buildable areas.

Chair asked for Opponents.

JoAnn Willis, 967 Caroway Blvd, representative from the Rathburn Woods Civic Association; here this evening not as an opponent, but as an interested party; the president, John Rosan, was unable to attend this meeting and sends his regrets; the Rathburn Woods Civic Association met at its general membership meeting on December 11, 2001; at this meeting we demonstrated a number of concerns with the Foxwood Development; wish to address those concerns with the Homewood Corporation; the items that they had listed were (1) all homes would have basements because of the wet nature of much the property; (2) that the ranch homes in this development would have a



minimum of 2000 sq. feet; (3) that two-story homes would have a minimum of 2200 sq. ft; (4) all homes would be required to have all natural front exterior; (5) also requesting that there would be a 35 ft preservation zone or a buffer for those properties that are adjacent to the Foxwood Development; (6) also requested that there would be deed restrictions that would be similar or consistent in nature with those restrictions that are in Rathburn Woods; there were a series of communications between Rathburn Civic Association and Homewood Corporation; many of those conditions have been met through the drafted deed restrictions; there were also a number of concerns that have been mentioned by the developer regarding environmental concerns such as water run-off and soil composition; the association's position is that we hope that the City would address these concerns; they have the expertise to assess and analyze the conditions on this site, and will do whatever is necessary to assure that there are no adverse impacts on the existing homeowners or the future homeowners.

Chair asked for Rebuttal.

Menerey replied that Willis mentioned a few things; with the exception of the 35 ft. preservation zone in the back which we physically don't have the space to do; we have agreed to do all homes with basements; have agreed to the ranch homes at 2000 sq. ft, and the two-story at 2200 sq.ft., which is in the text; we also have committed to the all natural fronts and the deed restrictions are in consistent with what they have; Willis is correct in saying that we have met with them on several occasions; believe that with the help of EMH&T and Comfort, we have tried to address as many as those environmental concerns as possible.

O'Hare stated in the letter dated March 19, 2002 from the ODNR, where they talk about covenants and restrictions about the planting of invasive plants; what I'm wondering is how do sub-divisions do this; do you have the plant police or what; that's not a task that the City would like to take on in terms of plant police. Menerey stated that we kind of had this discussion about the preservation zones as well; how does the policing happen; have to say that the best police person is your neighbor; you are told that before you purchase your house; it is also written in your deed restriction.

Peck commented that one of the problems that we run into not with the first owner, but typically with the second or third owner, someone sees a restriction on their deed, they somehow think that doesn't apply to them.

Turley asked has there been a tree survey done on this property. Menerey replied that she wouldn't say there is an actual tree survey that identified every single tree; the survey that we have has identified tree massing. Turley stated that the area that she is questioning is this big loop in the middle of the road. Menerey stated that she would hope that they would be able to save the trees.

Canter asked who polices the drainage so that it doesn't get to the swamp; when Farm Creek was developed, Charlie Ruma had very extensive deed restrictions about setbacks; they had 100 ft. setbacks from certain places because of bug infestation; there was a lot in their deed restriction about the properties that abutted the park; about protecting them from the bug issues; if we are anticipating similar problems with this development, you might want to check further into this. Hanks stated that the plan five years ago had drainage coming from the sub-division down into the wetland, that was a concern; basically what you have along the wetland is all the drainage from the public right-of-way, plus all the downspouts from the houses coming out to the street; there is a 100 ft. no disturb buffer; we have no storm sewer or downspouts to be permitted to be tied in.

White stated that we just changed code sections in relationship to the no-build zone so that it is clarified that if they're on the deed restrictions and on the plats what the no build zone means; also the preservation zones which are even more restrictive; if in fact there is a preservation zone, then it means that the applicant can not, and unfortunately we have to under code enforcement, enforce it; which makes it difficult for the occasional violator; most people will comply.

Chair closed workshop at 8:21 P.M.

Workshop will be on June 5th at 6:15 P.M.

**Heard by Planning Commission in Public Hearing**

**V-0015-2002**

To consider a variance application to vary Sections 1165.10(a) - On-Premises Wall Signs; (Variance to increase wall signs on primary (Hamilton) and secondary (Giant Eagle Drive) frontage to two; Primary wall is Hamilton; secondary is Morse; 1163.02(a) - Minimum Number of Parking Spaces Required; for property located at Morse & Hamilton Roads (Lot D); to allow two wall signs; to allow less than the minimum number of parking spaces; Tumbleweed Southwest Grill by Gahanna Properties, L.L.C., by Kathy Rojina, applicant. (Public Hearing. Advertised in RFE on 5/16/02). (Public Hearing held on 5/22/02, 6/12/02, 6/26/02, and 7/24/02).

Chair opened Public Hearing at 8:21 P.M.

Glen A. Dugger, 37 West Broad Street, asked that this application be discussed with the other applications for the Hamilton/Morse Road project.

Chair closed at 8:21 P.M.

Chair advised that this application will be discussed further in workshop on June 5th at 7:45 P.M.

**Heard by Planning Commission in Public Hearing**

**DR-0032-2002**

To consider a Certificate of Appropriateness; for property located at Morse and Hamilton Roads (Lot D); Tumbleweed Southwest Grill by Gahanna Properties, L.L.C., Kathy Rojina, applicant.

See discussion on previous application.

**Discussed**

**V-0016-2002**

To consider a variance application to vary Section 1141.08(c) - Yard Requirements; for property located at 1284 Totten Drive; to reduce the required side yard minimum on the north side of lot 66 from 5.0' to 4.3' to accommodate house that was improperly surveyed by applicant; by Hoy Surveying Services, Inc., John C. Gallagher, applicant. (Public Hearing. Advertised in RFE on 5/16/02). (Public Hearing held on 5/22/02).

Chair opened Public Hearing at 8:22 P.M.

John Gallagher, General Manager of Hoy Surveying Services, 5750 Chandler Court, Westerville, OH, stated initially in the layout of this lot, Lot 66 in The Greens at Clarenton, we made a mistake in the actual turning of the angles to set up the side property lines of the set lot; we set this house parallel to those lot lines that we initially set up; when we found this error we were surveying the lot next door, Lot 67; we then corrected the lot lines, in correcting the lot lines, we found that the left rear corner of Lot 66 was set at 4.3 ft which is 7/10 of a foot into that side yard minimum; my company stakes close to 4000 homes a year in Central Ohio; been with the company for 11 years; we do make human error; hopefully we keep those to a minimum; it is our desire for this

variance to be granted; would be happy to answer any questions the Planning Commission might have.

Chair asked for Opponents. There were none.

Canter stated that the Commission was concerned as a board; if the error was made the first time and then you went back and re-surveyed it, you have it wrong once, then you have it right once, we would like an independent survey of it done that confirms the corrected survey; when we're granting the variance we feel that we need an independent survey because you went back and corrected your error. Gallagher confirmed you want an independent survey of another company. Canter replied someone other than Hoy Surveying Services who could come back and confirm your findings; is this agreeable to the applicant. Gallagher replied that the home buyers would like to move forward, the house is essentially complete; how far back would this set back the decision making process. Canter replied the next Public Hearing will be June 12th; when are they prepared for occupancy. Gallagher stated the homeowners are actually trying to close this matter at the end of this month if at all possible. Canter asked when was this error recognized. Gallagher stated roughly around 3 to 4 weeks ago. O'Hare stated that when you are out in the field you have a crew doing this. Gallagher confirmed that is correct. O'Hare were you supervising this crew. Gallagher replied no, I'm in the office. O'Hare asked so there is no Crew Supervisor supervising the crew. Gallagher replied no, not on site, it's actually checked by our professional surveyor when the notes come back in; the notes were checked; no mathematical error was made in calculating where the lot lines go; however, a human error was made in actual turning the angle. O'Hare commented that he wants verification. Peck stated that the feeling of this Commission is to have an independent surveyor perform a survey to confirm your findings. Gallagher stated that the initial drawing that was given as a proposal is exactly that, a proposal; what we propose to set up, it just did not get set up that way; the as built drawing that accompanied the application shows how the actual foundation was set within the property; the home to the right is currently being built, it is in the foundation stages now; the home to the left has not been sold by M/I Homes as of yet; when it is sold, we have been told by M/I they will build a home that will allow for at least 10 ft. of clearance which would be in any other lot in the sub-division with the condition that those homes were built at the 5 ft. minimum. O'Hare replied if I understand your explanation, this thing could domino from the next lot to the next to next. Gallagher replied no it could not, this is just within this lot only; think that the 5 ft minimum requirement is asking to have 10 ft between structures minimum; so when M/I sells the home for Lot 65, they will build a home that has the width allowable to still maintain that 10 ft. Peck stated that he sees two issues; one is with the verification of the survey; the other is maintaining the 10 ft.; see the 10 ft as a safety issue; the 10 ft requirement is not a whole lot of room; that access has got to be maintained; understand that accommodation could be made on the next lot; however, would like to see some type of documentation because I do not want to get into this again with Lot 65. O'Hare commented that we catch it now and get it corrected, hoping that is right from here on out. Spencer asked on the 10 ft is that a combination of two side yards. Gallagher replied yes it is. Spencer asked could you go back and re-clarify what you are proposing. Gallagher stated that the drawing shows a 6.17 ft side yard on a proposed home for Lot 65; given that you have more than a 10 ft. clearance between the two structures; Lot 65 is a vacant lot at this time. O'Hare asked where did you say they started digging the basement. Gallagher replied Lot 67.

Sadicka White, Director, Department of Development, stated just want to explain about the side yard setback; you are dealing with this lot specifically, not the other lots; the plat calls for minimum 5 yd setback; it doesn't matter if I decide to build on either side and I want more; I want to build a skinnier house; I can do that, which means I would

have more side yard because I don't want to be next to someone; however, if I want to maximize the width of my house, it says that I can build up to 5 ft, so if the Commission grants the variance for this Lot 66, it is based on that it encroached upon that minimum requirement setback of 5 ft; if you believe that this encroachment is verified, whether 3 in. or 6 in.; once it's verified, then you have to say is that encroachment too much or is that encroachment reasonable and therefore you're going to grant it. Canter commented that there is nothing with can do with Lot 65; we need the independent survey to verify the numbers; don't think we can condition the variance on what they might do on Lot 65. Peck stated that M/I could re-survey and do the deed and put the lot in compliance; then shorten up the next one, then build that one within the 5 ft; maybe that's the simplest solution; if they want to re-draw the lot line and move it over 6 inches and issue a couple of new deeds, that would be the simplest way around it; then neither property would require a variance. Gallagher asked so there is a way to get around this without a variance. King commented that you could do a Subdivision Without Plat. Gallagher asked is this feasible. Peck stated that it is not feasible by the end of the month; certainly as the applicant you have the right to ask us to vote the variance tonight; we would certainly do that; can't predict how Commission would vote. Gallagher stated that he would go with the Commission's suggestion; if you want an independent survey, we will get it. White stated that they could do a property transfer. Peck commented if they were able to do a property transfer using deeds and have two lots that are in compliance, then they would not need a variance. Gallagher asked is this land transfer allowable in this sub-division. King stated the only problem is this going to create a substantial lot. White stated that the ROD requires at least 60; if that lot is 66, then you can't do it. Peck asked the applicant to bring a letter of verification from M/I to the public hearing on June 12th. Gallagher said he would.

**Heard by Planning Commission in Public Hearing**

**F. UNFINISHED BUSINESS:**

**G. NEW BUSINESS:**

**DR-0033-2002**

To consider a Certificate of Appropriateness for Signage; for property located at 471 Morrison Road, Suite K; Revealty by Larry Schottenstein; Sign-A-Rama, Steve Thomson, applicant.

Larry Schottenstein, stated he was here for a sign permit; thought that Sign-A-Rama was going to be asking for the permit prior to the sign going up; much to my amazement that was not the case. Peck commented that the applicant should come in and request the sign; see two problems, one is a procedural issue and the other is that I'm not sure this sign blends as well as it should or could.

Spencer asked seeing that the sign is already up, are you willing to meet with the Commission to discuss making corrections to the sign. Schottenstein replied yes. Turley stated that one of her concerns was that the method of construction of the other signs for the lettering is carved out of the aluminum sign band. Schottenstein replied except for the sign next door, the Powerco sign is a white sign with that kind of material. Turley commented that we have allowed logos in some places; the dominate part of the sign is carved out of the aluminium sign band. Spencer stated that the Commission would like to see a darker hue to tie in with the other signs.

Chair stated that this application will be discussed in workshop at 6:15 P.M. on June 5th.

**Discussed**

**DR-0034-2002**

To consider a Certificate of Appropriateness for Signage; for property located at 133 N. Hamilton Road; Wedding Gown Specialist by Advanced Screen Printing, Ken & Cindi Schillig, applicants.

John Phillippi, 624 Chadwood, Store Manager of Clothing Care and Wedding Gown Specialist.

Turley commented that she remembered when Clothing Care come to Planning for signage; asked why didn't Wedding Care Specialist come before Planning Commission before erecting a sign. Phillippi replied that used to be Creations; the owner of Creations passed away about a year ago; the Schlligs, owners of Clothing Care purchased that building; the sign that we had replaced it with were of the same exact size, colors, and materials; apparently we overlooked coming before Planning Commission.

O'Hare asked is the material plywood. Phillipi replied no it is fiberglass.

Canter commented that she would like to see a sign similar to Clothing Care. Shepherd and Greenblott concurred.

Peck stated that this application will be taken to workshop on June 5th at 6:30 P.M.; have the Schilligs bring samples or ideas.

**Discussed**

**DR-0035-2002**

To consider a Certificate of Appropriateness; for property located at 110 & 116 Mill Street; Brookewood Construction by George Parker & Associates, George Parker, applicant.

Ed Maddy, 164 Misty Oak, stated that Parker is a partner of ours on this venture; the houses are located at 110 & 116 Mill Street, the two old battleship gray color houses; we are as concerned as the Commission is about getting the right color combination on the exterior; met with Parker and picked colors, keeping them in the same color family as the other homes on Mill Street; the gutters will be Linen; the roofing will be Gray; the siding will be a Brewster Gray, the trim, and windows will be Harbor Gray; this is for the house at 110 Mill Street; the house at 116 Mill Street will have Desert Sand gutters and downspouts; the siding will be Ashley Gray; the trim and the windows will be Grant Beige.

O'Hare asked is the roof slate or shingle. Maddy replied slate. O'Hare asked where did you get your slate. Maddy replied they were taken off some old houses that had similar slate roofs.

**A motion was made by Greenblott, seconded by Vice Chairman Turley, that this matter be Approved. The motion carried by the following vote:**

Yes      4      Chairman Peck, Vice Chairman Turley, O'Hare and Greenblott

**H. COMMITTEE REPORTS:**

**Committee of the Whole**

Chair stated that the Commission will be have a Plenary Session next week, Wednesday, May 29th; this session will be a field trip to the YMCA in Powell; on the way there and back, we will be discussing the land use plan.

**Gahanna Jefferson Joint Committee - Canter.**

Canter advised the next meeting is in July.

**Creekside Development Team - Greenblott.**

Greenblott stated we have started choosing materials. Next meeting on May 29th.

**I. OFFICIAL REPORTS:**

**City Attorney - No Report**

**City Engineer - No Report**

**Department of Development - No Report**

**Chair.**

**J. CORRESPONDENCE AND ACTIONS - No Report**

**K. POLL MEMBERS FOR COMMENT.**

**L. ADJOURNMENT 9:05 P.M.**

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TANYA M. WORD  
Deputy Clerk of Council

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**Isobel L. Sherwood, MMC**  
**Clerk of Council**

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

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**Chair Signature**