

CITY OF PATASKALA PLANNING AND ZONING COMMISSION

Public Hearing Minutes

Wednesday, June 1, 2016

The City of Pataskala Planning and Zoning Commission convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, on Wednesday, June 1, 2016.

Present were:

Rick Boggs, Chairman
Jerry Truex, Vice Chairman
Gary Kendall
Darin McGowan
Michael Powell
Randall Ripley
Anne Rodgers

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Director of Planning
Lisa Paxton, Zoning Clerk

Chairman Boggs opened the hearing at 6:36 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Rick Boggs, Michael Powell, Darin McGowan, Randall Ripley, Jerry Truex, Anne Rodgers and Gary Kendall.

First on the agenda, **Transportation Overlay District Application TCOD-16-002**.

Mr. Fulton noted the Applicant has requested tabling application TCOD-16-002.

A discussion was had regarding tabling applications to specific dates.

Mr. Ripley made a motion to table Application TCOD-16-002. Mr. McGowan seconded the motion. Mr. McGowan, Mr. Kendall, Mr. Boggs, Ms. Rogers, Mr. Truex, Mr. Ripley and Mr. Powell voted yes. The motion was approved.

Next on the Agenda, **Rezoning Application ZON-16-004**, requesting to amend Pataskala Code Chapter 1221 General Regulations.

Mr. Fulton presented to the Commission, City Council's request to create regulations for the construction of decks. Mr. Fulton indicated the current code does not specifically address deck regulations, and the Planning and Zoning Department has been approving deck permit applications based upon conformance with the required setbacks of the principal structure in the zoning district in which it is located. Mr. Fulton stated that it has become problematic as a number of variances have been required, specifically in the Old Village where existing homes rarely meet the required setbacks.

Mr. Fulton stated the amendment would be an addition to Section 1221.06 "DECKS", Chapter 1221 GENERAL REGULATIONS, and a definition of a deck added to Chapter 1203 DEFINITIONS. Mr. Fulton

indicated The Planning and Zoning Commission reviewed a draft amendment at the May 4, 2016 Planning and Zoning Commission hearing. Mr. Fulton again provided the proposed amendment to the Commission, indicating if the Planning and Zoning Commission recommends approval of the amendment, it would proceed to City Council for consideration.

A lengthy discussion was had regarding placement, location and material for decks.

A discussion was had regarding heights of decks.

Variances for decks placed in front of the principal structure were discussed.

Adding deck maintenance to the amendment was discussed.

Mr. Fulton discussed monitoring the code change and adjusting if necessary.

A discussion was had regarding the esthetics of decks.

Mr. Fulton stated deck applications will note rules and regulations regarding decks.

Mr. Truex made a motion to recommend to City Council the approval of Code Amendment Application ZON-16-004, pursuant to Section 1217.10 of the Pataskala Code, with correction of the typo in (B)(2), for the word “that” changed to “than”; striking (E)(2), and for the addition of “I” to include “Decks must be maintained and kept in good repair”. Seconded by Ms. Rodgers. Mr. Truex, Ms. Rodgers, Mr. Ripley, Mr. Powell, Mr. McGowan, Mr. Kendall and Mr. Boggs voted yes. The motion was approved.

Mr. Boggs made the motion to approve the minutes from the May 4, 2016 meeting. Seconded by Mr. Ripley. Ms. Rodgers, Mr. Truex, Mr. Ripley, Mr. Powell, Mr. McGowan and Mr. Boggs voted yes. Mr. Kendall abstained. The minutes were approved.

Next on the Agenda, Permitted Use Determination regarding vapor stores.

Mr. Fulton informed the Commission of the two permitted vapor stores currently in the General Business District that were permitted under the use classification of “Local retail business”, which is permitted in the General Business District. Mr. Fulton stated Pataskala Code does not address vapor stores, nor does NAICS have a number assigned to vapor stores, and there being no clear “similar use” outlined in the Code. Mr. Fulton presented to the Commission a concern that was mentioned regarding a vapor store moving into the Downtown Business District, which was permitted under “Miscellaneous Retail Store”. Mr. Fulton read from Section 1207.04(3), noting the Planning and Zoning Commission determines which uses are permitted or not permitted in any zoning district. Mr. Fulton asked for clarification so there will be an official determination. Mr. Fulton posed the following questions to the Commission:

1. Is a vapor store considered a “similar use” to a tobacco store NAICS number 453991?
2. Is a vapor store considered a “local retail business” pursuant to Section 1247.03(6) of the Local Business district regulations?
3. Is a vapor store considered a “miscellaneous retail store” pursuant to Section 1245.03(2)(d) of the Downtown Business district regulations?

Mr. Fulton noted the decision will not affect the current vapor stores in Pataskala.

Ms. Rodgers asked if it will affect the Historical District.

Mr. Fulton stated, as the Code is written, it would not affect the Historical District as long as they comply with parking, etc.

Mr. Boggs gave an overview of the NAICS codes.

A discussion was had regarding vapor stores.

Mr. Ripley suggested, until the new NAICS codes are released, to bring it before the Commission and improvise until the new NAICS codes are released.

Mr. Fulton suggested classifying it as a tobacco store, then it will be a conditional use in the commercial district, and will need to come before the Commission.

Further discussion was had regarding vapor stores.

Mr. Boggs noted he feels comfortable going forward, temporarily, until a formal action is made when the 2017 NAICS codes are released.

Mr. Fulton agreed. Mr. Fulton noted a formal determination from the Zoning Commission will be clear to everyone that we are treating them similar to a tobacco store, a conditional use would be required before the Board of Zoning Appeals, and neighbors will also be notified.

Mr. Boggs made a motion, that for the time being applicants opening a vapor store be considered as similar use to tobacco, with NAICS No. 453991. Seconded by Mr. Kendall. Mr. Powell, Mr. McGowan, Mr. Boggs, Mr. Kendall, Ms. Rodgers, Mr. Ripley and Mr. Truex voted yes. The motion was approved.

Ms. Rodgers asked if the Commission will review this next year.

Mr. Fulton indicated the NAICS codes will be revisited once they are released.

Mr. Boggs made the motion to approve the May 4, 2016 absence of Mr. Kendall. Seconded by Ms. Rodgers. Mr. Boggs., Mr. McGowan, Mr. Powell, Mr. Ripley, Ms. Rodgers and Mr. Truex voted yes. Mr. Kendall abstained. The motion was approved.

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

The meeting was adjourned at 8:05 p.m.

Minutes of the June 1, 2016 Planning and Zoning Commission hearing were approved on _____, 20____.

Richard Boggs, Chairman