

CITY OF PATASKALA PLANNING AND ZONING COMMISSION

Public Hearing Minutes

Wednesday, August 3, 2016

The City of Pataskala Planning and Zoning Commission convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, on Wednesday, August 3, 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, Michael Powell, Darin McGowan, Randall Ripley, Jerry Truex, Anne Rodgers and Gary Kendall.

First on the agenda, **Transportation Overlay District Application TCOD-16-004.**

Jeff Mogavero, 11377 Broad Street, was placed under oath.

Mr. Mogavero gave an overview of his request, stating he is proposing to construct a 40 x 112 square foot addition to his existing 6,400 square foot pole building.

Mr. Fulton gave an overview of his Staff Report, noting the addition would increase the total size of the pole building to 10,880 square feet. Mr. Fulton noted at the furthest point the pole building expansion would be 24 feet from the side property line. The Applicant's site plan does not indicate the setback distance from the closest point and, as a result, the Planning and Zoning Commission would have to waive the setback requirement should the application be approved.

Mr. Fulton also noted in November of 2015 the Board of Zoning Appeals revoked the Applicant's conditional use permit that allowed the property to be used for automotive repair because the Applicant did not abide by the conditions of approval. Mr. Fulton stated the Applicant would not be permitted to use the property for automotive or related uses without obtaining a conditional use permit. Mr. Fulton added the Applicant stated the addition and driveway would not be used for commercial purposes at this time and plans to obtain a conditional use permit in the future. Mr. Fulton noted due to the property's location, approval from the Transportation Corridor Overlay District is required.

Mr. Truex asked if the addition will be used for future business as an auto repair business and if Mr. Mogavero is willing to go through the steps of the Board of Zoning Appeals.

Mr. Mogavero indicated in the affirmative.

Mr. Kendall noted the pole building may be a little over 20' to the closest point to the property line adjacent to the property; however, Mr. Kendall stated he personally sees no issues with the addition.

Ms. Rodgers inquired as to the comment made by James Roberts, P.E. regarding the right-of-way.

Mr. Fulton noted based upon the transportation plan and Mr. Mogavero's property has the maximum allowable right-of-way per the City's Transportation Plan.

Ms. Rodgers inquired as to the right-of-way and any future widening of Broad Street.

Mr. Fulton noted it would need to be acquired at a later date, and without any basis in the Transportation plan to allocate a distance at this point.

Ms. Rodgers inquired as to a Master Plan.

Mr. Fulton noted there is Master Plan, however, the Master Plan indicates 60 feet and Mr. Mogavero is at the maximum for the right-of-way.

Ms. Rodgers also inquired as to the comment, "The City may want to approach the property owner now to see if we can clean up the property line".

Mr. Fulton indicated that was included in possible modifications that the Applicant would work with the Code Enforcement Officer to address and remedy any code violations that exist on the property.

Ms. Rodgers inquired as to easements.

Mr. Fulton noted no additional easements on the property were located.

Ms. Rodgers asked if there would be drainage issues if the business is reopened.

Mr. Mogavero noted no drains will be in the building.

Mr. Ripley asked what the property is used for to the west of the Applicant's property.

Mr. Fulton noted the commercial property located to the west is Jefferson Park.

Mr. Boggs asked if the existing building setback was a pre-existing condition or variance.

Mr. Fulton not being unable to find any further information, and noted the County Auditor's website notates the building was constructed in 1997; however, the Zoning Department records only go back to 2001.

Ms. Rodgers asked why the Conditional Use was revoked.

Mr. Mogevero noted having too many vehicles that were not parked on a hard surface. Mr. Mogevero stated he understands what he needs to address prior to re-submitting for a conditional use.

Mr. Ripley asked when the Applicant plans on reopening the business.

Mr. Mogevero stated he may reopen the business within two to three years.

Mr. Ripley asked if the Applicant has any issues with the modifications noted in the Staff Report.

Mr. Mogevero indicated he did not.

Ms. Rodgers asked if the Applicant is currently using the property as a business.

Mr. Mogevero indicated he is not.

No other questions were presented.

Mr. Ripley made a motion to approve TCOB-16-004, pursuant to Section 1259.07 of the Pataskala Code, with the following modifications:

1. The site plan shall be updated to include the following:
 - a. The distance between the south east corner of the proposed pole building expansion and the eastern property line.
 - b. L2 landscaping along Broad Street from the existing driveway to the eastern property line pursuant to Section 1283.07 of the Pataskala Code.
 - c. The dimensions of the space in front of the pole building expansion and proposed landscaping pursuant to Section 1259(G)(4) of the Pataskala Code.
 - d. An eight (8) foot paved multi-use path from the existing driveway to the eastern property line. A fee in-lieu of construction may be considered.
2. No commercial activity shall be conducted from the property unless the appropriate permits are obtained.
3. The pole building addition shall not cause drainage issues on the abutting properties.
4. The applicant shall work with the Zoning Inspector to address any zoning violations on the property and shall have them resolved within one (1) year of the date of approval.
5. The pole building addition, driveway addition, multi-use path and landscaping shall be constructed within one (1) year of the date of approval.
6. The applicant shall receive all necessary permit from the City of Pataskala and the Licking County Building Department prior to the construction of the pole building addition, driveway and multiuse path.

Ms. Rodgers seconded the Motion. Mr. Boggs, Mr. Ripley, Mr. Powell, Mr. Truex, Mr. Kendall, Mr. McGowan and Ms. Rodgers voted yes. The Motion was approved.

Next on the Agenda, Approval of the July 6, 2016 regular meeting minutes.

Mr. Boggs made a Motion to approve the minutes of the July 6, 2016 regular meeting minutes. Seconded by Mr. Truex. Mr. Powell, Mr. Boggs, Mr. Kendall, Ms. Rodgers, Mr. Ripley, Mr. Truex and Mr. McGowan voted yes. The Motion was approved.

Next on the Agenda, Hazelton Crossing Revisions.

Gary Smith, with G2 Planning & Design, 720 East Broad Street, Columbus, Ohio, and Jack Brickner, Director of Development with Planned Communities, 110 Northwoods Boulevard, Columbus, Ohio were placed under oath.

Mr. Smith noted wanting to move forward with the plan, and running into issues with Sub Area D, and requesting input from the Board. Mr. Smith reviewed the development plan that has been approved and noted trying to find developers to develop the different sub areas. Mr. Smith stated Ryan Homes is interested in developing homes on the site. Mr. Smith also noted Ryan Homes has retained himself and Jack Brickner to help with the process.

Mr. Brickner presented a map of the current design. Mr. Brickner noted a geotech firm performed ransom borings on the site and noted significant issues with the soft soils running 5' to 15' deep. Mr. Brickner gave the three options the geotech firm noted: 1. Converting back to greenspace. 2. Undercut the entire area. 3. Dig through it.

Mr. Smith noted wanting to talk about reconfiguring the site to make it work. Mr. Smith reviewed a site map pointing out the proposed reconfiguration, noting an increase in more open space, and asked the Board if they felt he was going in the right direction.

Mr. Boggs noted a concern regarding speeding through the development.

Mr. Smith noted different options of controlling speeding.

Mr. Kendall inquired how Sub Area B is affected by the soils.

Mr. Smith indicated there has been no further exploration in that area, and Ryan Homes is just concerned of the sub area they are purchasing and trying to do their due diligence.

Mr. Kendall noted there could be a potential in the future that sub area would be changed accordingly.

Mr. Brickner stated the use for that area is more of an institutional use, different financial structure. Mr. Brickner noted it may be less difficult for them to remediate, given it's a much smaller site.

Site elevations were discussed.

A discussion was had regarding homes north of the property.

Mr. Smith stated those homes were built some time ago and does not know if they investigated the soil at that time. Mr. Smith stated there have been no conversations regarding those homes having bad soil.

Mr. Truex noted not liking the layout, going from an open space look to packing homes in there and noted liking their original plan.

Mr. Kendall agreed with Mr. Truex.

Ms. Rodgers requested a map of the previous layout.

Mr. Truex reiterated the previous plan being a nice layout.

Mr. Smith indicated not wanting to shift the green space, however, the open space now is much greater in size. Mr. Smith also noted different uses for the open space.

Mr. Truex stated the current plan as being a prototypical, "Throw all the houses you can and hide the park in the back".

Mr. Smith indicated it not being an ideal situation, more of a compromise, and the need to reconfigure due to the engineering issues. Mr. Smith asked if there is something they can do differently, or explore something differently.

Mr. Boggs noted some of it may help depending on what is done with the green space around the circle.

Further discussion was had regarding green space.

Mr. Fulton noted meeting with Mr. Smith on several occasions and noting the discussion of finding bad soil and needing to shift the plan. Mr. Fulton stated he likes the fact the roundabout was kept in the middle and the neighbors that abut the property will have a nine-acre park in their backyard. Mr. Fulton noted he thinks it's the best that could be done. Mr. Fulton also indicated not liking it as much as the first plans, but understanding their situation, and now there is a 9.7 acre park in a subdivision.

Further discussion was had regarding green space, parks and traffic.

Ms. Rodgers inquired as to a turn lane and traffic.

Mr. Smith stated more engineering would be done, as this is a preliminary plan, and was more concerned with getting information from the Board regarding if they were moving in the right direction.

Mr. Fulton stated due to the location, the traffic study is being reviewed by ODOT, the County and the City.

Mr. Boggs asked for a clarification from Mr. O'Neil's letter referring to soil conditions not being conducive to building homes with basements, and if only refers to the area they moved away from.

Mr. Smith indicated in the affirmative.

Mr. Kendall noted although the plan varies from the original layout, he thinks, with proper applications, it can still be appealing.

No further comments or questions were presented.

The Board discussed the closing of FasLube.

Mr. Fulton noted looking into addressing adding retail and restaurants and how to do it effectively.

Mr. Boggs inquired as to the September hearing.

Mr. Fulton noted he has not heard from Kroger.

No further question or comments were presented.

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

The meeting was adjourned at 7:31 p.m.

Minutes of the August 3, 2016 Planning and Zoning Commission hearing were approved on _____, 20____.

Richard Boggs, Chairman