



CITY OF PATASKALA BOARD OF ZONING APPEALS

City Hall, Council Chambers
621 West Broad Street
Pataskala, Ohio 43062

STAFF REPORT

May 11, 2021

Conditional Use Application CU-21-002

Applicant:	Ice Queens of Smith's Mill, LLC.
Owner:	Thomas & Deborah Jones
Location:	15000 E. Broad Street, Reynoldsburg, OH 43068
Acreage:	1.38-acres
Zoning:	GB – General Business
Request:	Requesting approval of a Conditional Use pursuant to Section 1249.04(18) of the Pataskala Code for a restaurant with a drive-thru facility.

Description of the Request:

The applicant is seeking approval of a Conditional Use to allow for the use of the property located at 15000 E Broad Street as a restaurant with a drive-thru facility.

Staff Summary:

The 1.38-acre parcel located at 15000 E. Broad Street is currently occupied by an 1,834-square foot single-family home built in 1930 (14970 E Broad Street) and an approximately 576-square foot concrete block commercial building built in 1969 ("Cones N' Concoctions"). The lot is a corner lot, with frontage on two (2) public rights-of-way: E Broad Street to the south, and Taylor Road SW to the west. Access can be via either frontage, however there is no real defined access point along E. Broad Street as the entire frontage is paved. A creek runs along the northern rear property line, with some existing natural vegetation.

The Applicant is requesting approval of a Conditional Use to allow for the use of the property as a "Dairy Queen Grill & Chill", a limited-service restaurant with a drive-thru facility. The North American Industry Classification System (NAICS) 2007 assigns the use for 722211 for limited-service restaurants and describes them "establishments primarily engaged in providing food services...where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customers location". Pursuant to Section 1249.04(18) of the Pataskala Code, any restaurant with a drive-thru facility is a Conditional Use in the GB – General Business district.

The Applicant is proposing to demolish the existing structures that are located within the lot and construct a 2,750-square foot restaurant with a drive-thru facility "Dairy Queen Grill & Chill" with associated site improvements. Below is a general summary of the proposed Conditional Use:

Dairy Queen Building

- Dimensions: 50' width, length not stated.
- Square Footage: 2,750sf.
- Exterior: not indicated.

Drive-Thru

- Drive-thru window located on east side of the building
- Menu and speaker are located on the south side of the building.

Proposed Setbacks

- Front, South (E Broad Street): 75'-8 1/2"
- Front, West (Taylor Road SW): 110'-11 7/8"
- Side, East: 63'-2"
- Rear, North: 65'-5"

Parking

- 33 parking spaces
- 2 ADA Parking Space
- 10' wide drive-thru aisle
 - Stacking space for 11 vehicles.

Access

- Two (2) access drives.
 - East Broad Street: Right-in/Right-out
 - Taylor Road SW: Full two-way access.

Landscaping

- East side perimeter: L2 Standard. Continuous three (3) foot high low screen of either shrubs, berm, or wall and one (1) tree per 30 lineal feet
- North rear perimeter: L3 Standard. a six (6) foot high screen of either shrubs (arborvitae) or wall with one (1) tree per 30 lineal feet.
- South (E Broad Street) frontage: L2 Standard. Continuous three (3) foot high low screen of either shrubs, berm, or wall and one (1) tree per 30 lineal feet
- West (Taylor Road SW) frontage: L2 Standard. continuous three (3) foot high low screen of either shrubs, berm, or wall and one (1) tree per 30 lineal feet
- Some interior landscaping is identified within the drive-thru aisle.

Per the Narrative Statement that was submitted by the Applicant; they believe the proposed use would be harmonious with the neighboring uses along the E Broad Street corridor and serve the objectives of the Code. In their words: "the General Business district along this part of Broad Street contains similar vehicular-oriented commercial, retail, and restaurant uses...A Dairy Queen restaurant and drive-thru is highly compatible with these surrounding vehicular-oriented uses". Further stated, the Applicant also believes the use will not pose a hazard or undue disturbance to neighboring uses, would not be detrimental to the public welfare, would not create excessive requirements at public cost, and would not destroy, diminish, or damage any natural, scenic, or historical features of major importance.

Staff Review: *The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.*

Planning and Zoning Staff:

Because this property is within the jurisdictional boundaries outlined by Section 1259.03 of the Pataskala Code; should the Board approve CU-21-002, the next step will be for the Applicant to apply for a Transportation Corridor Overlay District (TCOD) permit, which will go before the Planning and Zoning Commission for approval. The Planning and Zoning Commission will review the application and consider the layout of the site, setbacks, landscaping and screening, parking, etc. As such, for the purposes of this Application, we are strictly looking at whether the use of the property as a restaurant with a drive-thru is appropriate for this location. Following that hearing, should the TCOD application be approved, they will need to submit Construction Plans for the engineering of the site and improvements, which are approved administratively. The last step would be their New Commercial Construction permit, at which point they may begin construction.

The Future Land Use map recommends this property for 'Retail'. The City of Pataskala Comprehensive Plan (2006) describes 'Retail' as property for commercial uses where impulse purchases are frequent, and for higher density commercial uses such as larger retail sales or grocery stores.

Attached to this Staff Report is a list of Planning and Zoning Staff comments that was drafted for this application. The majority of items identified within this list are relatively minor adjustments, corrections, or additional details being needed to confirm that the proposed improvements are in compliance with the Pataskala Code. With that being said, those items will be addressed during the TCOD stage of approval.

Pursuant to Section 1215.09 of the Pataskala Code, a Conditional Use permit shall become null and void within six (6) months of the date of approval if the approved Conditional Use is not carried out. An extension may be granted upon approval from the Board of Zoning Appeals.

Public Service Director

a. TCOD and Access management

- i. No improvements on Broad Street have been identified that would be a benefit to the development or the City. Extending the existing, southbound, left-turn lane on Taylor Road will satisfy the TCOD and be a benefit to both the City and the development; this improvement is recommended.
- ii. Access on Broad St. must be limited to right-in/right-out only, with this location being so close to the intersection. A future cross-access, if amendable to the adjacent property owner (east), should be considered and planned to accommodate present and future access management needs.

City Engineer

- a. It should be noted that the R/W needs for E. Broad Street are 120' total (60' each side) and Taylor Road 90' total (45' each side). Should the existing R/W be less than the requirements above additional R/W will be needed. Additional engineering comments will be made during subsequent review submissions

Southwest Licking Community Water and Sewer District

No comments at this time.

West Licking Joint Fire District

No comments at this time.

Licking Heights Local Schools

The school district does not oppose any of the matters, but they do have a concern with the amount of traffic on Taylor Road, especially at Broad. Understands the City is working on long term planning. Assuming CU-21-002 is approved, the district believes traffic management needs to be considered as part of the project.

Other Departments and Agencies

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-20 – Medium Density Residential	Single-Family Homes
East	GB – General Business	Misc. Commercial (Licking Line Plaza)
South	CC – Community Commercial (Reynoldsburg) R-20 – Medium Density Residential	Misc. Commercial Single-Family Homes
West	GB – General Business	COTC Campus

Conditional Use Requirements:

According to Section 1215.04 of the Pataskala Code, the Board of Zoning appeals shall consider whether the conditional use at the proposed location:

- 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.*
- 2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.*
- 3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
- 4. Will not be hazardous or disturbing to existing or future neighboring uses.*
- 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*

7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
8. *Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
9. *Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff's opinion the following factors from Section 1215.05 are applicable to Conditional Use Application CU-21-002:

- 1215.05(A)(7): All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, individual, or to the community in general.
- 1215.05(B)(1): No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
- 1215.05(E)(7): Such use should be subject to the restrictions outlined in Chapter 1259, Transportation Corridor Overlay District.

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – See attached
- SWLCWSD – See attached
- Police Department – No comments
- West Licking Joint Fire District – See attached
- Licking Heights School District – See attached

Conditions:

Should the Board choose to approve the applicant's request, the following conditions may be considered:

1. The Applicant shall address all comments from Planning and Zoning, City Engineer, and the Public Service Director, and the Licking Heights Local School District.
2. The Applicant shall carry out the proposed use within six (6) months of the date of approval.
3. Any Conditions from Section 1215.05 listed above that the Board of Zoning Appeals feels appropriate for the proposed use.

Resolution:

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve a Conditional Use pursuant to Section 1215.08 of the Pataskala Code for application CU-21-002 ("with the following conditions" if conditions are to be placed on the approval)."



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

CU-21-002 Review

May 11, 2021

Chapter 1249 – General Business (GB) District

1249.02: Conditionally Permitted Uses

- 1249.02(18): Restaurants with entertainment or drive-thru facilities.
 - Applicant has applied for CU-21-002.

1249.05: General Requirements of the GB District

- 1249.05(A): No building shall be erected or enlarged to exceed 35 feet.
 - Building height shall be indicated on the plans.
- 1249.05(C) Setbacks and yards
 - 1249.05(C)(3): (Rear) When abutting a residential zoning district: 35' for structures, 25' for paved areas.
 - Structure in compliance, however, parking along north side encroaches into the 25' required setback. Amount of encroachment not indicated.
 - PZC has authority to approve setbacks as proposed under TCOD regulations.
- 1249.05(G): All trash and garbage control shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet requirements of Section 1283.06. Container systems shall not be in front yards.
 - Dumpster enclosure location is in compliance but will need details on screening.

Chapter 1259 – Transportation Corridor Overlay District (TCOD)

1259.05: Design Standards

- 1259.05(A): Traffic Safety Measures. One or more of the following traffic safety measures shall be required in an effort to air access and traffic management:
 - 1259.05(A)(1): Access Road Requirements. Access roads shall be utilized to service commercial development located along the corridor. Such roads will help prevent traffic interruptions on the thoroughfare.
 - 1259.05(A)(2): Left Turn Lanes. Left turn lanes, which provide stacking lanes for those cars preparing to turn left, shall be utilized in an effort to help prevent traffic slow down and traffic hazards.
 - 1259.05(A)(3): Acceleration/Deceleration Lanes. Acceleration/deceleration lanes shall be utilized to help prevent traffic slow-down and general interruptions, thereby avoiding potential traffic hazards.
 - 1259.05(A)(4): Driveway Spacing. Access points shall be separated by a minimum distance of 600 feet (from edge to edge of driveway cuts) along Broad Street (SR 16) and shall be adjusted accordingly for other roads included in the TC based on their given speed limits (National Cooperative Highway Research Program, Access Management Guidelines for Activity Center, Washington, D.C., 1992).
 - 1259.05(A)(5): Right-in / Right-out only turns. Points of access that allow only right in/right-out access shall be utilized in an effort to help prevent traffic slowdown and additional points of traffic conflicts.
 - 1259.05(A)(6): Or other traffic safety measures as approved by the City engineers.

- To be determined by PZC
- 1259.05(B): The front yard setback shall be based on the recommended right-of-way width as outlined in the Master Thoroughfare Plan. All yard setbacks shall be approved, approved with modifications or disapproved by the Planning and Zoning Commission with consideration given to recommendations from City staff.
 - To be determined by PZC
- 1259.05(D): Storage areas and trash storage receptacles shall be totally enclosed by structures or opaque fences on four sides, screened from adjacent uses, and be located behind building(s).
 - To be determined by PZC
- 1259.05(E): All new utilities shall be located underground.
 - To be determined by PZC
- 1259.05(F): Sidewalks shall be provided along each developed parcel or upon change in use of an existing developed parcel with the TCOD if a sidewalk does not exist at the time of development or change in use of the parcel. Sidewalk width, material differs depending on location. Developer may contribute to sidewalk fund in-lieu of constructing on site, upon determination of City Administrator or designee.
 - Sidewalk or fee in-lieu required.
- 1259.05(G): Corridor Landscaping/Buffers/Screening
 - 1259.05(G)(1): All existing, healthy trees having a trunk diameter of 6 inches or more shall be preserved whenever possible. The developer shall be required to submit a tree survey which indicates the location of such trees.
 - To be determined by PZC
 - 1259.05(G)(2): Buffer zones shall be approved, approved with modifications or disapproved by the PZC with consideration given to recommendations from City staff.
 - To be determined by PZC
 - 1259.05(G)(3): Parking requirements shall be approved, approved with modifications or disapproved by the PZC with consideration given to recommendations by City staff.
 - Again, gives you some leeway in designing parking areas.
 - To be determined by PZC
 - 1259.05(G)(4): Landscaping/Design Requirements
 - 1259.05(G)(4)(a): distance between parking area and building: a minimum distance of 8 feet shall be maintained between any building and the parking area.
 - To be determined by PZC

Chapter 1283 – Landscaping and Screening

Section 1283.07: Application of Landscaping Standards

- 1283.07(B)(GB): Front yard = L2 (Both frontages), Rear yard = L3 or L4
 - Applicant has provided L2 along both frontages, east side yard. L3 along north rear property line adjacent to residential use. Standards are complaint with code.

Section 1283.06: Landscaping and Screening Standards

- 1283.06(3): L2 Standard is a continuous 3-foot-high shrub line/berm/wall with 1 tree per 30 lineal feet.
- 1283.06(5): L3 standard is a shrub (arborvitae) or wall not less than 6-feet high (no chain link w/ inserts) with 1 tree per 30 lineal feet.
- 1283.06(7)(b): Trees may be of deciduous or evergreen type but shall be of those in Table 1283.03-02. Minimum diameter and height standards must be met.

- 1283.06(7)(c): Existing vegetation may be used to meet these standards.
- 1283.06(15): Mechanical equipment, such as heating or cooling equipment, pumps, or generators located on the ground must be screened from the street and abutting residential uses by walls, fences, or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from any abutting residential zones.

Section 1283.03: Tree Preservation and Replacement

- Any tree over 6 inches (as in 1259.05(G)) shall be preserved where possible, unless said tree:
 - Located within public r/w or easement.
 - Located within the area to be covered by proposed structures or within 12' from perimeter of proposed structures.
 - Located within proposed driveway designed to service proposed use
 - Tree is damaged or diseased
 - If being removed, then a tree must be replaced at an appropriate ratio as determined by Table 1283.03-01 and Table 1283.03-02. A developer may also contribute to a fund in lieu of replacements at a 3:1 ratio.

Chapter 1291 – Parking and Loading

Section 1291.16: Required Number of Off-Street Parking Spaces

- 1291.16(Commercial): Restaurants with drive-thru facilities – 1 for each 85 square feet of gross area, plus additional stacking spaces in the drive-thru lane.
 - $2,750/85 = 33$ parking spaces. 33 provided, in compliance.

Section 1291.15: Width of Access Driveway

- Access drives shall be a minimum width of 28 feet for two-way traffic, and a minimum width of 14 feet for one-way traffic.
 - Proposed dimensions of access drives not indicated.

Section 1291.13: Interior Screening and/or Landscaping

- 1291.13(B)(1): All surface parking areas with more than 10 spaces shall provide curbed interior landscaping complying with one or a mix of these standards:
 - 1291.13(B)(1)(a): Interior landscaping at a rate of 20 sqft per stall, 1 tree provided for every 200 sqft of landscaped area.
 - 1291.13(B)(1)(b): 1 tree for every 4 parking spaces.
 - Some perimeter landscaping is identified, will need details on what is proposed and what standards are being followed.

Section 1291.11: Parking and Loading Space Dimensions

- 75-90 Degree Parking: Lane width of 9 feet, Lane length of 19 feet.
 - Lane length given as 20-feet, which is compliant. However, lane width of regular parking spaces not identified. Must identify on plans.

Section 1291.07: Parking Spaces for People with Disabilities

- 1291.07(B): Dimensions shall be 11 feet wide, 19 feet deep. 5-foot-wide access aisle on at least one side.
 - Length is compliant, width at only 10-feet is not. Also need that 5-foot-wide access aisle on one side with a ramp up to the sidewalk with a slope not to exceed 1:20, or as indicated by the ADA guidelines.
 - Signage for the accessible space must also be provided, details in 1291.07(C).

Section 1291.05: Location of Parking and Loading Spaces

- 1291.05(A)(4) a 40-foot vegetated zone landscaped to L2 standard (Chapter 1283) between street r/w and any parking or lading area.
 - With it requiring the TCOD the PZC can approve modified setbacks.
 - Will be determined by PZC

Section 1291.03: Lighting

- Any nonresidential parking area with 10 or more off-street parking spaces shall be illuminated during times of darkness to provide an average intensity of ½ foot candles as measured at the parking surface.
 - No details on the proposed lighting are included.

Section 1291.18: Required Number of Off-Street Loading Spaces

- 2,500 – 10,000 square feet gross floor area: one (1) off street loading space required meeting requirements of Chapter 1291.
 - None provided, however, as is subject to TCOD the PZC has authority to determine.

Jack Kuntzman

City Planner

740-964-1316

jkuntzman@ci.pataskala.oh.us

From: [Scott Haines](#)
To: [Jack Kuntzman](#)
Cc: [Alan Haines](#); [Lisa Paxton](#); [Jim Roberts](#)
Subject: RE: Pataskala BZA Review Memo for 05-11-2021
Date: Monday, May 3, 2021 4:32:05 PM

CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.

Jack

Hull & Associates have review the BZA Review Memo and offer the following comments:

1. VA-21-017
 - a. We have no engineering related comments on this application.
2. VA-21-018
 - a. We have no engineering related comments on this application.
3. VA-21-019
 - a. We have no engineering related comments on this application.
4. CU-21-001
 - a. We have no engineering related comments on this application.
5. CU-21-002
 - a. It should be noted the R/W needs for East Broad Street are 120' Total (60' each side) and Taylor Road 90' Total (45' Each Side). Should the existing R/w be less than the requirements above R/W will be needed. Additional Engineering comments will be made during subsequent review submissions

Please let us know if there are any questions regarding our comments. We appreciate the opportunity to provide these services for the city.

Thanks

Scott R. Haines, P.E., CPESC

Senior Project Manager

HULL | Newark, Ohio

Environment / Energy / Infrastructure

d: 740-224-0839 | o: 740-344-5451 | f: 614-360-0023

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[web](#) | [directions to offices](#)

From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>

Sent: Tuesday, April 20, 2021 1:57 PM

To: Steven Blake <sblake@ci.pataskala.oh.us>; Jim Roberts <jroberts@hullinc.com>; Scott Haines

From: Philip Wagner
To: Jack Kuntzman; Steven Blake; Jim Roberts; Scott Haines; Bruce Brooks; Doug White; Perkins, Kasey (Southwest Licking Local Schools); Chris Sharrock; Chris Gilcher; Alan Haines; Chad Brown
Cc: Scott Fulton; Lisa Paxton
Subject: RE: Pataskala BZA Review Memo for 05-11-2021
Date: Wednesday, April 21, 2021 11:54:33 AM

CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.

Jack,

In response to your message, the following is our summary of the requests that impact Heights:

VA-21-017 – Home owner would like to replace existing garage with a larger one that exceeds the maximum sq. footage.

VA-21-019 – Property owner would like to construct a new home that does not meet the 100' set back.

CU-21-002 – The applicant is applying for a conditional use permit to construct a new Dairy Queen restaurant and drive-thru at the corner of Broad and Taylor Rds.

Regarding the three applications, the school district does not oppose any of the matters, but we do have a concern with the amount of traffic on Taylor Rd, especially at Broad. I know the City is working on long term planning. Assuming the CU-21-002 is approved, we believe the management of traffic needs to be considered as a part of the project.

Let me know if there are questions,

Philip H. Wagner, Ph.D.

Superintendent

Licking Heights Local Schools

Honoring our legacy. Inspiring the present. Ready for the future.

6539 Summit Road, S.W.

Pataskala, Ohio 43062

www.lhschools.org

From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>

Sent: Tuesday, April 20, 2021 1:57 PM

To: Steven Blake <sblake@ci.pataskala.oh.us>; Jim Roberts <jroberts@hullinc.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Philip Wagner <pwagner@lhschools.org>; Perkins, Kasey (Southwest Licking Local Schools) <kperkins@laca.org>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Chris Gilcher <cgilcher@swlcws.com>; Alan Haines <ahaines@ci.pataskala.oh.us>; Chad Brown <cbrown@lickingcohealth.org>

Cc: Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>

Subject: Pataskala BZA Review Memo for 05-11-2021

Importance: High

Good Afternoon Everyone,

You are receiving this email because one or more of the Applications submitted for the May 11, 2021 Board of Zoning Appeals is within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

VA-21-017: Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, CJ Gilcher, Alan Haines

VA-21-018: Steven Blake, Jim Roberts, Bruce Brooks, Dough White, Kasey Perkins, Chris Sharrock, Alan Haines

From: [Alan Haines](#)
To: [Jack Kuntzman](#)
Subject: RE: Pataskala BZA Review Memo for 05-11-2021
Date: Wednesday, April 28, 2021 5:55:02 PM

Jack,

I have the following comments regarding the applications for the May 11th BZA hearing:

1. VA-21-017
 - a. No comment
2. VA-21-018
 - a. If both of the alleys, along and behind the alley were improved, there would be a concern about sight distance; however, as only the alley along the side of the property is improved, I do not have this concern. While it is unlikely that the City would ever need, or want, to improve the alley behind this property, if that ever does occur, then any sight distance issues would at that time need to be considered, and the proposed fence would need to be modified accordingly.
 - b. As long as this right is reserved, and this caveat understood, I have no concerns with the proposed fence.
3. VA-21-019
 - a. No comment
4. CU-21-001
 - a. No comment
5. CU-21-002
 - a. TCOD and access management
 - i. No improvements on Broad St. have been identified that would be a benefit to the development or the City. Extending the existing, southbound, left-turn lane on Taylor Road will satisfy the TCOD and be a benefit to both the City and the development; this improvement is recommended.
 - ii. Access on Broad St. must be limited to right in/right-out only, with this location being so close to the intersection. A future cross-access, if amenable to the adjacent property owner, should be considered and planned to accommodate present and future access management needs.

Please let me know if you have any questions.

Regards,

Alan W. Haines, P.E.
Public Service Director
City of Pataskala

621 W. Broad St.
Suite 2B
Pataskala, Ohio 43062

Office: 740-927-0145
Cell: 614-746-5365
Fax: 740-927-0228



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

Property Information		
Address: 15000 E. Broad St. Pataskala, OH 43068		
Parcel Number: 6314362800000		
Zoning: General Business District (GB)	Acres: 1.499	
Water Supply:		
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input type="checkbox"/> On Site
Wastewater Treatment:		
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input type="checkbox"/> On Site

Applicant Information		
Name: Ice Queens of Smith's Mill, LLC		
Address: 7258 Waterston		
City: New Albany	State: OH	Zip: 43054
Phone: (614) 229-4501	Email: stahler@gbsklaw.com	



Property Owner Information		
Name: Thomas & Deborah Jones		
Address: 15000 E. Broad St.		
City: Pataskala	State: OH	Zip: 43068
Phone:	Email:	

Conditional Use Information		
Request (Include Section of Code):		
Please see attached.		
Describe the Project:		
Please see attached.		

Staff Use
Application Number:
Fee:
Filing Date:
Hearing Date:
Receipt Number:

Documents
<input type="checkbox"/> Application
<input type="checkbox"/> Fee
<input type="checkbox"/> Narrative
<input type="checkbox"/> Site Plan
<input type="checkbox"/> Deed
<input type="checkbox"/> Area Map

Documents to Submit
Conditional Use Application: Submit 1 copy of the conditional use application.
Narrative Statement: Submit 1 copy of a narrative statement explaining the following: <ul style="list-style-type: none"> The reason the conditional use has been requested. The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code: <ol style="list-style-type: none"> <i>Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on this application.</i> <i>Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code.</i> <i>Will be designed, constructed, operated and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.</i> <i>Will not be hazardous or disturbing to existing or future neighboring uses.</i> <i>Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.</i> <i>Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.</i> <i>Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.</i> <i>Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.</i> <i>Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.</i> Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code. Wireless Telecommunication Facilities must also meet the requirements outlined in Section 1293.06(B) of the Pataskala Code.
Site Plan: Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following: <ul style="list-style-type: none"> All property lines and dimensions Location and dimensions of all existing and proposed buildings and structures. Setbacks from property lines for all existing and proposed buildings, structures and additions Easements and rights-of-way Driveways Floodplain areas Location of existing wells and septic/aerator systems. Any other information deemed necessary for the conditional use request
Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: https://apps.lcounty.com/recorder/paxworld/
Area Map: Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: https://www.lickingcountyohio.us/

Signatures	
I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this conditional use request.	
Applicant (Required):  4-16-21	Date:
Property Owner: (Required):  4-16-21 <small>dotloop verified 04/16/21 2:00 PM EDT QHXG-AOFO-E129-XGRV</small>	Date:

April 16, 2021

City of Pataskala Planning & Zoning Department
621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

Re: Narrative Statement for Conditional Use Application

Dear Members of the Board:

Please find this narrative statement in support of the application for a conditional use at 15000 East Broad Street. The property is located at the northeast corner of Broad Street and Taylor Road and is zoned General Business District (GB). Applicant is a locally established Dairy Queen operator who intends to redevelop the property into a new Dairy Queen restaurant and drive-thru. The conditional use sought herein is to enable the new Dairy Queen development to incorporate a drive-thru, which is imperative to the development.

The following address each of the enumerated standards of Code 1215.04:

- (1) Part Twelve of the Codified Ordinances of Pataskala (the “Code”) provides for this type of restaurant and drive-thru as a Conditionally Permitted Use on the property. Code 1249.04(18).
- (2) The proposed Dairy Queen development would be harmonious with the neighboring uses along the Broad Street corridor and would serve the objectives of the Code and the Pataskala community. The General Business District along this part of Broad Street contains similar vehicular-oriented commercial, retail, and restaurant uses. Examples of these uses include the Circle K gas station directly across Broad Street and the Licking Line shopping plaza directly next door. Immediately adjacent to those uses are the recently completed O’Reilly Auto Parts store and Dollar General store. A Dairy Queen restaurant and drive-thru is highly compatible with these surrounding vehicular-oriented uses and would complement the surrounding General Business District along Broad Street. The new Dairy Queen development would also transform this prominent but underutilized northeast corner of Broad Street and Taylor Road into a far more aesthetically attractive, vibrant, and economically productive fixture along the Broad Street entrance to Pataskala.
- (3) The design, operation, and maintenance of the proposed Dairy Queen development would also be harmonious with the neighboring properties and the Pataskala community. The modern Dairy Queen store designs are extremely attractive. Examples can be found on Dairy Queen’s website: www.news.dairyqueen.com. The new Dairy Queen store would be a significant aesthetic improvement to the existing site and would complement

the existing character of the established commercial corridor along Broad Street. In addition, Applicant is committed to operating and maintaining this store at high standards as demonstrated in its existing Dairy Queen stores in New Albany, Powell, and Sunbury.

- (4) The proposed Dairy Queen development would pose no hazard or undue disturbance to the neighboring uses.
- (5) The proposed new Dairy Queen, to be located at the northeast corner of Broad Street and Taylor Road, would be well served by all essential public facilities, including public utilities, public roadways, and all emergency services.
- (6) At the same time, the development would not create any excessive additional requirements at the public cost nor pose any detriment to the economic welfare. Rather, the new Dairy Queen would utilize the existing infrastructure and public roadways already in place to support this type of development while increasing the economic productivity and public tax revenues generated at the site in favor of the economic welfare of Pataskala.
- (7) The proposed new Dairy Queen would also involve no use or activities that would be detrimental to the general welfare.
- (8) The proposed new Dairy Queen would include vehicular approaches that will be designed so as not to create interference with traffic on surrounding thoroughfares. The attached site design by F5 Design/Architecture Inc., shows the proposed vehicular approaches to the property. This design was developed with feedback from the Pataskala Planning and Public Works departments and significantly improves the safety and functionality of the current vehicular approaches to the property, particularly with regard to Broad Street.
- (9) The proposed Dairy Queen development will not destroy, diminish, or damage any natural, scenic, or historical features of major importance. No such features are known to exist on the proposed development site.

In sum, the proposed Dairy Queen development near the Broad Street entrance to Pataskala would benefit the community, significantly enhance the existing site, and complement the surrounding neighborhood with a compatible use and aesthetically attractive improvements while increasing the economic productivity and tax revenue for the community. For all of the reasons stated herein, Applicant respectfully requests that this Board approve the conditional use of a new Dairy Queen restaurant and drive-thru at this well-suited location.

Respectfully,



Clinton P. Stahler, Esq.
Counsel for Applicant

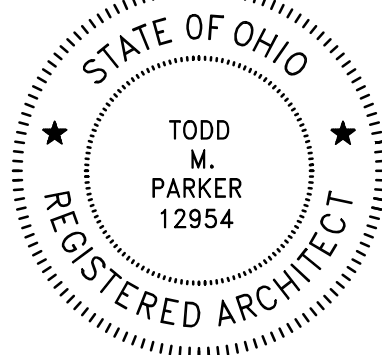
PROJECT NAME:

DAIRY QUEEN

15000 E. BROAD STREET
PATASKALA, OH 43062

ZONING
REVIEW

SEAL/SIGNATURE



Drawings and specifications as instruments of professional service shall remain the property of the Architect. These documents are not to be used in whole or in part, for any other projects not at the specified address, without the prior written authorization of F5 Design/Architecture Inc. C. 2016

Builder

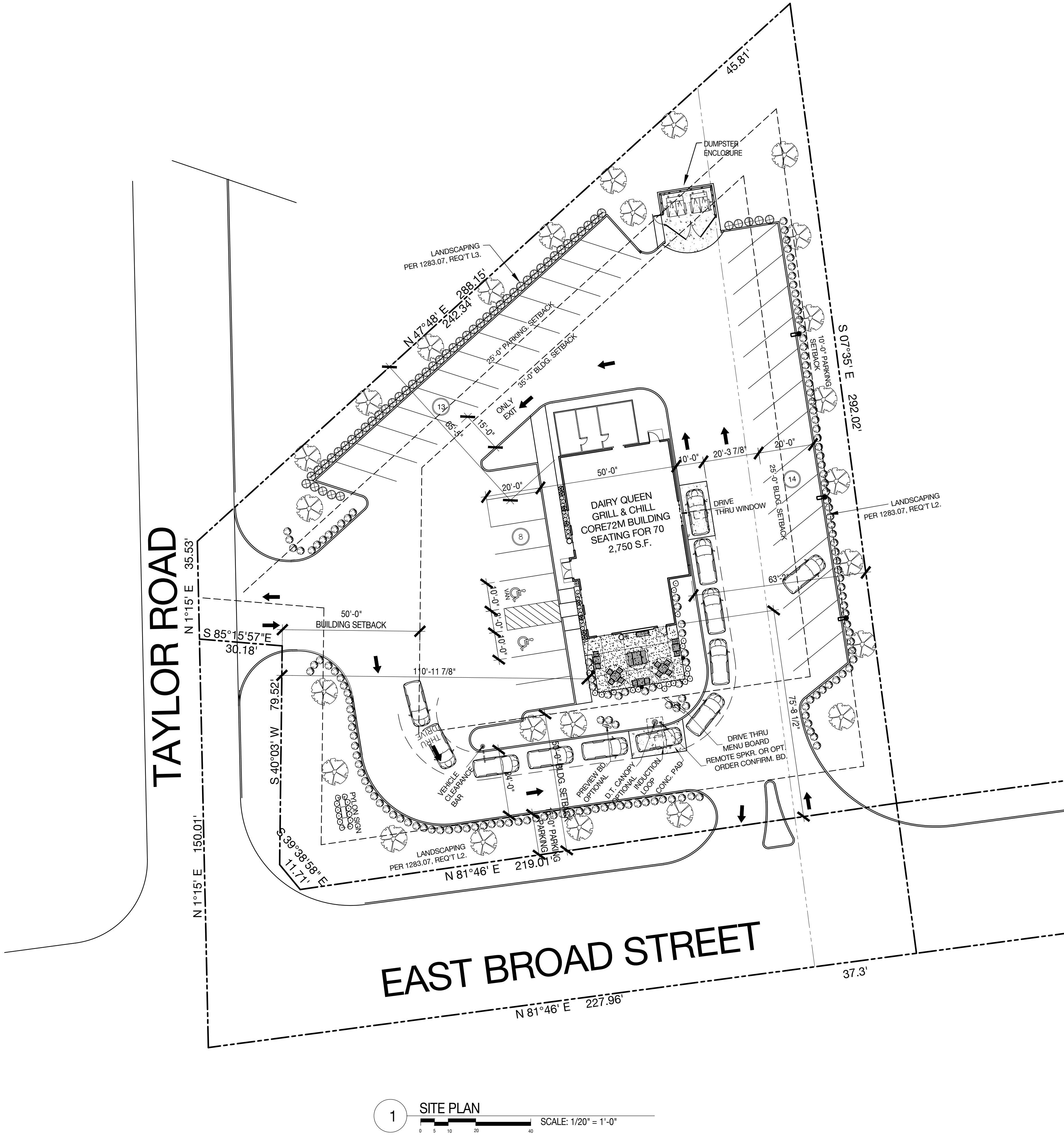
SCALE: AS NOTED

PROJECT NO. 20010

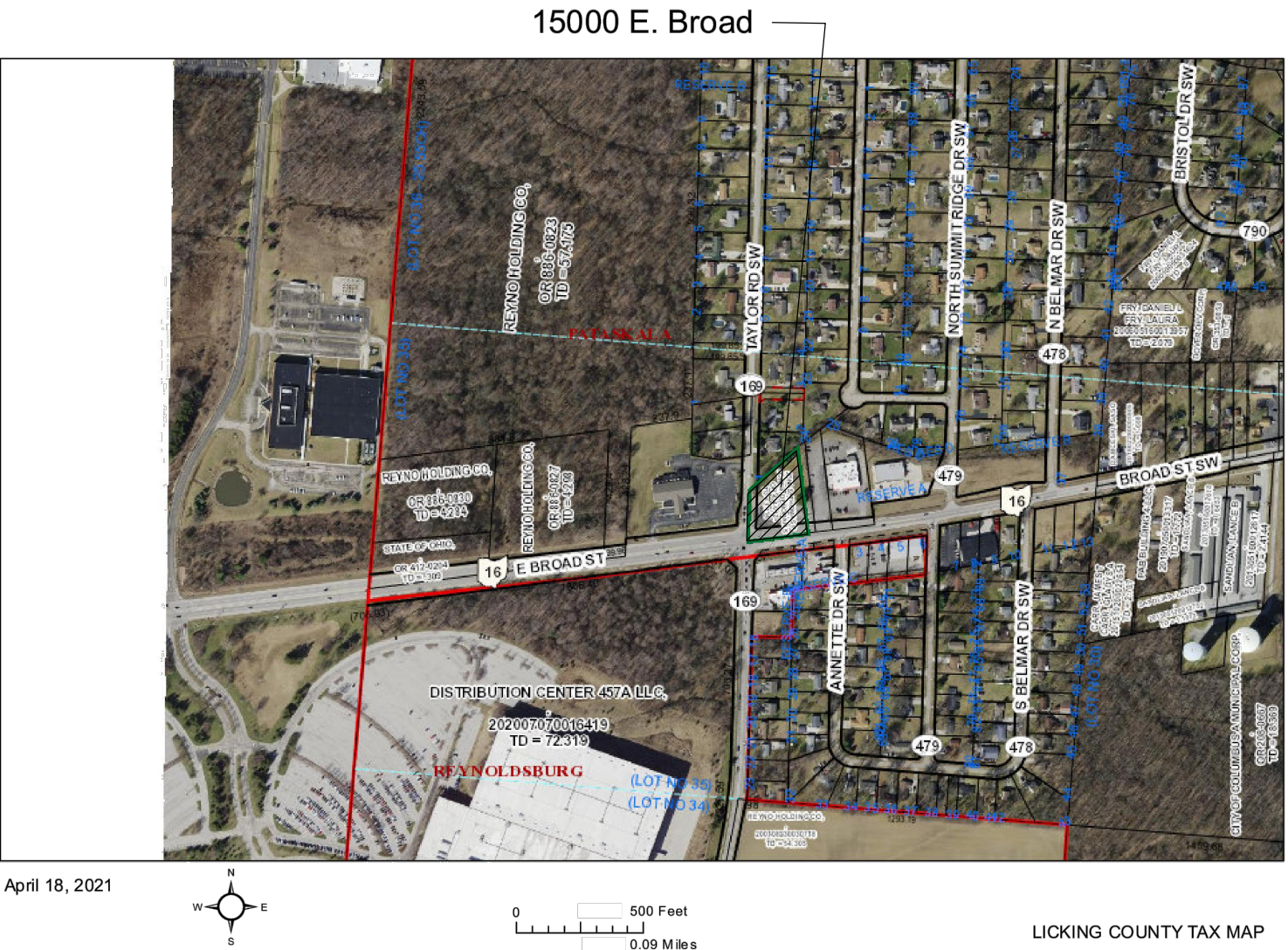
SITE PLAN

16 APR. 2021

L100



1 SITE PLAN
SCALE: 1/20" = 1'-0"



2 VICINITY MAP
NOT TO SCALE

ZONING DATA	
ADDRESS: 15000 E. BROAD STREET PATASKALA, OH 43062	
ZONING DISTRICT: GB - GENERAL BUSINESS	
LOT AREA = 1.38 ACRES (60,112.8 S.F.)	
LOT COVERAGE: 85% MAXIMUM	
BUILDING AREA: 2,750 S.F.	
PAVING AND WALKS: 30,800 S.F.	
ACTUAL LOT COVERAGE = 55%	
DAIRY QUEEN	
2,750 SQ.FT. @ 1/85 SQ. FT.	32 SPACES
TOTAL SPACES SHOWN:	
33 SPACES	
2 VAN-ACCESSIBLE HANDICAP SPACE	
TOTAL SPACES SHOWN:	
35 SPACES	

Property Report

Address		
THOMAS P JONES -- 15000 E BROAD ST		
Engineer's Pin	Owner	Auditor's PIN
01150552300000008000	THOMAS P JONES	063-143628-00.000
Tax Acreage	Deed Acreage	Official Record
1.114	1.21	434-0123

Survivorship Deed*

Thomas P. Jones and
Deborah S. Jones ', of Licking County,
for valuable consideration paid, grant(s)² with general warranty covenants, to
Thomas P. Jones and³ Deborah S. Jones, husband and wife,
for their joint lives, remainder to the survivor of them, whose tax-mailing addresses are
14970 & 15000 E. Broad Street, Reynoldsburg, Ohio 43068
the following REAL PROPERTY: Situated in the County of Licking in the State
of Ohio and in the Township of Lima :

See Attached Exhibit A

TRANSFER NOT NECESSARY

Date March 26 1992
George D. Buchanan Jr.
 Picking County Auditor

Prior Instrument Reference: _____ of the Deed Records of Licking
County, Ohio. Thomas P. Jones and Deborah S. Jones ~~with Husband~~ of the
Grantors releases all rights of dower therein. Witness our hand(s) this 16th day
of March, 1992

Signed and acknowledged in presence of:

Wellesley Brown
Deanne Mathieu

x Thomas P. Jones
Thomas P. Jones

x Deborah S. Jones
Deborah S. Jones

State of Ohio

County of Franklin ss.

BE IT REMEMBERED, That on this 16th day of March, 1992, before me, the subscriber, a Notary Public in and for said state, personally came.

Thomas P. Jones and Deborah S. Jones, husband & wife, **the Grantor(s) in the**
foregoing deed, and acknowledged the signing thereof to be *their* *voluntary act and deed.*

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my **seal**

on the day and year last aforesaid.

This instrument was prepared by William W. Brown, Attorney at Law, 1395 E. Dublin-
Granville Rd., Suite 200, Columbus, Ohio 43229

- Granville Rd
- (1) Name of Grantor(s) and marital status.
 - (2) See Sections 5302.05 and 5302.06 Ohio Revised Code.
 - (3) Name of Grantees and marital status of each.
 - (4) Description of land or interest therein, and encumbrances, reservations and exceptions.
 - (5) Delete whichever does not apply.
 - (6) Execution in accordance with Chapter 5301 Ohio Revised Code.

Auditor's and Recorder's

WILLIAM W. BROWN
Attorney at Law.
Notary Public, State of Ohio
Lifetime Commission

*See Section 5302.17 Ohio Revised Code.

Exhibit A

TRACT ONE: Being a part of the Third Quarter of the First Township in the 15th Range of the United States Military Lands, and being a part of the real estate conveyed by Carl F. Maul, unmarried, to Milton D. Hampshire and Clara Ruth Hampshire by deed dated July 10, 1946, and recorded in Vol. 381, at page 105, of the Deed Records of Licking County, Ohio, the real estate hereby conveyed being more particularly bounded and described as follows: For reference, beginning at the point of intersection of the center line of East Broad Street (Columbus-Granville Rd.) with the center line of Taylor-Maxwell Road and the Southwest corner of the real estate conveyed to said Hampshires as aforesaid; thence from said beginning point of true beginning point, North 82 deg. 25' East a distance of 227.96 feet, along the center line of East Broad Street (Columbus-Granville Rd.), to the point of true beginning of the herein described; thence from said point of true beginning, North 7 deg. 35' West, 321.00 feet to an iron pin on the South side of a ditch, passing an iron pin on line in the Northerly line of East Broad Street (Columbus-Granville Rd.) at 30 feet; thence following along the Southerly bank of said ditch North 47 deg. 48' East 45.81 feet to an iron pin; thence leaving said ditch South 7 deg. 35' East 347.02 feet to a point in the center line of East Broad Street (Columbus-Granville Rd.), passing an iron pin on line 30 feet from the center line thereof; thence with the center line of East Broad Street (Columbus-Granville Road) South 82 deg. 25' West 37.30 feet to the point of beginning; containing 289/1000ths of an acre, subject to all legal highways, to any valid and existing easements of record and to any valid and existing building and other restrictions and conditions of record.

TRACT TWO: Beginning at a point at the intersection of the center line of State Route 16 and County Road No. 169, which county road is also known as Maxwell Road; thence North one degree fifteen minutes East (N. 1 deg. 15' E.), along the center line of said county road, one hundred eighty five and fifty four hundredths (185.54) feet to a point; thence North forty seven degrees forty eight minutes East (N. 47 deg. 48' E.), passing through an iron pin at thirty four and forty four hundredths (34.44) feet in the easterly line of Maxwell Road, two hundred forty two and thirty four hundredths (242.34) feet to an iron pin; thence South seven degrees thirty five minutes East (S. 7 deg. 35' E.) three hundred twenty one (321) feet to the centerline of said State Route 16, passing through an iron pin in the northerly line of said State Route 16 at a point thirty (30) feet northerly of said centerline of said state route; thence South eighty two degrees twenty five minutes West (S. 82 deg. 25' W.), along the centerline of said State Route 16, two hundred twenty seven and ninety six hundredths (227.96) feet to the place of beginning, containing one and two hundred fourteen thousandths (1.214) of an acre, more or less.

SUBJECT to all valid and existing zoning laws, ordinances and regulations, to all valid and existing building and other restrictions and conditions of record and to all valid and existing easements of record and to all legal highways and rights-of-way.

EXCEPT THE FOLLOWING DESCRIBED PARCEL:

Situated in the Township of Lima, County of Licking and State of Ohio, and known as being in Section 3, Town 1, Range 15, and more fully bounded and described as follows:

PARCEL NO. 59-WD (HIGHWAY)
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE, EXCLUDING
LIMITATION OF ACCESS, IN THE FOLLOWING DESCRIBED PROPERTY

Beginning at the point where the centerline of Broad Street intersects the centerline of Taylor Road, said point also marking the southwesterly corner of said Jones tracts (centerline Station 386 plus 66.49);

thence North 0 deg. 36 min. 00 sec. East, along the "deeded" centerline of Taylor Road, a distance of 150.01 feet to a point (0.18) feet left of centerline Station 11 plus 50.00);

thence leaving said centerline, South 89 deg. 19 min. 57 sec. East, a distance of 30.18 feet to a point (30.18 feet right of centerline Station 11 plus 50.00);

thence South 0 deg. 40 min. 03 sec. West, a distance of 79.52 feet to a point (30.00 feet right of centerline Station 10 plus 79.49);

thence South 39 deg. 38 min. 58 sec. East, a distance of 11.71 feet to a point (55.00 feet left of centerline Station 387 plus 13.14);

thence North 81 deg. 46 min. 00 sec. East, along a line parallel to and 55.00 feet northerly of, as measured at right angles, the centerline of Broad Street, a distance of 219.01 feet to a point in the westerly line of that tract as conveyed to Miodrag Dragich by deed of record in Deed Book 830, Page 89 (55.00 feet left of centerline Station 389 plus 32.15);

thence South 8 deg. 14 min. 00 sec. East, along said westerly line, a distance of 55.00 feet to a point in the centerline of Broad Street marking the southwesterly corner of said Dragich tract and also marking the southeasterly corner of said Jones tracts (centerline Station 389 plus 32.15);

thence South 81 deg. 46 min. 00 sec. West, along said centerline, a distance of 265.66 feet to the Place of Beginning, containing 0.395 of an acre of which the existing right of way occupies 0.273 of an acre, leaving a net take of 0.122 of an acre, more or less.

The bearings in the above description are based upon the centerline of Broad Street as being North 81 deg. 46 min. 00 sec. East.

Owners retain rights of ingress and egress to and from any residual area.

This description is based on a survey made under the direction and supervision of Lawrence E. Ball, Registered Surveyor No. 6878.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Department of Transportation, Columbus, Ohio.

Owners claim title by instrument recorded in Volume 220, at Page 412, of the Deed Records of Licking County, Ohio.

43183

RECEIVED & RECORDED Mar 26 19 92
at 3:02 o'clock P M IN OFFICIAL RECORD
VOL 434 PAGE 123 FEE 12.00
ROBERT E. WISE, LICKING COUNTY RECORDER

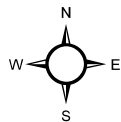
DESCRIPTION APPROVED TIM LOLLO LICKING COUNTY ENGINEER	
TAX MAP DRAWING NO. 55-23	APPROVED BY <i>[Signature]</i>

(P101 ref. 220-412)

15000 E. Broad



April 18, 2021



0 500 Feet
0.09 Miles

LICKING COUNTY TAX MAP