

**MINUTES OF THE  
CITY OF PATASKALA BOARD OF ZONING APPEALS**

**Tuesday, April 13, 2021**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, April 13, 2021.

Present were:

Alan Howe, Chairman

William Cook

Christine Lawyer

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning and Zoning Director

Brian Zetz, City Attorney

Alan Haines, Public Service Director

Lisa Paxton, Zoning Clerk

Mr. Howe opened the hearing at 6:31 p.m., followed by the Pledge of Allegiance.

Present were: Alan Howe, William Cook and Christine Lawyer. TJ Rhodeback and Jenna Kennedy were not present.

***First on the Agenda, Variance Application VA-21-016, Tractor Supply Company, 11309 Broad Street SW.***

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request to allow for the construction of a fence that will exceed 72-inches for property located at 11309 Broad Street SW. The property has also requested a TCOD application before the Planning and Zoning Commission. A summary of the property was given. Landscape plans and elevations were reviewed. The Applicant's Narrative noted the fence height is necessary for security.

Jarod Mahaffey, CESO, Inc., 2800 Corporate Exchange Drive, Columbus, was placed under oath.

Mr. Mahaffey stated the fence would be for security reasons as expensive equipment and other retail items would be stored in the outdoor sales area.

Findings of Fact were reviewed.

Mr. Cook made a motion to approve a variance from Section 1279.03(A)(2) of the Pataskala Code for Variance Application VA-21-016, with the following modification:

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction.

Seconded by Ms. Lawyer. Ms. Lawyer, Mr. Howe and Mr. Cook voted yes. The motion was approved.

***Next on the Agenda, Appeal Application AP-21-001, TS Tech USA Corporation, 6630 Taylor Road SW.***

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's appeal of a driveway permit application. It was noted a driveway permit application was approved in 2016 to allow a driveway to access Taylor Road with conditions/restrictions that it to be used for emergency access only. In 2019 a new commercial construction application was approved for a cross dock facility with the same conditions/restrictions that the driveway would be for emergency access only. The Applicant submitted a driveway permit in January of this year, and is appealing the Planning and Zoning Department's decision of disapproving the application due to traffic and safety concerns.

Mr. Haines reviewed and answered written technical matters raised by TS Tech.

Mr. Howe noted the traffic study's request is for 24/7 access and noted concerns with traffic and the need for road modifications.

Ms. Lawyer noted concerns with enforcement if driveway is only opened during certain times.

Cassandra Rice, Esq., Porter Wright, Morris and Arthur; Erin Wiggins, Esq., TS Tech America; Ryan Bush, MS Consultants were placed under oath.

Ms. Rice presented a PowerPoint presentation, noting the need for TS Tech America to exit and enter their property. Aerial map and surrounding properties were noted, along with M-1 properties. Ms. Rice stated the obligations for Appeal Application AP-20-001 has been met. Commuter traffic was noted. A review of Mr. Haines' November 2019 email was noted. Ohio Revised Code 4511.33 and 4511.36 were cited. Truck maneuverability requirements were noted. The "truck motel" located on Cypress Street was noted. A one-minute video was presented.

Mr. Cook noted confusion regarding the traffic study and the entrance only be accessed for an hour and a half a day, but the request is for it to be opened 24 hours a day.

Ms. Rice stated the property owner has a right to enter and exit their property and that it's unconstitutional to prohibit the use of the driveway.

Mr. Howe noted the Board is not restricting the use of the property; restrictions were placed on the application. It was also noted the "truck motel" being located on Cypress Street, which has a wider intersection.

A discussion was had regarding the pre-existing driveway.

Mr. Howe noted the restrictions that were placed on the driveway application were agreed to by the property owner. Mr. Howe also noted the property being different today than it was when the restrictions were put in place.

Ms. Rice noted the right to use the driveway prior to the 2016 permit and noted the legality to place restrictions

on the application. Ms. Rice stated there are no codified ordinances that impose conditions when improvements are in compliance for light manufacturing.

Direct examination of Mr. Bush by Ms. Rice was had regarding the 2020 Traffic Access Study, noting existing conditions, proposed conditions, traffic volumes, capacity analysis, turn lane warrants and truck traffic.

Mr. Cook inquired as to how opening the driveway decreases intersection traffic.

Mr. Bush noted traffic not having to turn left at East Broad onto Taylor Road.

Mr. Wiggins noted employees living north of the facility, Johnstown, New Albany, would go north on Taylor Road by exiting the Taylor Road driveway and not have to exit onto Broad Street and then turn left onto Taylor Road. It was also noted commuter traffic would not enter the Taylor Road driveway, only exit.

Direct examination of Mr. Bush by Ms. Rice was had regarding traffic analysis and turn lanes.

Ms. Lawyer inquired as to Figure 2, design year 2038, and if they are planning on selling the property.

Mr. Bush noted predicting conditions 20 years in the future.

Ms. Rice indicated if the property were to be sold they could not easily do so because of not having access to Taylor Road.

Mr. Wiggins noted discussions with the City regarding Taylor Road access for associates when leaving the facility. Mr. Wiggins also noted the new 200-residential development south of the facility what will exit onto the TS Tech property, further increasing traffic on their driveway. Mr. Wiggins noted Mr. Haines 2019 Email and is willing to work with the City and feels he has been doing so for the past three-and-a-half years.

Mr. Haines indicated an item Ms. Rice brought up is allowing access to their property, and he doesn't disagree with that; however, it was stated the main TS Tech property is not in the City of Pataskala. Mr. Haines also noted the cross dock is a different scenario than allowing commuter traffic from the main facility. It was also noted discussions were had regarding separating the two and potentially placing a gate and not allowing commuter traffic.

A discussion was had regarding signalized intersections or unrestricted access points for general traffic.

A discussion was had regarding conditions of Taylor Road.

Mr. Howe asked if the driveway could be used for egress only.

Mr. Rice noted their position is for full access.

A discussion was had regarding GAP analysis.

Ms. Rice noted the timeline of discussions and meetings with the City since 2019.

Mr. Howe noted issues with the intersection of Taylor Road and Broad Street being a high crash intersection.

Mr. Bush noted not knowing what is contributing to the crashes, but removing left turns would be safer for associates and the general public.

A discussion was had regarding crashes at the intersection of Taylor Road and Board Street.

A discussion was had regarding submitting information to a traffic engineer.

Ms. Rice noted email communications between herself and Mr. Haines, Mr. Wiggins and Mr. Fulton.

Mr. Howe indicated he can see where it makes sense for the employees; however, concerns with the Study, concerns with the Broad Street and Taylor Road intersection and opening another intersection with no traffic signals less than a half a mile away. Mr. Howe indicated tabling the application and have a traffic engineer involved and resolve the issue.

Mr. Howe made a motion to recess. Seconded by Mr. Cook. Mr. Cook, Mr. Howe and Ms. Lawyer voted yes. The motion was approved.

Recess was taken at 8:33 p.m.

Back on the record at 8:52 p.m.

A discussion was had regarding GPD Engineers.

A discussion was had regarding tabling the Application to the May 11, 2021 meeting.

Mr. Howe made a motion to table Appeal Application AP-21-001 to the May 11, 2021 . Seconded by Mr. Cook. Mr. Howe, Mr. Cook and Ms. Lawyer voted yes. The motion was approved.

***Next on the Agenda, Findings of Fact.***

***Variance Application VA-21-016.***

- | <u>Yes</u> | <u>No</u> |  |
|------------|-----------|--|
| ✓          |           | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i>   |
| ✓          |           | b) <i>Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;</i> |
| ✓          |           | c) <i>Whether the variance requested is substantial;</i>   |
| ✓          |           | d) <i>Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;</i>   |
| ✓          |           | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i>  |

- ✓ f) *Whether the variance, if granted, will be detrimental to the public welfare;*
- ✓ g) *Whether the variance, if granted, would adversely affect the delivery of government services;*
- ✓ h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
- ✓ i) *Whether the property owner's predicament can be obviated through some other method than variance;*
- ✓ j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
- ✓ k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Mr. Howe made a motion to approve Findings of Fact for VA-21-016. Seconded by Mr. Cook. Mr. Cook, Ms. Lawyer and Mr. Howe voted yes. The motion was approved.

***Next on the Agenda, approval of March 9, 2021 Regular Meeting Minutes***

Mr. Cook made a motion to approve the March 9, 2021 regular meeting minutes. Seconded by Mr. Howe. Ms. Lawyer, Mr. Cook and Mr. Howe voted yes. The motion was approved.

***No other business was given.***

***Adjournment of Meeting to Tuesday, May 11, 2021.***

Mr. Howe made a motion to adjourn the meeting to May 11, 2021. Seconded by Mr. Cook. Mr. Howe, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

The hearing was adjourned at 9:04 p.m.

Minutes of the March 9, 2021 regular meeting were approved on

\_\_\_\_\_, 2021.