

**CITY OF PATASKALA PLANNING AND ZONING COMMISSION**

**Public Hearing Minutes**

**Wednesday, December 7, 2016**

The City of Pataskala Planning and Zoning Commission convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, on Wednesday, December 7, 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  
Zack Cowan, 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, Jerry Truex, Anne Rodgers, Gary Kendall and Michael Powell.

First on the agenda, **Request to Table Final Application ZON-16-006.**

Mr. Boggs made a motion to table Final Application ZON-16-006. Seconded by Mr. Powell. Ms. Rodgers, Mr. McGowan, Mr. Kendall, Mr. Truex, Mr. Powell, Mr. Ripley and Mr. Boggs voted yes. The motion was approved.

Next on the Agenda **Rezoning Application ZON-16-008.**

Michael Scharfenberger, representing NCM Realty Company, was placed under oath.

Mr. Scharfenberger gave an overview of his rezoning request, noting The Oaks facility has been servicing the community since 1988. Mr. Scharfenberger noted the need to upgrade, adding a wing and modernizing the current facility. Mr. Scharfenberger noted the intention of purchasing the adjacent property, 72 Hazelton Etna Road property. Mr. Scharfenberger added the plans would not deviate from the scope of what is currently there. Mr. Scharfenberger also noted the main entrance would still be located on Broad Street and possibly a service road off of Route 310.

Mr. Fulton reviewed the Staff Report, noting the Pataskala Oaks property is split zoned between PRO and R-20. Mr. Fulton stated he spoke with the Law Director on how to handle split zoning, and as noted by the Law Director, "clearly impermissible", based on case law. Mr. Fulton stated by changing the R-20

to PRO, it would eliminate the non-conformity of the nursing facility sitting on a residential lot and would alleviate the issue with the split zoning of the lot. Mr. Fulton noted the Future Land Use Map recommends the parcel for office use. Mr. Fulton stated the Davis Property, located on Route 310, is currently zoned R-20 and noted the Future Land Use Map designates the Davis' property for R-20, residential use; however, looking at its location, and in Staff's opinion, does not look like a very attractive spot to build a single-family house, due to its location. Mr. Fulton further explained if the corner lot develops, Staff does not see someone investing money in purchasing the lot that close to the corner of 310 and Broad Street, and that is contrary to the Future Land use Map. Mr. Fulton noted it could be part of a potential expansion if it is rezoned to the PRO district.

Mr. Fulton further stated there are no site plans, and nothing has been proposed; there have been no drawings of any concept submitted. This is just the first step in the process that would allow Pataskala Oaks to expand onto the property if it is rezoned. Mr. Fulton noted if the property is rezoned, Pataskala Oaks would come back for a TCOD application, which gives everyone an opportunity to look at a site plan, screening, etc.

Barry Caldwell, Clarence Gregory and Kathleen Barch were placed under oath.

Mr. Caldwell noted his concerns regarding commercial use in close proximity to his backyard, safety and property value issues. Mr. Caldwell stated privacy issues concerning his young children swimming in their pool. Mr. Caldwell noted southern portion currently separated by pine trees and has no issues; however, he noted his concerns regarding the 72 Hazleton Etna Road application.

Mr. Gregory stated the property should be kept as residential. Mr. Gregory noted his concern being if a commercial building is built, and if the business leaves, then they are stuck with a building that may fall apart.

Ms. Barch noted concerns regarding 72 Hazelton Etna Road being a split parcel, noting a residential property is currently on the parcel and not currently demonstrated as a commercial property. Ms. Barch noted the second half of the parcel looks "very country", and noted having photographs. Ms. Barch noted the property is located across from agricultural property. Ms. Barch noted those that were planning the future of the City noted it as residential and not business, noting it is counter to what those intended it to be. Ms. Barch stated when she purchased her property, she knew there were two residential properties abutting hers, along with a PRO property, which is shielded by a fence. Ms. Barch noted she removed the fence that faced the residential property, stating "it will always be residential". Ms. Barch noted having no "inkling" her property would become the back of a business or parking lot, as that was not in the future plans of the City.

Ms. Barch noted she understood improving the business of "long-term care". Ms. Barch noted the parcel next to The Oaks that currently has a home on it and zoned PRO. Ms. Barch stated that property is not being discussed and zoned correctly and available for a business at a proper price. Ms. Barch noted the parcel next to the corner lot and believes it is the most appropriate for development as it is already zoned PRO.

Ms. Barch stated she understands not having split parcels. Ms. Barch suggested the property owner of

the split parcel sell the residential portion to an adjacent member of the community, maintaining half of the parcel as residential and the balance of the parcel developed as PRO.

Ms. Barch noted issues with only one exit/entrance. Ms. Barch suggested the parcel connecting to Route 310 could be utilized as an exit. Ms. Barch noted there being several parcels with split zoning, how long ago the ordinance was passed, and how many other property owners have been approached by the City stating this is now an issue. As a public records request, Ms. Barch indicated she would like a list of split parcels located in the City.

Mr. Fulton stated the public records request needs to be formally filed with the Clerk of Council.

Ms. Barch noted if a list is not available, she would like to view the zoning maps.

Ms. Fulton explained having this information from the Law Director for a month and figuring out how to address the split zoning issues. Mr. Fulton also wanted to clarify the 2015 zoning map showing the Davis parcel as being split. Mr. Fulton noted in 2008 the parcel was zoned residential and between 2008 and 2015 the line moved north and split zoned the parcel. The 2008 zoning map is codified and no zoning map since 2008 has been codified. Mr. Fulton noted the Davis property is zoned R-20 and the Pataskala Oaks parcel is split zoned between R-20 and PRO.

Ms. Barch noted being informed the Davis parcel was split zoned and the City was trying to cure an issue that existed, which no longer exists.

Mr. Fulton noted the issue exists on the adjacent parcel that is owned by The Oaks.

Ms. Barch asked if there are parcels in the City that are split.

Mr. Fulton indicated in the affirmative.

Ms. Barch again requested a list of split parcels, or a map.

Mr. Fulton noted a list does not exist, but a map would be available to view.

Ms. Barch asked the Commission to consider the residents of The Oaks and the impact that this could make to their community, and delay any type of vote to Council until represented and meeting with a Ward Representative.

Ms. Barch provided pictures to the Commission for review.

Tabitha Caldwell was placed under oath.

Ms. Caldwell presented photographs of her property to the Commission. Ms. Caldwell stated she has young children and a swimming pool, and there are no fences that would prevent someone from

peeking into their backyard. Ms. Caldwell presented photographs to the Commission. Ms. Caldwell noted people would be able to view into their windows. Ms. Caldwell stated her concern with the development of a business or parking lot.

Mr. Fulton pointed out PRO is office based; there will be no gas stations, McDonalds, etc. Mr. Fulton explained if rezoned to PRO, it would part of the nursing facility; commercial but residential use. Mr. Fulton again noted there being no plans presented. Mr. Fulton gave an overview of the rezoning process.

Mr. Scharfenberger noted this being a first step, and as site plans are developed, he indicated having input from neighbors and will do everything they can to minimize any impact on surrounding properties.

Mr. Caldwell noted issues with the current parking lot. Mr. Caldwell asked if the parking lot would be publicly accessible.

Mr. Fulton stated it would; however, that is based on the assumption that there will be a parking lot on the property in question.

A discussion was had regarding personal property.

Ms. Barch noted her public request.

Mr. Fulton reiterated the public records request need to be presented to the Council Clerk.

Mr. Truex and Mr. Caldwell reviewed a photograph of the driveway, and discussing distance to property lines.

Mr. Kendall noted not knowing enough to judge the merit in not approving rezoning. Mr. Kendall stated having plans would give the Commission a better understanding of what is proposed for the area. Mr. Kendall noted there will be an opportunity to require buffering, mounding, etc., for screening.

Mr. Ripley reviewed the zoning map for clarification.

Mr. Ripley asked if the plans go through, will Mr. Scharfenberger purchase the Davis property.

Mr. Scharfenberger noted in the affirmative.

A discussion was had regarding issues with the facility's expansion and delaying the recommendation to City Council until a Ward 3 Member is appointed.

Mr. Ripley asked once City Council approves the rezoning, how soon plans will be produced.

Mr. Scharnberger noted immediately.

Mr. Ripley noted the process for rezoning, if City Council approves recommendation.

A discussion was had regarding the current house on the Davis property.

Ms. Barch asked once the rezoning is passed, any business that is PRO can go in there.

Mr. Boggs indicated in the affirmative.

Mr. Ripley noted the Planning and Zoning Commission only recommends to City Council to rezone; City Council makes the final decision. Mr. Ripley also noted whatever will be proposed will be discussed with residents.

A discussion was had regarding the process of rezoning approval.

Mr. Truex gave a sample of International Drive and commercial use.

A discussion was had regarding voting on application that was submitted.

A discussion was had regarding the Comprehensive Plan.

A discussion was had to recommend or not recommend.

Mr. Kendall asked if there are any conceptual plans for the site.

Mr. Scharfenberger noted there were no plans prepared, as this is the first step, going through the Planning and Zoning Commission.

A discussion was had regarding Ward 3 vacancy.

Mr. Kendall asked if the application should be tabled until a Ward 3 Council Member is in place.

Mr. Truex noted that would be for City Council to decide.

Mr. Fulton noted a recommendation could be made this evening with the condition that a public hearing before City Council shall not be heard until a Ward 3 is represented.

Mr. Powell noted the three at-large Council members.

A discussion was had regarding the possibility of splitting the Davis property and offering for sale to a resident.

No further discussions were had.

Mr. Kendall made a motion to recommend Council approve Application ZON-16-008 with the condition that no action shall be taken until a Ward 3 Council member is appointed. Seconded by Mr. McGowan. Mr. Ripley, Mr. Truex, Mr. McGowan, Mr. Powell, Mr. Boggs, Mr. Kendall and Ms. Rodgers voted yes. The motion was approved.

Next on the Agenda, **New Business regarding Graham/Dixon Road property.**

Delena Ciamacco gave an overview of plans to possibly develop Graham/Dixon Road property into residential properties and is asking the Commission for input.

A discussion was had regarding platted subdivisions and waste treatment.

A discussion was had regarding zoning districts and streets.

Ms. Ciamacco noted soil sampling, also noted wetlands being natural or manmade.

Mr. Cowan explained the variances that would be needed.

Cluster design was discussed.

Discharge areas were also discussed.

Next on the Agenda, **New Business regarding Hazelton Crossing.**

Gary Smith gave an update regarding Hazelton Crossing. Mr. Smith reviewed paperwork provided to the Commission, noted changes regarding moving of a pond, jurisdictional storm water issues were also noted.

A discussion was had regarding the parking lot and playground.

A discussion was had regarding parking and a soccer/utility field.

Mr. Kendall asked who would be responsible for the upkeep of the soccer/utility field.

Mr. Smith noted the HOA.

Further discussion was had regarding ponds.

No further comments were presented.

Next on the Agenda, **New Business regarding 2017 Planning and Zoning Commission introduction.**

Mr. Cowan reviewed the paperwork provided to the Board.

A discussion was had regarding monitors being used for future hearings.

Next on the Agenda, **Excuse of Absence of Mr. Powell from the November 2, 2016 hearing.**

Mr. Boggs made a motion to approve the absence of Mr. Powell from the November 2, 2016 hearing. Seconded by Mr. Ripley. Ms. Rodgers, Mr. McGowan, Mr. Randall, Mr. Truex, Mr. Ripley, Mr. Boggs voted yes. Mr. Powell abstained. The motion was approved.

Mr. Boggs made the motion to approve the minutes from the November 2, 2016 meeting with the noted amendment. Seconded by Mr. Truex. Mr. Boggs, Mr. Kendall, Ms. Rodgers, Mr. Ripley and Mr. McGowan voted yes. Mr. Powell abstained. The motion was approved.

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

The meeting adjourned at 8:31 p.m.

Minutes of the December 7, 2016 Planning and Zoning Commission hearing were approved on

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Chairman