



# City of Gahanna

## Meeting Minutes

### Planning Commission

200 South Hamilton Road  
Gahanna, Ohio 43230

*James Mako, Chair*  
*John Hicks, Vice Chair*  
*Michael Greenberg*  
*Sarah Pollyea*  
*Thomas W. Shapaka*  
*Michael Suriano*  
*Michael Tamarkin*

*Sophia McGuire, Deputy Clerk of Council*

---

Wednesday, July 24, 2024

7:00 PM

City Hall, Council Chambers

---

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

*Gahanna Planning Commission met in regular session on July 24, 2024. The agenda for this meeting was published on July 20, 2024. Chair James Mako called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Michael Greenberg..*

**Present** 6 - Michael Greenberg, John Hicks, James Mako, Sarah Pollyea, Thomas W. Shapaka, and Michael Tamarkin

**Absent** 1 - Michael Suriano

#### B. ADDITIONS OR CORRECTIONS TO THE AGENDA - NONE

#### C. APPROVAL OF MINUTES

2024-0136 Planning Commission Meeting Minutes 6.26.2024

A motion was made by Hicks, seconded by Greenberg, that the Minutes be Approved. The motion carried by the following vote:

**Yes:** 6 - Greenberg, Hicks, Mako, Pollyea, Shapaka and Tamarkin

**Absent:** 1 - Suriano

#### D. SWEAR IN APPLICANTS & SPEAKERS

Assistant City Attorney Matt Roth administered an oath to those persons wishing to present testimony this evening.

#### E. APPLICATIONS - PUBLIC COMMENT

added that the footprint of the current deck is where the new deck will be placed. The current deck is wood, around 20 years old, and is deteriorating. Beck stated the anticipated material of the new deck is a composite. He added that the distance between the deck and Evelyn Lane is 52 feet. There would not be restrictive access in terms of getting to Evelyn Lane. The frontage is now part of an easement that did not exist when the house was purchased. Mr. Beck offered to answer any questions the commission had.

Chair closed the public comment at 7:09 p.m.

Ms. Pollyea noted there was a survey from 1995. She wondered if there was a more recent survey. Mr. Beck replied the survey used was the one that was created when the house was built. He worked with the Engineering Department on this. Pollyea asked if the easements were plotted on the 1995 survey, and if there was anything new. Mr. Beck replied that there was nothing new, and confirmed easements were on the survey. He added that the house was built in 1997 and he moved into it in 1998.

Mr. Hicks asked what existed prior to the development of Evelyn Lane and wondered if Mr. Beck lost any property when the land was turned into Evelyn Lane. Mr. Beck replied he did not lose any land.

Mr. Greenberg wondered if there were any comments from neighbors. Clerk Hilts replied there were none received by Council Office.

Chair Mako asked Ms. Capka if the reason for two front yards was due to the development of Evelyn Lane, which Ms. Capka confirmed. He then asked what was considered the rear yard, to which Ms. Capka replied there was no rear yard.

**A motion was made by Hicks, seconded by Shapaka, that the Variance be Approved.**

**Discussion on the motion:**

**Mr. Shapaka said he would be in favor of the variance due to the unique circumstances.**

**Ms. Pollyea agreed, adding that she would prefer to have seen an updated survey. However, given the circumstances and input from the Engineering**

Staff recommends disapproval of both variances as submitted. The carport is not consistent with the neighborhood's character and is extremely visible from the right of way. The applicant states that since there is only a one car garage on site there are no alternative locations for a carport with the small lot size. The applicant states that the carport was installed to protect their electric vehicle from the elements. The carport must be removed if the variances are denied.

Chair opened public comment at 7:18 p.m.

Mr. Luchianov offered to address some points regarding his application. First, he stated it is not the only carport in the neighborhood. There is a carport on 362 Lincolnshire Road that was put up in 2017 and has not been removed. Lincolnshire is a main road and the carport is visible. It is also bolted into the ground. Mr. Luchianov stated this sets some precedence for carports in the area. He acknowledged his carport is visible from the right-of-way. Mr. Luchianov described the route that must be navigated to see the carport on Palace Lane, as Palace Lane is not a main artery. He added that the only individuals who regularly view it are his neighbors. He reached out to neighbors and provided statements from them.

He read the following statements from his neighbors:

"The carport appears to be well constructed and isn't a cause of concern for any other reason on my end. If approval is needed from neighbors, then I will give my approval for Seva's carport."

"As far as this carport, I know he installed it because of hail damage we experienced this past spring. He also wanted to keep the direct sunlight off his electric car battery. It does not bother me that he built it and uses it. I hope you allow him to keep the structure for his car."

Another neighbor did not provide a statement in writing but, per Mr. Luchianov, provided a verbal statement of approval.

As for necessity, Mr. Luchianov said the cover is also for the safety of the electric car's battery. The manufacturer states that the car battery temperature should not reach more than 131 degrees Fahrenheit. During a recent heat wave, the car battery temperature read 110 degrees Fahrenheit in the shade under the carport. He read additional text from the manufacturer, which stated that the battery may be drained from excessive cooling needs. Mr. Luchianov apologized for building the carport prior to obtaining necessary approvals, adding that

Assistant City Attorney Roth if the variance stays with the land if it is granted, Mr. Roth replied that he believes it does.

Mr. Greenberg asked Mr. Roth if restrictions could be applied to the variance so that when the applicant moves, it could come down. The consensus was that time limitations can not be put on a variance in the way that they can be put on other types of applications.

Mr. Mako asked Mr. Luchianov what his investment was on the carport. Mr. Luchianov replied that the carport cost \$2,400, and around \$80-100 in additional hardware and concrete. The time investment was approximately three weeks during his off time.

Ms. Pollyea asked what the approximate purchase price of his vehicle was. Mr. Luchianov replied it was approximately \$38,000 used.

**A motion was made by Pollyea, seconded by Tamarkin, that the Variance be Approved.**

**Discussion on the motion:**

**Mr. Shapaka expressed his concern of setting a dangerous precedent if this application is approved.**

**Ms. Pollyea also shared that she would not be in favor of the application. She stated her appreciation for the applicant sharing the information with the group; however, she felt that the arguments were not compelling. She felt there were other options that could have been considered prior to installing the carport.**

**Mr. Hicks did not believe the variance criteria had been met.**

**Mr. Greenberg voiced his concerns about setting a precedent.**

**Mr. Tamarkin stated that zoning codes exist for a reason, and he felt a precedent would be set for structures in the front yard. He felt it was important to stay consistent in the future, and that approving the variance may set a precedent for requests including decks and hot tubs in the front yard.**

**Mr. Mako also felt the requirements for a variance were not met. He feels it would be out of character for the area, despite the example of another existing carport.**

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

**Yes: 0**

**No: 6 - Greenberg, Hicks, Mako, Pollyea, Shapaka and Tamarkin**

**Absent: 1 - Suriano**

There must be a three-foot-high screen for the parking lot on every side, and this requirement is met as well.

Ms. Capka shared elevations of the exterior of the building. The north elevation is what is considered the front of the building. The fuel pump elevation shows the materials that match the primary structure. All of the materials and designs are consistent with other Sheetz locations.

Ms. Capka provided Conditional Use criteria that must be met in order for the application to be approved. They are: the use is a conditional use in the district; the development is in accord with appropriate plans for the area; the development will not have undesirable effects on the area; and the development will be in keeping with the existing land use character. Staff recommends approval of the Conditional Use as submitted because the Conditional Use criteria has been met. The use is appropriate for the area due to its close proximity to both Hamilton Road and I-270. The area is primarily commercial and medical with one multi-family site which is currently under development. The Land Use Plan designates this area as Mixed Use which recommends a complimentary blend of uses. Staff believes that a gas station and quick service restaurant complement the existing and proposed surrounding uses.

There is one variance required with this application and it is for the requirement that all dumpsters must be located to the rear of the main structure. The lot has frontage on a street along every property line, so each yard is considered a front yard. There is no rear yard to place the dumpster in, so this variance would be required no matter what.

Ms. Capka provided the Design Review criteria. She provided the standard criteria for every Design Review application, and since the site is zoned Commercial it also falls within Design Review District 3. This designation contains some additional recommendations. The applicable recommendations include the following: entrances and exits shall be well-decorated and landscaped; earth mounding and trees are recommended to reduce noise; a generous use of vegetation is encouraged; and the preferred building materials are brick, stone, cement, decorative aluminum, and wood.

Ms. Capka provided the standard Final Development Plan criteria. Staff recommends approval of the Design Review, Final Development Plan, and Variance applications as submitted, as staff believes that all criteria have been met. Additionally, the recommendations for Design Review District 3 have also been met, since the Landscape Plan exceeds or meets all Landscaping requirements, and the entire site is screened by three-foot-high landscaping. Finally, only one Variance is

planning and designing this project to satisfy the Design Review District 3 requirements. He felt the Planning Commission was familiar with the Sheetz design by this point, adding that the team worked very hard to ensure that the plans satisfy the applicable requirements. City staff and the administration support the project, and he hoped the Commission would as well.

Patricia Kovacs, 527 Haversham Dr. Ms. Kovacs attended to thank Sheetz for choosing this site for their project and felt it was an appropriate location. She asked the Clerk to share on the screen the landscaping plan that was proposed. She drew the Commission's attention to bike lanes that exist on both sides of Tech Center Drive. This location is where bike lanes transition to side paths. Because the site is situated on an incline, she expressed concern about traffic entering and exiting the site, where the side path intersects. She also expressed interest in having the side path moved either west or east to avoid the Sheetz site, but acknowledged this is likely a City consideration rather than a decision that could be made by Sheetz. She also shared there would be another side path on Hamilton Road that will cross I-270 and come to Tech Center Drive and Pizzurro Park. She wished that the side path could be on the south side, where the park property is, for the safety of the cyclists.

Chair closed the public comment at 7:57 p.m.

Mr. Shapaka asked a question to the site engineer. He wondered if the extra curb cut on Tech Center Drive was necessary. Mr. Andrew Gardner, 6628 Burbank Place, Westerville, introduced himself as the Civil Engineer on the project. Mr. Gardner shared that the two curb cuts facing south are part of the public loop road that is planned as part of the overall development plan for the area. They are part of a larger Casto project that Sheetz does not have much influence on. Mr. Gardner also pointed out the three access points to the site. Mr. Shapaka directed a question to Mr. Mike Casale. He wondered why this site is only 6,300 square feet. Mr. Casale stated that the only size larger than this is used for diesel size, which has larger restrooms.

Ms. Pollyea asked Mr. Casale how this particular location was chosen. He stated that parking, availability, zoning, and a landlord willing to work with them were the reasons for choosing this site.

Mr. Greenberg asked Mr. Casale whether a garbage truck can access the dumpster without difficulty. Mr. Casale confirmed, noting truck routing is carefully planned. Mr. Greenberg confirmed that there are three exits: one each to the north, west, and east. Mr. Casale added that the expectation is for customers to use all three. However, two are

package yet. She noted their awareness of the new zoning code and expressed an understanding that any additional variances would need to come back to Planning Commission. Mr. Casale shared that the menu board is a static board and the drive thru order board is a touch screen.

Ms. Pollyea asked Mr. Ingram if there is a signed LOI (Letter of Intent) and whether the project is contingent upon Planning Commission's approval. Mr. Ingram was not aware of whether there was an LOI with the landlord. Mr. Casale said there is an agreement to lease with the landlord, pending all necessary approvals, including Planning Commission's and Engineering Department's. When asked if he was permitted to share any of the terms, Mr. Casale replied that he did not have the terms available.

**A motion was made by Tamarkin, seconded by Greenberg, that the Conditional Use be Approved.**

**Discussion on the motion:**

**Mr. Shapaka stated his support of the Conditional Use. He felt it was appropriate for this location.**

**Ms. Pollyea agreed with Mr. Shapaka's comments. She also felt the community approved of this location more than others that had come before Planning Commission.**

**Mr. Hicks commented on all four applications at once. He welcomed Mr. Ingram and Mr. Putnam back to chambers for this discussion, noting that previous discussions had been more difficult. This one was different. He thanked them for giving Gahanna a chance and finding a mutually beneficial location for Sheetz. He felt the withdrawal of the appeal for the previous application was a show of good faith, and stated this location is much more ideal. The variance is minor. The development plan and design review look very similar to other Sheetz locations. Overall, he expressed his support.**

**Mr. Greenberg also stated his support for the application, and appreciated the applicants' work in finding a suitable location.**

**Mr. Tamarkin agreed. He felt that the relationship with Sheetz was more contentious with the first two applications. However, with this site, he intended to support all four applications. He expressed his appreciation for Vorys Law Firm, Sheetz, Skilken Gold, and Mr. Canini. He felt that the community and city support these applications.**

**Chair Mako echoed previous sentiments. He stated this is a good site for Sheetz and thanked the applicants for their work through the process.**

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

**Yes: 6 - Greenberg, Hicks, Mako, Pollyea, Shapaka and Tamarkin**

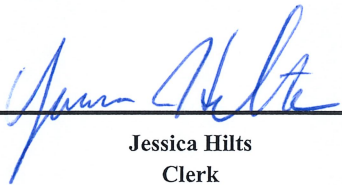
City Planner Maddie Capka shared that zoning code changes were being drafted, which would be in front of Planning Commission in the next couple of months.

**I. CORRESPONDENCE AND ACTIONS - NONE**

**J. POLL MEMBERS FOR COMMENT - NONE**

**K. ADJOURNMENT**

*There being no further business before Planning Commission, the Chair adjourned the meeting at 8:18 p.m.*



---

Jessica Hilts  
Clerk

APPROVED by the Planning Commission, this  
*20<sup>th</sup>* day of *August* 2024.



---

James Mako