



City of Gahanna

Meeting Minutes

Planning Commission

200 South Hamilton Road
Gahanna, Ohio 43230

Thomas Shapaka, Chair
James Mako, Vice Chair
Michael Greenberg
John Hicks
Michael Suriano
Michael Tamarkin
Thomas J. Wester

Pam Ripley, Deputy Clerk of Council

Wednesday, July 12, 2023

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 12, 2023. The agenda for this meeting was published on July 7, 2023. Chair Thomas Shapaka called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Mako.

Present 6 - Michael Greenberg, James Mako, Thomas W. Shapaka, Michael Suriano, Michael Tamarkin, and Thomas J. Wester

Absent 1 - John Hicks

B. ADDITIONS OR CORRECTIONS TO THE AGENDA

NONE

C. APPROVAL OF MINUTES

2023-0121

Planning Commission Workshop minutes 6.14.2023 draft

A motion was made by Tamarkin, seconded by Mako, that the Minutes from June 14, 2023, Workshop be Approved. The motion carried by the following vote:

Yes: 5 - Mako, Shapaka, Suriano, Tamarkin and Wester

Absent: 1 - Hicks

Abstain: 1 - Greenberg

2023-0122

Planning Commission minutes 6.14.2023 draft

A motion was made by Tamarkin, seconded by Suriano, that the Minutes from the June 14, 2023, Regular Meeting be Approved. The motion carried by the

following vote:

Yes: 4 - Mako, Shapaka, Suriano and Tamarkin

Absent: 1 - Hicks

Abstain: 2 - Greenberg and Wester

2023-0123

Planning Commission Workshop minutes 6.28.2023 draft

A motion was made by Tamarkin, seconded by Greenberg, that the Minutes from June 28, 2023, Workshop be Approved. The motion carried by the following vote:

Yes: 4 - Greenberg, Mako, Suriano and Tamarkin

Absent: 1 - Hicks

Abstain: 2 - Shapaka and Wester

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

Speed Way Towing

CU-0004-2023

To consider a Conditional Use Application for property located at 788 Taylor Station Road; Parcel IDs: 025-003942, 025-003961, and 025-003959; Current Zoning OCT, Speed Way Towing; Mark Antonetz, applicant.

Director Blackford said the project was discussed in March and there was a workshop in April. The parcels have frontage on Taylor Station Road and is zoned Office Commerce and Technology (OCT). Much of the surrounding properties in this area are zoned OCT. Adjacent properties include several professional offices, home health care, an attorney's office, an office for a transportation company and a staffing agency. There is also Ometek, when he visited them, they were very neat and orderly and looked very organized inside. To the south is McGraw-Hill with their warehousing and manufacturing. Across the street is Rib Tech and to the northwest is the Army Reserve Center. Blackford showed some images of the applicant's property. The images were taken in February in preparation for the March meeting. Blackford gave a project history associated with the site.

In 2016 the first conditional use was approved for vehicle towing. There was also auto repair, which did not require a conditional use. It was on one acre. He thinks before 2016 that the building was vacant. In 2017 there was a city

initiated administrative request to amend the conditional use to add an extra year to allow for the trailer to remain on site. In 2018 there was another conditional use requested to keep the office trailer on site for additional time, that was denied. In 2020 there was an administrative application for tree removal permit. They received tree removal for the additional three acres that they acquired. At that same time, they did have a couple applications in review with City staff. Those applications expired due to inactivity. They refiled applications in 2022 that came before Planning Commission in March 2023. Those were postponed indefinitely trying to iron out a few issues. There was the workshop, with some nice discussion. Before the commission now are three applications: a conditional use, design review, and the variance request. The 2016 conditional use for vehicle towing was for the one-acre site. Their current footprint is about three additional acres. They would like to expand their towing operations. The OCT zoning does require a conditional use. This is the one zoning in Gahanna that does allow for vehicle towing. The design review is the towing operations, the vast majority of what is on the site plan is 280 or so spaces for the vehicles to be stored on site. There are no changes proposed to the building nor access points. The parking in front will be asphalt. It currently is gravel. There is a variance related to the parking setback. Even though it is all gravel the footprint is the same but technically they are paving and striping it. That is why there is a variance requested. There is fencing going around the vehicle storage area. A retention pond is to the rear of the site, and an additional access point. No additions to the building or exterior improvements related to the building. The design review is relatively straightforward. There are six variances requested. The first one is to the parking setback. Code requires 45 feet; this is an existing site. The parking area really is not changing a whole lot. It is being paved and striping. A handicap space is being provided. Because there are changes technically there needs to be a variance. There are no objections from staff to this variance. The other five variances are due to the nature of the request. The 280 spots that are in the fenced-in area are all for impounded vehicles. However, the way zoning code is written if you are parking a vehicle on a surface, it is considered a parking lot. If it is like an impound lot, storage area for vehicles it does not function in a traditional public parking area. That is the reason for the variance request. They would like it to be gravel. It has been reviewed by the city engineer and he does not believe there are any concerns for them having it be gravel. There is not a sidewalk on Taylor Station Road. They are providing pedestrian facilities. Only in the OCT zoning district it is required that you must provide pedestrian facilities out from all your entrances to all areas of your parking area. This is applying only to the rear portion of the site that was fenced in. It is understandably in his opinion they do not want to pave that area and provide pedestrian facilities when it is not meant for pedestrians. That is why it is fenced off. No objections from staff. Parking lot lighting, code says if you have a parking area you have to provide adequate facilities lighting. Staff does have a little bit of a concern with this variance. It was talked about at the workshop, and he thinks Planning Commission may have had a bit of a concern about it. With the number of vehicles back there, if there was not any lighting provided there could be some challenges associated with it. Perhaps some lighting in the rear of the lot would be appropriate to keep everything safe and secure. If that is the case, and the will of Planning Commission it could be approved with a condition that they supply

a photometric plan to make sure those lighting levels meet code requirements. That can be done as a condition administratively or the commission could always ask for it to come back before the commission. There is an ADA parking spot out front. Zoning code says ADA spots is based on the number of parking spaces and all the parking to the rear which is not parking is considered parking. They do need a variance. Otherwise, they would have to provide additional ADA spaces in the rear of the lot. There are other divisions that also have requirements building division, and the engineering department have to review for accessibility. This is only a zoning code provision so it should not run afoul if that variance is granted with any other provision from any other group. Some code changes against the parking lot and landscaping have changed since the application was submitted. This is under the previous code that had the 10-foot-wide landscape islands and additional plantings. They have requested the variance because this is a vehicle storage area, not a traditional public parking area. No concerns from staff on those variances. Staff believe that there is special circumstance related to use. Zoning code with its definition, interpretation of parking and lumping in non-traditional parking area as a parking area. Blackford discussed the variance criteria to consider. Is the variance necessary for preservation of property rights and would they cause any sort of adverse effects on adjacent property. The design review criteria to consider; is there compatibility with the existing structures. This one does not apply because they are not building a new structure. You are not comparing the new structure to the existing structure. Does a request contribute to the improvement of the design district. Does it contribute to the economic and community vitality. Does it protect, enhance the physical surroundings. The conditional use criteria; is the requested use a conditional use of the zoning district? Is the proposed development in accord with appropriate plans for the area. Blackford will talk about the land use plan and what the land use plan recommends for this area of the city. Would the proposed development have undesirable effects on the surrounding area. Is the proposed development in keeping with the existing land use character. Blackford talked about the land use character and showed images to help determine if it is consistent or not consistent.

The Future Land Use Map (FLUM) says that this property is Industrial Research and Innovation (IRI). The land use plan is not zoning code, it does not give an exhaustive list of uses for a particular land use. It does talk about some broad categories of activities that the land use plan recommends not specific uses. It does say industrial research and development, laboratory design and technology are those recommended broad use categories with a little bit of retail mixed in there to serve the employee, the daytime population of that area. Other recommendations of the IRI land use are interconnectivity through green spaces and pathways to create a campus atmosphere. In addition to be located within the IRI future land use it is also located within the South Gateway Focus area. Similar but different recommendations of the South Gateway area, it talks about intensifying land uses to grow the tax base. Blackford did some calculations, looking for this general area, southeast of the city, the OCT zoned areas. He looked at the last five years of development and all the projects that have gone through Planning Commission. On average for every acre that was being developed just over

11,000 square feet of new construction was associated with each acre of development. In this area the averaged is about 22-acres of land being developed each year over the last five years. In this case there is not any additional square footage because they are not proposing any additional vertical construction. Intensifying the land uses to grow the tax base is the primary objective of this focus area. This is the employment corridor of the city. It was the vision in 2019 and he does not think anything has changed in the city since then. It encourages a bit of a mixed of uses. The light industrial and office uses being integrated together. The big distinction between zoning code and the land use plan is law. You must follow zoning code or get a variance. The land use plan makes recommendations so we can deviate as much or as little as deemed fit.

Staff does not recommend approval but recommend a denial of the conditional use. Staff does not find that it is consistent with the recommendations of the land use plan. Blackford just talked about the intensifying land use being the primary objective of the South Gateway, where this is located. Looking at the historical averages within the city they are developing an additional three acres. On average the low was about 6,000 sq. ft. an acre, the high was about 15,500 sq. ft. of an acre. That is typically what is seen. That range of new construction per acre developed. Three new acres of development historically would average about 33,000 sq. ft. of new construction. When you are trying to increase employment and be the employment center it is an important factor to consider. Blackford said in all fairness to the use, no land use plan is going to say specifically that they want to see a towing operation. But that could be said for a lot of various uses, not just towing operations. It is not going to get into the nitty-gritty like a zoning code does. When looking at those broad used categories we are talking about laboratories and technology innovation, things of that nature. This particular use does not seem to fit nicely in any of those recommended uses. In looking at the various codes that we have to look at that classify uses a towing facility is allowed by conditional use, but a junkyard is not. The way city zoning code references other national codes namely are the North American Industrial Classification Systems (NAICS), that is what we have to use in this particular zoning. The differences between a junkyard and a vehicle towing operation are very similar. In fact, one of those items that are prohibited by being a junkyard is the wholesaling of used auto parts. He thinks from what was heard in the April workshop was that there are times when vehicles on site are used to sell parts off them. That is not allowed by code for the current operations or any future operations. Whether he agrees that selling of used auto parts, it is not up for debate, that's how again the NAICS classifies the selling of used motor vehicle parts, the same as a junkyard. It matters, because there is a seldom used section of code and this applies to the City of Gahanna. This is outside of any specific zoning category it's prohibited uses throughout the city. A junkyard is prohibited anywhere in the city. It is a fine line from operating as a towing facility and a junkyard. He thinks the workshop was helpful and informative for everyone. If you are having damaged vehicles on site, it sounded like they were going to remain there for a while. At some point that is kind of their forever home and now that is really a junkyard and not a towing operation. He thinks they can find some conditions to minimize some of those things. It is not like it is six months or one year where you go

from vehicle storage to a junkyard. It is a gray area. It is not defined in any code. He could see that being a real possibility. Things evolve and next thing you know some of those vehicles that he is sure there are good intentions, end up being on that property for basically indefinitely. That is not consistent with conditional use criteria. It is not consistent with the land use plan. Staff does not find that the request meets specifically conditions two, three, and four of the conditions to approve. Staff do not have any objections to the design review, it meets code. There are a lot of variances. The majority of those variances are appropriate, reasonable given the nature of the particular use. Talking about conditions of approval. When looking at conditional use, if it is denied then you do not need to make a motion on the design review and variance. Those are moot at that point in time. The commission can condition an approval if deemed appropriate. They can approve it outright as well. There was one open comment from planning staff. There are four parcels, code requires those all to be combined. It is a timing issue. If there was a motion to approve the conditional use staff would respectfully ask that there be a condition on the conditional use. That construction and no construction activities until the applicant can provide evidence to the Department of Planning that those parcels were combined. The city is not involved, it is something that the county does. It is a code requirement. But rather than hold this up for months it could be a condition. Staff have concerns about this turning into something that was not really intended to be. Blackford's recommendation would if approved to have a condition that prohibits the wholesale selling of auto parts, because it is prohibited, that is junkyard activity. The commission can have a condition to limit the duration of a vehicle on site if there is a concern that it could over time evolve into a junkyard. That would be very difficult to enforce accurately. The commission could limit scope of use, it probably is not ideal for anyone. But going from one acre to four point one acres that is a big increase in size. The Commission has the discretion and could approve a more narrowed scope. That could be beneficial if it was thought there was some potential negative impacts because of the size of the project and the scope. Reducing that scope might be helpful. At the workshop he thinks there were some questions about those vehicles that are in accidents and leaking fluids. How are those going to be contained, managed, and disposed of properly. Blackford isn't speaking for anyone, but he got the sense there was not a real good answer to those questions and if they are going to have a more pervious pavement with stone and gravel in the rear of the lot, he thinks this is an area of concern and needs to be flushed out a in more detail than normal. Given the use and the intensity and scope of the use.

Chair opened public comment at 7:31 p.m.

Applicant Mark Antonetz, Sands Decker Consulting Engineers 1495 Old Henderson Road Columbus Ohio. Mr. Antonetz said the commission is familiar with this project. This is their third appearance. Nothing has changed except what was requested by the city. They have conceded on every request. He said he would caution the commission, and in all respect to Mr. Blackford on the speculation of a junkyard, if you base all your decisions on speculation of what could become of that parcel then you could never approve anything. Any new development you could speculate might be used

for another purpose other than what was approved in zoning. He thinks it was discussed in deep conversation the last time, that it is not allowable for Mr. Shehata to keep cars on that parcel for more than 60 days. It is impossible for it to be a junkyard. They have no oppositions other than the variances to anything the city has requested. They are providing the path along Taylor Road. They have conceded to everything the city has asked for.

Omar Shehata helps manage and is an owner of Speed Way Towing. Shehata said the Police Department's contracts the legal Bureau of Motor Vehicles (BMV) ways that they can't do it less than 60 days where they have to transfer the title into their name if the vehicle is stays on the lot. He said the commission is welcome to visit their lot at any time and ask if they resale parts. They do not sell parts, and do not allow anyone to work on cars at the property. They have people that they contracted with that come and pay them to pick up the cars after the titles are transferred. They are getting rid of instantly because they need the space to allow more cars to come in. They do not like to have cars sit more than 60 days. If they do it is because they are not legally allowed to get rid of them because there is some investigation going on by the police department or some cause that they cannot control. No cars stay for more than 60- or 70-days max on the lot. This property might have future plans for it in the next 10 to 15 years. A junkyard is not a possibility that they are considering for this property. They are not interested, and they do not need to do that. It is not a junkyard; you are not allowed to take any parts even if you are the owner. You are not allowed to come in and work on the vehicle or take any parts off of it before Insurance picks it up. They are not allowed to take any parts and store it on the site to sell it.

Clerk confirmed there were no comments from the public.

Chair closed the public comment at 7:35 p.m.

Chair called on questions from the Commission.

Mr. Greenberg said there was a question about adding lighting in the back of the facility and they said they were going to do everything that the city asked. He asked if this is one of them. Antonetz said they were not specifically asked, but yes, he thinks that anything that is going to provide a sense of security back there is a great idea. They do not feel like it needs to have the intensity lumens that a parking lot does for like an office building where you have staff come in and out. But they are not opposed to some reasonable security lighting. He thinks it makes sense for everyone. Greenberg asked Blackford if they agree to that, how would they make it happen. Blackford said they would not need the variance because there is not a minimum foot candle illumination. There is a maximum. That is why a photometric plan is needed. Code says something like adequate lighting. They can provide a lighting plan and it could be done administratively if the commission deems fit. They would not need that variance; all they would have to do is meet the standard of adequate. In this case like Antonetz said, you know this is not an office building. What is adequate for back there would be a little bit different than a more traditional development. Greenberg asked how high the fence is and if it blocks the view of anyone all the way around the facility. Antonetz said it is a

standard six-foot, chain link with the screening around the whole perimeter. Greenberg said there are going to be cars coming in and going out and there is going to need to be record keeping so that you know how many days the vehicle has been on site. He asked if this is being done. Antonetz said the existing building is their office. Greenberg asked if they keep records of when the auto comes in and when it leaves. Antonetz said he couldn't speak to operations. Shehata said they do keep records of vehicles that come in and out and how long they stay. They can provide those records. Greenberg asked if they can be made available to the city upon inspection. Shehata said yes, those records are their way of tracking, and they can provide them. Greenberg said to just be very clear they are not selling any parts and it is not to be a junkyard under the definition of what Mr. Blackford brought up today. Shehata said, no. It may look because of the wrecked cars, but they do not do that, and they will not be doing that. Greenberg asked about the fluids in the cars. Shehata said eventually it will get better, they have plans to make it better. They have several specialized plastic tubs that they put under cars if it is leaking. They make sure that it is all taken care of. Then they put the fluids in drums, and they get disposed of properly. Greenberg asked how many cars will be on the site of if it is all filled. Antonetz said there are 280 spots. Greenberg asked if they would have 280 tubs. Shehata said yes if that is required. They do not allow any flows of fluid now. It is not something they allow on the lot. If the driver knows that the car is leaking fluids by the time, he is loading it is supposed to be leaking on the bed. They do not have 280 tubs ready, but once they have that number of cars come in and they are expecting it, then they will. Greenberg asked to be led through the process; they are towing his car; it gets to their site what happens and how do they do the paperwork and everything. Shehata said if it is an impound by the police department that they are working with. They call and have them send a truck. It is an accident, but it is an impound so it cannot be released unless the owner comes in with the police department's release form and then they must prove ownership. Then they can go in to look at the car grab their things or pay for it on their own. It must be released through the legal paperwork way which is proof of ownership. If the windows are smashed and rain could come in or anything like that, they crash wrap it, so that nothing gets in or out. If the owner comes in and he is personally paying for it without insurance. He pays for it, then they drive it out for him. If he is sending a company they come in and take it and all that is entered during this process through a tow book which is the software they use for keeping record storage, payments, fees, all that. If it is leaking oil, they put a tub on it. It would cover under almost the whole car and then they would move it after it is filled out. Bi-weekly the truck picks the drums. Greenberg directed his comment to Mr. Blackford; this is approved conditional use in OCT and if there any other zoning district in the city where this kind of business would be allowed. Blackford said, no, this would be the only zoning where this is allowed.

Mr. Suriano stated the building currently is within the building set back and asked Mr. Blackford if the commission approved a variance previously for building or was it grandfathered. Blackford said it would have been grandfather because he believes the original request did not have any improvements at all. No parking lot improvements or anything. It has been the same building and it looks pretty much the exact same as it did prior to the

year 2016, so it is grandfathered. Suriano said the majority of the site for 284 spaces outside of the asphalted area is compacted gravel and asked if it is striped. Antonetz replied that would be very difficult to maintain. Suriano said regarding the site plan is it just a method to identify locations of cars given the requirement as a parking lot. How does the arrangement of cars on the site get managed? Antonetz said they treated this striping plan as if were a parking lot in city code. Those spots are all code compliant spots. That is how it got to a count. Outside of the paved area out front which is paved because that is where the customers only access is going to be. They would be driven there, or they drive their own car there and they can park there, walk into the office whatever paperwork needs to be done. The back area is restricted access. He is open to ideas, and he is not sure if he has ever seen a stone parking lot be successfully stripped. He does not even know that if it is necessary for their operation to have it stripped. Suriano said he was just curious, and he would expect that it would be difficult to maintain. He also thinks that the compacted gravel is a potential for a lot of weeds and stuff coming through the gravel and to site maintenance. He asked where the tow trucks live when they are on site. Shehata said right now at the front of the building. Once this is approved then they will have spots inside to be parked, because then they will have more space for them.

Mr. Tamarkin asked Mr. Blackford where the fence is in the front. When looking at the site map on the north side by the new entrance there is two dotted lines. Those parking spots that are perpendicular to Taylor Station. Is the fence in front of those or behind those or is the fence line the next dotted line back? Antonetz said it is the proposed fence line. Tamarkin said that the parking spots there are inside the fence and the only parking spots that are outside of the fence are what they have now by the building. He said the new entrance is just to access the lot and they are not going to be able to come in here and cut across the front to get to the building. Antonetz said it was just to be used for operations. Tamarkin said he drove through their parking lot yesterday and it looks like they have four or five cars for sale in the front and they will stay. Shehata said yes, usually there are not more than four cars there. Tamarkin said he is curious to know what is going to happen and what you will see when driving by. It is a little bit of an eyesore right now and hopefully they can push some stuff into the back. But those will stay, and the parking lot will be paved and there will be the one ADA handicap spot right up front. There were tow trucks in it yesterday. If they have a car that they are going to junk, do they sell it to somebody who takes it to a junkyard or do they haul it to a junkyard. Shehata said they do not haul them to junkyards they come in with their own contractors that pick it up get it off the lot. Tamarkin said if they have a junk car that they are going to junk and it has fancy wheels on it, you are not taking them off. Shehata said that the person who is buying it also would not agree to take the car if there is anything that they have taken off of it, they are not taking the valuables. They take pictures of the car before they tow it and then compared to when the car is picked up. Tamarkin said there is a big pile of gravel on the south side right inside the fence. There is weeds everywhere, trucks with weeds growing up through them, hopefully that will all be cleaned up. Shehata said it will be cleaned up, they were doing that to prepare for whenever they are ready to proceed. It is an inconvenience for them because they could be using that space. Tamarkin said even though

they are going to put up a privacy fence they now are more visible to the public. When you drive down the road you see what is in front of their building. You can't see what is behind the building because it is blocked by the building. Assuming this gets approved if this moves to the north you will have parking spots not blocked by buildings. It will be blocked by the privacy fence, but it is going to be a little more important not to have weeds growing through the fence and piles of gravel. Shehata said a big part of why they want to do this is they want to make the property look nicer. He said this is not going to be an issue. They will be taking care of all of it. They are going to have contractors come in and take care of it. Tamarkin gave his final comments; some of the city's concerns on conditional uses. He asked if they would agree and then the commission would have to have the help of the city attorney, to craft the motion. If the commission added to the conditional use that there will be absolutely no wholesaler retail sale of parts so even though you sell whole vehicles which Mr. Blackford has no objection to whole vehicles, but there would be no objection if language was added that there would be absolutely no wholesale or retail of anything other than a whole car in any parts. Shehata inaudible, not speaking into microphone. Tamarkin said, no objection. That they would have and be willing to have the city inspect that there will be no leaking fluids and any leaking fluids will be contained and then recycled. Shehata said they would. Tamarkin commented to Blackford, he does not know if the city has anyone who checks on those kinds of things. If it was put in the language for conditional use that no vehicle would ever stand a lot longer than 90 days, 120 days, he asked the applicant for a number. Shehata said he doesn't want it to stay more than 60 days, but sometimes it would have to stay longer at the request of the police department. Since they have been contracting with the City of Reynoldsburg. They have had one vehicle for longer than 200 days. That was one vehicle. As soon as they got the paperwork it was gone. It is hard to say maybe 200 days. Tamarkin suggest say no vehicle stays longer than 90 days except for those vehicles requested to be held by a local police department. Shehata would propose 120 days. Tamarkin said if someone from the city would come to inspect, they have proof on that individual vehicle that a police department has requested to hold that vehicle, because maybe it was used in a crime or something. Shehata said yes, that is exactly what they do. They do not keep them longer than they do because they have the guy coming in almost monthly to take the cars that are ready. Tamarkin said that there would be no construction until the parcels are combined into one parcel. Shehata said they have no problem with that.

Mako asked Blackford going back to 2016 if it is known what conditions were originally put on this property to get where we are today. Blackford said it was a straightforward request. He did not work on it, but he is aware of it. There was one condition to remove a construction like trailer from the site within a year of occupancy permit. There were not any improvements that necessitated them to do a more robust modifications to the property. Mako said in 2016 this was a conditional use for the zoning code in place at the time and they just had essentially one condition they had to comply with. Blackford said that is correct. Mako asked the applicant if they are at full capacity and the internal circulation with when their tow truck has to get back there, do they feel confident that they are not going to create some type of situation where your larger vehicles are stuck? Antonetz said currently the lot

is tight, because of the stuff that is stored on it, and they make sure that they are still utilizing the space that they could be using. He can guarantee it is not going to be an issue. They will make sure the trucks move in freely so that they are not held liable for any damages that are done to any of the impounded or insurance cars. They will also have a smaller wrecker, that is not as big as a flatbed. It will be used for a customer to pick up a car or insurance or one needing pulled out. Mako asked the engineer if they would be open to the retention pond using some type of clay liner or something to make sure that there is not going to be any type of leakage from it. It was talked about putting in some type of plastic underneath catching these fluids, but he is still concerned with it. Antonetz said with EPA rules they are going to have to comply with water quality. With the area that has been set aside for stormwater management he thinks they can comply with the water quality requirements of the EPA and allow the opportunity to capture any oils that happen to seep into the pond.

Wester asked Mr. Blackford what mechanical services are limited to the property and what is the difference between a storage yard and the local gas station that will change his oil or a Firestone. Blackford said from a zoning code standpoint it is categorized as a totally separate distinct uses. There are not conditions and things associated with it. If the primary activity on site is oil changes you would be classified as an oil change facility. If your primary activity is vehicle storage, impound lot then that would be a towing facility. The code in this case is the one activity from an auto related activity that is not allowed by right within the zoning but requires a conditional use. Wester asked if any consideration been given to the compatibility of the facility, the entrances with improvements along Taylor Station Road. He does not know if it is Franklin County that was coordinating it. At one time he believes there was talk about a roundabout on Taylor Station Road. When there are 200 cars in there how many are towed in and out on a daily basis and how does that impact traffic? Shehata said that there could be four cars a day. Wester said if you are taking in 10 cars a day and you are only moving six cars out a day, eventually your lot is full. Shehata said that is assuming that all the cars stay. Most insurance companies do not wait more than maybe a week before they issue for a car to be picked up. With the current contracts that they have the probability of the lot being filled out is very certain. They wouldn't have that issue. Antonetz said they do not operate and make money by storing cars. They make money by towing cars. There is no interest in them having 284 cars sitting in that parking lot. They do not get paid for storage. Suriano said in looking at Google the ground view he said the sign on the building says Speed Way Auto Care and not Speed Way Towing. Shehata said the sign currently says Speed Way Auto Care. They have applied for that sign and went through the permit to have it there. In the future they will be applying for different signs that just say Speed Way. That application is in the future. As of right now, that is what it says.

Greenberg asked city attorney Roth that if five or 10 years down the road they

sell. Do the conditions remain in place with the new property owner. Roth said as long as there is no cessation in the use, he believes it would.

Shapaka directed his comments to Roth, he has four conditions. Roth said he has three written down. Shapaka said conditional use. Tamarkin said combining the properties. Roth has that one and no sale of vehicle parts and no vehicles stored longer than 120 days. Tamarkin added a way to maintain and corral fluids. Roth believes that if the commission is putting conditions on it, do it as part of the conditional use not as part of the variance approval. He has concerns about how this would be policed. The city does not really do anything right now as far as what type of business is being operated. If there is a fast-food restaurant approved and it turns out that they are operating, it as a marijuana dispensary the city would find out at some point. Somebody would complain, but the city does not on a regular basis go into businesses and say are you operating in the way that was approved. This is not something the city does. It would be a zoning code violation if somebody is operating an unpermitted business. The city can file charges for that, but it is not something that is checked on annually to see if they are operating the way they were approved. Those conditions can be added here. Maybe in the future the city would have a zoning officer that would make those business checks. If the commission wants to make conditions as part of the conditional use that there's no vehicle sales, that they contain the fluids leaking from vehicles, that they do no vehicle parts sales. That can add them, but currently the city has no way to police it. Shapaka asked if they would vote on that separately to be an amendment to the conditional use. Roth said to do a motion to amend to include the conditions before having a motion to approve the conditional use.

Shapaka asked for discussion to amend the conditional use application with four items; being the fluid control, 120-day limit, this is a summary of the description and no selling of parts, and a lot combination prior to any construction being done. Shapaka asked if there any discussion on those four.

Wester said Mr. Roth brought up a good point. When the commission impose conditions, the city has a difficult time enforcing them. Wester proposed that they look at an inspection fee. Maybe they apply a deposit and then the inspector bills against that. It is not uncommon in construction. Any other conditions put on them in some cases it becomes a question of semantics. Shapaka asked if there is a majority of an agreement or opinion on adding an inspection fee to it. Roth said there is not code in place to do that. It would be up to city council to create that code. It is not going to happen for this application.

Shapaka asked for a motion for the amendment to the conditional use application.

A motion was made by Tamarkin, seconded by Suriano, that CU-0004-2023 be amended as follows: 1) this parcel will be prevented from selling at wholesale

or retail any auto parts, anything other than a whole car, 2) this parcel shall have a system in place to capture any leaking fluids from vehicles and any leaking fluids will be consolidated and recycled per EPA guidelines, 3) no vehicles will be maintained or stay on the lot longer than 120 days with the exception that vehicles requested to be held for a longer period by a local policing authority, and 4) no construction shall begin until the parcels are consolidated into one parcel.

Discussion on the motion:

Greenberg said in regard to the fluids and inspections if there is a problem and there are fluids going into the ground groundwater and it is going into the impoundment the EPA is responsible for making sure that the discharge from that is in compliance with water regulation. You will have some inspection protection regarding that.

Suriano is not in favor of this conditional use. He thinks a lot of them have been outlined by Mr. Blackford. He does not think that it is in accordance with where we want to be from a future standpoint in terms of an Innovation District in the OCT. There is nothing that leads him to believe that what they are proposing is going to improve the character of the surrounding area. He thinks it probably could have the opposite effect in terms of undesirable effects. He does not know that it is in keeping with the character. He has significant concerns about if they were to put conditions on this property the onus is on the city to monitor. It is not to say that he does not trust the applicant would do those things. He does not know as a city if there are the resources to do monitor every property that has conditional uses. When looking at all the things that have to happen for this site to be in compliance and to be approved from a zoning perspective that usually is a red flag for him and this is not probably an appropriate use for this site. He is not in favor of the use.

Wester said he is not in favor of the conditional use either for recent specified in the land use plan. Some of the undesirable effects, compatibility with our future. He thinks it was mentioned this is the south gateway to the city. Looking at the surrounding neighbors he thinks that it is a very big push to say that this fits within Industrial Research and innovation. He will not be supporting it.

Mako said he also will not be voting in support of this for the reasons mentioned by his colleagues. He thinks that given the number of conditions and then the burden from a code enforcement standpoint it puts the city in a tight spot.

The motion failed by the following vote:

Yes: 3 - Greenberg, Shapaka and Tamarkin

No: 3 - Mako, Suriano and Wester

Absent: 1 - Hicks

Antonetz asked if that section of the property will still have the conditional use and they can still operate with that condition. Roth said this is just applying to the additional three acres. That is what is on the table. Antonetz said it is still

going to be there, they are trying to improve it and they are still allowed to use it the way it is now. Roth said that is correct.

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

Discussion on the motion: Shapaka said the design review application and the other variances are strictly for the improvements that were made to the 3.1 acres. Roth said he believes some of the variance applications deal with the existing one-acre parcel, as far as the pavement and the sidewalk. Blackford said those would not be necessary. It does apply to the one acre, but he does not believe that the applicant is going to do all those other improvements if the conditional use isn't expanded. He does not believe there would be any desire for them to do some of those other improvements, so he thinks the design review and variance applications are null and void. If they wanted to go forward with them the applications would have to be altered to have a reduced project scope because it includes more property than what they have conditional use for. Roth asked if he was saying that without the conditional use there is no reason to vote on the design review and variance applications. Blackford said that is correct unless the applicant wanted to correct him.

The motion failed by the following vote:

Yes: 1 - Shapaka

No: 5 - Greenberg, Mako, Suriano, Tamarkin and Wester

Absent: 1 - Hicks

Wester asked why the conditional use application identifies only three of the parcels and the design review application includes the original parcel. Blackford said the variance and the design review applications have all four of the parcel IDs listed. The conditional use has three parcel IDs because they already have approval for conditional use on the original one-acre parcel. The conditional use is the same so that that parcel was not included. As just discussed regardless of what happens tonight that one acre can move forward, but the design review and the variance apply to all four parcels.

DR-0015-2023

To consider a Design Review Application for a site plan and landscaping for property located at 788 Taylor Station Road; Parcel IDs: 025-003996, 025-003942, 025-003959 and 025-003961; Current Zoning OCT; Speed Way Towing; Mark Antonetz, applicant.

Shapaka said the design review application DR-0015-2023 and variance application V-0016-2023 are no longer required because the conditional use was not approved.

V-0016-2023

To consider a Variance Application to vary Chapters 1155.04(c)(1)(A), 1155.04(d)(1), 1163.05, 1163.06(a), 1163.07, and 1163.08(a)(c)(d)(e)(h) of the Codified Ordinances of the City of Gahanna, for property located at 788 Taylor Station Road; Parcel IDs: 025-003996, 025-003942, 025-003959 and 025-003961; Current Zoning OCT; Speed Way Towing; Mark Antonetz, applicant.

Shapaka said the design review application DR-0015-2023 and variance application V-0016-2023 are no longer required because the conditional use was not approved.

F. UNFINISHED BUSINESS - NONE**G. NEW BUSINESS - NONE****H. OFFICIAL REPORTS****Director of Planning**

Blackford said they have concluded interviews for a new position within the department, a manager. They have been working on the zoning code rewrite with the consultant trying to get that project moving forward. They are meeting to talk about the public engagement materials. They are trying to target maybe an event at Creekside to get a different mix of people. He will let the commission know when it is going to occur. After that there will be a joint meeting with Planning Commission and City Council to do a deeper dive on some issues with the proposed rewrite. The Crescent project should start construction activity in the next few weeks.

Council Liaison

Council Liaison - Blackford was not in attendance at the last council meeting. There was a change to the sidewalk ordinance. He will follow up with more details later. There was a first reading for a tax abatement for Romanoff Electric. They are moving and possible staying in Gahanna. They are one of the city's largest employers. There was discussion on the city Capital Improvement Plan. Which is all the capital projects, Parks, Public Service, police types of initiatives. This is the city's first ever Capital Improvement Plan. They are targeting an adoption in about a month.

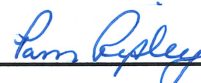
I. CORRESPONDENCE AND ACTIONS - NONE

J. POLL MEMBERS FOR COMMENT

Tamarkin shared that he and Greenberg attended the Economic Development meeting for the city. Steve Stivers was the speaker, and they met the new economic development manager for the City of Gahanna.

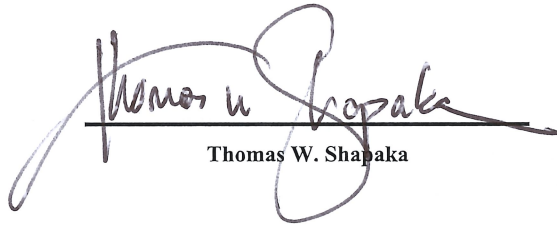
K. ADJOURNMENT

There being no further business the meeting adjourned at 8:23 p.m.



Pam Ripley
Clerk

APPROVED by the Planning Commission, this
9th day of *August* 2023.



Thomas W. Shapaka