

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Wednesday, October 23, 2002

Committee of the Whole - 6:00 P.M.

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, October 23, 2002. The agenda for this meeting was published on October 17, 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, Othelda Spencer.

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: October 9, 2002

A motion was made by Greenblott to approve the minutes of October 9, 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.

V-0026-2002

To consider a variance application to vary Section 1165.08 - Prohibitions; for property located at the entrance to the Academy Ridge Subdivision; to allow one (1) sign within the right-of-way; Academy Ridge Comm.Assoc.by David Itkoff, applicant. (Public Hearing held by Planning Commission on 8/14/02 and 10/23/02).

Chair opened Public Hearing at 7:04 P.M.

Dr. David Itkoff, 983 Ridge Crest Dr., stated that he is one of the trustees in the Academy Ridge Association and chairman of the sign committee; met with Planning Commission in a series of workshops to come up with a location site for a sign for the Academy Ridge Sub-division; on diagram 1, we've highlighted the road in yellow; the road is 28' wide; the part just to the north and south of the road is part of the right-of-way which exists on the property just adjacent to both sides of the street; the place that is marked in red on diagram 1 and diagram 2 is the place where we would like to place the sign; this is in a 16 foot area that is just to the north of the road, which would be on the right side coming in; this would be located approximately 4 feet from the beginning of the end of the road up to approximately 9 or 10 feet wide; which would make a total of about 14 feet; leaving 2 feet at the end for the remaining amount of the 16 feet; diagram 3 is a rendition of the actual location of where we would like the sign to go; this is the sign that the association would like to go with; we have changed from the rock signage mainly for safety reasons; also have notified OUPS; they have been out and checked the area that we have designated on the diagrams; they have checked off that there are no utility cables.

Chair asked for Opponents. There were none.

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

Peck confirmed with Itkoff that he understands that they will be held liable for the removal of signs if any utility companies need to get in that area. Itkoff stated that he understood.

Canter commented to King that the section that the Planning Commission is varying is Section 1165.08 - Prohibitions; it is the standing feeling of the City that we are allowed to vary a prohibited use; asked is this correct. King replied that is correct.

Gard asked Itkoff if this is the design that he wants the Planning Commission to approve. Itkoff replied yes this is very much the type of sign that we would like to have approved; the sign will have vinyl type lettering; color will be maroon; with a little gold trim around the top; sign will be a poly-vinyl; basically will be about 10 feet wide; each of the posts will be about 18 inches wide. Peck stated that typically with sign applications, we tend to get a little more precise application; typically when we approve a Design Review that has been submitted, it has a PMS number, and specifications of the sign; if there was a way that the Planning Commission could do the variance and pend the Design Review until you get a contractor, or you might already have a contractor. Itkoff stated that he asked the Planning Commission after workshop and was told to bring the location specifications of the sign; has been in communication with Frank Zura at Sign-A-Rama.

Tom Komlanc stated that the other issue that we need to address is the possibility of future sidewalk extension; the Hamilton Road project does include sidewalks and should at a future point and time sidewalks be deemed necessary on Beecher Road; the sign should not inhibit the use of a pedestrian facility; so we want to make sure that it is accommodating for that; the development of the OSU Medical Operations Center, which has yet to be constructed; within the Final Development Plan they are required to put the sidewalk along the right-of-way frontage; we do not want to inhibit that from going in at a future point and time.

Tom Komlanc, stated that with the possibility of future sidewalk, the sign should not inhibit the usage; also the OSU development are required to put the sidewalk in.

Chair advised that the diagram that the Commission is considering approving are the ones time stamped October 23.

Canter stated that she will support this variance application; there are many special circumstances and conditions applying to this application; (1) the applicant actually owns no property, the Homeowner's Association doesn't have property, yet they need signage to identify their development for the residents sake as well as for visitors; (2) there is significant typography to deal with along this right-of-way area; there is no other relief to accommodate the request or the signage that they don't encroach on someone elses property and they don't have the right to encroach; (3) the applicant has agreed to the conditions that the City has requested.

O'Hare stated that he will support this variance; however, we are putting things within a right-of-way of a street within the City; we always must take in account the issue of safety; in this case we have a non-mountable curb which is set back a sufficient distance from the street and made of appropriate materials.

Peck added that he will also be supporting this variance; thanked the applicant for his cooperative attitude and hard working efforts in working with the Planning Commission.

Heard by Planning Commission in Public Hearing

A motion was made by O'Hare that this application be recommended to Council for Approval for only the north side of Beecher Road with the following conditions:

- (1) the applicant shall hold harmless the City of Gahanna during and after said sign construction with regard to, but not limited to all underground utilities, maintenance of traffic, injuries and accidents, etc.
- (2) in the event that the maintenance of utilities, street, curbs, lighting, etc. is undertaken, the applicant shall bear all expenses for the removal, storage and reconstruction of said sign.
- (3) in the event that any further City projects and/or utilities are constructed in the right-of-way, the applicant shall bear all expenses for removal, storage, and reconstruction of said sign. The motion carried by the following vote:

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

DR-0049-2002

To consider a Certificate of Appropriateness for Signage; for property located at the entrance to the Academy Ridge Subdivision; Academy Ridge Comm. Assoc. by Coffman Stone Company, L.L.C., David A. Itkoff, applicant.

Chair stated that this application will be heard on November 6th.

Postponed to Date Certain to Planning Commission

FDP-0014-2002

To consider a Final Development Plan for Victory in Pentecost Church, to be located at 542 W. Johnstown Road; Victory in Pentecost Church, by The Covenant Group, James E. Strausbaugh, applicant. (Public Hearing. Advertised in the RFE on 09/05/02). (Public Hearing held on 9/11/02, and 10/23/02).

Chair opened Public Hearing at 7:24 P.M.

James Straussbaugh, 3519 Demmington Road, Columbus, OH, stated that we have met with the Planning Commission at various workshops; the key issue that we needed to overcome was the storm water drainage issue; last week in workshop we were able to resolve this issue and it's being designed now; there was also the issue of landscaping; lot lighting needed to have zero foot candles at the lot line; this has been accomplished; believe that we have met all the requirements of the Planning Commission; asked if there were any questions.

Chair asked for Opponents. There were none.

Chair closed Public Hearing at 7:27 P.M.

Canter stated that the Fire Department raised the concern about more water line extensions and more fire hydrants may need to be added, believed that you addressed this issue at workshop stating that you are meeting this request. Straussbaugh replied yes it has been addressed and there have been more fire hydrants added.

A motion was made, 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

DR-0062-2002

To consider a Certificate of Appropriateness; for property located at 542 W. Johnstown Road; by Victory in Pentecost Church, James E. Strausbaugh, applicant.

See discussion on previous application.

A motion was made, 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

V-0030-2002

To consider a variance application to vary Section 1143.08(c) to allow an existing shed to encroach 2.5 feet into a 7.5 foot side yard setback; for property located at 309 Milan Drive; Curt & Soundra Cooke, applicants. (Public Hearing. Advertised in RFE on 10/3/02). (Public Hearing held on 10/9/02 and 10/23/02).

Chair opened Public Hearing at 7:29 P.M.

Curt Cooke, 309 Milan Drive, stated that he is basically trying to get a variance to allow existing shed to encroach 2.5 into a 7.5 foot yard setback.

Chair asked for Opponents. There were none.

Chair closed Public Hearing at 7:31 P.M.

Turley stated that she is going to support this variance for the following reasons:(1) think there is a special circumstance applying to the land; that would be the large tree that is in the spot where the shed would most logically and legally be located; (2) believe that the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvement in such neighborhood; (3) don't think it is reasonable to ask the applicant to relocate the shed 2.5 feet that will barely be noticeable once it's completed; if he were to do that, the only thing that you would notice would be the tree missing; for these reasons will be supporting the variance application.

Greenblott stated that she wants to support this application so bad because Cooke is an innocent man who has made an honest mistake; can't find any special circumstances to support the variance; there are other places that the shed could go; will not be able to support this application.

Peck stated that he intends to support this application; have been out and taken a look at the area; one of the special circumstances to consider is that this is a mature area of the City; the proposed site would not be out of character for what is already existing out there; also believe that the it is very well hidden and barely noticeable; the untrained eye would not see this; also the granting of the variance is necessary for the preservation and enjoyment of substantial property rights, in that it would be a significant hardship to relocate the shed elsewhere on the property; believe that the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvement in such neighborhood.

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

No 1 Greenblott

Yes 3 Chairman Peck, Vice Chairman Turley and O'Hare

Z-0014-2002

To consider a zoning change application for 1.8 acres located at 4574 N. Hamilton Rd.; current zoning ER-2, Estate Residential; proposed zoning of CC2, Community Commercial; Mercado Real Estate Investments, applicant. (Public Hearing. Advertised in RFE on 10/3/02 and 10/10/02). (Public Hearing Re-advertised in RFE on 10/24/02). (Public Hearing held on 10/23/02, 11/6/02, 11/20/02, 12/18/02, 01/22/03).

Chair opened Public Hearing at 7:36 P.M.

Angela Alexander-Savino, Attorney at Perez & Morris, 92 North Woods Blvd., Columbus, OH 43235, stated that she had not planned any form of presentation; do see from the agenda that you are planning to take this application to workshop.

Chair asked for Opponents. There were none.

Mo Dioun, The Stonehenge Company, 41 North High Street, New Albany, OH, stated that he is developing the The Woods at Shagbark Condominium Community which is located on the east side of this project; have extreme concerns about suggested use of this parcel in terms of a restaurant being in such proximity of a high-end residential development; would like to suggest some consideration to the North Triangle plans on aggregation and the use of the parcels in the North Triangle; also has concerns about what might happen to the other two parcels; fully understand that this application is for commercial use; without any buffer or any kind of an edge line between a residential usage and a restaurant usage this plan causes me to have extreme concerns.

Tom Komlanc, Assistant City Engineer, City of Gahanna, 200 S. Hamilton Road, stated that on behalf of the City, we are requesting that the staff comments be attached to the minutes of this meeting; along with that we are requesting the acknowledgement from the applicant in regards to the issues that are outlined therein; one thing that is not addressed in there is the sanitary sewer accessibility; there is a sanitary sewer manhole within The Stonehenge development which I believe is two properties south of there; it would have to tie into that as a result of the rezoning for residential use; there is an existing septic system out there which would not be compatible for the subject use; with reference to tying into that sewer, easements would be required and construction would have to commence as well; there are issues in regards to capacity on that sanitary sewer; those issues would have to be resolved as a part of the triangle west sanitary sewer agreements that have been previously put forth through the Administration.

Turley stated that she would be interested to hear from Engineering about the traffic impact of community commercial; how it would be handled if not aggregated. Komlanc stated that he believes it states in the staff comments that we could permit a temporary ingress/egress with regards to that; however, as the parcels would assemble, it would be required to have one access; it would be ideally in the center of the three parcels; it is a goal of the City to have all of the traffic for the Hamilton southbound direction to have access at the Vista Drive signal; there is no present roadway; these are issues that we will have to work out with the applicant, and the developers. Turley said so the idea would be to have one curb cut for all three parcels. Komlanc replied that is correct.

Chair closed Public Hearing at 7:43 P.M.

Alexander asked can we know some of the answers on capacity and the back access to the area. Komlanc replied that would be no problem. Peck stated that this application will be an ongoing process until all issues have been worked out; application will be discussed in workshop at 6:15 P.M. on November 6th.

Heard by Planning Commission in Public Hearing

V-0032-2002

To consider a variance application to vary Section 1107.01(d) - Required Improvements; to allow deletion of required sidewalks; Section 1143.08(a) - Dwelling Dimensions and Lot Coverages; to allow a front yard setback of less than 35'; Section 1167.06 - Building on Corner Lot; Setback Requirements; for property located at 4115 Stygler Rd.; by Christine J. Messick, applicant. (Public Hearing. Advertised in RFE on 10/17/02). (Public Hearing held on 10/23/02, 11/6/02, 11/20/02, 12/4/02).

Chair opened Public Hearing at 7:44 P.M.

Bill Fannin.Jr., Vice President of William Fanning Builder, stated that he received the staff comments yesterday; cited some inconsistencies; looking forward to the possibility of having a workshop; briefly on the south side of the property, that should be considered to be a side yard because the proposed house is going to face Stygler Road; the Messick's came to us around July; understand what the intent of the code is and what is good for the community; did take some exception to some of the staff report issues; the lot coverage is about 16,000 sq.ft.; as far as too much house for the lot, we are under 25%; that is pretty typical for a standard type of zoning; as far as the Engineering comments; in order to get the walk in on Woodside Meadows, there is going to have to be about 25 trees taken out; there was no existing house when the Messick's purchased the property; the existing house that was torn down indeed would not comply with the zoning that is being enforced now; believe that there are some special circumstances; the south side property line since this is a corner lot, should be considered a side yard instead of a front yard; there is an existing driveway on the north side; we thought it would make sense to use the existing driveway with the design of the house; hope that working with the Commission and the Administration, we can come to some type of happy medium.

Chair asked for Opponents. There were none.

O'Hare stated he is a professional Engineer in five states; the scale is completely off; this is not a complete survey; this is not a legal survey; this is not what the Planning Commission wants; the Planning Commission wants what is required by the City of Gahanna. Spencer commented that you mentioned that on the side yard that it is located to the south, asked is that correct. Fannin replied yes that is correct. Spencer asked is the front of the house facing Stygler Road. Fannin replied, my mistake, it would be the north. O'Hare stated that he felt like the Planning Commission was wasting their time on this application; the submission requirements are 10 copies of a legal description or plans of the property certified by a registered surveyor; folded not rolled.

Christine Messick, 342 McCutcheon Road, stated that when she submitted the application, she did submit a copy of the legal description of the property with the application packet. O'Hare showed Messick what was submitted with the application packet; stated there is no copy of a legal description with the application. Messick commented that she submitted a certified copy of a legal description from downtown Columbus. Gard stated that she had a copy of that legal description. O'Hare asked could he see that copy; after reviewing the documentation, stated again this is not a copy of the legal description; this is a copy of the warranty deed.

Chair stated that this application will need to go to workshop; the application will be discussed in workshop on November 6th at 6:30 P.M.; would like to see more detail (i.e. what are the setbacks).

Gard commented that there will need to be equal setback.

Sherwood commented that there will need to be two motions for this application; one will be to recommend to Council the approval of Section 1107.01 (d) - to allow deletion of required sidewalks; the second motion would be to approve the other two sections, Section 1143.08(a) - Dwelling Dimensions and Lot Coverage and Section 1167.06 - Building on Corner Lot,

Fannin commented that he would get all the necessary documents to Gard before

October 31st.

Heard by Planning Commission in Public Hearing

V-0033-2002

To consider a variance application to vary Section 1165.10(a) - Prohibitions; for property located at 1155 Johnstown Road; to distinguish between two separate entities (YMCA and OSU Wellness) which are being housed in the same building; YMCA of Central Ohio by Moody-Nolan, Inc., Kathleen Dussault, applicant. (Public Hearing. Advertised in RFE on 10/17/02). (Public Hearing held on 10/23/02).

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

Bonnie Gard, City of Gahanna, 200 Hamilton Road; stated that they need a variance to have two wall signs on one frontage; one for the YMCA and the other for OSU.

Chair asked Opponents. There were none.

Closed at 7:57 P.M.

A motion was made, 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

FDP-0017-2002

To consider an amendment to an approved final development plan (FDP-0004-2000) to allow changes to the site plan to reflect acquisition of property and deletion of other property; for property located at 5099 & 5171 Shagbark Rd.; by The Woods at Shagbark, Phase, II, Mo Dioun, applicant. (Public Hearing. Advertised in RFE on 10/17/02). (Public Hearing held on 10/23/02, 11/6/02).

Chair opened Public Hearing at 7:59 P.M.

Glen A. Dugger, 37 W. Broad, stated the property is a part of a previously approved Final Development Plan from several years ago; we rezoned it this summer to take into consideration the additions and deletions to the Shagbark property that the Stonehenge Company has made; a portion of the original site was sold to accommodate the Giant Eagle on the NW corner; a portion of the property was transferred to the City of Gahanna which is located in the middle of the picture on the monitors; if you may remember, Mrs. Lepper who came to many of our hearings on the Final Development Plan at the original time of the Shagbark zoning; Mrs. Lepper and her adjacent neighbor, Mr. Sennet comprising of a total of 5.9 acres have transferred their property to the Stonehenge Company; it is our desire to add that into the Shagbark Development; because of the losses of ground to Giant Eagle, we have added this 5.9 acres, 12 buildings; the balance of the site southern most 2/3 of the site remains the same; we are currently building in there; we have in excess of 25 occupied; the house values have been extraordinary; the buildings, floor plans, etc., are the same as previously approved; there are a couple of issues in the staff comments that we will work on with the staff; Dioun wanted me to make sure to let the Commission know that when we originally zoned this property, there was some sentiment on part of the Commission that maybe this property because of the ravines and the trees is a sensitive place and maybe single family residential was more appropriate; in my judgement the condos that have been built and sold there for some as high as \$360,000 have exceeded my expectations in terms of the way the site has been developed.

Chair asked for Opponents. There were none.

O'Hare stated that he has had discussion with the Engineering Department; they have asked me to bring to the attention of the applicant a section of the Gahanna Code;

Section 1108.01(3) which states "The City Engineer, or Planning Commission may impose additional requirements regarding design and construction of streets, curbs, gutters, sidewalks, and access."; also want to bring to the attention of the applicant possible upgrade of utilities such as pump stations which may be needed in this area; this issue need to be worked out with the City Engineer.

Chair closed Public Hearing at 8:04 P.M.

Chair advised that this application will be discussed in workshop on November 6th at 7:00 P.M.

Komlanc stated that he wanted to make sure that the staff comments are attached to the minutes of this Public Hearing.

Heard by Planning Commission in Public Hearing

F. UNFINISHED BUSINESS:

DR-0072-2002

To consider an amendment to an approved Certificate of Appropriateness for Signage (DR-62-2001) to allow signage to read Copy This; for property located at 362A S. Hamilton Road; Copy This by Sign-A-Rama, Franklin P. Zura, applicant.

Frank Zura stated he was requested to get some photos of the current sign; also a wide copy of what the sign looked like from the north and the south; as well as some other sign design options.

Spencer asked is it possible to reduce the size. Zura replied no, not as the sign is currently; you would need to replace the entire sign; if you take a look at the Damons sign, you will see that Damons is easily double the size of what Copy This is; don't feel the sign is out of size. Peck stated that when driving by on Hamilton Road, the sign didn't strike him as being over bearing. Shepherd stated had you come to me before putting the sign up, he would have preferred a font size of 24. Peck commented that we are approving the sign as it was erected.

Spencer stated that he will not be in support of this sign,

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

No	1	O'Hare
Yes	3	Chairman Peck, Vice Chairman Turley and Greenblott

Chair advised applicant of his right to appeal this decision to the Board of Zoning and Building Appeals within 20 days. Contact the Clerk of Council's office for further information.

G. NEW BUSINESS:

DR-0073-2002

To consider a Certificate of Appropriateness for Signage; for property located at 80 N. Hamilton Rd.; Sahair and the Oasis of Nails by Sign Stop, Lisamarie C. Gerlt, applicant.

Patricia Shoemaker, Sahair and the Oasis of Nails, stated that there are some signs out there that are in excess of 3-5 years old and the signs have faded, so the color was really hard to match; our sign person brought us a copy of the appropriate color that you have for the signage that is to be out on the street; the color for the street sign is 3M Scotch brand Duradonic Bronze; the sign that will be over the storefront is more of rich gold

color (translucent gold) which is A9249T; the green palm tree is 9662T (translucent green).

A motion was made by Greenblott 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

Gahanna Jefferson Joint Committee - Canter.

Canter stated that the next meeting will be Tuesday, October 29th.

Creekside Development Team - Greenblott - No Report

I. OFFICIAL REPORTS:

City Attorney - No Report

City Engineer -

Komlanc announced that the Creekside Bid opening is this Friday, October 25th.

Department of Development - No Report

Chair.

J. CORRESPONDENCE AND ACTIONS - None

Sherwood advised that a motion needs to be made to suspend the start of the November 6th Regular Meeting from 7:00 P.M. to 7:30 P.M.

A motion was made by O'Hare that the time for the November 6th Regular Meeting be suspended from 7:00 P.M. to 7:30 P.M. The motion carried by the following vote:

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

K. POLL MEMBERS FOR COMMENT.

L. ADJOURNMENT - 8:23 P.M.

TANYA M. WORD
Deputy Clerk of Council

Isobel L. Sherwood, MMC
Clerk of Council

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

Chair Signature