



# City of Gahanna

## Meeting Minutes

### Planning Commission

200 South Hamilton Road  
Gahanna, Ohio 43230

*Bobbie Burba, Chair*  
*Thomas J. Wester, Vice Chair*  
*John Hicks*  
*Joe Keehner*  
*Jennifer Price*  
*Donald R. Shepherd*  
*Michael Suriano*

*Kayla Holbrook, Deputy Clerk of Council*

*The Commission may caucus at 6:30 p.m.*

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Wednesday, February 8, 2017

7:00 PM

City Hall

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#### **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, February 8, 2017. The agenda for this meeting was published on February 2, 2017. Chair Bobbie Burba called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**Present** 6 - Donald R. Shepherd, Bobbie Burba, Thomas J. Wester, Jennifer Tisone Price, Joe Keehner, and John Hicks

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

None.

#### **C. APPROVAL OF MINUTES:**

[2017-0034](#)

Planning Commission Minutes - January 25, 2017

**A motion was made by Wester, seconded by Shepherd, that these Minutes be Approved. The motion carried by the following vote:**

**Yes:** 6 - Shepherd, Burba, Wester, Price, Keehner and Hicks

#### **D. HEARING OF VISITORS - ITEMS NOT ON AGENDA**

Sissy Howell, 115 Oklahoma Ave., here tonight about chickens; said she does own chickens; some are in favor and some are against; want to point out that for those that do have chickens; they are now being considered pets versus farm animals; heard concerns about chickens making too much noise; not true that all people own chickens for their

eggs; understands they can be loud, but they are pets; understands that some people have voted no; asked why and what can be done; asked that the Planning Commission reconsider; paid \$400 for a vet visit for her chickens recently; would like to ask for an extension to keep them longer; relocating them is a headache; would like to keep her chickens until they die; when she got them originally, she checked with Franklin County; Gahanna did not have any regulations; have had them for a long time; received a letter to get rid of her chickens; has been very stressful; they require a lot of attention; would like any reconsideration.

Edouard Petit, 132 Shull Ave., knows that chickens were voted down; have chickens; did his due-diligence, or thought so, when he got his chickens; checked with all his neighbors; also got approval from all of them; has a letter; they are all in favor of him keeping his chickens; not sure why the Commission voted no; would like to ask why; has raised his chickens from chicks; would like the Commission to vote again or give an extension; have tried to get a variance, but was not permitted due to code; spoke to the Mayor and the City Attorney, Shane Ewald and was told the Commission can re-vote; said chickens live about 5 years, has had his for 3 years; chickens stop laying eggs at the 3 year mark; no one wants to take his chickens in unless they are killing them; is a law-abiding citizen; will get rid of them if he has to; also checked with the Mayor; knows he can have ducks and pigeons; understands the Commission is against chickens; cannot have cats or dogs because of his profession; chickens do not care; considering getting pigeons instead; checked with the City Attorney and they are permitted; what is the difference in chickens and pigeons or ducks; would like to keep his chickens.

#### **E. APPLICATIONS/PUBLIC HEARINGS:**

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

##### [DR-0004-2017](#)

To consider a Certificate of Appropriateness Application for demolition; for property located at 109 N. High Street; Parcel ID Nos. 025-000082 and 025-000140; Thomas W. Schneider, applicant.

Gard gave a summary of the application; only one criterion is needed to be met; showed the survey of the property and renderings of the property.

Applicant, Thomas W. Schneider, 120 Mill Street; owns the building; said his primary business is the insurance company; bought this property that has been sitting vacant; had renovation work by the

previous owner; thought they had a tenant a year ago but it was too expensive to get it in the shape it needs to be; requesting it be demolished; in very bad shape; no drywall or pipe in the house; does not have historical value; plan for the property is to try and have a bigger piece of property to bring into Olde Gahanna; want to get it down.

Keehner asked if there are plans for developing before it is demolished; Schneider said there are no specific plans; Keehner said to tear down an older home is problematic; would like to see plans before he agrees to tear down the property; Schneider said only have to meet one of the requirements and they meet two; it cannot be modified to any economical use; was born and raised in Gahanna; said the city has very few historical buildings.

**A motion was made by Price, seconded by Hicks, that this Design Review be Approved.**

**Discussion on the Motion: Shepherd said agrees with Keehner and Schneider both; said in this case, there are only a half a dozen buildings in Gahanna that really have any historical significance; hates to see Gahanna gradually go by but surprised this has not fallen down; could put twice as much money into this facility and it would not be feasible for a future use; Keehner said understands that; Shepherd said growing up here, knows all properties intimately; will be voting in support; Keehner said will not support for a number of reasons; said the historical argument is semi-valid; sad that vernacular buildings do not have any historical value; with the national register, have to have architectural or historical significance; said there is no plans for the future use; is a very significant location; potentially a significant pedestrian walkway; not ready to vote yes for this application.**

**The motion carried by the following vote:**

**Yes:** 5 - Shepherd, Burba, Wester, Price and Hicks

**No:** 1 - Keehner

### **Discussion:**

Price said she wanted to circle back to the concerns about the chickens; for clarification, understands that is not an issue if there will be an extension period; said she voted in support of the chickens; cant answer for those who did not; Gard directed them to City Attorney, Shane Ewald; Burba said she thought there was only one other option, the ballot; Price said there is nothing Planning Commission can do; Weber said the vote was taken; Planning Commission cannot do anything; said to talk with Shane Ewald; said they cannot extend the timeframe extension; Gard said was extended to March 31; Weber said to talk with Shane Ewald about an extension; Price wanted to clarify; Keehner said grandfathering the chickens in as pets; if they did their due-diligence, there is an interpretation thing going on about pets

versus not pets; actually brought it up to the Mayor; sounds like it is not something they want to address; Price said sounds like their options are to talk with Ewald or administration; Gard said the extension was done administratively; was a direction from the Mayor; would speak with Shane; Petit said they already got an extension to March 31, 2017; went to the Mayor and that extension was granted; will not grant an additional extension; he said it was up to the Commission; bone is going back and forth as to who can extend the timeframe; Weber said can discuss this with Shane again; apparently there is some confusion at this time; Burba said cannot make any decisions tonight; Keehner said going to your ward representative is the American thing to do; we cannot do anything about it tonight.

[CU-0009-2016](#)

To consider an amended Conditional Use Application to allow a residential drug and alcohol rehabilitation facility in a Community Commercial (CC) zoning district, for property located at 121 James Road and 175 W. Johnstown Road; Parcel ID No.s 025-000855, 025-000798, 025-000890; Access Ohio LLC; Donald T. Plank, applicant.

(Original Application/version 1: Advertised in the RFE on 9/22/2016 and 12/1/2016)

Applicant, Don Plank, said the Commission wants to take a further look at the conditions before approval; would like to get that into a format that is enforceable by all and can be read into the motion prior to approval; will need to postpone.

Gard said this is an amended application from the last one received.

Chair opened the public hearing at 7:38 p.m.

Chair called for proponents.

Patricia Winterhalter, 102 Orchard Drive; came tonight from Knox County; owns the property at 102 Orchard Drive; objection is that she believes in these places but believes it should be set somewhere remote and away from residents; thought that the people who are on drugs have stolen to support their habit; concerned of home break-ins in the area because of this facility; believes people will opt to go to a different swimming pool or park to avoid that area; believes it should be located somewhere remotely; said her daughter and her family live in the home at 102 Orchard.

Chair called for opponents.

Lieutenant Shelia Murphy, asked to make a comment, said she is with the Gahanna Police Department; clarified with Mr. Plank that the

Police Department would not be responsible for transporting anyone to and from the facility; Plank confirmed; Lieutenant Murphy also confirmed there are no drug safe zones on the property; Plank said that is not what this facility is; have agreed to that; Lieutenant Murphy asked about the security guard; Plank said there will be staff on site 24/7 and security guard will be in addition; Lieutenant Murphy asked if the guard is armed; Patti Parsley said no; Lieutenant Murphy asked if they will call the police for assistance if a situation is out of control; Parsley said absolutely; Lieutenant Murphy asked if there is security inside and outside; Parsley said yes and they have a system that is internally monitored.

Plank said understands the discussion, when we talk about the code, we are talking about land use; a lot of the issues brought forward deal with behavior; behavior is not part of land use and it is not addressed in code; have agreed to conditions that address these concerns; have went above and beyond what would typically be involved.

Price asked about the interest in having the facility in more remote location; asked if there is a therapeutic reason or wanting to relocate to a residential area; Plank said cannot speak for this particular client; detox centers are generally in a commercial setting; when they are detoxed, generally want to be in a residential facility; their facilities face north; important that they have a setting that is not industrial; trying to accomplish them being in a residential area.

Keehner said the last comment about considering land use versus behavior issues, our legal counsel said we do not need to worry, the use suggests this is a residential place and not a treatment facility; asked if he is looking at just land use, this is a treatment center and the fears may have relevance; Plank said when we look at the zoning code and definitions, the idea is that it is identified as a use permitted with conditions; those conditions are set out; thinks they are really looking at the intensity of a use; if this were a new build would be looking at more; there is a reason for conditional uses; will be operating in the same way as a nursing home; if you look at section b of the conditional use provision, where you can grant with modifications; specifically says it points to lighting and land use issues; his legal opinion is that this use is permitted and you need to give development standards that make it more in touch with what is in the neighborhood; position is that this is permitted; is a conditional use; the other three criteria deal with proposed development; they are actually applying conditions; let's make land use and development standards compatible.

Burba asked how long ago Bon-Ing was built; Plank said 1979; Burba asked how long it has been vacant; Plank said around 2 years;

resident said since 2014; Burba asked how many people will be employed; Parsley said anywhere between 60-80 employees; Burba asked how many beds; Plank said 70 beds but starting out slow; Burba asked what the payroll will be for the facility; Parsley said a large part of the staff is specialty; asked what kind of payroll information they are looking for; looking for at least \$100K a month.

Chair closed the public hearing at 7:53 p.m.

**A motion was made by Wester, seconded by Shepherd, that this Conditional Use be Postponed to Date Certain to the Planning Commission, due back on 2/22/2017 to allow staff and the City Attorney to work on conditions for the motion. The Commission will caucus at 6:15 p.m. on 2/22/2017 to finalize the conditions. The Clerk will forward the revised proposed conditions to the applicant and the Commission by 2/17/2017.**

**The motion carried by the following vote:**

**Yes:** 6 - Shepherd, Burba, Wester, Price, Keehner and Hicks

**F. UNFINISHED BUSINESS:**

**G. NEW BUSINESS:**

**H. OFFICIAL REPORTS:**

**Assistant City Attorney**

No report.

**City Engineer**

No report.

**Planning & Zoning Administrator**

No report.

**Department of Development**

No report.

**Council Liaison**

Hicks said Council will interview for the vacant seat on the Commisison tomorrow. Banning said Council will make the appointment by February 20.

**CIC Liaison**

Price said there is a CIC special meeting tomorrow and on the 3rd Thursday of the month.

**Chair**

Burba said Insight2050 information was provided; get with the Clerk if you are interested.

**I. CORRESPONDENCE AND ACTIONS**

Keehner said ironic that this Chinese New Year is the year of the rooster.

**J. POLL MEMBERS FOR COMMENT**

None.

**K. ADJOURNMENT**

7:57 p.m. by Shepherd.