



CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

STAFF REPORT

April 6, 2022

Rezoning Application ZON-22-001

Applicant:	City of Pataskala
Owner:	Larry Madden Trustee, Fred L. Shackles & Freddie Hector
Location:	12520, 12510 & 12490 Refugee Road SW
Acreage:	38.32-acres (total)
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting a recommendation to rezone the properties from the R-87 – Medium-Low Density Residential District to the PM – Planned Manufacturing District pursuant to Section 1217.10 of the Pataskala Code

Description of the Request:

The applicant, on the owners' behalf, is requesting a recommendation from the Planning and Zoning Commission to rezone three properties, totaling 38.32 acres, from the R-87 – Medium-Low Density Residential District to the PM – Planned Manufacturing District pursuant to Section 1217.10 of the Pataskala Code.

Staff Summary:

The rezoning request is for a total of 38.32 acres comprised of three separate properties as described below:

1. 12520 Refugee Road SW is 27.08 acres in size and contains a 1,848 square foot single-family home constructed in 1954, a 576 square foot detached garage constructed in 1981, a 2,312 square foot pole barn constructed in 1982 and a 5,184 square foot pole barn constructed in 1989.
2. 12510 Refugee Road SW is 10 acres in size and contains a 1,344 square foot single-family home constructed in 1978, a 2560 square foot pole barn constructed in 1992 and a 836 barn with an unknown date of construction.
3. 12490 Refugee Road SW is 1.2 acres in size and contains a 1,192 square foot single-family home constructed in 1976, a shed (size unknown) constructed in 2000, and a 1,200 square foot pole barn constructed in 2017.

On February 11, 2022, the owners of the properties met with staff and the Chairperson of the Development Committee to discuss the possibility of the City rezoning the properties, on the owners' behalf, from the R-87 – Medium-Low Density Residential District to the PM – Planned Manufacturing District. In doing so, the properties would be appropriately zoned for development in the area, would be aligned with the land use recommendation from the Comprehensive Plan, and would match the zoning of surrounding properties. The owners agreed to the rezoning proposal and collectively signed a letter in support (attached to application).

On February 24, 2022, the Development Committee met to discuss the rezoning proposal and recommended that the application proceed through the rezoning process.

Staff Review: *The following summary does not constitute recommendations but merely conclusions and suggestions from staff.*

Planning and Zoning Staff:

The Future Land Use Map recommends Innovation, which includes industrial, office and retail uses. Therefore, the proposed rezoning is in accordance with the recommendations of the Comprehensive Plan. Additionally, the properties are located within the Pataskala Corporate Park, which is designated for industrial type uses, as evidenced by the surrounding properties with PM – Planned Manufacturing zoning.

Following a recommendation from the Planning and Zoning Commission, the Application will go before City Council for final approval.

Surrounding Area:

Direction	Zoning	Land Use
North	PM – Planned Manufacturing	Warehouse (Under Construction)
East	PM – Planned Manufacturing	Agricultural
South	M-1 – Light Manufacturing (Etna Township)	Warehouse (Under Construction)
West	PM – Planned Manufacturing	Future Warehouse

Rezoning Approval:

According to Section 1217.04 of the Pataskala Code, the Planning and Zoning Commission shall consider approval of a rezoning if the proposal:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Comprehensive Plan and/or this Code.
2. 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.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. 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.
5. 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.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.

7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
8. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Department and Agency Review

- Zoning Inspector – No Comments.
- City Engineer – No Comments.
- Public Service – No Comments
- SWLCWSD – No Comments
- Police Department – No Comments.
- West Licking Joint Fire District – No Comments.
- Licking Heights School District – No Comments.

Modifications:

Should the Planning and Zoning Commission choose to approve the applicant's request, the following modifications may be considered:

- None

Resolution:

For your convenience, the following resolution may be considered by the Planning and Zoning Commission when making a motion:

"I recommend approval of Rezoning Application number ZON-22-001 pursuant to Section 1217.10 of the Pataskala Code. ("with the following modifications" if modifications are to be placed on the approval)."



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

REZONING APPLICATION

(Pataskala Codified Ordinances Chapter 1217)

Property Information		
Address: 12520, 12510 & 12490 Refugee Road SW		
Parcel Number: 063-140394-00.000, 063-140394-01.000 & 063-140394-02.000		
Current Zoning: R-87	Proposed Zoning: PM	Acres: 38.32 (Total)
Water Supply:		
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking	<input type="checkbox"/> On Site
Wastewater Treatment:		
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input checked="" type="checkbox"/> On Site

Staff Use
Application Number: ZON-22-001
Fee: N/A
Filing Date: 3-1-22
Hearing Date: 4-6-22
Receipt Number: N/A

Applicant Information		
Name: City of Pataskala		
Address: 621 W. Broad Street, Suite 2B		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 740-927-2021	Email:	

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

Property Owner Information		
Name: See Attached		
Address:		
City:	State:	Zip:
Phone:	Email:	

Rezoning Information
Request (Include Section of Code):
Requesting to rezone the above mentioned properties from R-87 to PM pursuant to Chapter 1217 of the Pataskala Code
Describe the Project (Include Current Use and Proposed Use):
Rezoning the residential properties to align with surrounding zoning and the recommendation of the Comprehensive Plan

Documents to Submit

Rezoning Application: Submit one (1) copy of the rezoning application.

Narrative Statement: Submit one (1) copy of a narrative statement explaining the following:

- The reason the rezoning has been requested.
- The specific reasons why the rezoning is appropriate as it pertains to Section 1217.04 of the Pataskala Code:
 1. *Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this Code.*
 2. *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.*
 3. *Will not be hazardous or disturbing to existing or future uses.*
 4. *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, schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
 5. *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.*
 6. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.*
 7. *Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
 8. *Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.*

Site Plan: Submit one (1) copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- Location and dimensions of all existing and proposed buildings and structures.
- Location and dimensions of all existing buildings and structures on adjacent properties within 500 feet.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Existing and proposed driveways
- Floodplain areas
- Location of existing wells and septic/aerator systems.
- Number and dimensions of existing and proposed parking areas
- Existing and proposed refuse and service areas
- Existing and proposed landscaping features
- Any other information deemed necessary for the rezoning 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/recording-search/>

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 rezoning request.

Applicant (Required):

Date:

Property Owner (Required):

Date:

SEE ATTACHED

3/1/22

February 17, 2022

City of Pataskala
621 West Broad Street
Pataskala, Ohio 43062




**Planning and Zoning
Department**

City of Pataskala,

This letter serves as our permission to allow the City of Pataskala to rezone our properties, 12520 Refugee Road SW (PID 063-140394-00.000), 12510 Refugee Road SW (PID 063-140394-01.000), and 12490 Refugee Road SW (PID 063-140394-02.000), from the R-87 – Medium-Low Density Residential zoning classification to the PM – Planned Manufacturing zoning classification pursuant to Chapter 1217 of the Pataskala Codified Ordinances.

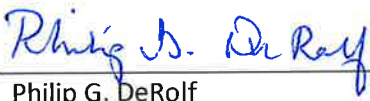
Sincerely,



Eileen M. DeRolf
12520 Refugee Road SW (PID 063-140394-00.000)
Pataskala, Ohio 43062

2/18/2022


Date



Philip G. DeRolf
12520 Refugee Road SW (PID 063-140394-00.000)
Pataskala, Ohio 43062

2/18/2022


Date



Fred L. Shackles
12510 Refugee Road SW (PID 063-140394-01.000)
Pataskala, Ohio 43062

2/18/22

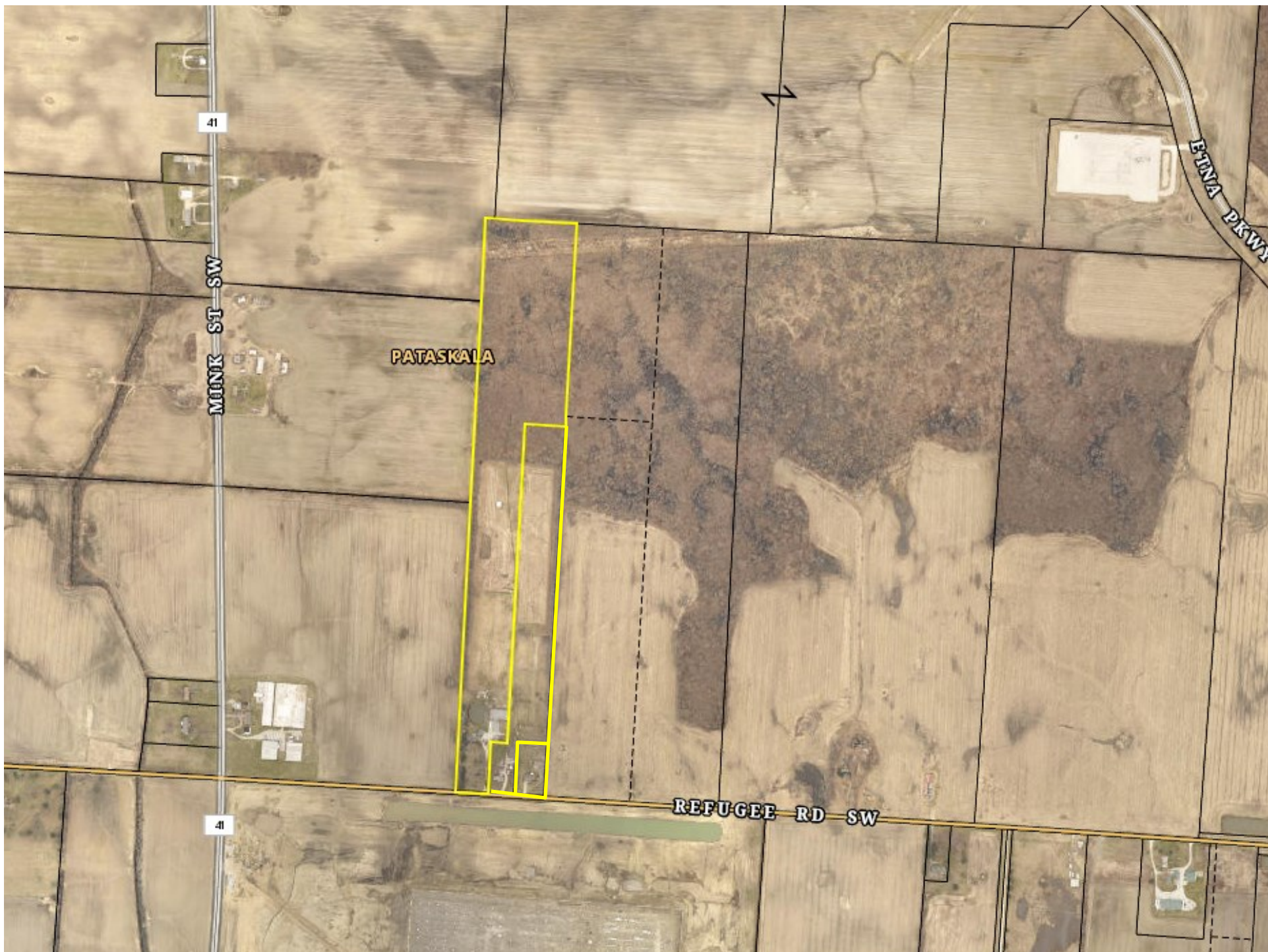
Date

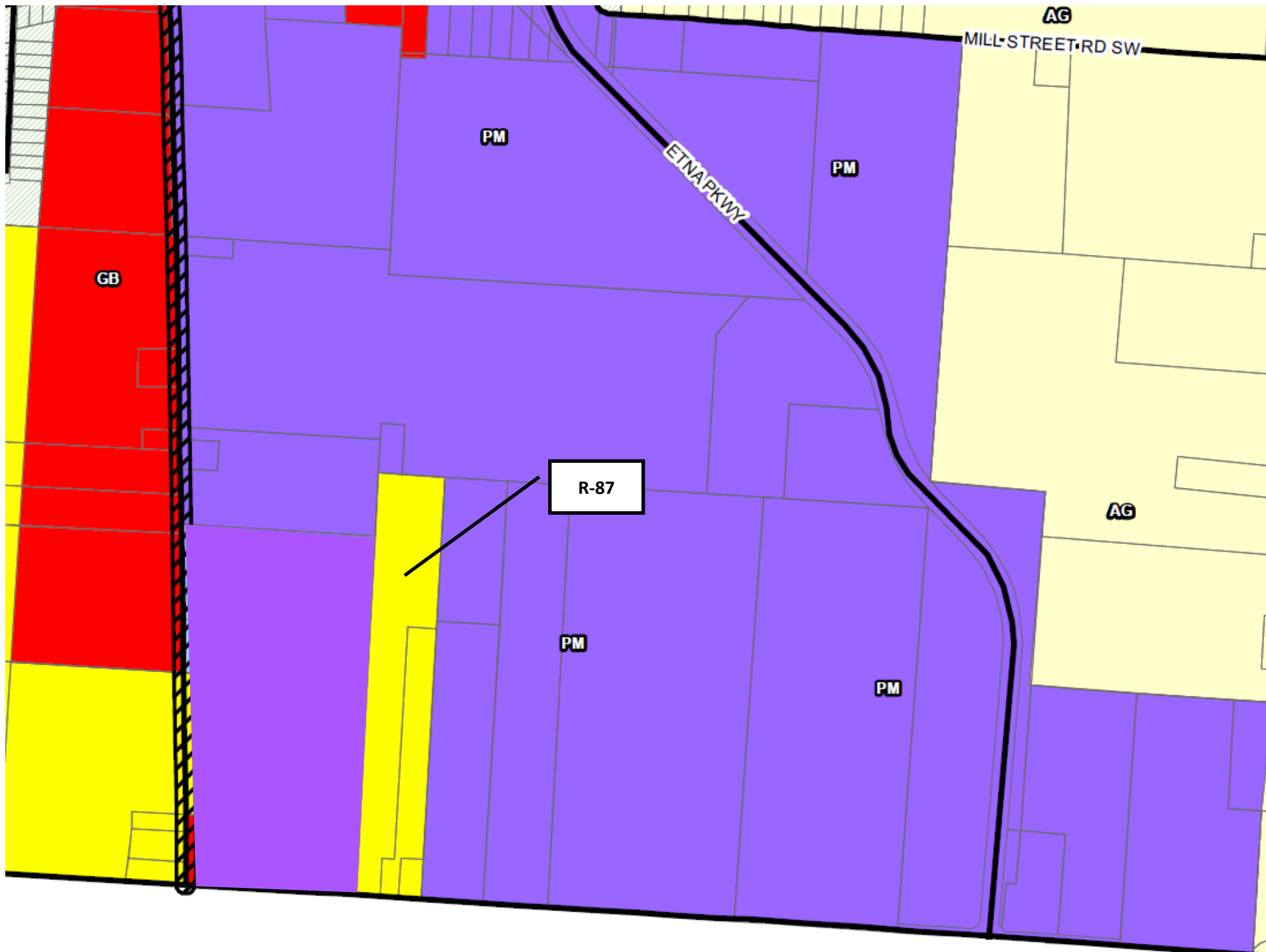


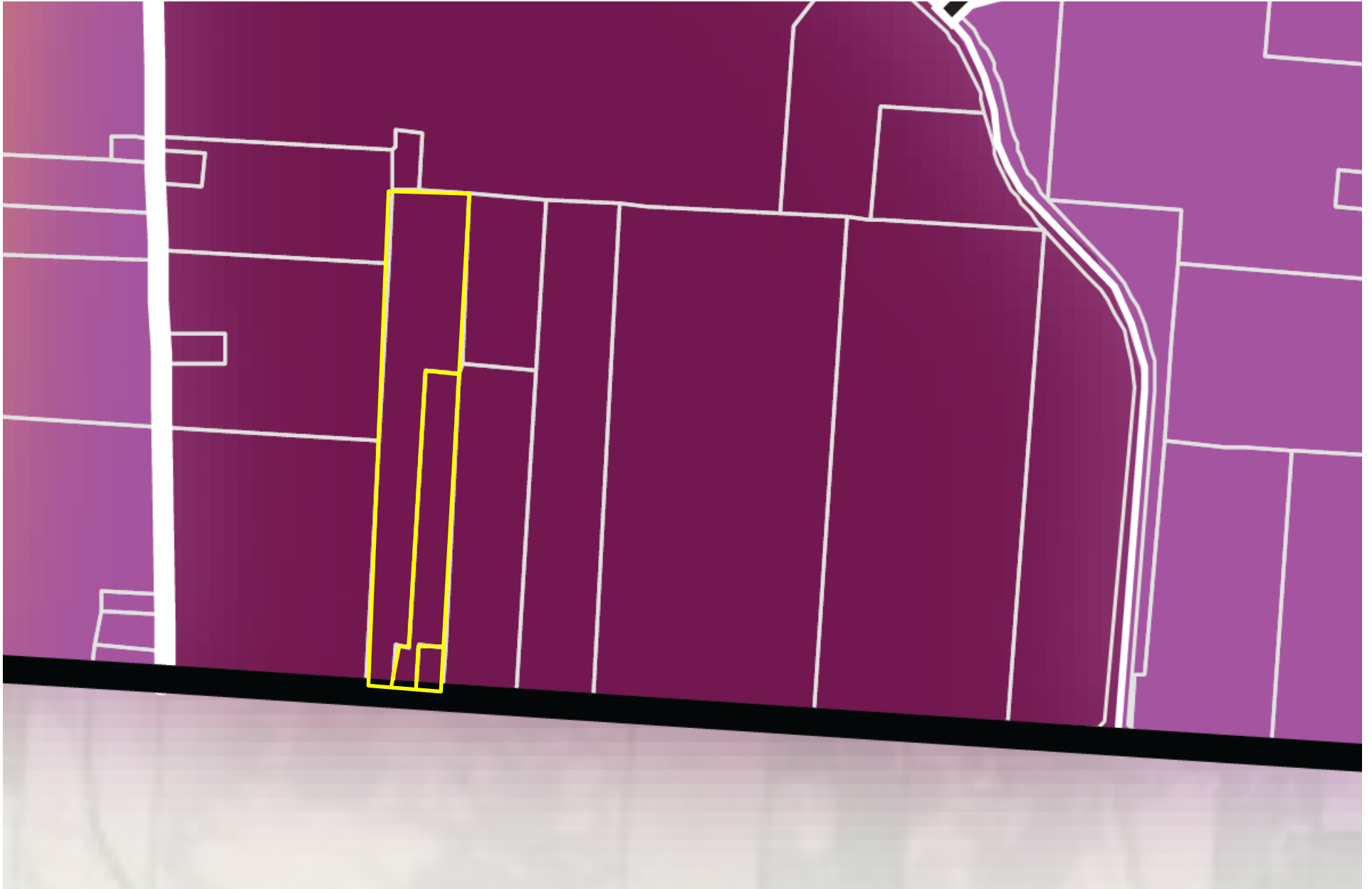
Freddie Hector
12490 Refugee Road SW (PID 063-140394-02.000)
Pataskala, Ohio 43062

2-22-22

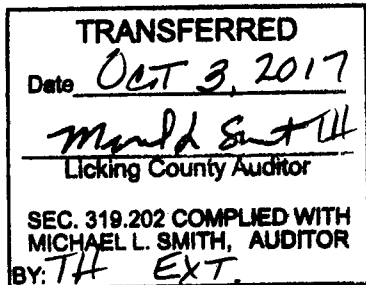
Date







Innovation



201710030021157

Pgs:2 \$32.00 T20170023894
10/3/2017 11:49 AM MEPP0 BOX 747
Bryan A. Long Licking County Recorder

CONDITIONAL APPROVAL FOR THIS TRANSFER
CORRECTION REQUIRED FOR NEXT TRANSFER
JARED N. KNERR, LICKING COUNTY ENGINEER

JW-10-3-17

Affidavit of Facts

(Pursuant to O.R.C. §319.202 and §319.54 (F) (3))

Now comes, Thom L. Cooper, Trust Protector of the DeRolf Keystone Inheritance Trust, dated June 8, 2010, after first being duly cautioned and sworn, and states, as follows:

1. That on June 8, 2010, Phillip G. DeRolf and Eileen M. DeRolf as Settlers, executed a Declaration of Trust, entitled "The DeRolf Keystone Inheritance Trust".
2. Phillip G. DeRolf and Eileen M. DeRolf as Settlers of the Trust did appoint Thom L. Cooper as Trust Protector of said Trust.
3. That on June 8, 2010, Phillip G. DeRolf and Eileen M. DeRolf executed a Quit-Claim Deed granting certain real estate, more fully described in the attached Exhibit "1", herein incorporated by reference, to Kathleen G. Buchholz, Trustee or her Successor(s) as Trustees of The DeRolf Keystone Inheritance Trust dated June 8, 2010. Said deed recorded in Instrument No. 201007140013413 of the official record of Licking County.
4. That Thom L. Cooper acting in his capacity as Trust Protector has the right at any time during the continuance of this trust to remove and replace Trustees of this Trust.
5. That on March 6, 2013, Kathleen G. Buchholz was removed from acting as Trustee of the DeRolf Keystone Inheritance Trust and replaced with Susan Hanson by the Thom L. Cooper, Trust Protector.
6. That on August 15, 2017, Susan Hanson was removed from acting as Trustee of the DeRolf Keystone Inheritance Trust and replaced with Larry Madden by the Thom L. Cooper, Trust Protector.

Therefore:

- 6.1. Larry Madden is the current and sole trustee of the DeRolf Keystone Inheritance Trust, residing at 83 Dorsey Mill Road East, Heath, Ohio 43056;
- 6.2. All Trustee powers were transferred to the current Trustee, Larry Madden, to handle all property, both real and personal, as Trustee of the "DeRolf Keystone Inheritance Trust."

Further Affiant sayeth naught.

Thom L. Cooper

State of Ohio)
)ss.
County of Knox)

Sworn to and subscribed before me, a Notary Public in and said County and State, this 15th day of August 2017.

Notary Public, State of Ohio

Prepared By:
Cooper, Adel & Associates
A Legal Professional Association
36 W. Main Street, Centerburg, Ohio 43011
800-798-5297



JM Megail Gaumer
Notary Public, State of Ohio
My Comm. Expires Nov. 13, 2018

Exhibit "1"

Parcel No.: 063-140394-00.000

Situated in the County of Licking, in the State of Ohio and in the City of Pataskala and bounded and described as follows;

Being the West One-third part of the following described tract of land, to-wit:

Being in the West part of Lot No. 18 in the 4th Quarter of the 1st Twp. and 15 Range U.S.M. Lands, commencing at a stone at the Southwest corner of said 4th Quarter;

Thence along the West line of said Quarter 201.81 rods to the Northwest corner of said Lot No. 18, Ninety-one and 17.100 (91.17) rods;

Thence South 201.18 rods to the Refugee line;

Thence West 91.17 rods to the place of beginning, containing 115 acres, being a part of the real estate divided to Emma Renshaw by William C. Conine by will probated and recorded in Will Rec. Vol. "H", Page 363, Licking County Probate Court.

The intention of this deed is to convey the West 1/3 part of the above described premises by a line running North and South parallel with the West line thereof as to contain 38 and 1/3 acres, be the same more or less.

Excepting therefrom the following described real estate;

Being a part of Lot 18 in the 4th Quarter of the Township 1, Range 15, of the United States Military Lands, Lima Twp., Licking County, Ohio, and being further described as follows:

Commencing at the Southwest corner of the 4th Quarter of Twp. 1;

Thence S. 86 degrees 23' 40" E. 185.81 feet to a point in the center of Twp. Road 30, said point being the place of beginning of this tract;

Thence N. 4 degrees 06' 20" B. 296.60 feet to a point marked by an iron pin, passing an iron pin at 30 feet;

Thence S. 86 degrees 25' E. 92.17 feet to a point marked by an iron pin;

Thence N. 2 degrees 59" E. 1841.81 feet to a point marked by an iron pin;

Thence, S. 86 degrees 40" E. 215.99 foot to a point marked by an iron pin;

Thence S. 2 degrees 59' W. 2138.46 feet to a pointing the center of Twp. Road 30;

Thence N. 86 degrees 23' 40" W. 313.96 feet to the place of beginning.

Commonly Known As: 12520 Refugee Road SW, Pataskala, Ohio 43062

Prior instrument Reference: Instrument No. 20130420010416 of the Official Records of Licking County, Ohio.



QUIT-CLAIM DEED *

Instr: 199810270040727 10/27/1998
 Pages: 2 Fee: \$14.00 8:42AM
 Robert Wise T19980031377
 Licking County Recorder MLFRED L S

Nita L. Shackles, nka Jordan, (1), of Licking County, Ohio
 divorced and not remarried
 for valuable consideration paid, grants(s) to Fred L. Shackles, former spouse
 , whose tax-mailing address is

the following **REAL PROPERTY**: Situated in the County of Licking in the State
 of Ohio and in the Township of Lima : (2)

Being 10.0015 Acres situated in the Lima Township, and more particularly
 described in Exhibit "A" attached hereto and incorporated herein.

Commonly known as: 12410 Refugee Road, SW
 Parcel No. 44-140394-01.000

63

Prior Instrument Reference: Vol. Page of the Deed Records of Licking
 County, Ohio.

~~Grantor releases all rights and claims therein.~~ (3) ~~wife (husband) of the~~
 Witness her hand(s) this 15 day
 of OCT, 1998.

Signed and acknowledged in the presence of:

Clarence A. Bonaventure
 WITNESS

[Signature]
 WITNESS

Nita L. Shackles nka Jordan
 Nita L. Shackles, nka Jordan

State of Ohio County of Licking ss.

BE IT REMEMBERED, That on this 15 day of OCT, 1998, before me,
 the subscriber, a notary public in and for said county, personally came,
 Nita L. Shackles, nka Jordan the Grantor(s) in the
 foregoing Deed, and acknowledged the signing thereof to be her voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day
 and year aforesaid. Clarence A. Bonaventure, Notary

This instrument was prepared by Joel R. Campbell, 490 City Park Ave., Columbus, OH
 43215

1. Name of Grantor(s) and marital status.
2. Description of land or interest therein, and encumbrances, reservations, exceptions, taxes and assessments, if any.
3. Delete whichever does not apply.
4. Execution in accordance with Chapter 5301 of the Revised Code of Ohio.

Auditor's and Recorder's Stamps



CLARENCE A. BONAVENTURE
 Notary Public, State of Ohio
 My Commission Expires Nov. 29, 1999

Exhibit "A"
Legal Description for Schedule "A"

Ohio Bar Title Insurance Company
Com. # CTC 86-P-179
Owners Policy # 69739
Lenders Policy # 105827

Situated in the County of Licking, in the State of Ohio and
in the Township of Lima and bounded and described as follows:

Being in the Fourth Quarter, Township One, Range 15,
of the United States Military Lands, being a part of
Lot 18, and being more particularly bounded and
described as follows:

Beginning at the Southwest corner of the Fourth
Quarter, of Township One;

Thence South 86 23' 40" East 185.81 feet to a
point in the center of Township Road #30, said
point being the place of beginning of this tract;

Thence North 4 06' 20" East 296.60 feet to a point
marked by an iron pin, passing an iron pin at 30.0
feet;

Thence South 86 25' East 92.17 feet to a point
marked by an iron pin;

Thence North 2 59' East 1841.81 feet to a point
marked by an iron pin;

Thence South 86 23' 40" East 215.99 feet to a point
marked by an iron pin;

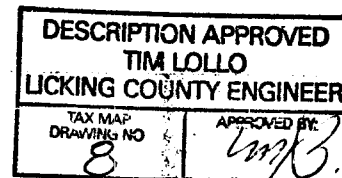
Thence South 2 59' West 1824.37 feet to a point
marked by an iron pin;

Thence North 86 23' 40" West 171.95 feet to a point
marked by an iron pin;

Thence South 3 26' 20" West 314.08 feet to a point
in the center of Township Road #30, passing an iron
pin at 284.08 feet;

Thence North 86 23' 40" West 139.52 feet to the place
of beginning:

Containing 10.0015 acres.



TRANSFERRED
Date October 27 1998
George D. Buchanan
Licking County Auditor Cx

SEC. 319.202 COMPLIED WITH
GEORGE D. BUCHANAN, AUDITOR
BY Cx

50461

QUIT-CLAIM DEED

WANDA HECTOR, divorced and not remarried, of Licking County, Ohio, for valuable consideration paid, grants to FREDDIE HECTOR, whose tax-mailing address is 12490 Refugee Road SW, Pataskala, Ohio 43062, the following REAL PROPERTY: Situated in the County of Licking, in the State of Ohio, and in the Township of Lima:

Being a part of Lot 18 in the 4th Quarter of the 1st Township in the 15th Range of the U.S. Military Lands, Lima Twp., Licking County, Ohio, and being further described as follows: Commencing at the Southwest corner of the 4th Quarter of Twp. 1; thence S. 86°23'40" East 325.33 feet to a point in the center of Township Road 30; said point being the place of beginning of this tract; thence N. 3°26'20" East 314.08 feet to a point marked by an iron pin, passing a point marked by an iron pin at 30.0 feet; thence S. 86°23'40" East 171.95 feet to a point marked by an iron pin; thence S. 2°59' West 314.09 feet to a point in the center of Township Road 30, passing a point marked by a corner post at 294.60 feet; thence N. 86°23'40" West 174.44 feet to the place of beginning. Containing 1.248 acres, more or less, subject to all legal road rights-of-way.

PROPERTY KNOWN AS: 12490 Refugee Road, Pataskala, OH 43062

PARCEL NUMBER: 44-140394-02-000

GRANTEE accepts this conveyance subject to taxes and assessments, zoning ordinances and regulations, legal highways, and the conditions, easements, reservations and restrictions contained in prior instruments of record.

Tax Map Drawing Number: 8

DESCRIPTION APPROVED	
TIM LOLLO	
LICKING COUNTY ENGINEER	
TAX MAP DRAWING NO. #8	APPROVED BY <i>[Signature]</i>

Prior Instrument Reference: Vol. 399, pg. 299, of the Official Records of Licking County, Ohio.

SEC. 319.202 COMPLIED WITH
GEORGE D. BUCHANAN, AUDITOR
BY H. EKD.

TRANSFERRED
Date JULY 1 1993
George D. Buchanan
Licking County Auditor H

Witness my hand this 18 day of June, 1992.

Signed and acknowledged
in the presence of:

Christopher F. Smith Wanda Hector
WANDA HECTOR
John I. Peters

STATE OF OHIO
COUNTY OF LICKING, SS:

BE IT REMEMBERED, that on this 18 day of June, 1992, before me, the subscriber, a notary public in and for said county, personally came, WANDA HECTOR, the Grantor in the foregoing Deed, and acknowledged the signing thereof to be her voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

John I. Peters
Notary Public

JOHN I. PETERS, Esq.
Notary Public - State of Ohio
Lifetime Commission



This instrument was prepared by:

CALIG & HANDELMAN
Attorneys at Law
Newark, Ohio

RECEIVED FOR RECORD AND RECORDED	
By <u>Robert S. White</u>	
in Official Record	
Vol <u>458</u>	Page <u>188</u>
Licking County, Ohio	
Recorder Fee <u>10.00</u>	

50461

