

CITY OF PATASKALA PLANNING AND ZONING COMMISSION
Public Hearing Minutes

Wednesday, October 4, 2023

The City of Pataskala Planning and Zoning Commission convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, on Wednesday, October 4, 2023.

Present were:

Rick Boggs, Chairman

Frank Broering

Stephanie Daugherty

David Mancino

Anne Rodgers

Jerry Truex

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning Director

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

Mr. Boggs opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Rick Boggs, Frank Broering, Stephanie Daugherty, David Mancino, Anne Rodgers and Jerry Truex. Alexander Smiley was not present.

First on the Agenda, Final Plan Application FP-23-002 – Heron Manor Section 5

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Final Plan Application for Section 5 of the Heron Manor subdivision, pursuant to Section 1113.28 of the Pataskala Code. Area map and site plans were reviewed. The Condition of Approval on the Preliminary Plan is still in effect regarding construction traffic being routed through Heron Manor and not the adjacent subdivisions.

David Denniston, Advanced Civil Design, 781 Science Boulevard, Gahanna, Ohio, was placed under oath.

A discussion was had regarding enforcement of construction traffic.

Mr. Truex made a motion to approve Final Plan Application number FP-23-002, pursuant to Section 1225.13 of the Pataskala Code, with the following modification:

1. The Applicant shall submit a mylar copy of the Final Development Plan to the Planning and Zoning Department for signatures.

Seconded by Ms. Daugherty. Mr. Broering, Mr. Truex, Mr. Boggs, Ms. Rodgers, Mr. Mancino and Ms. Daugherty voted yes. The motion was approved.

Next on the Agenda, Rezoning Application ZON-23-002 – Fair Lady Development, LLC.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request of a recommendation for a rezoning of approximately 192.666-acres of land from RR – Rural Residential and R-87 – Medium-Low Density Residential to PM – Planned Manufacturing District, pursuant to Section 1217.10 of the Pataskala Code. Area map, property summary and zoning requests and Concept Plan were reviewed.

Construction would be in phases. Access to property, setbacks and mounding were reviewed. Mr. Fulton stated the Comprehensive Plan notates the Future Land Use Map recommends "Innovation", which includes "Large-scale industrial, research, and office users", and requested rezoning would be in line with the recommendation of the Future Land Use Map. The Applicant would not need to adhere to the conceptual plan, as this is a straight rezoning request and not a Planned Development District rezoning, which would require adherence to a plan. Mr. Fulton also stated conditions cannot be placed on a recommendation to Council, as this would constitute contract zoning, which is illegal. If the Planning Commission provides a recommendation, the Application will go before Council for final determination. Departmental and Agency Comments were noted.

Steve Cuckler, 97 N. Sandusky Street, Delaware, Ohio was placed under oath.

Mr. Cuckler stated they are asking to apply the updated Planned Manufacturing Code that has been recently adopted by Council to the subject property. Mr. Cuckler noted this being the first step in multiple steps for this project and multiple agencies would be involved. Water, sewer and road access issues were noted, and the improvements will cost millions of dollars. Mr. Cuckler explained that the project cannot start until water, sewer and road access is available.

Todd Faris, Faris Planning & Design, 4876 Cemetery Road, Hilliard, Ohio was placed under oath.

Mr. Farris stated a mounding and landscape package for this project would far exceed anything he has done in the region, protecting surrounding properties from visual and acoustic issues, along with preserving property values. .

Mr. Broering inquired as to why they chose a rezoning application instead of a Planned Development District.

Mr. Cuckler indicated one of the issues is, per code, water, sewer and roads need to be planned prior to moving forward with a Planned Development District, and it will take years to figure out the roads, the different municipalities involved, along with client's contribution to improvements. Mr. Cuckler stated Planned Manufacturing allows oversight by this Board to make sure it is being done correctly.

Ms. Daugherty noted concerns regarding no access to water and sewer along with the impact it may have on the neighbors.

Joel Perry, 2550 Corporate Exchange, American Structure Point, 2550 Corporate Exchange Drive, Columbus, Ohio was placed under oath.

Mr. Perry gave a quick status, notating traffic issues off of Clark and having conversations with Licking County regarding access to Morse Road, continuing to work together, putting together traffic studies and waiting for a solution for the Morse and Clark State roundabout to work itself out. Mr. Perry stated they have been speaking with multiple municipalities regarding water, sewer, electric and gas access.

A discussion was had regarding data centers and telecommunication end users.

Mr. Boggs made a motion to allow five minutes for each speaker requesting to speak. Seconded by Mr. Mancino. Ms. Rodgers, Ms. Daugherty, Mr. Boggs, Mr. Truex, Mr. Broering and Mr. Mancino voted yes. The motion was approved.

Vickie Gigliotti, 14539 Clark State Road, Pataskala, was placed under oath.

Ms. Gigliotti noted her concerns regarding the impact on residents, timeline of when the project will start, not knowing how many warehouses, no traffic studies, along with traffic and noise concerns.

Gus Cook, 14536 Clark State Road, Pataskala, was placed under oath.

Mr. Cook noted concerns including current road conditions, traffic, utility infrastructure, preservation of wetlands, and concerns as there are no plans for what will be developed. Mr. Cook provided a visual presentation showing aerial views of the subject properties along with concerns that would impact his neighborhood, drainage, traffic concerns and utility access.

Lowell Marx, 345 Edenderry Lane, Pataskala, was placed under oath.

Mr. Marx noted traffic concerns along with access to water and sewer.

Barbara Craig, 13768 Graham Road, Pataskala, was placed under oath.

Ms. Craig inquired as to the difference of straight zoning and Planned Development District.

Mr. Fulton gave an overview of straight zoning and Planned Development District rezoning.

Jerry Levine, 14033 Graham Road, Pataskala, was placed under oath.

Mr. Levine noted concerns with the possible redirection of Muddy Creek. Mr. Levine stated he purchased the property based on its current zoning. Tax abatement was also mentioned.

Mr. Fulton noted tax abatements are located within a CRA District and there is no tax abatement currently in place for this location.

Jeff Koren, 430 Kilkenny Court, Pataskala, was placed under oath.

Mr. Koren stated he would like the property to be developed into a subdivision, but knows it may develop in the future because of the Comprehensive Plan. Mr. Koren noted concerns regarding septic, water, traffic, including safety of neighboring wells, utility access for the subject property, and the need for a traffic impact study.

Anne Evans, 8853 Windy Hollow Road, Johnstown, Ohio was placed under oath.

Ms. Evans stated she believes the community would rather see jobs and not more housing developments or apartments and not overwhelming the schools Ms. Evans noted she is just trying to do something that she thought was right.

Debra Giannaris, 390 Warrenpoint Lane, Pataskala, was placed under oath.

Ms. Giannaris stated having no concerns with Ms. Evans selling her land, but that it is developed thoughtfully. Ms. Giannaris' noted concerns were water, sewer, no budget for same, no plan for water and sewer for at least two years. Concerns with the impact to neighboring ground water, no protections for septic and wells, traffic and buffering concerns.

Mr. Cuckler stated it will take public and private partnerships to fix these issues and in order to invest, zoning needs to be in place. Millions of dollars will need to be invested. It was noted the project will take years to complete, and per code, permits cannot be obtained until road access, sewer and water taps are in place. Open houses would be provided to allow everyone to see the proposed improvements, and indicated they are open to work with neighbors.%

The Board deliberated, noting potential negative impacts to residents, concerns of meeting criteria in Chapter 1217.04. A discussion was had regarding surrounding properties, zoning classifications along

with Chapters 1217 and 1253 of the Pataskala Code.

Mr. Truex made a motion to recommend approval of Rezoning Application number ZON-23-002 pursuant to Section 1217.10 of the Pataskala Code for Rezoning Application ZON-23-002. Seconded by Mr. Broering. Mr. Truex, Ms. Daugherty, Ms. Rodgers, Mr. Mancino, Mr. Broering and Mr. Boggs voted no. The motion failed.

No other business was noted.

Next on the Agenda, Excuse of Absence of Jerry Truex from the July 5, 2023 meeting.

Mr. Boggs made a motion to excuse the absence of Jerry Truex from the July 5, 2023 meeting. Seconded by Mr. Broering. Ms. Rodgers, Ms. Daugherty, Mr. Broering, Mr. Boggs and Mr. Mancino voted yes. Mr. Truex abstained. The motion was approved.

Next on the Agenda, Excuse of Absence of Stephanie Daugherty from the July 5, 2023 meeting.

Mr. Boggs made a motion to excuse the absence of Stephanie Daugherty from the July 5, 2023 meeting. Seconded by Mr. Broering. Mr. Mancino, Mr. Broering, Mr. Boggs and Ms. Rodgers voted yes. Ms. Daugherty and Mr. Truex abstained. The motion was approved.

Next on the Agenda, Excuse of Absence of Jerry Truex from the July 18, 2023 special meeting.

Mr. Boggs made a motion to excuse the absence of Jerry Truex from the July 18, 2023 special meeting. Seconded by Mr. Mancino. Ms. Daugherty, Mr. Broering, Mr. Boggs, Mr. Mancino and Ms. Rodgers voted yes. Mr. Truex abstained. The motion was approved.

Next on the Agenda, approval of the July 5, 2023 Regular Meeting Minutes.

Mr. Boggs made a motion to approve the Minutes from the July 5, 2023 meeting. Seconded by Mr. Broering. Mr. Boggs, Mr. Broering, Ms. Rodgers, and Mr. Mancino voted yes. Mr. Truex and Ms. Daugherty abstained. The motion was approved.

Next on the Agenda, approval of the July 18, 2023 Regular Meeting Minutes.

Mr. Boggs made a motion to approve the Minutes from the July 18, 2023 meeting. Seconded by Mr. Broering. Mr. Mancino, Ms. Daugherty, Mr. Boggs, Ms. Rodgers and Mr. Broering voted yes. Mr. Truex abstained. The motion was approved.

Mr. Truex made a motion to adjourn the meeting. Seconded by Ms. Daugherty. Mr. Broering, Mr. Truex, Mr. Boggs, Ms. Rodgers, Mr. Mancino and Ms. Daugherty voted yes. The motion was approved.

The hearing was adjourned at 8:22 p.m.

Minutes of the October 4, 2023 Planning and Zoning Commission hearing were approved on

_____, 2023.

Chairperson