

CITY OF PATASKALA PLANNING AND ZONING COMMISSION
Public Hearing Minutes

Wednesday, June 5, 2019

The City of Pataskala Planning and Zoning Commission convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, on Wednesday, June 5, 2019.

Present were:

Rick Boggs, Chairman
Jerry Truex, Vice Chairman
Dustin Epperson
Darin McGowan
Randall Ripley
Anne Rodgers

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Director of Planning
Jack Kuntzman, City Planner
Lisa Paxton, Zoning Clerk

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

Roll call was made. Present were: Rick Boggs, Darin McGowan, Randall Ripley, Dustin Epperson, Anne Rodgers and Jerry Truex. Robert Beggerow was not present.

Applications ZON-18-004, ZON-19-001 and ZON-19-003 remained tabled.

First on the Agenda, Remove from Table Transportation Corridor Overlay District Application TCOD-19-001.

Mr. Boggs made a motion to remove from the table Transportation Corridor Overlay District Application TCOD-19-001. Seconded by Mr. Truex. Mr. McGowan, Ms. Rodgers, Mr. Epperson, Mr. Ripley, Mr. Boggs and Mr. Truex voted yes. The motion was approved.

Next on the Agenda, Transportation Corridor Overlay District Application TCOD-19-001, Watkins Road, Parcel No. 064-068442-00.047.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Transportation Corridor Overlay District application for construction of a 42-unit apartment complex. Mr. Kuntzman noted the proposed lot split request currently before the Board of Zoning Appeals. A summary of the proposed development was given, including density, open space, building type, setbacks, parking, access, signage, landscaping and lighting. Mr. Kuntzman noted items marked in red have changed from previously submitted plans. A summary of the previous tabled hearings were reviewed, noting the Comprehensive Plan and the current R-M – Multi-Family Residential zoning. Staff comments were reviewed along with concerns needing addressed. Mr. Kuntzman noted the Applicant submitted updated plans on May 31; however, staff has not had an opportunity to review them. Department and Agency comments were noted. Adjacent properties and modifications were reviewed.

Mr. Boggs inquired into the parking space extension.

Mr. Fulton indicated he will review the code and follow up.

Mr. Ripley inquired as to not being in compliance with the Comprehensive Plan.

Mr. Kuntzman stated the 2006 Comprehensive Plan identifies the area as High Density Residential, single-family structures, with a net density of three units per acre; however, it is currently zoned Multi-Family Residential, which is a permitted use, but not in line with the Comprehensive Plan.

Mr. Truex inquired as to the original Jefferson Meadows plans.

Mr. Fulton stated that due to the downturn, Phase VII of Jefferson Meadows was never completed. The property was originally annexed into the City zoned Multi-Family and there were to be no more than five units per acre. The current Jefferson Meadows configuration, there are about three units per acre. With the current proposal, the annexed portion, including Jefferson Meadows and the subject property is at 4.7 units per acre. Approximately 24 units were proposed for Phase VII of Jefferson Meadows.

Mr. Truex inquired as to the right-turn lane.

Mr. Fulton explained that specifics would be determined with the construction drawings.

Mr. Fulton followed up to Mr. Boggs' question regarding parking space extension, noting it would not create an issue with meeting the Code in terms of the internal driveways.

A discussion was had regarding parking spaces.

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

Ms. Klema reviewed the check sheet submitted on May 31. Ms. Klema stated the subject property is currently zoned RM, which permits 10 units per acre; the annexation noted not exceeding 5 units per acre and as proposed, the property will be less than five units per acre. Ms. Klema noted the hearing is a TCOD review, not a zoning review. Mr. Klema noted the annexation, the property was zoned R-5 at the time, which was five units per acre. Ms. Klema indicated the City changed zoning codes and RM was placed on the subject property. Ms. Klema reviewed the TCOD Code.

Mr. Truex inquired as to where the extra space came from.

Ms. Klema stated not being the designer, but they were able to use some spaces that would have been adjacent to the dumpsters, areas where they knew they could fit in more spaces. It was indicated that additional parking was a good idea; noting 62% more than what is required by Code.

Mr. Truex inquired as to the bus turnaround.

Ms. Klema indicated looking at bus stops and bus drives on Watkins Road, Broad Street and State Route 310 and having no concerns or issues, and no evidence provided that it is an issue.

Mr. Ripley inquired as to meetings between the developer and neighbors.

Ms. Klema noted concerns with a neighbor trying to rezone the property and Council considering rezoning the property. Ms. Klema stated the property has been zoned RM for many years and the right to have apartments are a permitted use. Ms. Klema noted concerns regarding people's ideas of apartment living, and a person should be permitted to use their property as zoned. Ms. Klema indicated she has not seen anything except opposition to what the property owner has a right to do with the property.

A discussion was had regarding lot split and density.

Ms. Klema indicated a condition can be made that it cannot be used to exceed what is permitted.

A discussion was had regarding the information submitted on May 30.

Barbara Bise, 5419 Watkins Road, was placed under oath.

Ms. Bise stated her concerns, including items required for approval not being met, doesn't fit with the neighborhood, will reduce property values, potential transients, unable to control the number of people and cars for the apartments, overcrowding of school. Ms. Bise also referenced an article published in the Pataskala Standard.

Jana Davis, 5419 Watkins Road, was placed under oath.

Ms. Davis read from a statement, noting her concerns of working hard to maintain and improve her property.

Gary Sunderman, 652 Monticello Court, was placed under oath.

Mr. Sunderman agreed with Ms. Davis' statement. Mr. Sunderman mentioned paperwork he submitted regarding condominiums. Mr. Sunderman referenced 1231.01 of the Pataskala Code. Landscaping and fencing were noted. Concerns regarding second floor apartment occupants and possible invasion of privacy.

Robert Sexton, 5447 Watkins Road, was placed under oath.

Mr. Sexton noted the letter he submitted to the Board, and the project being in contradiction to the Comprehensive Plan. Schools, busing and traffic concerns were noted. Mr. Sexton indicated the development does not match the existing character of the neighborhood.

Tim Barrett, 575 Richmond Drive, was placed under oath.

Mr. Barrett indicated Ms. Klema intimated the surrounding residents having a bias or prejudice against apartments and apartment dwellers, and many have lived in apartments. Intent and spirit of the law was noted. Mr. Barrett stated apartments are fine, but this is not the location.

Mark Van Buren, 4832 Keller Road, Hebron, was placed under oath.

Mr. Van Buren stated RM Districts are associated with direct access to arterial highways, and the Board's right to say no if there are no traffic improvements.

Future businesses and traffic concerns were noted.

Eric Smith, 7890 Blacks Road, was placed under oath.

Mr. Smith reiterated Mr. Van Buren's statements along with Mr. Sexton's. Service road and Comprehensive Plan were noted.

Eric Fahner, 667 Forward Pace, was placed under oath.

Mr. Fahner wants the Board to think about what this development will do to the community and not to shoehorn it into the property. Mr. Fahner noted noise from the kennel could cause issues with the apartment occupants.

Drew Clark, 174 Wintergreen Loop, was placed under oath.

Mr. Clark thanked the Board. Mr. Clark stated he agrees with all the points that have been made. Mr. Clark noted the annexation of Lima Township and Pataskala and protecting the community.

Raymond Foor, 8397 Wesleyan Church Road, was placed under oath.

Mr. Foor noted concerns regarding density, traffic and fire department access.

Bill Crocket, 1370 Harold Stewart, was placed under oath.

Mr. Crocket noted traffic safety concerns.

Matt Farber, 5382 Watkins Road, was placed under oath.

Mr. Farber indicated that due to traffic, the school bus driver changed picking up his daughter so she wouldn't have to cross the street.

Todd Mountain, 332 Enos Loomis, was placed under oath.

Mr. Mountain noted his concerns regarding density and not meeting Code.

Ms. Klema noted a community south on Watkins Road, south of Broad Street, that is 10 units per acre and has direct access, and only access, to Watkins Road. It was noted there are all types of RM zoned properties close to arterials but don't have direct access. Ms. Klema reiterated the RM District allowing 10 units per acre. Ms. Klema stated the fire department reviewed the plans and have no issue with the plan, and it satisfies the Code. It was noted the traffic impact study was completed as requested, which was not something the developer was obligated to do. Ms. Klema stated the traffic study was performed with Miovision cameras by an authorized traffic engineering firm. Current and Future Land Use Plans were noted.

Mr. Fulton referenced his May 6th Council Report, noting the annexation of the Jefferson Meadows property was 34.923 acres, R-5, Multi-Family Residential was the original zoning district as part of the annexation agreement and Ordinance that was passed. The City reconfigured and renamed zoning classifications. The density of Jefferson Meadows, including the subject property, is currently at 3.6 units per acre. If the 42 apartments are included, it puts it at 4.75 units per acre. Mr. Fulton indicated if

the proposed lot split variance is approved, it is still considered part of the annexation, and would be inconsequential in calculating the number of units per acre.

Ms. Rodgers inquired as to requirements of ADA parking spaces.

Mr. Fulton stated the Code requires the most up-to-date ADA requirements.

Ms. Rodgers had concerns regarding items that were not met, i.e., decks, patio setbacks.

Mr. Fulton noted the revised plans were received on May 31; however, there were other obligations and deadlines that needed to be met and not able to review by tonight's meeting.

Ms. Rodgers asked if the Board passes the application, would all requirements be met.

Mr. Fulton noted adding possible modifications to address all comments.

Mr. Ripley reiterated the need for the developer and neighbors to find common ground and thinks it is premature to say yes or no on the project.

Mr. Truex noted concerns regarding traffic. Mr. Truex appreciated Harrison Township's comments and encourages everyone to start conversations on other projects. Noted concerns regarding just one right turn in, and school bus access will be addressed by the School Board.

Mr. Epperson read from Pataskala Code 1259.01. Concerns were noted regarding turnarounds, parking, traffic, safety, increase and/or decrease of property values. Mr. Epperson stated the difference between the subdivision south of Broad Street is having access to Watkins Road and connected through Catalina; the subject development is one way in, one way out. Density issues were noted. Mr. Epperson thinks there is more than enough to go against the plan.

Mr. Boggs noted concerns regarding parking.

Ms. Rodgers thanked everyone for coming. Understands neighbor and developer concerns, and the Board not being against apartments. Ms. Rodgers stated the Board is here to make sure they are servicing the Code. Schools and parking concerns were noted. Ms. Rodgers stated the developer would comply with all modifications needed to be made, however, delaying the vote wouldn't make a difference at this point.

A discussion was had on voting procedure.

Mr. Epperson made a motion to approve Transportation Corridor Overlay District Application TCO-19-001 pursuant to Section 1259.07 of the Pataskala Code with the proposed modifications:

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction.
2. The Planning and Zoning Commission shall address all comments from Planning and Zoning Staff, City Engineer, Public Service Director, and Pataskala Utility Department.
3. The applicant shall submit a complete set of construction plans, including stormwater calculations, for review and approval by the City Engineer and the Public Service Director.
4. The Planning and Zoning Commission shall waive the screening requirements for the north

property line.

Seconded by Mr. McGowan. Mr. Truex, Ms. Rodgers, Mr. Epperson, Mr. Boggs, Mr. McGowan and Mr. Ripley voted no. The motion failed.

Mr. Boggs stated the vote does not change the zoning nor prevent a different plan being submitted.

Recess was taken at 7:53 p.m.

Back on the record at 8:05 p.m.

Next on the Agenda, Preliminary Plan Amendment Application PP-19-002:

Mr. Kuntzman gave an overview of the Staff Report, noting Preliminary Development Plan PP-18-002 was approved on February 6, 2019; however, the Applicant submitted Preliminary Plan PP-19-002 as an amendment rather than an entirely new plan. Mr. Kuntzman reviewed the summary, noting changes from the previous application that included number of lots, density, open space, lot requirements and setbacks. Department and Agency comments were noted. Conditions were also reviewed.

Ms. Rodgers noted concerns by not having a right-turn in lane.

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

Ms. Klema noted City Council's consideration of reducing the number of entry lots and amending the Preliminary Plan.

Mr. Epperson appreciates the reduction.

Mr. Boggs noted the fire department adding a second access on Waterlily Lane.

Ms. Klema noted they will comply with the fire department's request.

A discussion was had regarding cluster mail boxes.

Steve Fisher, 331 Isaac Tharp Street, was placed under oath.

Mr. Fisher noted phasing timeline restrictions and construction traffic.

Todd Mountain, 332 Enos Loomis Street, was placed under oath.

Mr. Mountain inquired as to construction traffic enforcement.

Mr. Fulton stated standardized notes will be on construction plans. It was further noted inspectors will be onsite monitoring construction traffic.

Mr. Mountain inquired as to how units per acre are calculated.

Mr. Fulton stated looking at the overall acreage of a development and units in the overall acreage.

John Ellis, 335 Isaac Tharp Street, was placed under oath.

Mr. Ellis noted concerns regarding controlling construction traffic and not opening access to the new development.

Mr. Fulton stated the fire department will require, at some point, a second access.

Mr. Ellis asked when the road will be opened to the new development.

Mr. Fulton indicated multiple variables on how they move through the phases.

Mr. Eilis voiced concerns with construction traffic and restrictions on access.

Mr. Fulton reiterated that inspectors will be monitoring construction traffic.

Ms. Klema noted direct access from construction traffic.

Mr. Truex inquired as to adding a seventh modification regarding construction traffic.

Mr. Fulton stated it could be added as an additional safeguard; however, it is usually in the general notes of the construction plans.

Mr. Truex suggested taking pictures of issues with construction traffic and contacting the City.

Mr. Truex made a motion to approve the amendment to the Preliminary Development Plan for the Heron Manor Subdivision, Application PP-19-002, pursuant to Section 1113.14 of the Pataskala Code with the following modifications:

1. The applicant shall address all comments and questions of the Planning and Zoning Department.
2. The applicant shall address all comments and questions of the City Engineer.
3. The applicant shall address all comments and questions of the Utility Department.
4. The applicant shall address all comments and questions of the Public Service Department.
5. Rezoning Application ZON-18-012 shall be approved by City Council.
6. The applicant will coordinate with the USPS and City staff in determining an appropriate location for the required Cluster Box Units
7. All construction traffic shall be routed through Heron Manor.

Seconded by Mr. McGowan. Mr. Epperson, Mr. Boggs, Mr. Ripley, Mr. Truex, Mr. McGowan voted yes. Ms. Rodgers voted no. The motion was approved.

Next on the Agenda, Other Business - Proposed Broad Street Planned Development District.

Todd Farris, Farris Planning and Design, on behalf of Metro Development, was placed under oath.

Mr. Farris noted the proposed property is 65 acres located on East Broad Street, across from The Limited, and west of Taylor Road. Pataskala's boundary line is at the western boundary line of this parcel. Mr. Farris gave an overview of the mixed-use preliminary concept plan, including multi-family, club house, single-family, open space, emergency access and retail/commercial space.

Mr. Truex noted possible issues with density.

Joe Thomas, Metro Development, was placed under oath.

Mr. Thomas requested the Board's input, and noted not impacting properties on Taylor Road.

A discussion was had regarding traffic at Broad Street and Taylor Road.

A discussion was had regarding school district impact.

Mr. Thomas gave a breakdown of income generated from property taxes that would go to the school district.

Development stages were discussed.

Mr. Epperson noted concerns with cluster homes and density impact.

Price ranges were discussed.

Ms. Rodgers also noted concerns with cluster developments.

Mr. Thomas noted recent study citing Central Ohio housing being underserved.

Next on the Agenda, Other Business – Disabled Vehicles and Parking on Grass.

Mr. Fulton gave an overview of the current zoning code along with proposed definitions and clarifications.

A discussion was had regarding clarifying the Zoning Code regarding disabled vehicles and parking on grass.

Platted subdivisions, Old Village and off-street parking were discussed.

Ms. Rodgers noted concerns regarding accommodating parking vehicles in front yards.

Mr. Truex indicated not having off-street parking and using his yard for parking when family visit.

A discussion was had regarding violations, enforcement and consistent violators.

Mr. Fulton suggested the Board review and will reconvene and discuss.

A discussion was had regarding the July 3rd meeting.

Next on the Agenda, Approval of the May 1, 2019 Regular Meeting Minutes.

Rick Boggs made a motion to approve the May 1, 2019 Regular Meeting Minutes. Seconded by Mr. Ripley. Ms. Rodgers, Mr. McGowan, Mr. Epperson, Mr. Boggs, Mr. Ripley and Mr. Truex voted yes. The motion was approved.

Mr. Truex made a motion to adjourn the meeting. Seconded by Mr. Epperson. Mr. Ripley, Mr. McGowan, Mr. Epperson, Mr. Truex, Mr. Boggs and Ms. Rodgers voted yes.

The hearing was adjourned at 9:36 p.m.

Minutes of the June 5, 2019 Planning and Zoning Commission hearing were approved on

_____, 2019.
