

**MINUTES OF THE  
CITY OF PATASKALA BOARD OF ZONING APPEALS**

**Tuesday, August 14, 2018**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, August 14, 2018.

Present were:

Rob Platte, Chairman

TJ Rhodeback, Vice Chairwoman

Alan Howe

Chadd McKitrick

Bruce Ashcraft – Late Arrival

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning Director

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

Chairman Platte opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Rob Platte, Alan Howe, Chadd McKitrick and TJ Rhodeback.

***First on the Agenda, Remove from Table Variance Application VA-18-016, Beeson and 3<sup>rd</sup> Avenue.***

Mr. McKitrick made a motion to remove from table Variance Application VA-18-016. Seconded by Mr. Howe. Mr. Howe, Mr. Platte, Ms. Rhodeback and Mr. McKitrick voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-18-016, Beeson and 3<sup>rd</sup> Avenue.***

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request for variances to allow for the construction of a two-family dwelling at the corner of Beeson Avenue and 3<sup>rd</sup> Avenue. Corner lots require two front yard setbacks. The Applicant is requesting a variance of 5 feet for the front yard setback from Beeson Avenue and a 20-foot variance for the front yard setback from 3<sup>rd</sup> Avenue. A conditional use was previously approved. Mr. Fulton noted the Public Service Director's concerns regarding an existing debris pile on the property and sight distance to be maintained at the intersection of Beeson Avenue and 3<sup>rd</sup> Avenue.

It was also noted the debris pile has been removed.

Connie Klema, PO Box 991, Pataskala, was placed under oath.

Ms. Klema noted neighbor concerns regarding traffic and access on Beeson Avenue. Ms. Klema reviewed setback requirements and setback requests.

Mr. McKitrick asked if there would be any issues with parking and obstructing sight distance.

Ms. Klema stated there will be plenty of space and a full view of the intersection.

Mr. McKitrick inquired as to esthetic appeal to the 3<sup>rd</sup> Street side.

Ms. Klema noted higher grade exterior and attractive landscaping.

Mr. Platte asked if the plans meet the required clear sight triangle criteria.

Mr. Fulton noted in the affirmative.

Greg Nevil, 73 3<sup>rd</sup> Street, was placed under oath.

Mr. Nevil inquired as to the setback from 3<sup>rd</sup> Avenue.

Mr. Fulton noted the proposed setback from Beeson Avenue would be 30 feet and the setback from 3rd Avenue would be 15 feet.

A discussion was had regarding the right-of-way.

Mr. Platte reviewed the site plan's right-of-way for clarification.

Findings of Facts were reviewed.

Mr. Howe made a motion to approve variances from Section 1233.05(C)(2) and Section 1233.05(C)(4) of the Pataskala Code for variance application VA-18-016 with the following supplementary conditions:

1. The applicant shall construct the dwelling as submitted within one (1) year of the date of approval.
2. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction of the dwelling.
3. Sight distance at the intersection of Beeson Avenue and 3rd Avenue shall be maintained.

Seconded by Ms. Rhodeback. Mr. Platte, Ms. Rhodeback, Mr. McKittrick and Mr. Howe voted yes. The motion was approved.

***Next on the Agenda, Conditional Use Application CU-18-003, Licking Heights Local Schools, 4101 Summit Road.***

Mr. Fulton gave an overview of the Staff Report, noting the Applicant purchased the property in 2014 with the intent of using it as the site for the new Licking Heights High School and are now ready to move forward with construction. As proposed, the new high school would be approximately 260,000 square feet in size and would accommodate 1,500 students. Approximately 700 parking spaces would be available, well exceeding the minimum parking requirement of approximately 250 parking spaces. Access to the site would be via one entrance from Summit Road and one entrance from Cable Road, both of which would include turn lanes. The Public Service Director's comments reference a submitted traffic study that was reviewed by both the City Engineer and the Public Service Director. The traffic study indicates turn lanes will be required at both entrances, and are planned to be installed. Furthermore, the City Engineer highlighted technical details of the plan that need to be addressed, and when those issues are resolved, would not change the need for the turn lanes.

Mr. Platte inquired as to density for the current and future comprehensive plan.

Mr. Fulton noted current density; however, the future comprehensive plan is currently in the works.

Mr. Platte asked as to the turn lanes direction.

Mr. Fulton stated the plans do not show directions, however, turn lanes will be installed.

Mr. Platte inquired as to as Mink Street's classification.

Mr. Fulton indicated Mink Street is a minor collector.

A discussion was had regarding a service road.

Ms. Rhodeback asked whom would access the service road.

Mr. Fulton noted access for anyone traveling through the property.

Minor, major collectors and design criteria were noted.

Dr. Philip Wagner, 6539 Summit Road, was placed under oath.

Dr. Wagner reviewed an updated site plan, noting location of a middle school and new high school and a connector to keep traffic internal and off of Cable Road. Dr. Wagner acknowledged a connector road to Mink Street. Dr. Wagner reported that the Ohio Facilities Construction Commission contributed \$27.7 million to the project and explained the District's responsibility versus what will be shared with the City. Dr. Wagner also noted offsetting a start and ending time between the schools to manage traffic.

Mr. Platte inquired as to how students will be required to use the service road to Mink Street and not Cable Road.

Dr. Wagner noted encouraging students to use different routes to reduce stress on Cable Road.

Parking lot spaces were discussed.

Mr. Platte added finding it hard to believe improvements not needed at the intersection of Summit Road and Cable Road.

Mr. Fulton noted the City does not require impact studies.

Mr. Platte inquired as to the findings of the design standards.

Mr. Fulton noted, per Code, for a collector street the right-of-way is 60 feet and pavement width is 36 feet.

Mr. Platte highlighted criteria the Board is to consider for conditional use. Mr. Platte expressed his concern of why there is no impact study. Mr. Platte also reported not having sufficient information to make a decision of whether the accesses that are proposed are sufficient.

Mr. Fulton pointed out that the traffic study indicated access to the property is sufficient with turn lanes.

Mr. Platte noted school buses having issues with turning at the intersections of Mink Street and Cable Road, Cable Road and Summit Road.

BJ King, City Administrator, City of Pataskala, 621 West Broad Street, Suite 2B.

Mr. King noted a traffic impact study and the study showed improvements that need to be made, but not necessarily the school's issue to deal with. Mr. King stated the City is in full support of the project along with the community's support. Mr. King also noted the City Engineer reviewed the traffic impact study and no immediate need needs to be made, but will be looked at as part of the 2019 budget.

Mr. Platte indicated there are no timelines or immediate plans to make the improvements.

Mr. King indicated in the affirmative.

Mr. McKitrick asked if the City is committed to making the improvements.

Mr. King noted he cannot speak to that; however, the City Engineer indicated the traffic that will be generated by the school can be support by the current intersections.

Mr. McKitrick asked if the City will make improvements to the intersection if the school isn't built.

Mr. King noted improvements would ultimately need to be made.

Mr. Platte reported Mr. Ashcraft joining the meeting at 7:28 p.m.

A discussion was had regarding Cable Road, Mink Street and Summit Road access.

Mr. Platte asked why the City is not requesting the developer to make improvements regarding the impact study of Cable Road and Mink Street and Cable Road and Summit Road.

Mr. King again stated regardless if the school is built or not, improvements would need to be made.

Mr. Platte noted an existing problem and making it worse.

Mr. King stated the impact study did not show that it makes it worse; there is an issue there regardless.

The 2020 and 2040 analysis were noted.

Mr. Platte indicated the Code charges the Board to assess if conditions should be placed on a conditional use.

Mr. King noted the City Engineer is comfortable with what can be supported and the City is in full support of the project.

Mr. McKitrick inquired as to results of the impact study and comments of the City Engineer and Public Service Director.

Mr. King explained that the impact study had been reviewed, there are issues with the existing intersection, but the school is not necessarily contributing to those existing issues; however, the school is committed to doing the turn lanes that are needed for the new and existing school.

Mr. Platte noted the Board having certain criteria to consider, and access points are part of the criteria.

Mr. King indicated the access points to the school have been addressed through the impact study.

Dr. Wagner noted no student traffic for the middle school and the only increase will be staff.

Ms. Rhodeback inquired as to combining bus routes.

Dr. Wagner noted a two-tiered system and offsetting start times.

Mr. Howe noted more students in the middle school and more traffic because of that.

Dr. Wagner again noted offsetting start times.

Mr. Howe added there being a positive impact with having two entrances.

Dr. Wagner noted the internal gravel road improvement.

Mr. McKitrick inquired if the State requires impact traffic studies.

Dr. Wagner stated he is not aware of any requirements; however, money that is provided by the State, the standard is more rigid and must comply with the design manual.

Forrest Payne, 13479 Cable Road, was placed under oath.

Mr. Payne noted being a resident for 25 years and having no issues with heavy traffic; however, during school hours he cannot leave his driveway. Mr. Payne further noted Cable Road's narrowness and issues with school bus access from Summit Road to Cable Road.

No further questions were presented.

Mr. Platte noted it would be his recommendation to table the conditional use to the September hearing.

A discussion was had regarding tabling the application.

Ms. Rhodeback made a motion to table Conditional Use Application CU-18-003. Seconded by Mr. Howe. Ms. Rhodeback, Mr. Platte, Mr. Howe and Mr. Ashcraft voted yes. Mr. McKitrick voted no. The motion was approved.

***Next on the Agenda, Variance Application VA-18-017, Pulte Homes of Ohio, Hazelwood Sections 4-1, 5-2 and 6-1.***

Mr. Fulton gave an overview of the Staff Report, noting the Applicant is requesting a variance from Section 1117.08(C) of the Pataskala Code to construct a road with a minimum street grade of 0.50 percent while a minimum street grade of 0.60 percent is required pursuant to Section 1117.08(C). The Final Development Plan for Hazelwood Sections 4 Part 1, 5 Part 2, and 6 Part 1 was approved in April of this year and is comprised of 73 single-family lots. Following approval of the Final Plan, Engineering Plans were submitted for review and approval. During this review, the City Engineer and Public Service Director noticed the minimum street grade of 0.60 percent was reduced to 0.50 percent in four locations within the subdivision. Two instances occur on Burtwood Drive and one instance each on Burtwood Court and Kelci Jane Drive. As a result, the applicant is requesting a variance of 0.10 percent in those locations. The applicant has stated that the hilly topography of

the site lends itself to reducing the minimum street grade. As a result, the 0.50 percent street grade will allow the vertical curves to be less extreme and would not cause drainage concerns.

No questions were presented from the Board.

Findings of Fact were reviewed.

Mr. McKitrick made a motion to approve Variance Application VA-18-007. Seconded by Mr. Ashcraft. Mr. Ashcraft, Mr. Platte, Ms. Rhodeback, Mr. Howe and Mr. McKitrick voted yes. The motion was approved.

**Next on the agenda, Findings of Fact.**

**Variance Application VA-18-016**

<u>Yes</u>	<u>No</u>	
✓		a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i>
✓		b) <i>Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;</i>
✓		c) <i>Whether the variance requested is substantial;</i>
✓		d) <i>Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;</i>
✓		e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i>
✓		f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i>
✓		g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i>
✓		h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i>
✓		i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i>
✓		j) <i>Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,</i>
✓		k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i>

Mr. Howe made a motion to approve the Findings of Fact for Variance Application VA-18-016. Seconded by Ms. Rhodeback. Mr. Platte, Ms. Rhodeback, Mr. Howe and Mr. McKitrick voted yes. Mr. Ashcraft abstained.

**Variance Application VA-18-017**

<u>Yes</u>	<u>No</u>	
✓		l) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i>
✓		m) <i>Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;</i>
✓		n) <i>Whether the variance requested is substantial;</i>

- ✓ o) *Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
- ✓ p) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- ✓ q) *Whether the variance, if granted, will be detrimental to the public welfare;*
- ✓ r) *Whether the variance, if granted, would adversely affect the delivery of government services;*
- ✓ s) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
- ✓ t) *Whether the property owner's predicament can be obviated through some other method than variance;*
- ✓ u) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
- ✓ v) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Mr. McKitrick made a motion to approve the Findings of Fact for Variance Application VA-18-017. Seconded by Mr. Howe. Mr. McKitrick, Mr. Platte, Mr. Ashcraft, Mr. Howe and Ms. Rhodeback voted yes. The motion was approved.

***Next on the Agenda, Excuse of Absence for Rob Platte from the July 10, 2018 Hearing.***

Mr. McKitrick made a motion to approve the absence of Mr. Platte from the July 10, 2018 hearing. Seconded by Ms. Rhodeback. Ms. Rhodeback, Mr. Ashcraft, Mr. McKitrick and Mr. Howe voted yes. Mr. Platte abstained. The motion was approved.

***Next on the Agenda, Excuse of Absence for Alan Howe from the July 10, 2018 Hearing.***

Mr. Ashcraft made a motion to approve the absence of Mr. Howe from the July 10, 2018 hearing. Seconded by Mr. McKitrick. Mr. Platte, Mr. Ashcraft., Ms. Rhodeback and Mr. McKitrick voted yes. Mr. Howe abstained. The motion was approved.

***Next on the Agenda, approval of the July 10, 2018 regular meeting minutes.***

Ms. Rhodeback made a motion to approve the July 10, 2018 regular meeting minutes. Seconded by Mr. McKitrick. Ms. Rhodeback, Mr. Platte, Mr. McKitrick and Mr. Ashcraft voted yes. Mr. Howe abstained. The motion was approved.

***Next on the Agenda, Other Business.***

No other business was noted.

Mr. Ashcraft made a motion to adjourn the meeting. Seconded by Ms. Rhodeback. Mr. Ashcraft, Mr. Platte, Mr. McKitrick Mr. Howe and Ms. Rhodeback voted yes. The meeting was adjourned at 8:07 p.m.

Minutes of the August 14, 2018 meeting were approved on

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