



City of Gahanna

Meeting Minutes

Planning Commission

200 South Hamilton Road
Gahanna, Ohio 43230

John Hicks, Chair
Michael Suriano, Vice Chair
Bobbie Burba
Michael Greenberg
Thomas Shapaka
Michael Tamarkin
Thomas J. Wester

Krystal Gonchar, Deputy Clerk of Council

Wednesday, July 24, 2019

7:00 PM

City Hall, Council Chambers

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, July 24, 2019. The agenda for this meeting was published on July 19, 2019. Chair John Hicks called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Bobbie Burba.

Present 7 - Thom Shapaka, Thomas J. Wester, Michael Suriano, John Hicks, Bobbie Burba, Michael Greenberg, and Michael Tamarkin

B. ADDITIONS OR CORRECTIONS TO THE AGENDA: None.

C. APPROVAL OF MINUTES

[2019-0084](#)

Planning Commission Meeting Minutes for June 26, 2019.

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

Yes: 7 - Shapaka, Wester, Suriano, Hicks, Burba, Greenberg and Tamarkin

D. SWEAR IN APPLICANTS & SPEAKERS

Assistant City Attorney Kristin Rosan administered an oath to those persons wishing to present testimony this evening.

E. APPLICATIONS - PUBLIC COMMENT

[V-0008-2019](#)

To consider a Variance application to vary section 1143.08(c)- side yard requirements, of the Codified Ordinances of the City of Gahanna; to allow for a shed to be placed closer to the side property line; for property located at 161 Brookhill Dr.; Parcel ID No. 025-007669; current zoning Residential District SF-3; Corinne Byers, applicant.

Blackford provided a summary of the application; reviewed site plan, showed image of where the shed would be located; stated that staff would recommend approval so long as the eastern yard was not an option; there is a creek running behind the property, and a portion of the backyard is in a flood plain.

Chair opened the public hearing at 7:06 p.m.

Applicants, Corinne Byers and Kevin Byers, 161 Brookhill Dr.; stated there was a slope on the eastern yard; it is difficult to see in the photo, but you can see in person; there's also a buckeye tree which will continue to grow, so that must be accounted for; the only other place to put the shed is in the middle of the yard, which is where the children play; would not like to have the shed out in the middle of the yard.

Chair called for comments from the public; there were none. Chair closed the public hearing at 7:09 p.m. Chair called for questions from the Commission.

Suriano asked if the shed will be on skids or a foundation. Applicant said on skids and concrete blocks.

Tamarkin said it looks like the house next door has a shed very close to the property line, right against the fence; asked if there was a variance for that home. Blackford said that neighbor's shed was 8' from the property line, which does not require a variance. Tamarkin said it does not look to be 8'.

Greenberg asked if neighbors get notified about these types of requests. Blackford said for variance requests, a notice is sent to contiguous property owners.

Hicks asked if the shed had already been installed. Applicant said no. Hicks asked what's the purpose of the shed, and if the deck box and other items would be placed in the shed. Applicant said the shed will mostly store lawn items, and the need for the shed was caused by the recycling carts that were delivered by the city, which caused a need for more space. Hicks asked if there were any issues moving the shed 5' closer to meet the setback requirements; to move 5' towards the deck. Applicant said that's a very narrow area; not the best use of the space.

Hicks asked if there was a gate. Applicant said yes.

A motion was made by Shapaka, seconded by Suriano, to Approve the Variance application.

Discussion on the motion: Shapaka said based upon the history of using spaces like this, moving the shed over 5' sort of creates a dead zone between the shed and the fence; is in favor of moving the shed so that items can't be stored in that dead zone. Suriano said he is in favor; in addition to Shapaka's comments, it infringes on the yard to put the shed farther into the yard; agrees that the eastern location would be too difficult a location.

The motion carried by the following vote:

Yes: 7 - Shapaka, Wester, Suriano, Hicks, Burba, Greenberg and Tamarkin

[DR-0013-2019](#)

To consider a Design Review Application for a site and building plan, for property located at 300 S. Hamilton Rd.; Parcel ID No. 025-001135; current zoning Planned Unit Development (PUD); The Kroger Co.; Yvonne Degraffinreed, applicant.

Blackford provided a summary of the application; use of grocery store is allowable use in PUD; request does not expand the footprint; additional buffering or screening not required; showed images of the store; reviewed criteria for Design Reviews; staff does find this to be consistent and recommends approval.

Chair opened the public hearing at 7:17 p.m.

Applicant, Andrew Gardner, 6628 Burbank Place, Westerville; engineer for the Kroger Co.; Kroger is getting ready to do a remodel of the store; the storage space keeps coming up; currently there are many storage containers behind the store, which makes it narrow and cluttered; the goal is to add internal storage space in order to get rid of some of those storage containers; this would not get rid of all of them, but at least some; removing storage containers would help the traffic back there, and Click List customers.

Chair called for questions from the public; there were none. Chair closed the public hearing at 7:19 p.m. Chair called for questions from the Commission.

Hicks said based on the number of shipping containers, if they are full, this small addition would not be able to accommodate for all of the contents. Applicant stated that he was not sure just how many containers would be removed due to the addition, but reiterated that it was the intent of the store manager to do so. Hicks asked what's being stored in the containers. Applicant said dry merchandise; no groceries. Hicks said it appears the containers have not moved in a long time; back in 2014,

there was a request to add 5, which was approved by a Conditional Use for a period of 5 years, which expired in May. Applicant said he will bring that back to Kroger and come back to the City if needed.

Shapaka asked if the city fire department had any comments. Blackford said the clearance was 24', but confirmed that it was brought up and meets the minimum for fire access.

A motion was made by Greenberg, seconded by Suriano, that the Design Review be Approved.

Discussion on the motion: Tamarkin said from his experience as a retailer, a store only runs as well as the backroom; if the backroom is not in order, then the store is not in order; also encourages Kroger to figure out how to clean up behind the building because customers do see that, but will vote to approve in order to make the store efficient. Hicks said he's in support and would like to see that back area cleaned up and is looking forward to seeing these improvements.

The motion carried by the following vote:

Yes: 7 - Shapaka, Wester, Suriano, Hicks, Burba, Greenberg and Tamarkin

F. UNFINISHED BUSINESS: None.

G. NEW BUSINESS

- Discussion on streamlining processes

Hicks stated that he wanted to open up a discussion on areas of the code where we may want to look at; we have made some efforts in past meetings to try streamlining the application process, and attempted to shorten the application timeline; asked Blackford to begin with some ideas.

Blackford stated that we have seen a lot of smaller scoped requests this year; one thing we strive for is to make sure our process adds value; we have seen a number of requests this year that may have been better served by being administratively approved versus going through Planning Commission; that would require code changes of course; our code does not do well with explaining when an application is actually required; going to Planning Commission for smaller things still adds on 30 days or more of time for any given project. Blackford provided the following list of items, which have the potential for being administratively reviewed and approved with minor code changes:

-split rail fence

- privacy fence
- chain link fence
- ornamental fence
- replacement of landscaping
- building additions
- accessory buildings
- repainting of existing buildings

Hicks asked for thoughts from the Commission. Greenberg said he would be strongly in favor of administrative approvals; cited an example of a time when he was the president of his homeowner association; they approved fences as long as they met the city requirements and deed restrictions; his first meeting at Planning Commission was for a split rail fence; asked if staff would draft these changes. Blackford said if that was the will of the Commission; creating new zoning code changes takes longer than amending current code; staff will draft standards and bring back to Planning Commission. Greenberg said there are 7-8 different deed restrictions within Harrison Pond, so there could be different requirements from section to section, which is likely the case for other HOAs; asked how that would impact this. Blackford said the city does not enforce those deed restrictions; we are clear to applicants that they must abide by those deed restrictions, and are responsible for knowing them.

Suriano said he is in strong support of giving staff more autonomy; in support of helping to make the process for applications go quicker for applicants and the city; defining some standards is good, and if someone adheres to those they can be administratively approved; how restrictive or open do we want to be with those standards; that's the area that can become subjective; stated the Kroger addition that was before them tonight, was not impactful and perhaps is one of those instances where it could've been more streamlined; said the Land Use Plan could help bridge this. Blackford said the Land Use Plan was discussed at the Council Committee Meeting this week and they did discuss landscaping guidelines, etc. Suriano asked if this should come back to a workshop. Wester recommended a regular meeting so as to have as much public input as possible.

Burba said we have had a number of occasions where people build without a permit; the attorney office on Mill St. is one example; we have no way to enforce our rules. Blackford said he did reach out to code enforcement about the office on Mill Street that was painted; the Code Enforcement is spread thin, especially due to the recent implementation of the rental registration. Burba said perhaps a fine for not complying would be a good idea. Blackford said there are fines in place, but they are used as a last resort.

Wester asked if we could have someone who is over code enforcement come to a few Planning Commission meetings to discuss these things. Blackford said this falls under the Service Department, but will reach out to the director to voice the priority of these things; reminded the Commission that Code Enforcement is not in the zoning code.

Hicks asked if we should consider prohibiting residential hotels from the Office, Commerce & Technology zoning district, but does not want to create a solution to a problem we don't have; we allow through a Conditional Use approval, hotel accommodations; back in 2012, there was a change in Ohio Revised Code, that allowed apartments to masquerade as hotels; Jefferson Twp. has had 2 of these residential hotels/apartments, and one more is currently being considered. Blackford said one of those is actually in Gahanna; the newer one is in Jefferson Twp.; the decision to allow as a Conditional Use, was because they removed it as an allowable use; if that is not sufficient, then the only challenge is that it is a unique use in ORC; stated this was a hot topic 5 years ago; back then an applicant said under oath, that the hotel would be an extended stay, with guests not exceeding their stays beyond 30 days; believes there is enough in the code that allows us to go after them, but the city chose not to; with conditional uses, Planning Commission has the authority to add on conditions as they see fit. Hicks said when they went to the public hearing for the recent extended stay hotel in Jefferson Twp., Blackford stated that position quite well but the development went through anyway; developers threaten with annexation; in the spirit of working together with the township, if we have language in our code that prohibits these things, developers can't threaten to annex into Gahanna. Blackford said that is a very easy code change.

Wester asked about the status of the Access property. Blackford said they applied for building permits in the fall; they were granted the permits; they applied for a change in use from nursing home to adult daycare; does not see much activity there. Rosan stated that people are not allowed to spend the night there.

Hicks asked Rosan if we opened ourselves up to legal issues by prohibiting extended stays. Rosan said Home Rule applies, but there is always an option for a variance to remedy any special circumstances. Wester said perhaps we should be proactive in that area as opposed to reactive. Suriano said he would like to see the original language to review.

Burba asked what the upcoming workload looks like. Blackford said there are currently 9 applications in review; looks like September's

agendas will be heavy. Greenberg asked if an applicant has an incomplete application, does staff just go back and forth with them until it is completed. Blackford said the application goes through staff review through about 8 different departments, then the comments go back to the applicant; some items require immediate attention before going to a public hearing; for a Final Development Plan for example, it usually requires 3 submittals before it is complete and accurate; this is not typical in the region; Variances and Zoning Changes are usually considered complete since they are less technical.

H. OFFICIAL REPORTS

Assistant City Attorney

No report.

Planning & Development

Blackford provided follow-up a question on the Mill Street demolition from the last meeting; there was a question about recycling demolished materials; there are scrappers that come in and recycle for economic benefit.

Hicks asked about a designated outdoor refreshment area in the works. Blackford said he remembers something from a few years ago, but nothing recent. Hicks said Grove City recently passed a zoning change to allow for that. Tamarkin said the CVB and Downtown Commission worked on getting a DORA for Creekside, which he believes is still active.

Council Liaison

Burba said Council was pleased to get the Land Use Plan; they thought it was good. Hicks said it went before Committee of the Whole on Monday; it was a detailed and lengthy presentation. Blackford said it was lengthy so that people could understand how much effort goes into it; there will be a Public Hearing at a regular Council Meeting on August 5; encourages everyone to come out and speak on it; feedback will be well received.

CIC Liaison

Hicks said the CIC and the city worked together for the purchase of a property off Johnstown Rd.; believes it is in contract; it will connect the

park behind the apartments over to Johnstown Rd. with an option for expansion.

Chair

No report.

I. CORRESPONDENCE AND ACTIONS: None.

J. POLL MEMBERS FOR COMMENT

No additional comments.

K. ADJOURNMENT

By Wester at 8:04 p.m.