

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

Tuesday, September 11, 2018

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, September 11, 2018.

Present were:

Rob Platte, Chairman

TJ Rhodeback, Vice Chairwoman

Alan Howe

Chadd McKitrick

Bruce Ashcraft

City of Pataskala Planning and Zoning Staff:

Scott Fulton, Planning Director

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

City of Pataskala Attorney:

David Moser, Esq.

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

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

Mr. Moser introduced himself and noted procedures for the hearing.

First on the Agenda, remove from table Conditional Use Application CU-18-003, Licking Heights Local Schools.

Mr. Ashcraft made a motion to remove from the table Conditional Use Application CU-18-003. Seconded by Mr. McKitrick. Mr. Howe, Mr. Platte, Ms. Rhodeback, Mr. McKitrick and Mr. Ashcraft voted yes. The motion was approved.

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

Mr. Fulton gave a brief overview of the site plan and summary of the previous hearing. Mr. Fulton answered written questions submitted by members of the Board of Zoning Appeals. Dr. Wagner's comments, the Public Service Director and City Engineer's comments were noted, including communication from Mr. Mike Fox and his concerns regarding the application.

Mr. Platte asked for a clarification regarding traffic studies.

Mr. Fulton explained that a Traffic Impact Study was performed and recommendations were provided.

Mr. Platte noted two traffic impact studies that were provided, Exhibits F and G, and no improvements were required as those two projects were already on State Routes.

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

Dr. Wagner cited cases regarding zoning and traffic issues, including permitted use.

Mr. Platte noted school use on the property is a conditional use, not a permitted use.

Dr. Wagner noted data regarding traffic studies and impact upon facilities.

Staggered start times were discussed.

A discussion was had regarding ridership.

Mr. Platte reported no sidewalks are included in the project and if there are students that walk to school.

Dr. Wagner indicated it's very rare, but can't say that there are no students that walk to school. Dr. Wagner also pointed out that it's not safe for the students to get to the area. Dr. Wagner stated they do not encourage students to walk to school.

Mr. Platte noted concerns if students were to walk to school.

Dr. Wagner stated working with the City for safe routes to school.

Mr. Platte listed speaker request forms: Todd Griffith, Rick Cox, Bill Sternberg and Byron Manchester had no comments.

Eileen DeRolf, 12520 Refugee Road, was placed under oath.

Ms. DeRolf listed concerns regarding improvements to roads, sidewalks, students' safety, possible future development around the school, and also noted funds from AEP.

Richard Moyle, 36 Woodside Drive, was placed under oath.

Mr. Moyle reported seeing the impact of the current school; traffic congestion going west on Cable Road; a traffic light was suggested at Cable Road and Summit Road. Mr. Moyle described students speeding on Woodside Drive to cut through to Summit Road; installing speedbumps on Woodside Drive was suggesting. Mr. Moyer suggested widening the roads. It was indicated that school-aged children live on Woodside Drive and also noted concerns for students that run cross country, as they run on the roads.

Mr. Platte asked if traffic is backed up on Cable Road from the School due to drop offs.

Mr. Moyle indicated the backup was at Summit Road and Cable Road and not at the school; traffic turning south onto Summit Road is when it is backed up, and Woodside Drive becomes an alternative. Mr. Moyle reported filing numerous complaints with the police regarding students speeding on Woodside Drive.

Mr. Platte asked if students walk to school from Woodside Drive.

Mr. Moyle indicated there are a few students on Cable Road that pass his house walking to school; however, the majority of the children are from Woodside Drive. Mr. Moyle noted sidewalks and crossing zones would mitigate the situation.

Dr. Wagner reported students are encouraged not to walk to school; although some do not follow those rules. It was noted that is why bus traffic is heavy, as the majority of students ride buses. Dr. Wagner commented that this discussion was interesting and would be willing to discuss with the School Board and work with the City and State.

Mr. Platte asked Dr. Wagner if it was his position that sidewalks were not needed.

Dr. Wagner indicated he has not seen a study; however, safe routes to school was noted along with willing to work with the City, and look at grants and alternative funding.

Mr. Platte asked if the School District eliminated busing, as a cost saving measure, if that would be a possibility in the future.

Dr. Wagner noted the failed levy of 2012 and high school bussing was stopped. Dr. Wagner reported schools are not required to provide high school busing in the State of Ohio. Dr. Wagner further noted the School District is one of the fastest growing and most underfunded in the State. It was reported \$11 million dollars was promised from the State of Ohio last year and was not provided. The current school year is expecting \$12 million dollars. Dr. Wagner stated the 3- to 4-year forecast is fine, however, after the fourth year he has concerns. Dr. Wagner further noted the AEP funds is at an aggregate over the course of 17 years.

Mr. Platte commented if high school busing were eliminated, due to hard times, students would be driven to school or walking to school.

Dr. Wagner noted Johnstown schools does not provide high school busing. Dr. Wagner commented on busing code and efficiency studies for public schools. Dr. Wagner added the School District's busing is not that efficient, as they provide so much transportation because walking conditions are not the best that they can be for students. Dr. Wagner noted the internal road that will help with getting traffic off of Cable Road and it will make it possible to travel from one building to another, including internally connecting Summit Road to Mink Road.

Mr. Howe asked if the road will be paved or gravel.

Dr. Wagner noted it is currently under study, and also mentioned a co-funded project with the State of Ohio providing \$20.7 million dollars of funding, including a design manual that has to be followed.

Internal service road was further discussed.

BJ King, Pataskala City Administrator, was placed under oath.

Mr. Platte asked for clarification regarding previous testimony, "The City is in full support of the project. The community has supported it" and what is defined as "The City". Mr. Platte also noted contacting Councilman and Street Chair Mr. Walther for information.

Mr. King stated the Licking Heights Community that voted for the levy to build the school. Mr. King further noted there is still the same number of students that will be going to school; the traffic is going to be there regardless. Mr. King mentioned meetings amongst the City Engineer, Public Service Director, Planning and Zoning Director and Licking Heights. Mr. King indicated there was only one study done, a Traffic Impact Study that mentions current intersections with problems but doesn't mention widening of roads. Mr. King indicated access to the school building, which the school is willing to do. Mr. King noted Carrington Ridge and

Broadmoore Commons regarding improvements of their developments. Mr. King indicated that whether a yes vote or no vote, there is still the same number of children that need to go to school within the Licking Heights School District; either more modulars and traffic or a new school and traffic. Mr. King further noted the School District being in multiple communities; Jefferson Township, City of Columbus, Jersey Township, City of Pataskala.

Mr. Platte asked if the City intends on making any road improvements that would benefit the site.

Mr. King indicated proposing to City Council in 2019 to look at intersections throughout the City and what improvements need to be made for the current traffic throughout the City.

Mr. Platte asked if developers are required to make road improvements that are identified in a Traffic Impact Study.

Mr. King noted past developments required improvements to access their site.

Alan Haines, Public Service Director, City of Pataskala, was placed under oath.

Mr. Haines noted any development that comes through has been required to do traffic studies for access only and not intersections that are adjacent to the project's sites.

Mr. King noted that is consistent with what the Code requires.

Mr. Platte asked if other improvements are identified in the Traffic Impact Study, but only access improvements are required.

Mr. Haines noted, historically, that is what has been done.

Mr. Platte asked if the other improvements would be made by the City.

Mr. Haines stated if the City determined it needed to be done. Mr. Haines further noted a CIP project identifies capacity issues at intersections throughout the City, will prioritize those and plan to address them on a cyclical basis.

Mr. Platte inquired if that includes Cable Road.

Mr. King stated it includes all intersections in the City.

Mr. Platte asked if it includes sidewalks.

Mr. Haines noted a separate CIP project under the City of Pataskala Safe Travel Plan, identifying specific areas throughout the City where there are known issues with pedestrians and connect sidewalks where feasible.

Mr. Platte inquired as to City funding.

Mr. Haines noted partially City funded by the "Fee in Lieu of" program where development projects are required to install a sidewalk or trail.

Mr. Fulton stated platted subdivisions or an area identified within the TCOD is under the "Fee in Lieu of" program.

Mr. Haines explained if the area is not connected to anything, a fee in lieu is determined by the City Administrator or Designee and the City uses those funds to install sidewalks or paths where they are more needed.

Mr. Platte asked if Cable Road did not exist, would it be designed with 12' lanes, 4' berms, since it is a minor collector.

Mr. Haines indicated it being a difficult question to answer, depending on the available funds to construct the road. Mr. Haines further noted, ideally, it would be designed to the best standards of the Code.

Mr. Platte inquired as to the current pavement width on Cable Road.

Mr. Haines reported pavement width is similar to many other backroads that are of similar caliper.

Mr. Platte indicated lanes being nine feet in some areas.

Mr. King stated the roads currently carries school traffic.

Mr. Platte noted how well, is up for question.

Mr. Platte asked if moving forward and intersection, sidewalks, right-of-way dedication improvements are not made, the City would incur those cost. Mr. Platte further noted there is nothing on the plans where the School is setting aside additional right-of-way to allow for the City to use grant funding for sidewalks, and those costs would be incurred by the City, should the City wish to make improvements.

Mr. King stated he is sure the school would be willing to dedicate at that time at no cost.

Mr. Platte indicated not seeing the dedication on the application.

Mr. King stated he would have to see the plans.

A further discussion between Mr. King and Mr. Platte regarding right-of-way requirements was had.

Dr. Wagner noted the Board of Education makes the final decision, however, he will take it to the Board of Education to offer the City some land, if the roads are widened. Dr. Wagner also noted Southwest Licking Community Water and Sewer District has approached the School regarding easements, which the School Board has already approved. Dr. Wagner wanted to place on the record the sensitivity to the timeline for the project.

Jim Roberts, Pataskala City Engineer, 59 Grant Street, Newark, was placed under oath.

Mr. Platte reviewed the letter dated July 12, 2018 regarding Jobes Henderson's review of the Traffic Impact Study, and asked if the study represents an accurate growth rate.

Mr. Roberts noted the growth rate recommendation from MORPC and forwarded to the District and traffic engineer and modification of the Traffic Study based on those numbers.

Mr. Platte noted Mr. Roberts addressing the past three-year crash history and noted the Study further needs to analyze the intersection of Cable Road and Summit Road, as that was the location of the ten crashes that was referenced, and if there has been any additional studies to address safety issues.

Mr. Roberts noted not reviewing anything additional but did add the ten crashes were between Cable Road to Mink Street, and the majority of the crashes were at Summit Road and Cable Road; seven of the ten were rear-end crashes. Mr. Roberts stated his guess to the direction of the crashes would be westbound on Cable Road at Summit Road.

Mr. Platte stated due to everyone trying to get home after school.

Mr. Roberts stated that was correct.

Mr. Platte inquired as to Comment No. 9 from the July 12, 2018 letter.

Mr. Roberts noted no resubmittal of a traffic study as of July 12, 2018.

Mr. Platte noted Comment No. 12, noting Summit Road and Havens Corners Road was not included in the Traffic Impact Study that was provided by the School.

Mr. Roberts noted in the affirmative that it was not included. Mr. Roberts further noted that lane width being included in a Traffic Impact Study as a deficient lane width would be a problem that would already be in existence for the City and current traffic.

Mr. Platte trying to understand the impact on the City if the site is approved to be built, is a bad situation made worse.

Mr. Roberts noted that being a fair question and indicated if a Traffic Impact Study is done well, a bad situation gets better even though traffic gets worse; in this case, primarily Cable Road. Entrances and turn lanes were noted.

Mr. Platte stated the Traffic Impact Study does not address anything at Summit Road and Havens Corners Road.

Mr. Roberts indicated in the affirmative.

A discussion was had regarding the request for Traffic Impact Studies.

Mr. Platte asked for clarification, that City Administration and Staff supports the project, as well as the community, and has City Council addressed or supported the application.

Mr. King stated City Council has no jurisdiction to review the application, since it's a conditional use. City Council is aware of the project, but noted he cannot speak on behalf of City Council.

Mr. Platte asked if City Council has reviewed the application or if there has been discussion.

Mr. King indicated he does not know if they've taken it upon themselves to review the application.

Mr. Platte asked if the Streets Committee reviewed the application and/or the Traffic Impact Study.

Mr. King indicated they had.

Mr. Platte asked if the Streets Committee supported it.

Mr. King stated not recalling if there was support, however, there were questions the City Engineer responded to and given to the Street Committee. Mr. King further stated the Street Committee does not necessarily support or have to make a vote on such issues.

Mr. Platte asked if any concerns were expressed.

Mr. Haines stated there were questions but doesn't recollect specific concerns.

Mr. King asked Mr. Platte if he is aware of any concerns, he will address them.

Mr. Platte indicated he was not aware of any. Mr. Platte wanted to reiterated, in full disclosure, contacting Mr. Walther.

Mr. King stated this application is strictly a Board of Zoning Appeals approval.

Mr. Platte asked again if the Traffic Impact Study would have been reviewed by the Streets Committee.

Mr. King answered in the affirmative; however, Mr. King stated he thinks it was not necessarily required to be reviewed by the Streets Committee, but was done as a courtesy. Mr. King again noted this is a Board of Zoning Appeals approval.

Mr. Platte noted the correspondence from Mr. Fox, asking that it be read into the record; however, it has been provided to the Board, and included in the presentation. Mr. Platte stated it is available for anyone wishing to read Mr. Fox' correspondence, and noted the Board has addressed some, if not all, of the comments noted in the correspondence.

Mr. Platte noted improvements that need to be made, as identified by the Traffic Impact Study, and the Board's concerns. Mr. Platte indicated the Board can approve as summited, disapprove or approve with conditions, and some of the conditions would be related to access, hours of operations, etc. Mr. Platte asked if the School District is open to making any changes to their plan or application that would alleviate some of the concerns. Mr. Platte further noted the School is not required nor obligated to make changes to the application and indicated wanting a sense of the willingness or the position of the School.

Dr. Wagner noted the school is always willing to work with any entities in the City; however, would need more specifics in terms of what is being asked.

Mr. Platte indicated not knowing what those are at this point, until the Board deliberates.

Dr. Wagner stated he cannot exceed his authority; however, there is a precedent of the School Board to provide easements for Southwest Licking Community Water and Sewer District, and if that is something the Board would like him to explore. Dr. Wagner further noted the community is growing, and the School District is one of the fastest growing districts in Central Ohio and doesn't want to waste tax payers' money to place more modular classrooms.

Mr. Platte indicated the Board having the ability to deliberate with Legal Counsel in closed session.

Mr. Moser indicated the Board may deliberate, they do not have to. Any decision to deliberate should be a move to recess.

Mr. Platte made a motion to recess for the Board to deliberate with Legal Counsel and reconvene after deliberation. Seconded by Mr. Howe. Ms. Rhodeback, Mr. Platte, Mr. Ashcraft, Mr. McKitrick and Mr. Howe voted yes. The motion was approved. Recess was taken at 8:07 p.m.

Mr. McKitrick made a motion to reconvene the hearing. Seconded by Ms. Rhodeback. Mr. Platte, Mr. Howe, Mr. Ashcraft, Ms. Rhodeback and Mr. McKitrick voted yes. The motion was approved. The Board was back on the record at 9:24 p.m.

Findings of Fact were reviewed for CU-18-003.

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

Conditional Use Application CU-18-004 has been withdrawn.

Next on the Agenda, request to table Conditional Use CU-18-005.

Mr. Howe made a motion to table Conditional Use Application CU-18-005. Seconded by Ms. Rhodeback. Mr. Howe, Ms. Rhodeback, Mr. Ashcraft, Mr. McKitrick and Mr. Platte voted yes. The motion was approved.

Next on the Agenda, Findings of Fact, Conditional Use Application CU-18-003.

Mr. McKitrick made a motion to approve Findings of Fact for Conditional Use CU-18-003. Seconded by Mr. Ashcraft.

Mr. Platte noted concerns relating to Findings of Fact Nos. 5 and 6, Section 1215.04(a).

Mr. McKitrick, Mr. Ashcraft, Mr. Platte, Ms. Rhodeback and Mr. Howe voted yes. The motion was approved.

Conditional Use Application CU-18-003

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | 1. <i>Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the Application.</i> |
| ✓ | | 2. <i>Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.</i> |
| ✓ | | 3. <i>Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.</i> |
| ✓ | | 4. <i>Will not be hazardous or disturbing to existing or future neighboring uses.</i> |
| ✓ | | 5. <i>Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment</i> |

- of the proposed use shall be able to provide adequately any such services.*
- ✓ 6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
 - ✓ 7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
 - ✓ 8. *Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
 - ✓ 9. *Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Next on the Agenda, approval of August 14, 2018 meeting minutes:

Ms. Rhodeback made a motion to approve the minutes as amended from the August 14, 2018 meeting. Seconded by Mr. Howe. Mr. Howe, Mr. Platte, Ms. Rhodeback, Mr. McKitrick and Mr. Ashcraft voted yes. The motion was approved.

Next on the Agenda, Other Business.

No other business was noted.

Mr. Howe 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 9:39 p.m.

Minutes of the September 11, 2018 meeting were approved on

_____, 2018.
