

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Wednesday, February 10, 2010

Commission may caucus prior to Regular Meeting

7:00 PM

City Hall

Planning Commission

David K. Andrews

Anthony Penn

Jennifer Price

Kristin Rosan

Donald R. Shepherd

David B. Thom

Robert Westwood

Stacey L. Bashore, Deputy Clerk of Council

IT IS THE RESPONSIBILITY OF THE APPLICANT TO HAVE A COURT REPORTER PRESENT, AT THE APPLICANT'S EXPENSE, IF THEY WISH TO HAVE A VERBATIM TRANSCRIPT OF THE MEETING. COUNCIL OFFICE SHOULD BE ADVISED IN ADVANCE IF A COURT REPORTER IS GOING TO BE PRESENT.

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 S. Hamilton Road, Gahanna, Ohio, on Wednesday, February 10, 2010. The agenda for this meeting was published February 5, 2010. Chair David K. Andrews called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Commission member Robert Westwood.

Members Present: Anthony L. Penn, David K. Andrews, Jennifer T. Price, Kristin E. Rosan, David B. Thom, Donald R. Shepherd and Robert C. Westwood

B. ADDITIONS OR CORRECTIONS TO THE AGENDA.

There were none.

C. APPROVAL OF MINUTES: January 27, 2010

A motion was made by Rosan, seconded by Thom, to approve the Minutes of the January 27, 2010 meeting. The motion carried by the following vote:

Yes 7 Penn, Chair Andrews, Price, Rosan, Thom, Shepherd and Westwood

D. HEARING OF VISITORS - ITEMS NOT ON AGENDA.

There were none.

E. APPLICATIONS:

Chair stated Public Hearing Rules that would govern all public hearing this evening. Assistant City Attorney Ray King administered an oath to those persons wishing to present testimony this evening.

V-0003-2009

To consider a variance application to vary Section 1163.02(a) of the codified ordinances of the City of Gahanna; to allow a reduction in the parking requirement and to vary Section 1167.15(b) to allow a variance for the parking setback; by Elaine Goldberg, applicant. (Advertised in RFE 11/26/09)

Applicant withdrew the Variance application verbally and in writing.

Withdrawn

Z-0010-2009

To consider a Zoning application to zone 1.422 + .851 acres located at 1105 Beecher Crossing North; current zoning L-SO (Limited Overlay, Suburban Office), requested zoning L-AR (Limited Overlay, Multi-Family Residential); Melissa's House Foundation, Elaine Goldberg, applicant.

King stated he had the opportunity to review the letter sent by Ohio Legal Rights; for the most part I agree with the content; this Commission is prohibited by Federal and State law from violating Fair Housing rights; cannot discriminate based on disabilities; any criteria used should be solely based on Gahanna ordinances; cannot make it any more clear that providing housing to people with disabilities cannot be used as criteria to vote.

Chair stated that the Commission had received several e-mails and letters both for and against Melissa's House.

Chair opened the public hearing at 7:10 p.m.

Sam Shuler, stated she is the real estate director for CHN, 1680 Watermark Drive; we are requesting rezoning for this piece of property; it is appropriate; 3 main items that point to yes are development standards are equal and better to surrounding buildings; committed to limitation; dropped our variance for parking; lower density; we are requesting same zoning as development around us; future land use plans and Triangle land use plan calls for this being residential; we are more compatible by being rezoned; this is a straightforward land use issue; rental vs ownership; understand that distinction; zoning code perspective classification based on density; appreciate Beecher Condos no rental agreement, but they could rent; would not be voting limited AR; there is HUD affordable housing just across street; Creative Housing is very similar; serves special needs; 10 unit rental next to condos; zoned L-AR using the same exact HUD sources; affordable rental projects; it's not unprecedented to have these uses next to each other; doesn't significantly impact uses; confirmed our assertion through a real estate appraiser; received the appraisal today from Tom Horner; he is a respected appraiser; report states there would be no negative impact from studies that he sites and personal experience; understand there has been a lot of discussion focused on disabilities; we run into this all the time when we seek rezoning; people have a lot of questions; how it is going to be operated; legitimate questions; as far as discussions about our tenants, they have rights; the fair housing law gives the right not to be discriminated against; equal housing even if a zoning doesn't fit perfectly; it is an obligation of government; some questions we are not allowed to answer so it looks like we are hiding something; we are great operators and landlords of these type of properties; we are excited about the partnership with Melissa's House; the focus has got to be on land use and determining whether this is an appropriate use; please support this zoning request.

Chair asked for proponents.

Bobbie O'Keefe, 632 Antler Ct; thank you for allowing us to speak; have had the opportunity to listen to concerns and comments; please vote in favor of the application; my sister has schizophrenia and I have been her guardian for close to 12 years; my sister is a threat to no one; most of the concerns expressed have in my opinion come from a place of fear; fear of change and of people; want to communicate to you in my review of the applications and the kinds of folks going to be living there, there is nothing to fear; my sister can walk to get her groceries; she knows how to avoid dangerous ravines and will not trespass; my sister does not need 24 hour care; sees her case manager every 1 to 2 weeks; well managed on her medication; well connected to her physician and support systems; think that Gahanna is a wonderful place to live; would love for my sister to be closer to me to but there are no opportunities; urge you to vote in favor of application; consider the folks who will be living there; they deserve the same kind of opportunities. Sandy Richmond, 507 Mechwart; stated she appears to be the only one in Beecher Crossing in favor of the rezoning and Melissa's House; love where we live and intend to retire there; the last thing we want to do is alienate every one of our neighbors; not only our current but future neighbors for the rezoning; for the building of Melissa's House; one of the main reasons we moved here is because it was close to work; I can walk if need to; we can walk to Giant Eagle and Graeters; this is really a green healthy haven in the middle of a city; we love the access to places and we think it would be a great opportunity for Melissa's House; whole new process for me; don't know much about property values; but have to believe that property values don't just depend on rezoning; depends on word of mouth; I tell a lot of people where we live is a great community;

encourage people to come and take a tour of our condo; Gahanna is a great place to live not just for those who are here now but for those who want to live here. Mark Dennis stated if you stick to the issues Melissa's House land use for this property would have no negative property effect; as a commission you are charged to protect us and promote community standards; this shows that Gahanna is progressive in its thinking; shows very progressive thinking on your part. Kathy Campbell stated she lived at the Woods at Shagbark and she thought some of the concerns from the opponents were already taken care of; such as building set back and parking; one of the reasons we moved was because it is close to everything; we can walk to 12 different restaurants, shopping; all the amenities are there; as far as run off goes if it was a commercial building it would have just as much roof space and parking; the Canini building hole is certainly nothing beautiful and is not helping property values; hope that you vote in favor of this; give these folks an opportunity to have a nice place to live. Bruce Campbell, 1131 Sanctuary Place, stated he didn't plan to come and speak, but he wanted the Commission to know that there are people who live close by who support this project; we admire Gahanna as being open and inclusive through its recent history; have more housing units for disabled people than many other suburban neighborhoods; we think that's an important value; we think Melissa's House will enhance the overall value of the Gahanna community.

Chair asked for any opponents.

Jan Baker, 506 Mechwart Place; stated she was in opposition to the application; Beecher Crossing Condos is a very small community surrounded by many different types of uses; have to go by all of the office buildings and failed Canini project with 8 foot fence to get to our properties; in good faith we operated with you on this issue 3 years ago; it's sitting there now with orange pylon and is a drain on our community; only 31 homes; will have a more difficult time selling; does make a difference when you see what is there; you see the big yellow rezoning sign; we have 4 properties for sale that have been on the market for some time; challenge anyone to say it will not be an issue to sell our homes; see there is going to be rezoning; not a conventional use of that land; don't see that type of rezoning in other neighborhoods; comes down to dollars and cents; what our property is worth per house; we pay over \$4,000 a year in taxes; no one in the school system; we maintain our own streets; that \$4,000 goes into coiffeurs; we don't use police and fire services that often; ask that you consider that; we voted not to be a rental community; in real estate rental property is parasitic on owner homes; it does have an affect on the immediate contiguous properties; unique group of people in Beecher Crossing; we have 2 doctors; nurses and couples who volunteer on city streets; we are not without compassion; my husband is quadriplegic; another who has a son with a mental illness; we have been painted as people without compassion but we are simply fighting for our property values; in addition I am a nurse and a certified case manager; have worked closely with similar housing for physical disabilities; location is extremely important; the bottom line is to provide an opportunity to be independent; foster self worth; if only 30% work, only 3 out of 10 are working; not sure what the other 7 will be doing all day; would hate to see them fail; housing I am involved with is located in a university area with multiple forms of transportation; residents of Beecher Crossing are not exactly young; most are in our retirement years; feel for these young people who have suffered so and trying to get their lives on course; putting this project on a closed cul-de-sac is not doing them any favors; could be in a more acceptable location. Steve Campbell, 510 Mechwart Place stated he recently had his property re-appraised for refinancing; the proposed zoning change affected the value and it was not positive; before moving here we had our realtor Cathy Cairo research the zoning; now it is being considered for Melissa's House; originally it was not for apartments; was told that with the good neighbor policy it was highly unlikely that any such change would occur for those of us living there; this poses a real zoning nightmare; no one can guarantee the success of

Melissa's House; please don't open that door; greatly appreciate your consideration. Mary Kisser, 511 Mechwart Place; stated she first looked at condos in May 2004; noticed empty lots and was told they were zoned for Suburban Office; told that Canini was planning to build similar buildings; was very comfortable with that idea; invested in condo as retirement home; we feel that the zoning change to Multi Family zoning would certainly affect property values; please do not change the zoning. James Velous, 530 Mechwart Place stated he would like to have the board consider the size of the project to fit it on the lot; scope of the project far outweighs lot's capacity; little to no parking; variance for parking leaves no room for visitors or case workers; would like you to consider the beautiful location with size of project; it is going to clear most of the vegetation; will pose some impact to Rocky Fork Creek and drainage; rainwater will have an impact on creek for those upstream and downstream; project does have far reaching impact; please consider the lot and the environment. Miles Widner, 523 Mechwart Place stated he sent a letter previously; was the 3rd one to move into Courtyard in 2002; investigation made at that time to assure what was going to be around it; the office buildings appeared and were arranged in the proper way; it was not until this request came up that I thought the Board would go against the good decision they made previously; had eyes opened last week when we saw the charts for the location of building on the lot; concerned for the safety of the people within that building; when you look at drop off into ravine not safe for anyone to be walking along back part; my cousin's daughter went into a home like this that was set out and away from most buildings and it turned out to be very unsatisfactory for that individual; was not happy until she was moved to a highly occupied area; free to meet people and develop herself into a self serving person. Raymond Cook stated he submitted a statement in writing; received his information from the Franklin County Auditors web page. Bruce Joseph, 527 Mechwart Place; asked if there was an intersection near any of the Commission member's homes; or a lot that may be rezoned the same way this is being rezoned. Carol Leply, 529 Mechwart Place; stated she agrees with all of the speakers for Melissa's House; worse thing we can do is try to keep out and to keep away those who are mentally ill; I have a Masters in psychiatric and mental health nursing; spent 30 years of professional career advocating for mentally ill patients; taught students to become open minded; have volunteered at suicide prevention; don't want this to become an issue of disabilities; looked for my property for 2 years; did look at places that were closer to busing; Mr. Shepherd mentioned at the workshop that it is very unusual if property has been recently rezoned that it would come up for rezoning again; we made a good faith purchase that it was not going to change again; that is something to consider; talked to 4 different realtors and they all said this zoning would affect my property value; it would depreciate our value; we highly respect this Commission and know this is a very heavy decision to make; but this is something that is going to affect our children's inheritances and the rezoning will not help us.

Shuler stated she knows there is a perception with rental and special needs housing, but our experience has not been that way; we submitted Tom Horner's appraisal; understand that some realtors have a bad perception of rental; this is a straightforward land issue; it is consistent with the Land Use Plan. Thom asked if Shuler had a chance to review the property appraisal. Shuler stated she read the main part of it; read the conclusion; zoning would have no negative impact. Rosan clarified that the parking variance had been withdrawn and the only items being considered were the Zoning and the Parkland Dedication. Rosan asked what would happen if Melissa's House would fail by virtue of limited overlay zoning. Gard stated it is specific for the use mentioned in the overlay text; would have to be used as a multi-family home for people with disabilities; if it would cease existing through current ownership in this limited overlay text, property would have to be rezoned for any other use. Rosan asked if another developer was to

purchase this property would they have to come back for just tenants. Gard answered yes. Rosan asked about the drainage; heard the concerns about drainage; is a Suburban Office use more intense than an Apartment Residential zoning. Wetherholt stated that it doesn't depend on Suburban Office or Apartment Residential; depends more on how much parking and rooftop space it would have; as opposed to what type of use; Rosan asked if Suburban Office would have more parking. Shuler stated it would need to have 30 spaces for Suburban Office, so it would have more impact; would be 20 more surface parking spots; assuming the building was the same size. Rosan stated that on the site plan there are walking paths and decking; steep drop off; presume there will be railing and safe guards. Shuler stated all of that will be 20 feet from where slope begins; slope is very safe at that point; 30% is considered reasonable; deck would be built to be kept safe. Shepherd stated that we did receive the appraisal from Tom Horner; wanted to clarify that he works for Ohio Real Estate Consultants and is more than qualified to give this kind of appraisal.

Chair closed the Public Hearing at 8:03 p.m.

Rosan stated she would be supporting the application; I have listened very carefully; this Commission has gone through a number of hearings and allowed extensive comments; it is my opinion that the proposed zoning would result in lower density; the proposed zoning is consistent with Triangle plan which is a planning document used by this body; proposed application is consistent with adjacent land use; likewise I was persuaded by Mr. Horner's appraisal, that there would be no negative impact for neighbors; in reviewing the application itself, the building will be attractive with a homelike appearance; will complement the neighborhood; appears to be small unit on a quiet culdesac; drove through the condos and it seems like an appropriate place for this type of use; carefully considered the residents comments and if this proposal was in my neighborhood, I would welcome it with open arms; Gahanna is a welcoming and open community to all types of residents; certainly hope that if Council approves the project that the residents will welcome their neighbors and extend to them every opportunity that Gahanna is known for. Westwood stated he has been impressed with the turnout of people the last few meetings for both sides; appreciate concerns of residents and CHN; have lived in community for over 20 years; know that change is inevitable; Gahanna is known for its diversity; Melissa's House is a perfect fit for this; will vote for the approval. Thom echoed the comments of the other Planning members; would like to thank both parties for trying to work this out; one thing this Commission does is try to attempt to work out the issues; hopefully this can work out so it is a win-win; there have been very good arguments on both sides; we certainly understand the issues; this has probably been one of the most difficult applications we have had in awhile; tried to look at it as a land use issue; looked at land use plan and it is consistent with the area; with that said I too will support this issue. Price thanked both parties for raising valid concerns and sharing stories; provided expert info; gave us a chance to make an informed decision about facts supporting this; have an expert opinion that this will not injure the surrounding property values; it is in accordance with Land Use Plan; buildings around it are a mix of Multi-Family and SuburbanOffice, so this continues that mix; I too had concerns about size of the project and environmental concerns; believe that we have addressed engineering and water impact issues; as to whether we personally as residents have gone through something like this, my neighborhood went through something similar; moved into an area that was wooded and beautiful and was told it would never be developed; parcel was sold and the property was developed; it was something we had a lot of concerns about; does continue as the City grows and changes; even if you are not pleased with the outcome maintain the dialogue with the developer; by staying involved we are able to improve the house; continue to make your concerns heard; there are many steps in this process; your concerns and info sharing will help

make this the best project it can be; thanks to everyone; I am excited and welcome it. Shepherd stated that our word is not final word; City Council will allow it to go forward or not; we are the fact finding board; we make sure it is consistent in use; in the past this board has usually rezoned for something that is less intense; we asked about property values; I am familiar with Mr Horner's work and he does have an excellent reputation; he's the expert in this; he can lose his license if he does something less than professional; it is very difficult to say that this building would be out of character with the area; supporting because it is a less intense use of the space; very difficult situation; everyone still has the opportunity to voice their opinions with City Council.

A motion was made by Rosan, seconded by Westwood, that this matter be Recommended to Council for Approval. The motion carried by the following vote:

Yes 6 Chair Andrews, Price, Rosan, Thom, Shepherd and Westwood

Abstain, COI 1 Penn

PL-0001-2009

To make a recommendation to Council for park land dedication requirement; for development of property located at 1105 Beecher Crossing North; Melissa's House by Pizzuti Companies, applicant

Chair called a recess at 8:17. Regular meeting was called to order at 8:22 p.m.

A motion was made by Rosan, seconded by Westwood, that this matter be Recommended for Approval to Council. The motion carried by the following vote:

Yes 6 Chair Andrews, Price, Rosan, Thom, Shepherd and Westwood

Abstain, COI 1 Penn

F. UNFINISHED BUSINESS:

V-0001-2010

To consider a variance application to vary Sections 1165.04(a)(7) and 1165.04(a)(12) of the codified ordinances of the City of Gahanna; to allow for the installation of an off-premise sign on the right of way; current zoning RID; for property located at 600 W. Johnstown Road; Walnut Creek Presbyterian Church, by Stephen J. Reisch, applicant. (Advertised in RFE 1/14/10)

A motion was made by Price, seconded by Shepherd, to rescind action taken on January 27, for variance V-0001-2010 for Walnut Creek Presbyterian Church. The motion carried by the following vote:

Yes 7 Penn, Chair Andrews, Price, Rosan, Thom, Shepherd and Westwood

A motion was made by Price, seconded by Shepherd, that this matter be Approved for property located at 600 W. Johnstown Road, contingent upon Council approval of a lease for Walnut Creek Presbyterian Church to use right of way for a sign. The motion carried by the following vote:

Yes 7 Penn, Chair Andrews, Price, Rosan, Thom, Shepherd and Westwood

G. NEW BUSINESS:

H. COMMITTEE REPORTS:

Olde Gahanna Visioning Committee

No report.

Hamilton Road Corridor Committee

Westwood stated there would be a meeting on February 18th.

I. OFFICIAL REPORTS:

City Attorney.

No report.

City Engineer.

No report.

Department of Development.

No report.

Chair.

No report.

J. CORRESPONDENCE AND ACTIONS.

There were none.

K. POLL MEMBERS FOR COMMENT.

L. ADJOURNMENT.

Adjourned at 8:25; Motion by Rosan.

M. POSTPONED APPLICATIONS:

Donna L. Jernigan, MMC
Senior Deputy Clerk of Council

*APPROVED by the Planning Commission, this
day of 2010.*

Chair Signature