

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Wednesday, June 12, 2013

7:00 PM

City Hall

Planning Commission

Donald R. Shepherd, Chair

David Andrews, Vice Chair

Joseph Keehner

Jennifer T. Price

Kristin Rosan

David B. Thom

Thomas J. Wester

Donna L. Jernigan, MMC, Senior Deputy Clerk of Council

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

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

Gahanna Planning Commission met in Regular Session in the Council Chambers of City Hall, 200 South Hamilton Road, Gahanna, Ohio on Wednesday, June 12, 2013. Chair Don Shepherd called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Planning Commission Member Price; agenda for this meeting was published on June 7, 2013.

Members Present: Donald R. Shepherd, David B. Thom, David K. Andrews, Jennifer Tisone Price, Joe Keehner and Thomas J. Wester

Members Absent: Kristin E. Rosan

B. ADDITIONS OR CORRECTIONS TO THE AGENDA.

C. APPROVAL OF MINUTES: May 22, 2013 Regular Meeting

A motion was made by Wester, seconded by Price, to approve the minutes of the May 22, 2013 Regular Meeting. The motion carried by the following vote:

Yes 6 Shepherd, Andrews, Thom, Price, Wester and Keehner

Absent 1 Rosan

D. HEARING OF VISITORS - ITEMS NOT ON AGENDA.

E. APPLICATIONS/PUBLIC HEARINGS:

CU-0003-2013

To consider a Conditional Use application to allow a 3.93 acre portion of the parcel to be used for Agricultural purposes; 500 North Hamilton Road; Franklin County Board of Developmental Disabilities, Dorothy Yeager, applicant. (Advertised in RFE 3/21/13)

To be postponed to the July 24, 2013 meeting.

A motion was made by Price, seconded by Andrews, that this matter be Postponed to Date Certain to the Planning Commission June 26, 2013. The motion carried by the following vote:

Yes 6 Shepherd, Andrews, Thom, Price, Wester and Keehner

Absent 1 Rosan

V-0005-2013

To consider a Variance Application to vary 1171.03(b) of the codified ordinances of the City of Gahanna; to allow a fence to exceed 6' in height; for property located at 500 North Hamilton Road; Franklin County Board of Developmental Disabilities, Dorothy Yeager, applicant. (Advertised in RFE 3/21/13)

To be postponed to the July 24, 2013 meeting.

A motion was made by Price, seconded by Andrews, that this matter be Postponed to Date Certain to the Planning Commission June 26, 2013. The motion carried by the following vote:

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

Absent **1** Rosan

F. UNFINISHED BUSINESS:

G. NEW BUSINESS:

SWP-0001-2013

To consider a Subdivision Without Plat for property located at 975 N. Hamilton Road; to split 6.381+/- acres from a 11.572 acre parcel; current zoning SO (Suburban Office); Otterbein Homes, applicant.

Gard said this is revised from the lot split that was approved last year; allows Otterbein to purchase more property so there can be a conservation easement to buffer the homes behind this parcel; this is just clean up and has been approved by the County as far as the description goes.

Brian Gruber, 7015 Lighthouse Way, representing Otterbein Homes, said is exactly as Gard said; we purchased property to allow the conservation easement and have more of a buffer area behind us between the neighbors; just cleaning up so that everything is in order.

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

Absent **1** Rosan

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

DR-0012-2013

To consider a Certificate of Appropriateness for installation of a bulk storage tank for nitrogen gas; for property located at 790 Cross Pointe Road; Ometek, Inc., Paul Siders, applicant.

Gard said they are asking for approval of a 15' high nitrogen gas storage tank; gas is necessary for business; will be screened with two sides by a 16' block wall; building will make the third side of the enclosure and a chain link fence with a lock will provide the fourth side; tank will be on concrete pad already poured; engineering has looked at it and said it is sufficient.

Chair asked for questions. There were none.

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

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

Absent **1** Rosan

DR-0013-2013

To consider a Certificate of Appropriateness for signage for Hunters Ridge Mall; to move the existing cabinet up, to install one new sign and two mounting cover replacements; property located at 304-368 North Hamilton Road; Bri Bailey/Sign Vision, applicant.

To be postponed to the July 10, 2013 meeting.

Gard said they are asking for approval to move the existing panels up 20" so they can add 4 new panels at the bottom of the tenant panel on the sign; we do have the colors of the sign and the materials.

Jeannie Biller, 987 Claycraft Rd., said basically we have approval from Kroger, on the Kroger Market Place sign to move the existing sign up; the owner of the shopping center has interest from retailers currently in the shopping center who would like visibility and advertisement of their business on the sign; right now there is no room to add any more tenants so that is why they are adding a second cabinet to the bottom that they could divide into two or four tenant panels; right now they have three retailers who are interested; so will probably divide into four; will use the same materials and colors; we manufactured the existing sign; will blend and look to be one continuous cabinet.

Wester asked with this sign are all of the backgrounds going to be white? Biller said right now not all of the tenants have signed on; the tenants will have to lease, so it will be written into their lease and they will purchase a spot; I do not have the names or the designs of who those tenants are; as you see Tuesday Morning is not a white background so enforcing that would be hard from the landlord's point of view, for what their tenant panels would have to be, since another color panel is already there.

Shepherd said I think that is what we are getting at; we don't like the red with the white; we thought it should have been reversed; we want that changed. Biller said I don't know what was originally approved through the original sign. Shepherd asked Gard do you know what was originally approved. Gard said the original approval occurred before Tuesday Morning came in; you can request that the additional panels have a white background, but the color may be associated with their business. Biller said I am sure that would be something they could add to their leases that the background color must be white.

Wester asked what is the possibility that the very top member above South Beach Fitness could be radiused to match the arc of the stone. Biller said currently we will not be doing any manufacturing to that existing cabinet; it will simply be unbolted from the sides and scooted up to allow for the second cabinet; the landlord had not considered rebuilding the whole entire sign; that wouldn't be like a quick, easy fab; not only would you have to fab the top, but then what do you do with that space; does the top tenant just have an arched space; I don't think that was considered at all. Wester asked when you refer to tenant is that the people who have space on the sign? Biller said yes; whoever would take that top panel would have an arch to it; so to fill that in with say Tuesday Morning, how would you fill in that top arch; not to mention the cost; the whole sign would have to be refabricated. Wester said can we ask for some options on this, and Shepherd said yes.

Price said I echo Wester's concerns; I feel the sign now with the different scale, and the lack of space between the arch and the top of the panel, really looks like it is just stuck in there, and you said what it is, an easy, quick fix to be able to get more tenants on the sign; I do understand the tenants' need to have signage; I think this is a very dominant sign in a prominent place in the City; should be a little more attractive; adding those two boxes underneath looks like let's just stick this in there and change what we already have; really does change the whole look of the sign; can you explain to me the purpose for the panels on the side; is it decorative or structural. Biller said it is covering the mounting; there are steel bars that get imbedded into the brick to hold it in place. Price said we were discussing in our pre meeting that the opacity that you have covering those bars is unbecoming; by losing that air, but you still have air above it; it is see through on the top and a little bit on the side and then the rest blocked; it seems out of balance. We would like to see some other options that are an improvement aesthetically; whether there is some type of metal work that can be done on the sides to disguise the bars to secure it that you could still see through; whether lattice work or something; we have concerns about the two panels on the side; now it just looks like a rectangle was stuck

underneath an archway.

Biller said there would be no way to change the current mounting of the current sign and the pole covers without refabbing the whole entire sign; the overall portion is 6' X 8' and we are adding a section 3' X 8' so now you have a 9 1/2' X 8' structure that you are building from scratch; it will triple the cost to the owner; it will probably be cost prohibitive and they will just not do the project.

Price said the sign is now increasing by more than 1/3 as well so it is significantly different than what was approved there, so it really does change the specs for the whole sign in my opinion; is a significant change. I would like to see some of our concerns addressed even if it means refabrication; speak with Kroger and other tenants can be approached to see what other options there might be; try and address some of our concerns and see what you can do that may not be cost prohibitive.

Shepherd said so we are asking the applicant to bring us some options. Biller said I would have to go to them because if they are not going to pay for it there is no reason for it to come back to you. Price said that is what we are asking is to approach the owner.

Thom said in all fairness to them, based on my knowledge, the only way it is going to work is as she said, everything has to go; the existing box signage and the whole thing be reinvented.

Price said it sounds like there are two options; is there another way to disguise the metal that secures the sign to the brickwork beside these opaque panels. Biller said we could do little opaque slats; then you would have four little square pole covers instead of one big one. Shepherd said that is one of the options you can bring us; I think a number of the members would like to have several options to look at; who is actually paying for the sign. Biller said Covington Realty. Shepherd said the people who actually own the shopping center; so they own a shopping center and they are worried about a few dollars. Biller said it would not be a few dollars it would be around \$8,000. Shepherd said so you own a shopping center and you are worried about that; it will improve the center and improve revenues; it's the cost of doing business; not doing quick fixes at the expense of the citizens of Gahanna who have to look at it every day.

Thom said there is one possibility that I can see; some type of artificial curves out of bronze metal be fabricated which is just cutting out a curve, mounting that to that corner and then anchoring those in with rivets or screws, and basically giving you a false image; if you did that on four sides that may be enough to make the difference showing that curve effect; that can be done without much expense. Biller said if you are not worried about being able to see through it at all, then yes some form of metal fabrication part can be made to go in that arch area. Price said I think there may be some signs in Gahanna that use decorative anchors; I think Vista Plaza; Shepherd said that was what he was thinking about. Price said the hardware could be more decorative in nature; we need to find something that addresses some of the aesthetic concerns; it is a much larger sign really closing off the site lines; it needs something, at least a willingness to go back and explore some of the options. Biller said so you want it to be see through or not, or you just want it to be different. Price said I would like to see it somewhat open on the sides. Shepherd said that is one of the options you can bring us; you can always talk to Gard during the week.

Keehner asked if the new addition box has to be under the existing one; can it be on top. Biller said the existing box would have to move in either direction. Keehner said there was interest in there being a possible curve on the top of the sign box; if the new box

was placed on top it could conceivably be constructed with a curved top without too much extra expense; is that possible. Biller said that is possible; it would probably add about \$1,000 to the cost of the sign. Keehner said so that is a possibility; are the poles plain metal and is the conduit inside. Biller said all the wires are inside the pole; pole is made out of steel. Keehner said I'm thinking the poles are more honest than the panels that are covering the poles; so I'm thinking why not just see the poles; I'm more interested in honest signs more than prettified signs; that might be another possibility.

Thom asked if there was anything being done with the current shrubbery underneath; looks like it is growing up above the sign. Biller said yes we will do anything necessary to the existing plants and shrubs below. Thom said I would like to see something lower in scale as the shrubs.

Andrews said I agree with everybody else; need to have at least two or three options other than the one tonight; is a big increase.

Shepherd said probably three options for us to look at; of course you have to talk to the landlord; they may not want to do anything then; use your creativity; we live with the sign every day and we want to make sure that it works for everyone. Shepherd said we will hear this in workshop before the meeting on June 26th at 6:15 p.m.

A motion was made by Keehner, seconded by Thom, that this matter be Postponed to Date Certain to the Planning Commission June 26, 2013. The motion carried by the following vote:

Yes 6 Shepherd, Andrews, Thom, Price, Wester and Keehner

Absent 1 Rosan

DR-0014-2013

To consider a Certificate of Appropriateness for a fence for an outdoor patio area; for property located at 395 Stoneridge Lane; Alumni Club Bar & Grille, V.F.S., Inc., applicant.

Gard said the applicant is looking for approval for an outdoor seating patio area in front of the business located in Stoneridge; would install a black metal railing on both sides of the front door between the columns; same type of fencing/railing as what was installed at Piada and El Vaquero for their outdoor patios; will leave a 5' clearance between the railing and the curb.

Brian Jacobs, 415 Denwood Dr. South, and Rick McGinley 4600 Hunting Creek Dr., Grove City; said they are here representing Alumni Club; Jacobs said we would like to open up fresh air seating for our patrons; opened up kitchen and want to give added seating to our establishment; wanted it designed to give symmetry to the entire Stoneridge Plaza; being the same type fencing and look as the others; had Mifflin Township Fire Department come in and give us approval, and also our landlord has given approval.

Price said I have a couple of questions, and partially just to understand about the liquor license; how that all works; in reading the Fire Dept. comments they talked about there may or may not be gates, and it looks like there will not be gates; is that not required. Jacobs said surprisingly to us it wasn't; one day a Liquor Control agent just stopped by last fall and we said let's pick his brain because we were talking about doing a patio; he said it does not need to have a gate on the front entrance as long as it is designated visually; best example I can give is Piada's is open but it is designated visually; I believe with planters or just the edging of the actual fencing; on the original plans we have done that but after speaking with them and the Fire Dept. we would rather not have it; just keep it open so there is the straight entrance/exit from the front door. Price said then

your preference would be to not have gates, and Jacobs said correct. Shepherd asked if it has to be enclosed. Gard said I don't know; I only know what the Fire Marshall recorded; there are gates at El Vacaro at each end. Thom said the way this is situated you could go ahead and put the gates in anyway, on the sides because you can't put another gate because that is the exit from the main building. Price asked if the door shown here is the main entrance, and is that the only entrance; Jacobs said correct. Shepherd said you have to comply with the Ohio Dept. of Liquor Control; even if we said no gates, they could come out and say put gates or else. Jacobs said we have to put it in and then they have to come out and give approval. Shepherd said I think it might be prudent to put the gates in unless the Ohio Dept. of Liquor Control says you don't need them; could we do something like that. Gard said as long as we have something from the Dept. of Liquor Control stating that.

Wester said I would like to see something from the Ohio Dept. of Liquor Control; I would think you ought to be able to take your drawing to them to review and get their read and then have them address a letter to you to accompany this to say this is what is needed to comply with Liquor Control requirements. Shepherd said I know attorneys that specialize in liquor licenses that know the rules inside and out; is a concern of the board just being open and having liquor coming and going; you said something about the kitchen; are you planning on serving anything other than bar food. Jacobs said I brought a copy of our menu; will have appetizers, sandwiches, salads and wings. Shepherd said the patio could just be packed with drinkers and smokers. McGinley said it is basically for our use; really just a seating area for people where they can smoke if they want to, go outside and eat their food; there is a security issue a lot of people have with drinks being open and left somewhere; they want to take them with them; if they want to go outside and get fresh air; that is a pretty big issue for us; we want people to be as safe as they can be. Jacobs said the low seated tables and chairs will eat up most of that space; not just an open patio for people to stand our there; we want to keep them inside where we make our money, but have that option of being outside; trying to make the kitchen more of a focus in the changing market place of our industry; want to grow in daytime food sales.

Price said as you mentioned they could take their drinks outside and smoke, one of the concerns I have is enforcement of the smoking laws; my understanding is that has to take place a certain distance away from the entryway; point of the law was so you would not have to be subjected to second hand smoke; do you feel you will be able to police that. Jacobs said I don't know how many feet, but when we have the most amount of volume that will easily be policed just with the people we have checking IDs at the front door, will be able to keep them away; as long as there is not a table right by the front door they can walk down the patio toward Blockbuster and I don't see it being a problem. Price said my next question is in terms of public safety; do you recall how many police runs you have in a year, or in the last six months. Jacobs said in a year I cannot imagine more than 3 or 4; very minimal. McGinley said maybe an issue in the parking lot where they call the police, but very rare inside; we try and keep everybody as safe as we can. Price said a lot of children are very close by with Blockbuster and with Marshall's; have a concern about that; needs to be well policed. Jacobs said placement of the tables can help that; place them right and should not have a problem; feel people will be on better behavior because we can see them from the bar.

Weber said smoking rules are governed by the Ohio Dept. of Health and not Liquor Control; difference in jurisdictions.

Gard said that El Vacaro's patio is removable; will this patio be. Jacobs and McGinley said we have not even discussed that. Gard said if there are multiple police runs to the

business and patio area, that could be an option to remove it. Price said I was thinking about a possible conditional use to see how it works and if there are issues; think we have discussed this before with other establishments.

Keehner said I thought the patios had to be enclosed and you had to get to them from inside the building and not from the outside; do not know law so I am hesitant; I like the idea of patios because they are more pedestrian friendly; question is are the laws such that you can have this patio and will you have servers come out from the front main entrance, or do people come in and get their drinks and then go outside; could be a conflict of traffic if your main entrance is also a serving entrance; concerned about the legal aspects of that. McGinley said it is more for a seating, relaxing area; servers will be able to go there; typically people will probably be in, grab their stuff, and go outside; whoever would be working would go out there and check on customers.

Shepherd said Keehner brings up a good question; if you purchase a beer inside and walk out the door with it you are technically not in an enclosed area; now you are out in the public with an open container; if you walked out and it was enclosed it would be one thing, but it's not; you have to open the gate and go into the area; I can see somebody coming up and talking for 10 or 15 minutes and you are not in an enclosed area; now we have a problem; with El Vaquero do they access from the outside or the inside. Gard said from the inside; they actually installed a door. Thom said it used to be a requirement of Liquor Control that you had to have a separate entrance and exit to that enclosed area, which would mean in your case you have to put a second door in; based on what I have seen at Piada and others, they may be relaxing that; right now with the gates in it is closed off; whether that meets the Liquor Control requirements remains to be seen. I agree with Wester to have Liquor Control sign off on that prior to building permit being issued; up to Liquor Control not this Commission to make decision; with or without gates.

Wester said I won't support this based on three items; 1.) I would like to have something formal in writing from Liquor Control in support of what Thom mentioned; 2.) In the past shopping center owners have voiced an opinion or an approval on the railings, i.e., the removal of the same; these appear to be permanent from what I read on the drawings; 3.) the issue of second hand smoke and the Health Dept. and how all that fits in; possibly no smoking within 15' of the door; until I get more information I won't be supporting this. Shepherd said are you requesting we go to a workshop and have them bring this information in two weeks; Wester said yes.

Price said I would like to continue this in workshop as well; just too many unanswered questions; I like what they are trying to do and respect that, and appreciate them wanting to expand their business, diversify and offer more customer service, but I think there are just too many questions; also I do not want them to have to go through the time and expense of us approving this and they have to come back anyway; questions really need to be answered; whatever we say, if Liquor Control comes in and changes it it is another application fee; just too many questions. Gard said they can amend the original application if they have to. Thom said we need to determine what is the correct entrance and egress to the patio by Liquor Control before we approve it. Shepherd said get us something in writing that says this is the plan they will approve; these are valid issues; check with the Health Dept.; get something in writing from them; how many feet from the main entrance door; they can probably direct you to a website where you can print something out. Gard said that is in the police code. Shepherd said before you spend any other money get what can be approved; we are trying to take care of the nuts and bolts and make sure it all works; if you could bring us back something at 6:30 p.m. before the regular meeting; can check with Gard and check with the owner of the shopping center.

A motion was made by Keehner, seconded by Thom, that this matter be Postponed to Date Certain to the Planning Commission June 26, 2013. The motion carried by the following vote:

Yes 6 Shepherd, Andrews, Thom, Price, Wester and Keehner

Absent 1 Rosan

H. COMMITTEE REPORTS:

I. OFFICIAL REPORTS:

City Attorney.

City Engineer.

Department of Development.

Chair:

Shepherd said there is still a need for volunteers for the Blues & Jazz Festival; you can call me or CVB, if you can work.

J. CORRESPONDENCE AND ACTIONS.

SWP-0002-2013 An application to consider a Subdivision Without Plat for property located at 1120 North Hamilton Road; Mercado Real Estate Investments/Bridgestone Retail Operations, LLC; Benjamin Sherrill, applicant. (Subdivision Without Plat was approved Administratively on 5/30/13)

Jernigan said this is FYI, was approved administratively.

K. POLL MEMBERS FOR COMMENT.

L. ADJOURNMENT: 7:58 p.m.; Motion by Wester.

M. POSTPONED APPLICATIONS:

Donna L. Jernigan, MMC
Senior Deputy Clerk of Council

*APPROVED by the Planning Commission, this
day of* *2013.*

Donald R. Shepherd