

CITY OF PATASKALA PLANNING AND ZONING COMMISSION
Public Hearing Minutes

Wednesday, November 6, 2019

The City of Pataskala Planning and Zoning Commission convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, on Wednesday, November 6, 2019.

Present were:

Jerry Truex, Vice Chairman
Charlie Davis
Dustin Epperson
Robert Beggerow
Darin McGowan
Anne Rodgers

City of Pataskala Planning and Zoning Department Staff:

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

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

Roll call was made. Present were: Robert Beggerow, Dustin Epperson, Charlie Davis, Darin McGowan, Anne Rodgers and Jerry Truex. Not present: Rick Boggs.

Application ZON-18-004 remained tabled.

Next on the Agenda, Rezoning Application ZON-19-003, 6031 Summit Road SW.

Mr. Epperson made a motion to remove from the table Rezoning Application ZON-19-003. Seconded by Mr. Beggerow. Ms. Rodgers, Mr. McGowan. Mr. Epperson. Mr. Beggerow, Mr. Truex and Mr. Davis voted yes. The motion was approved

Mr. Kuntzman gave a summary of the Staff Report, noting the Applicant's request of a Preliminary Development Plan for the proposed Planned Residential Development "Sage Pointe. Previous consideration for residential subdivision developments were requested in 2001, 2005 and 2007; however, they were not accepted by City Council. Mr. Kuntzman Reviewed changes that were made from the previous plan. March 6, 2019 and September 4, 2019 hearings were noted. Divergences were reviewed. Department and Agency comments were noted.

Mr. Truex asked if there were communication between the Applicant and Zoning Department regarding issues the Commission had from the previous hearing.

Mr. Kuntzman noted the Applicant did not reach out to Staff.

A discussion was had regarding cul-de-sac length.

Jason Wisniewski, Vice President of Planning and Zoning for Grand Communities, 3940 Olympic Boulevard, Erlanger, Kentucky, was placed under oath.

Mr. Wisniewski indicated Connie Klema, Esq. and David Denniston, PE, reached out to Staff, but doesn't know how much communication they had. Mr. Wisniewski indicated it was clear what the Commission wanted from the previous meeting. A PowerPoint presentation was given, highlighting divergences, open space, stormwater improvements, landscaping, signage and donation of ten acres to Licking Heights School District.

Mr. Beggerow noted concerns regarding the donated land.

Mr. Wisniewski stated understanding the concerns and noted engaging with the school and people in the community.

Mr. Beggerow again noted concerns with the donated land and the community having to pay for maintenance and development.

Mr. Epperson appreciated some of the items he had issues with are in line with the Comprehensive Plan.

Retention ponds and preservation of trees were noted.

Mr. Truex inquired as to plans for the donated property.

Mr. Fulton noted it has been asked to put something in the text that will outline the plans for the donated property.

Mr. McGowan asked if the donated property would be zoned the same.

Mr. Fulton stated it would be zoned PDD but with nothing in the text to address what it could be, that could possibly create issues later.

Mr. Wisniewski noted the school district would have to come in with some kind of plan.

A discussion was had regarding communication between the Developer and Staff.

Susan Holmes, 6334 Summit Road, was placed under oath.

Ms. Holmes noted the moratorium, concerns regarding health, safety, stormwater, roads and the future Comprehensive Plan.

Mr. Truex asked if this would fall under the moratorium.

Mr. Fulton noted this application was filed prior to moratorium going into effect and not subject to the moratorium.

Ronald Thomas, 30 West Broad Street, was placed under oath.

Mr. Thomas inquired as to price point and size of the homes.

Mr. Wisniewski noted high 2's to low 3's, and minimum 1,400 square feet.

Jody Bowen, 13645 Cleveland Road, was placed under oath.

Ms. Bowen noted her concerns from the previous hearing, including the ten acre donation.

Jerika Zuckerman, 6368 Summit Road, was placed under oath.

Ms. Zuckerman noted her concerns from the previous hearing, along with the future Comprehensive Plan and the vision for the City. Stormwater concerns were also noted.

Matthew Rosenberg, 6302 Summit Road, was placed under oath.

Mr. Rosenberg noted concerns regarding infrastructure, traffic, density, police and fire access.

Ms. Rodgers stated her concerns were not having all the questions answered, number of divergences, traffic, school density, Cleveland Road emergency access point and stormwater issues.

Mr. Beggerow inquired as to tabling the application or to make a decision.

Mr. Truex noted the modifications being reduced considerably.

Mr. Wisniewski stated he believes they have answered the questions that were asked; however, there may be some outstanding issues or questions that cannot be answered at this time. Mr. Wisniewski indicated he will attempt to answer any questions that hasn't been answered. Mr. Wisniewski requested not to table the Application and for a decision to be made.

Mr. Epperson asked about general concerns the Board may have.

Ms. Rogers noted issues with school overcrowding, traffic and density.

A discussion was had regarding R-20 cluster and non-cluster and Planned Development District.

Cleveland Road traffic and emergency access was noted.

Mr. Beggerow made a motion to recommend approval of Application number ZON-19-003, pursuant to Section 1255.19 of the Pataskala Code, with the following modifications:

1. The Applicant shall address all comments from Planning and Zoning Staff, City Engineer, Public Service Director, and the West Licking Join Fire District.
2. The Planning and Zoning Commission shall approve the following divergences:
 - a. Section 1117.10(Table 1): To allow for two (2) Cul-de-sacs to extend past the 500-foot maximum distance. Saffron Cove Court at approx. 725-feet, and Lemon Grass Court as approx. 650-feet.
 - b. Section 1255.10(b)(1): To allow for more than 10% of the common open space to be used by stormwater facilities. Applicant is proposing to use 4.17-acres as for stormwater facilities out of a total 29.6-acres of open space, or 14.09%.

- c. Section 1283.05(A): To allow for street trees to be planted at 50-foot intervals, as opposed to the 30-foot intervals required by code.
- d. Section 1283.07(C): Requires a 60-foot buffer perpendicular to the R.O.W. to be landscaped to the L5 standard. The Applicant is requesting a Divergence to place the L5 landscaping behind the front stormwater facilities, approximately 125-feet from the R.O.W.
- e. Section 1295.09(b)(8): To allow for a subdivision entry sign to exceed the maximum height of 6- feet (proposed at 7.5-feet), and to be of a “hanging” type, as opposed to a monument style sign.

Seconded by Mr. McGowan. Mr. Epperson and Mr. Truex voted yes. Mr. Beggerow, Mr. McGowan and Ms. Rodgers voted no. Mr. Davis abstained. The motion was disapproved.

Next on the Agenda, Final Plan Amendment FP-19-005, Pataskala Retail, LLC.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant’s request to amend the Final Plan to allow for tap rooms with on-site brewing, along with the potential installation of a patio. Department and Agency comments were noted. Surrounding properties and modifications were reviewed.

Ms. Rodgers asked if Puerto Vallarta served alcohol.

Mr. Fulton indicated in the affirmative, as restaurants are permitted; however, the proposed tap room would not serve food and would be classified under drinking places, which include bars, taverns, night clubs, etc.

A discussion was had regarding tap rooms and brewing beer on-site.

Ms. Rodgers stated that it would be a bar and not understanding the concept.

Mike Reeves, Civil Engineer, Kimley-Horn Engineering Consultants, 2400 Corporate Exchange Drive, Suite 120, Columbus, Ohio 43231, was placed under oath.

Mr. Reeves indicated there is a potential brewer that would like to do on-site brewing, along with the ability to purchase the beer on-site. A patio option was noted for outdoor seating during nice weather and additional area for a food truck.

Patio and food trucks were discussed.

Mr. Epperson asked if only on-site made beer would be sold.

Mr. McGowan inquired as to selling only the beer that is made on-site.

Mr. Reeves stated not knowing the answer.

Mr. McGowan inquired as to the hours of operation.

Mr. Reeves believes it would be similar to any other restaurant hours, but would be determined by the tenant.

Mr. McGowan inquired as to the hours per Code.

Mr. Fulton indicated the Zoning District does not dictate hours of operation, and nothing in the Code for standardized hours for operation of a business.

Mr. Epperson asked if it would be similar to local breweries like Brewdog or Kindred Brewery.

Mr. Reeves listed local breweries that only do on-site brewery and no on-site food service except for food trucks.

Teresa Rhodeback, 5437 Columbia Road, was placed under oath.

Ms. Rhodeback noted microbreweries as being a part of the agritourism movement, noted Licking County breweries, along with the Convention and Visitors Bureau having a tour of microbreweries in Licking County. Ms. Rhodeback stated it would fit in the overall future planning.

Ms. Rodgers noted Code and deviations, doesn't mind extending the patio; however, it would be a no, in her opinion.

Mr. Epperson noted this would be an option for everyone that wants something new or different.

A discussion was had regarding the specifics of the amendment, along with food trucks and the patio.

Mr. Epperson made a motion to approve an amendment to the Final Plan for Application FP-19-005, pursuant to Section 1255.14(d) of the Pataskala Code, with the following modification:

1. The Applicant shall provide a revised development text and plan pages reflecting the final plan amendments.

Seconded by Mr. Beggerow. Mr. McGowan, Mr. Epperson, Mr. Truex and Mr. Beggerow voted yes. Ms. Rodgers and Mr. Davis voted no. The motion was approved.

Next on the Agenda, Code Amendment Application ZON-19-006, Residential Appearance Standards – Chapter 1296 of the Pataskala Code.

Mr. Fulton gave an overview of the Staff Report, noting the proposed amendment would create architectural and design regulations for new homes in Major Subdivisions, or certain additions or alterations of an existing home in a Major Subdivision constructed under these standards. Any existing home constructed or altered prior to the effective date of these regulations would not be required to follow these standards. It was noted the Development Committee reviewed updated Residential Appearance Standards and recommended to proceed through the code amendment process. Department and Agency comments were noted.

A clarification for Residential Appearance was discussed.

Variations and divergences were discussed.

Design standards and the Historic District were discussed.

Major Subdivisions requirements were noted.

Ms. Rodgers indicated concerns regarding the preservation of the Historic District.

Mr. Fulton noted the need for a code amendment for appearance standards.

Ms. Rodgers requested Mr. Fulton to prepare appearance standards for the Historic District.

Mr. Truex made a motion to recommend to City Council approval of Application Number ZON-19-006, pursuant to Section 1217.10 of the Pataskala Code. Seconded by Mr. Epperson. Mr. Truex, Ms. Rodgers, Mr. Epperson, Mr. Beggerow, and Mr. Davis voted yes. Mr. McGowan voted no. The motion was approved.

Next on the Agenda, Rezoning Application ZON-19-007, Countrytyme Land Specialists, LLC, 10530 Mill Street Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is seeking to rezone the property located at 10530 Mill Street Road from AG – Agricultural to R-87 – Medium-Low Density Residential. It was noted much of the acreage is currently utilized as farmland. The Muddy Fork River is adjacent to the subject parcel to the North, on land owned by the Licking Park District. A small portion of the property in the Northwest is in the Floodplain. It is the Applicant's intention to split the property into residential building lots that will meet the R-87 zoning district minimum standards. The Applicant's narrative states that even though such a rezoning will allow for the area to be developed, it would keep with the rural character of Mill Street and be harmonious in appearance to nearby properties. Based on the concept plan submitted, the Applicant can meet these requirements upon splitting the lots; however, final lot sizes and widths shall be verified by Staff before approval upon the Applicant's lot split application submittal. Department and Agency comments were noted.

Property access was discussed.

Water and sewer access were noted.

Mark Graham, 3451 Cincinnati-Zanesville Road SW, Lancaster, Ohio, was placed under oath.

Mr. Graham stated Countrytyme is a land developer and not homebuilders; they develop rural home sites. It was indicated City water and sewer not available at this location. Mr. Graham indicated wanting the lots to fit with the same character as the neighborhood.

Mr. Truex stated it is nice to see the larger lots.

John Hohmann, 11015 Mill Street, was placed under oath.

Mr. Hohmann noted concerns regarding rezoning from the AG District to a residential district, increase in the flood plain, and loss of farmland.

Richard Waugh, Licking Park District, was placed under oath.

Mr. Waugh noted conservation efforts along Muddy Creek and noted needing access to the Licking Park District's property, and the Licking Park District would be interested in working with the City to develop the property adjacent to the Licking Park District's property with walking paths and preservation.

Donell Scott, 10397 Mill Street Road, was placed under oath.

Ms. Scott stated having no problems with new neighbors as long as it's developed correctly.

Jonathan Scott, 10729 Mill Street Road, was placed under oath.

Mr. Scott not opposed to development, but opposed to rezoning. Concerns were noted regarding loss of farmland to housing developments. Agreed with Mr. Hohmann's statements. Micorfarms and Mr. Hohmann's farm support surrounding communities, and properties should stay agricultural; allowing the community to grow, but within reason. Area flooding concerns were also noted.

Teresa Rhodeback, 5437 Columbia Road SW, was previously placed under oath.

Ms. Rhodeback stated owning a 19-acre farm and agrees with Mr. Scott and Mr. Hohmann, and wants to keep the AG District as farmland. Ms. Rhodeback noted concerns with losing small farms, and the rise of taxes takes away what can be produced.

Mr. Graham noted the Comprehensive Plan allowing for half acre lots, and their lots would be larger and less dense than the Comprehensive Plan by keeping it low density and rural.

Ms. Rodgers noted her concern regarding the Future Land Use Map allowing half acre lots and a major development being developed down the road, which is denser than what is being requested.

Mr. Hohmann noted a number of small farms in the area, global warming concerns, changes in agriculture and energy use, loss of farmland and ability to produce food will become much more important.

Ms. Rodgers noted having flooding and drainage issues on her property and neighboring properties on Mill Street.

Ms. Scott stated she has not had any issues with flooding.

Mr. Beggerow indicated the current requested lot sizes are larger and it does present a risk in the future for smaller lots.

Ms. Rhodeback asked if the Board approves the request, to consider placing a set lot size.

R-87 zoning standards were reviewed.

Mr. Truex inquired as to accessibility to the Licking Park District property.

Mr. Waugh stated there is no accessibility, however, the City's property has access and wanting to work with the City for access to the Licking Park District Property.

Mr. Graham wanted to clarify that they are not proposing a platted subdivision and just requesting a zoning change to allow for splitting lots.

Mr. Beggerow made a motion to approve Rezoning Application number ZON-19-007 pursuant to Section 1217.10 of the Pataskala Code, with the following modification:

1. The Applicant shall address comments from the Planning and Zoning Staff, and the City Engineer.

Seconded by Mr. McGowan. Mr. Beggerow, Mr. Truex and Mr. McGowan voted yes. Mr. Epperson, Mr. Davis and Ms. Rodgers voted no. The motion was disapproved.

Next on the Agenda, Replat Application REP-19-002, 0 Columbia Road, Parcel No. 063-141174-00.000, etc.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is proposing to replat lots 8-15 and lots 21-24 of the Swinning Subdivision, and an unplatted 39.47-acre parcel, into three new parcels. The Swinning Subdivision was platted in 1954 and contained a total of twenty-four lots varying in size. The proposed new lots will meet the current AG – Agricultural District requirements of a 10-acre minimum size and a width of 250' throughout. Department and Agency comments were noted. Surrounding properties noted.

Ms. Rodgers inquired as to flag lots.

Mr. Kuntzman noted the property meets the minimum requirements of the AG District.

Scott Walters, 591 Chateaugay Drive, was placed under oath.

Mr. Walters noted the smaller parcels do not meet the current zoning requirements and replatting into three lots will meet the requirements for the AG District.

Linda Scott, 5303 Columbia Road, was placed under oath.

Ms. Scott noted concerns with development, water and drainage issues.

Mary McCoun, 5303 Columbia Road, was placed under oath.

Ms. McCoun noted concerns with water and drainage issues along with development issues.

Mr. Epperson clarified that there will only be three large lots and not a development.

Mark Westbrook, 5185 Columbia Road, was placed under oath.

Mr. Westbrook stated the area is quiet and specifically moved to the area to have no neighbors, but has no issues with new neighbors. Environmental concerns were noted.

Andrea Renner, 5327 Columbia Road, was placed under oath.

Ms. Renner noted concerns with farmland disappearing and flooding issues.

Mr. Walters again clarified the 13 lots are being combined and reduced to three large lots and will remain agriculturally zoned and meeting the AG Zoning District requirements.

Teresa Rhodeback, 5437 Columbia Road, was previously placed under oath.

Ms. Rhodeback stated she owns property next to the subject property and requests the application be approved as it follows the spirit and intent of Pataskala.

A discussion was had regarding the property meeting the AG District requirements.

Mr. Epperson made a motion to approve Replat Application number REP-19-002, pursuant to Section 1113.48 of the Pataskala Code, with the following modifications:

1. Replat shall be revised to meet all comments from Staff and shall include the required statements.
2. Pursuant to 1113.49 of the Pataskala Code, the Replat shall be recorded within 30 days of the latest signature.

Seconded by Mr. Davis. Mr. Truex, Mr. Epperson, Ms. Rodgers, Mr. McGowan, Mr. Beggerow and Mr. Davis voted yes. The motion was approved.

Next on the Agenda, Other Business.

Mr. Truex noted Ms. Rodgers' request regarding the Historical District's design standards.

Next on the Agenda, Approval of the Minutes from the October 2, 2019 meeting.

Mr. McGowan made a motion to approve the minutes from the October 2, 2019 meeting. Seconded by Mr. Truex. Mr. Truex, Mr. Epperson, Mr. Beggerow, Mr. McGowan voted yes. Ms. Rodgers and Mr. Davis abstained. The motion was approved.

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

The hearing was adjourned at 9:00 p.m.

Minutes of the November 6, 2019 Planning and Zoning Commission hearing were approved on

_____, 2019.
