

CITY OF PATASKALA PLANNING AND ZONING COMMISSION  
Public Hearing Minutes

**Wednesday, November 7, 2018**

The City of Pataskala Planning and Zoning Commission convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, on Wednesday, November 7, 2018.

Present were:

Rick Boggs, Chairman  
Jerry Truex, Vice Chairman  
Dustin Epperson  
Gary Kendall  
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, Gary Kendall, Darin McGowan, Randall Ripley, Dustin Epperson, Anne Rodgers and Jerry Truex.

***Rezoning Application ZON-18-004, Rezoning Application ZON-18-005 and Preliminary Plan Application ZON-17-007 continued to be tabled.***

***First on the Agenda, Rezoning Application ZON-18-011, Broadmoore Commons Phase I, Sections 1 & 2.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a revised Final Development Plan regarding street trees. The original plan had a divergence for trees to be located on private property, five to ten feet outside of the right-of-way. The Public Service Director at the time was opposed to having trees located within the right-of-way, which was actually required by code. Issues have arisen when implementing the installation of these trees. The plan allocated too many trees per lot which limits the available space and could allow them to be removed by the homeowner. While this plan for the street trees were approved by the Planning and Zoning Commission, and the applicant may proceed with the plan as approved, it does not seem practical. The current Public Service Director prefers trees to be located in tree lawns and Staff felt a revised plan could be created that would be beneficial for all parties involved

Terry Andrews, Westport Homes, 507 Executive Campus Drive, Westerville, Ohio was placed under oath.

Mr. Andrews noted a landscaping easement agreement with the adjacent property.

Mr. Fulton requested a copy of the landscaping easement for the file.

Debbie Welsh, 369 Eddington Drive, Pataskala, was placed under oath.

Ms. Welsh asked when the traffic light and neighborhood lights would be activated, and also had concerns regarding Haunted Hoochie.

Mr. Fulton stated the traffic light was not a requirement but was installed so the Fire District could have control of the traffic light if there was an accident at the intersection. Mr. Fulton noted the traffic light will be flashing until the completion of the development. It was further noted Haunted Hoochie is an existing non-conforming use and noise complaints should be directed to the police department.

Mr. Andrews indicated streetlights should be activated in a couple of weeks.

A discussion was had regarding the fire department's control of the traffic light.

Ms. Rodgers asked for a clarification of the location of the trees.

Mr. Kuntzman stated the trees will be placed in the right-of-way.

Mr. Fulton noted issues with the previous street tree plans and the number of trees per lot being problematic.

Ms. Rodgers noted concerns with trees in the right-of-way and the responsibility for damaged sidewalks.

Mr. Fulton indicated trees in the right-of-way would be the City's responsibility and the sidewalk would be the property owner's. Mr. Fulton referred to trees listed in the zoning code that minimize impact.

Ms. Rodgers made a statement as to why the City would take on the responsibility of trees in private subdivisions.

Mr. Truex indicated if trees are taken out of the right-of-way, the homeowner could cut the tree down and then end up with no trees.

A further discussion was had regarding tree replacement.

Mr. Boggs noted trees in the tree lawn slows traffic.

Ms. Rodgers again noted her concerns regarding the City's responsibility for maintaining trees and replacing trees in private subdivisions.

Mr. Andrews noted street tree programs in other municipalities.

Mr. Truex agreed with Ms. Rodgers' concerns but noted trees placed on private property and not in the City's right-of-way could be cut down by the homeowner.

Mr. Boggs noted environmental benefits to having trees.

Mr. Epperson stated having a tree at every 50' interval helps reduce the amount of trees the City is responsible for.

A discussion was had regarding modifications.

Ms. Rodgers noted the entryway sign not being level.

Mr. Andrews stated he will look into it.

Mr. Ripley asked Mr. Andrews if he had concerns with the modifications.

Mr. Andrews noted no concerns.

Mr. Ripley made a motion to approve Rezoning Application ZON-18-011 with the following modifications:

1. The applicant shall provide acceptable growth habitat documentation for the Moraine Sweet Gum and Redmond American Linden.
2. PZC shall approve a divergence for 50' street tree spacing.
3. The applicant shall revise the title sheet of the Final Development Plan to remove language referring to street trees being located in individual lots and include language for the 50' tree spacing divergence.
4. The applicant shall provide information pertaining to the landscape easement on commercial property adjacent to Broadmoore Boulevard.
5. The applicant shall revise the development text to reflect the changes above.

Seconded by Mr. Epperson. Ms. Rodgers, Mr. McGowan, Mr. Epperson, Mr. Kendall, Mr. Truex, Mr. Ripley and Mr. Boggs voted yes. The motion was approved.

***Next on the Agenda, Rezoning Application ZON-18-010, Weeds and Other Nuisances.***

Mr. Fulton reviewed the Staff Report, noting the proposed amendment would amend the existing regulations in Section 521.11 of the Pataskala Code to expand the scope of properties subject to the Weeds and Other Nuisances regulations. The violation process, occupied and vacant properties, along with expanding properties that would require maintaining grass and weeds were noted.

A discussion was had regarding free-range animals and small lots.

Mr. Boggs remarked that platted subdivisions with larger lots and Planned Development Districts with reserve areas may fall under the requirements where the rule would be applied but not the intent. Mr. Boggs also noted the process of exemption from the City Administrator not being well defined.

Mr. Fulton also noted woodlands and agricultural not clearly defined either.

A discussion was had regarding exemptions.

Mr. Boggs made a motion to table Rezoning Application ZON-18-010. Seconded by Mr. Ripley. Mr. Boggs, Mr. Ripley, Mr. Truex, Mr. Kendall, Mr. Epperson, Mr. McGowan and Ms. Rodgers voted yes. The motion was approved.

***No Other Business was given.***

***Next on the Agenda, Excuse of Absence for Jerry Truex from the October 3, 2018 meeting.***

Mr. Boggs made a motion to approve the absence of Jerry Truex. Seconded by Mr. McGowan. Mr. Epperson, Mr. Kendall, Mr. Boggs, Mr. McGowan and Mr. Ripley voted yes. Ms. Rodgers and Mr. Truex abstained. The motion was approved.

***Next on the Agenda, Excuse of Absence for Anne Rodgers from the October 3, 2018 meeting.***

Mr. Boggs made a motion to approve the absence of Anne Rodgers. Seconded by Mr. Ripley. Mr. Kendall, Mr. Ripley, Mr. Boggs, Mr. Epperson and Mr. McGowan voted yes. Ms. Rodgers and Mr. Truex abstained. The motion was approved.

***Next on the Agenda, Approval of Minutes from the October 3, 2018 meeting.***

Mr. Boggs made a motion to approve the amended minutes from the October 3, 2018 meeting. Seconded by Mr. Epperson. Mr. Ripley, Mr. Kendall, Mr. McGowan, Mr. Boggs and Mr. Epperson voted yes. Mr. Truex and Ms. Rodgers abstained. The motion was approved.

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

The hearing was adjourned at 7:34 p.m.

Minutes of the November 7, 2018 Planning and Zoning Commission hearing were approved on

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