



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

May 10, 2022

Variance Application VA-22-016

Applicant:	Trevor Extine
Owner:	SFG Pataskala, LLC.
Location:	3003 Etna Parkway, Pataskala, OH 43062 (PID: 064-152862-00.005)
Acreage:	+/- 20.00-acres
Zoning:	PM – Planned Manufacturing
Request:	Requesting approval of a Variance from Section 1283.07(B) of the Pataskala Code in order for reduced perimeter screening to be allowed.

Description of the Request:

The Applicant is seeking approval of Variance from Section 1283.07(B) of the Pataskala Code in order to allow for reduced perimeter screening around a development within the PM – Planned Manufacturing zoning district.

Staff Summary:

The 20.00-acre property located at 3003 Etna Parkway has frontage on two (2) public rights-of-way, with Etna Parkway to the west and Refugee Road SW to the south. It envelops a smaller approximately 8-acre parcel at the northeast corner of Etna Parkway and Refugee Road SW. Currently, a new building for Thayer Power & Communications is being constructed on site. As approved by Permit #22-035: there will be a 75,467-square foot commercial building, 148,422-square feet of asphalt parking in the front and the rear, as well as to each side of the building, and a 262,378-square foot gravel lay-down yard. The gravel lay-down yard will be surrounded by a six (6) foot tall chain link fence. A stormwater management basin will be just off the frontage along Refugee Road SW. Access to the property will be via two access drives onto Etna Parkway, with the southern access being entrance only.

As approved by Zoning Permit #22-035, the landscaping plan was to be L2 Standard compliant perimeter screening around the entirety of the parcel's borders. In this case, a three (3) foot high raised berm with trees planted every 30-feet on center. Pursuant to Section 1283.07(B) of the Pataskala Code, developments within the PM – Planned Manufacturing zoning district shall have L2 type landscaping along all frontages, and L2 type landscaping on the sides and rear of the development if abutting a similar use.

The Applicant is seeking a Variance in order to amend Zoning Permit #22-035 with reduced perimeter screening. As proposed, there will be lines of trees installed along the frontage of Etna Parkway, along the north and south sides of the front parking lot, stretching slightly to the middle of the proposed commercial building on the north side. Trees will also be installed along the frontage of Refugee Road SW, in front of the proposed stormwater basin, and to the sides of the basin. Privacy slats will be installed in the chain link fence where it borders the adjacent developed property to the southwest. The remaining perimeters will be un-screened.

In the Narrative Statement that was submitted by the Applicant, they believe they have practical difficulties in meeting the minimum requirements of the code, as there will not be enough distance between the property line and the gravel storage area to effectively contain all required landscaping, while the proximity of the gravel and fence posts may hinder the health of the trees. The Applicant stated that the large storage area is necessary to meet the storage requirements of the use, and that additional area had to be taken away in order to install a septic system. Further stated, the Applicant believes the requested Variance is not a substantial request, will not alter the character of the neighborhood, and will not impair the use or development of adjacent property. The Applicant also stated that it is assumed the property owner purchased the property without knowledge of the zoning requirement.

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

As mentioned above, Section 1283.07(B) of the Pataskala Code requires that developments within the PM – Planned Manufacturing zoning district shall provide L2 type landscaping along all frontages, as well as along the sides and rear if they are abutting similar uses. If the development were to abut residential uses, stronger screening, in the form of L3 or L5 would be required. Pursuant to Section 1283.06(3)(b), the L2 type landscaping shall consist of a three (3) foot high low shrub screen, and one (1) tree per 30 lineal feet. A three (3) foot masonry or stone wall, or a berm may be substituted for the shrubs.

In order to meet the requirement as stated, the Applicant would need to provide approximately 1,740 feet of perimeter landscaping around the developed area that meets the L2 standard. As proposed, the Applicant will be providing approximately 945 feet of living landscaping, and approximately 310 feet of chain link fencing with privacy slats. The remaining area will be just a chain link fence. The proposed living landscaping (tree lines) will not meet the requirements of Section 1283.06(3)(b) as it will not have either a three (3) foot tall shrub line or a three (3) foot tall wall or berm. As the proposed landscaping plan will not meet the requirements of Section 1283.07(B) of the Pataskala Code, the Applicant has requested a Variance.

Staff has no other comments.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	AG - Agricultural	Agricultural
East	PM – Planned Manufacturing	Agricultural
South	PM – Planned Manufacturing M-1 – Light Manufacturing (Etna Twp.) PUD – Planned Unit Development (Etna Twp.)	Meyer Shank Racing Agricultural Golf Course
West	PM – Planned Manufacturing	Agricultural

Variance Requirements:

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

- a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- b) *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;*
- c) *Whether the variance requested is substantial;*
- d) *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;*
- e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- 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.*

Furthermore, Section 1211.07(2) allows other factors to be considered, including comments from City staff, when determining if an area variance is warranted. The following factors from Section 1211.07(2) are applicable to Variance Application VA-22-016:

- None

Department and Agency Review

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

Conditions:

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

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.

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 variance from Section 1283.07(B) of the Pataskala Code for variance application VA-22-016 ("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

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 3003 Etna Parkway	
Parcel Number: 64-152862-00.005	
Zoning: PLANNED MANUFACTURING	Acres: 20.02
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

Applicant Information		
Name: TREVOR EXTINE		
Address: 10020 AURORA-HUDSON RD		
City: CLEVELAND	State: OH	Zip: 44241
Phone: 330-528-3500	Email: TREVOR@GEEKS.NET	

Property Owner Information		
Name: CFC PATASKALA, LLC		
Address: 3280 PEACHTREE RD NE, SUITE 210		
City: ATLANTA	State: GA	Zip: 30305
Phone: 404-924-2022	Email: NEAL.MOSKOWITZ@	

STONE MOUNT FINANCIAL.COM

Variance Information
Request (Include Section of Code): 1283.06 - REQUEST RELIEF FROM GENERAL LANDSCAPING STANDARD (L2)
- REFER TO COVER LETTER
Describe the Project: NEW WAREHOUSE/MANUFACTURING BUILDING IN A PLANNED MANUFACTURING DISTRICT.

Staff Use
Application Number:
VA-22-016
Fee:
300.00
Filing Date:
03/31/2022
Hearing Date:
05/10/2022
Receipt Number:
000553

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

Variance Application: Submit 1 copy of the variance application.

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

- The reason the variance is necessary
- The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:
 - a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;*
 - b) *Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
 - c) *Whether the variance requested is substantial;*
 - d) *Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;*
 - e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
 - 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 governmental 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.*
- A use variance must also meet the requirements described in Section 1211.07(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:

- ✓ ● 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 variance 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 variance request.

Applicant (Required):

Date:

Property Owner (Required): SFG Pataskala, LLC
Neal Moskowitz, Vice President

15 MAR 22

Date:

March 28, 2022

March 28, 2022

March 8, 2022

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

RE: Thayer Power and Communications

Mr. Fulton,

We are hereby submitting to be placed on the next available BZA hearing. We respectfully request relief from section 1283.06 as it relates to the General Landscaping (L2) standard requirement of "one tree per thirty (30) lineal feet or as appropriate to provide a canopy over the landscaped area". Please refer to the attached revised Landscape plan for our proposed alteration.

Our Practical difficulties are as follows:

The outdoor storage area will utilize gravel for the intent of creating a pervious surface condition conducive to rain fall management. Along with storage comes security in the form of a 6' chain-link fence that typically has a post no more than every 10'. With the outdoor storage requirement pushing the gravel and fence line so close to the property line, we are left with just a few feet for landscaping. In addition to the storage requirements, we are faced with a reduction of area due to a required septic area that cannot be used for storage or covered with gravel. This septic area will remain until the municipal sanitary system is in place. Despite where the gravel line is drawn on the Civil Site Plans, we all know that gravel will extend towards the fence and trees. That is the nature of outside storage lots.

After consulting with our Landscape Architect and landscaping contractors we found the combination of fence posts and gravel surface pose a challenging scenario for both the perimeter trees and fence posts. Gravel surface being so close to small trees (at planting) then becoming pervious thru compaction may hinder the proper growth of the roots, thus causing a tree not to survive. In this scenario we may lose guarantees of tree survival from the landscape contractor. For those trees that do survive and are close enough to a fence post, the tree growth over time may damage, alter, or otherwise shift the post from being vertical causing issues along that area of the fence line. Tree roots so close to the property line may grow across the line onto agricultural property that may become challenging for farming equipment.

The zoning code even acknowledges this potential as outlined in the Landscaping and screening section 1283.06(8)d. *"Protection shall be provided for all landscaped areas, particularly trees and shrubs, from potential damage by adjacent development, including parking or storage area."*

Given the above difficulties coupled with the zoning acknowledgment, we offer a landscape plan that removes the trees and shrubs along the perimeter where fencing is to occur. Please refer to attached landscape plan for extents of where relief is requested. We are not contending Landscaping at street frontages.

Per Chapter 1211 Appeals and Variances Section 1211.06 Application for variances and appeals shall contain the following information:

1. Name, address, and phone number of appellant or applicants.

Trevor Extine, 10020 Aurora-Hudson Road Streetsboro, Oh 44241

2. Zoning District in which the property is currently located.

Industrial

3. Legal description of property is currently located.

Attached

4. Description of the relief requested: each application shall refer to the specific provision of this Code which apply.

Requesting relief from the General Landscape requirements. (see above narrative)

5. A narrative statement explaining the following:

a. The reason for the variance or appeal

See above narrative.

b. The specific reasons why the variance or appeal is justified; in cases of variance, the factors listed Section 1211.07 shall be specifically addressed. (Ord. 2017-4298. Passed 11-20-17.)

1211.07 Responses below.

1211.07 Standards for Variances and Appeals

A. Area Variance

1) Factors to be considered by the Board of Zoning Appeals

a. Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance.

The Granting of this variance request will not diminish the reasonable return on the property, and the property will experience more beneficial use of the property.

b. Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;

The Granting of this variance does in fact enable maximizing the use of the property by means of allowing the outside storage area to grow towards the property line.



c. *Whether the variance request is substantial:*

We believe this variance request of a few less trees/bushes is **not** a substantial request.

d. *Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;*

The essential character of the neighborhood will not be altered, nor will adjoining properties suffer any detriment by the granting of this variance request. We are simply asking to experience the same perimeter landscaping treatment as the neighboring properties are currently given.

e. *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*

The Granting of this variance request of a few less trees/shrubs will not affect the adjacent properties appropriate use or development. In fact, will

f. *Whether the variance, if granted, will be detrimental to the public welfare;*

The Granting of this variance request of a few less trees/shrubs will not affect the public welfare.

g. *Whether the variance, if granted, would adversely affect the delivery of governmental services;*

No government services will be disrupted by the granting of this variance request of a few less trees/shrubs. If anything, having less trees will allow access of fire/rescue vehicles or equipment from various directions.

h. *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*

This is assumed that the property was purchased without the knowledge of such an intensive landscaping requirement.



- i. Whether the property owner's predicament can be obviated through some other method than variance;***

In this scenario, we do not see a course where an alternative presents itself. Although a landscaping wall is an option for a 3' high stone or masonry wall – however, having that wall and an 6'h fence is redundant. Any stone/masonry wall would not hold up due to the type of equipment being stored and maneuvered on site as it is doomed to be damaged. An 6' high fence will be tall enough to be seen for larger truck backing up and maneuvering.

- 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,***

We do in fact believe that this variance request of a few less trees/shrubs is the minimum variance. And will reflect the same opportunities as the neighboring properties already absent of such landscaping requirements.

- k. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting this variance.***

The Spirit and intent of the specific zoning requirement is observed and justified by the granting of this variance. We recognize the need for street frontage landscape treatment to create an appealing frontage within the City of Pataskala.

Thank you for your time and efforts reviewing this project, we look forward to a successful Board of Zoning Appeals approval. If there are any outstanding issues, please do not hesitate to contact our offices.

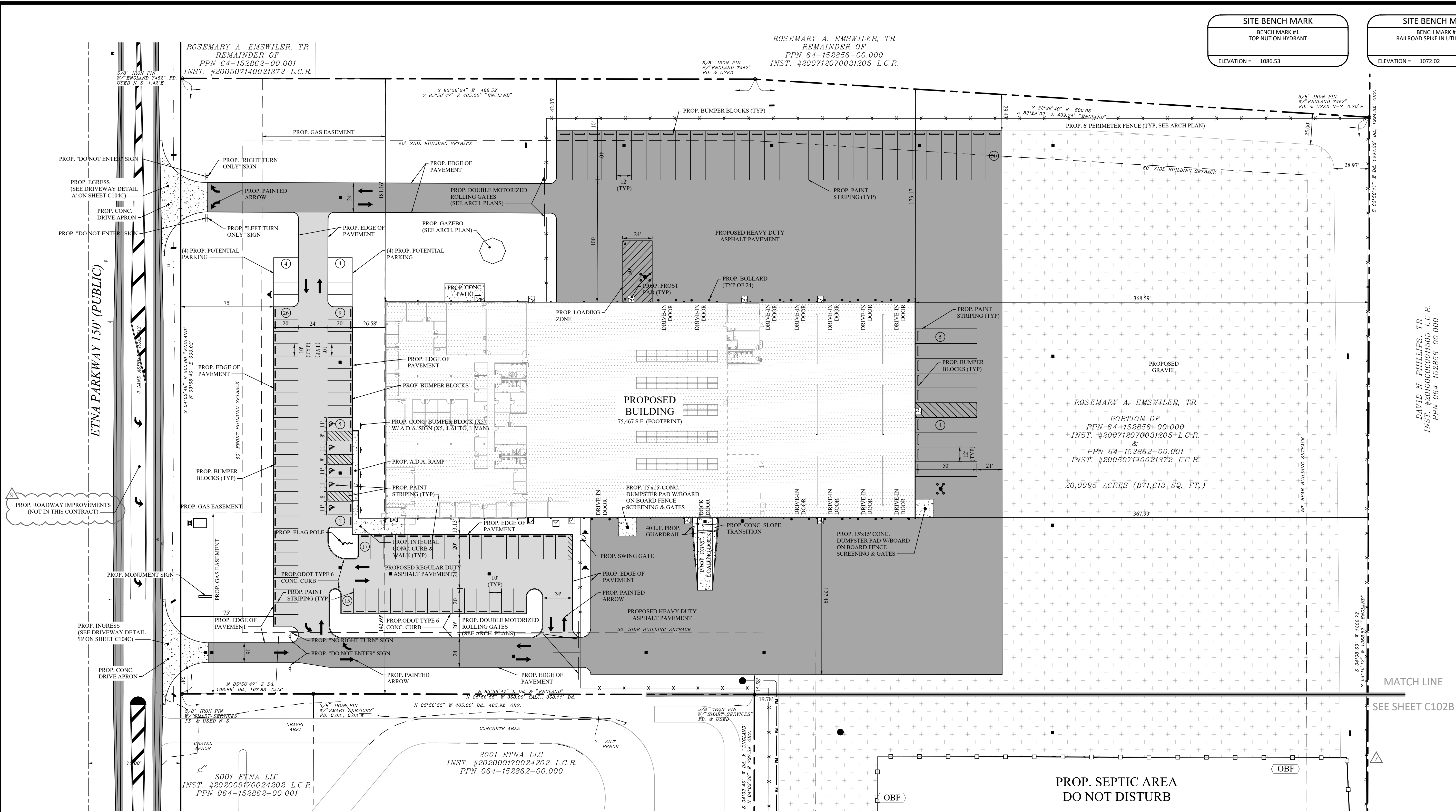
Sincerely,



Trevor Extine, Architect
Geis Construction Company



C:\Users\Owner\Desktop\Working Folder\2021-259 ETNA 75K Pataskala (Thayer)\2021-259 Dwg\2021-259 Site\01S -



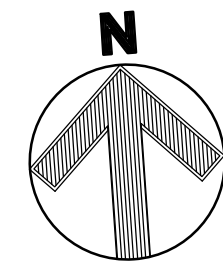
SITE DATA	
NUMBER OF PARKING SPACES:	
REGULAR PARKING SPACES	= 68
POTENTIAL PARKING	= 8
HANDICAP PARKING SPACES	= 5
TOTAL PARKING SPACES	= 81
REQUIRED PARKING PER SECTION 1291.16	
	= 81
TRAILER PARKING SPACES	
	= 39
ASPHALT PAVEMENT AREA	= 148,422 S.F.
GRAVEL AREA	= 262,378 S.F.

SIDEWALK - NO FRONTAGE SIDEWALK CONTEMPLATED
(FEE IN LIEU OF TO BE DETERMINED)

SITE DATA	
USE DISTRICT	= PM (PLANNED MANUFACTURING)
SITE AREA	= (20.0095 AC.)
MIN. SITE FRONTAGE	= 500' (500' PROVIDED ALONG ETNA PARKWAY)
PROP. BUILDING AREA	= 75,467 S.F. (FOOTPRINT) = 74,380 S.F. (GROSS) = 20,400 S.F. (OFFICE) = 33,400 S.F. (WAREHOUSE) = 22,700 S.F. (SHOP)
BUILDING SITE COVERAGE	= 8.66%
BUILDING HEIGHT	= 32'-0"
BUILDING SETBACKS:	
FRONT YARD	= 50'
SIDE YARD	= 50'
REAR YARD	= 50'

FLOOD ZONE	
FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP NUMBER 39089C 0427 H COMMUNITY PANEL NUMBER 39089 0427 H EFFECTIVE DATE MAY 2, 2007	

LEGEND	
	REGULAR DUTY ASPHALT
	HEAVY DUTY ASPHALT
	CONCRETE PAVING
	GRAVEL PAVING
	ORANGE BARRICADE FENCE
	OBF
ITALICS TEXT REPRESENTS EXISTING CONDITION NON-ITALICS TEXT REPRESENTS PROPOSED CONDITION	



Scale: 1" = 40'

SITE BENCH MARK	
BENCH MARK #1 TOP NUT ON HYDRANT	
ELEVATION =	1086.53

SITE BENCH MARK	
BENCH MARK #2 RAILROAD SPIKE IN UTILITY POLE	
ELEVATION =	1072.02

WEBER ENGINEERING SERVICES
Where Strong Relationships & Superior Service Guide Your Project
2555 Hartville Rd., Suite B
Rookstown, OH 44272
www.WeberEngineeringServices.com
330-329-2037
matt@webercivil.com

STATE OF OHIO
MATTHEW WEBER
67709 REGISTERED PROFESSIONAL ENGINEER
Reg. No.: 61709

CLIENT:
GEIS CONSTRUCTION
10020 AURORA-HUDSON RD.
STREETSBORO, OHIO
JEN DIASIO
PHONE: (216) 218-3507

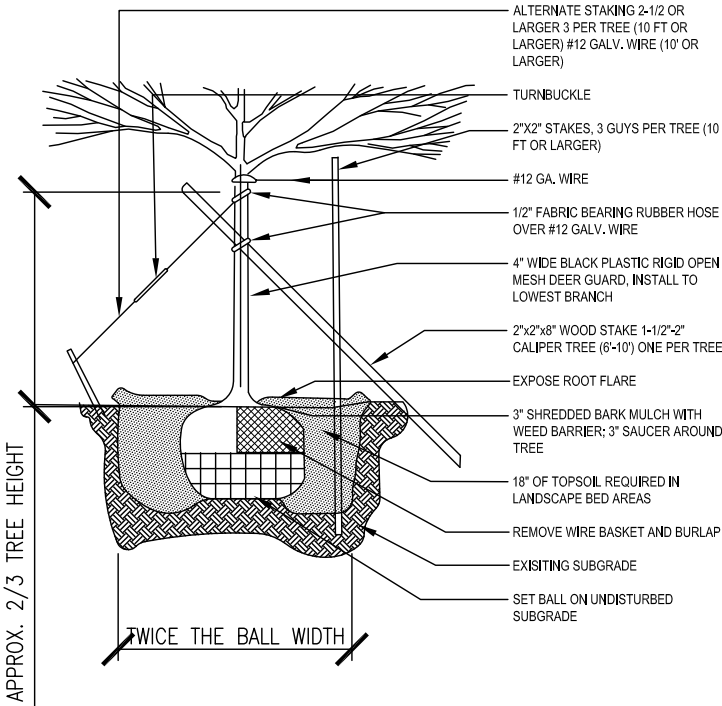
OWNER:
GEIS CONSTRUCTION
10020 AURORA-HUDSON RD.
STREETSBORO, OHIO
JEN DIASIO
PHONE: (216) 218-3507

THAYER
SITE IMPROVEMENTS
3003 ETNA PARKWAY, PATASKALA, OHIO
Issue Date
07-15-2021
07-20-2021
07-26-2021
08-05-2021
08-18-2021
08-23-2021
09-07-2021
09-23-2021
10-01-2021
10-14-2021
11-01-2021
12-01-2021
12-21-2021
12-29-2021
01-17-2022
03-03-2022
03-10-2022

**PARTIAL
SITE PLAN**
C102A
Project No. 2021-259

TREE PLANTING DETAIL

NOT TO SCALE



INSTRUCTIONS FOR LAWN AND NO MOW AREAS

ALL SEEDED AREAS FOR LAWN AND NO MOW AREAS TO HAVE ROCKS, WEEDS AND DEBRIS REMOVED BEFORE TRHE APPLICATION OF SEED, STRAW AND SEED STARTER FERTILIZER. 3-4 WEEKS AFTER INSTALLATION ALL AREAS WILL BE FERTILIZED AGAIN AND BARE SPOTS WILL BE RE-SEEDED.

LAWN SEED MIX

FESCUE PLUS MIX	7 LBS/1,000 SQ FT
25% INFERNO SUMMER TALL FESCUE	25% BULLSEYE OR HEMI TALL FESCUE
25% TITANIUM 2LS TALL FESCUE	18% TRAVERSE 2 TALL FESCUE
7% JACKPOT OR BROOKLAWN KENTUCKY BLUEGRASS	

NO MOW SEED MIX

30%\$ BEACON HARD FESCUE	40% GLADIATOR HARD FESCUE
15% MARCO POLO SHEEP FESCUE	15% NAKISKA SHEEP FESCUE

WARRANTY

THE CONTRACTOR WILL GUARANTEE ALL PLANTS AND LAWN FOR THE PERIOD OF 1 YEAR. THIS YEAR WILL START ON THE DAY AFTER THE OWNER'S FINAL ACCEPTANCE OF THE WORK COMPLETED. DEAD PLANTS WILL BE REPLACED ONCE AT THE END OF 90 DAYS, AND DEAD AND UNHEALTHY PLANTS WILL BE REPLACED AT THE END OF THE GUARANTEE PERIOD. IN THE CASE OF A PLANT DYING A SECOND TIME, A PLANT SUBSTITUTION OR CHANGE IN CONDITIONS MAY BE NECESSARY. WARRANTY ON REPLACEMENTS IS ALSO 365 DAYS. IN ALL CASES REPLACEMENTS WILL BE MADE DURING THE LOW RISK PERIODS: APRIL 1 TO JUNE 1 AND SEPTEMBER 15 TO NOVEMBER 15. PROVIDED PROPER MAINTENANCE HAS BEEN PERFORMED, ALL LAWN AREAS IN NEED OF REPAIR SHALL ALSO BE GUARANTEED FOR 1 YEAR.

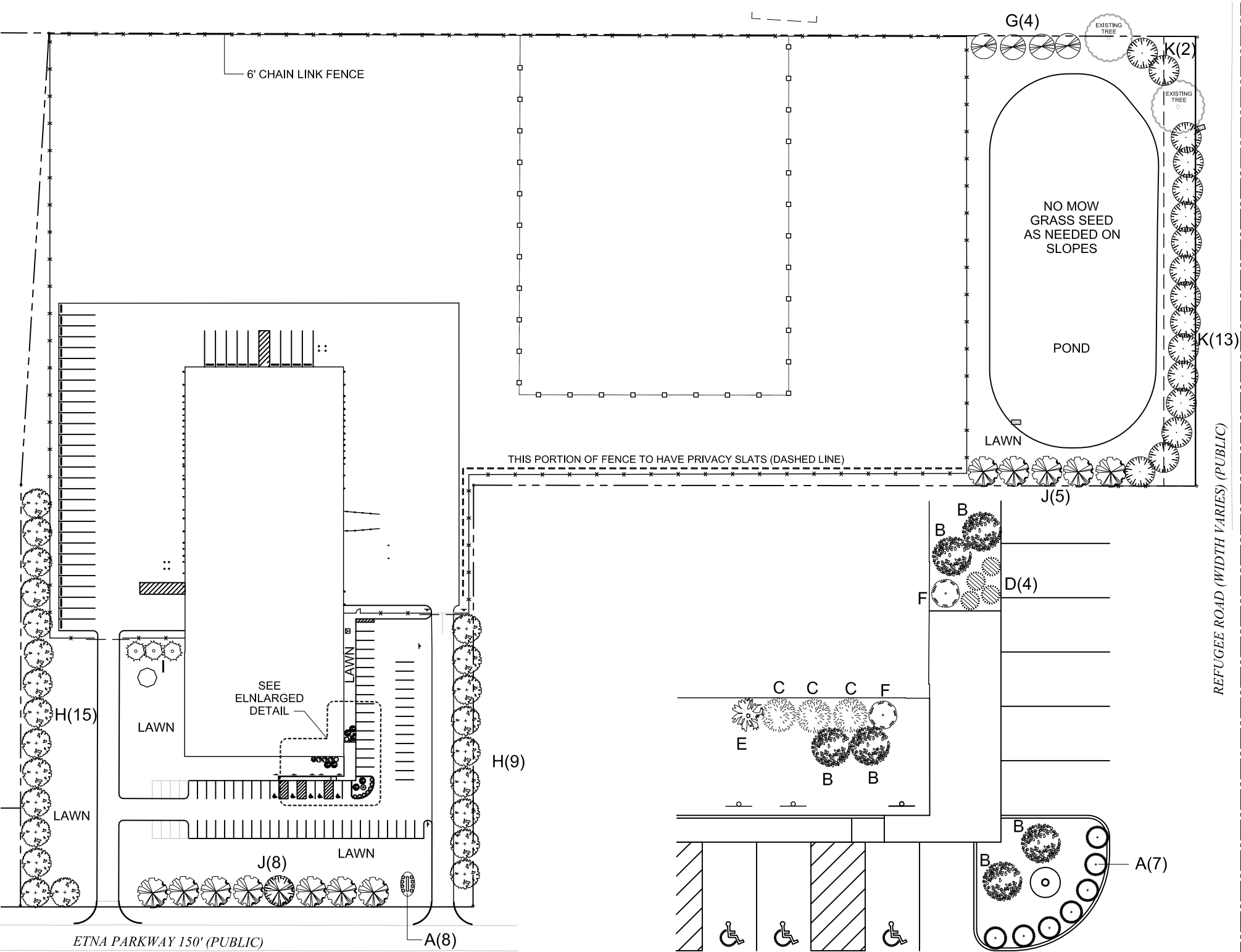
WATERING INSTRUCTIONS FOR CONTAINER PLANTS

WATER EACH PLANT FOR ONE MINUTE ONCE A DAY DURING SPRING AND FALL MONTHS FOR THE FIRST 45 DAYS.

WATER EACH PLANT FOR ONE MINUTE TWICE A DAY DURING THE SUMMER MONTHS FOR THE FIRST 45 DAYS

USE WATERING INSTRUCTION FOR TREES

USE TREE GATER SLOW RELEASE WATER BAGS FOR THE FIRST 6 MOPNTHS OR UNTIL FALL ON ALL TGREES OUTSIDE THE IRRIGATION LIMITS.



LANDSCAPE PLAN

SCALE: 1" =60'

PLANT LIST

CODE	SCIENTIFIC NAME	COMMON NAME	SIZE	QTY
A	JUNIPERS HORIZONTALS 'BLUE CHIP'	BLUE CHIP JUNIPER	3 GAL CONT.	15
B	SPIREA JAPONICA 'DOUBLE PLAY'	DOUBLE FPLAY SPIREA	3 GAL CONT.	6
C	CHAMAECYPARIS PISIFERA	GOLD THREAD 'MOP' CYPRESS	3 GAL CONT.	3
D	DIANTHUS 'FIREWITCH'	FIREWITCH BLANTHIS	1 GAL CONT.	4
E	PIERIS JAPONICA 'MOUNTAIN FIRE'	MOUNTAIN FIRE PIERIS	3 GAL CONT.	1
F	BUXUS SEMPERVIRENS	PYRAMIDAL BOXWOOD	3 GAL CONT.	2
G	ACER PLATANOIDS 'CRIMSON KING'	CRIMSON KING MAPLE	1-3/4 CAL B+B	4
H	GLEDITSIA TRIACANTHOS INERMUS 'SKYLINE'	SKYLINE LOCUST	1-3/4 CAL B+B	24
I	THUJA PLICATA 'GREEN VELVET'	GREEN GIANT ARBORVITAE	4' B+B	3
J	TILIA TOMEMTOSA 'STERLING'	STERLING SILVER LINDEN	1-3/4 CAL B+B	13
K	ACER RUBRUM 'AUTUMN FLAME'	AUTUMN FLAME MAPLE	1-3/4 CAL B+B	15

GEIS COMPANIES
 10020 Aurora-Hudson Rd
 Streetsboro, Ohio 44241
 PH: (330) 528-3500
 FX: (330) 528-0008
 www.geisco.net

DATES AND REVISIONS

10 March, 2022

NOTICE

THIS ARCHITECTURAL AND ENGINEERING DRAWING IS GIVEN IN CONFIDENCE. NO USE OR DISSEMINATION MAY BE MADE WITHOUT PRIOR WRITTEN CONSENT OF THE ARCHITECT. ALL RIGHTS ARE HEREBY SPECIFICALLY RESERVED.

REVISIONS REFLECTED IN THESE DRAWINGS INVOLVE CHANGES TO CONTRACT PRICE PREVIOUSLY PROVIDED. CHANGE ORDERS WILL BE PROVIDED FOR ALL CHANGES. THESE CHANGES ARE NOT IN THE BASE BID.

Thayer Power & Communication

ETNA PARKWAY
 Pataskala, Ohio

Drawn By
 Checked By
 Project Number



REFERENCE
 NORTH

LANDSCAPE PLAN
 DRAWING NO:

LS.1



THAYER POWER AND COMMS

New MSR Racing Headquarters

Etna Pkwy

Etna Pkwy

Etna Pkwy

Refugee Rd SW



Mill Street Road SW

Etna Pkwy

AEP lay down yard

Etna Pkwy

AEP East Transmission RDC

Etna Pkwy

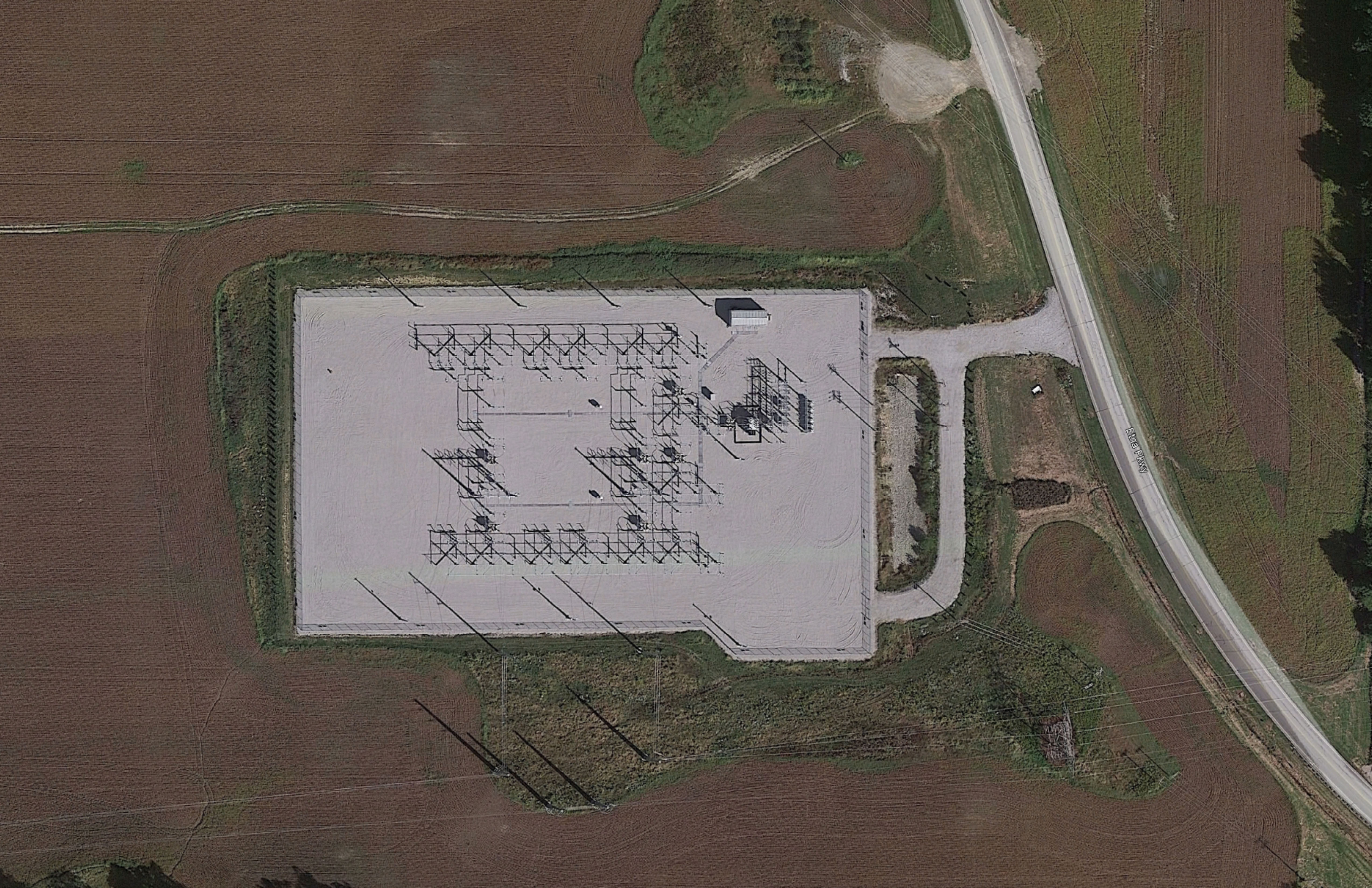


EXHIBIT B**(Permitted Exceptions)**

1. Taxes or assessments approved, levied or enacted by the State, County, Municipality, Township or similar taxing authority, but not yet certified to the tax duplicate of the County in which the Land is situated, including but not limited to any retroactive increases in taxes or assessments resulting from any retroactive increase in the valuation of the Land by the State, County, Municipality, Township, or other taxing authority.
2. Taxes and Assessments for the year 2021, and subsequent years, are a lien not yet due and payable.
3. Terms, conditions, restrictions and provisions relating to the use and maintenance of the Easement recorded on January 27, 1939, as Volume 323, Page 575.
4. Terms, conditions, restrictions and provisions relating to the use and maintenance of the Easement recorded on January 27, 1939, as Volume 323, Page 579.
5. Terms, conditions, restrictions and provisions relating to the use and maintenance of the Deed of Easement Ohio Tower recorded on December 28, 1951, as Volume 436, Page 315.
6. Terms, conditions, restrictions and provisions relating to the use and maintenance of the Deed of Easement Ohio Tower recorded on December 28, 1951, as Volume 436, Page 317.
7. 16. The terms and provisions contained in the document entitled "Pipe Line Right of Way and Meter Site Agreement" recorded January 3, 1986 as Volume 87, Page 348 of Official Records, as affected by Partial Release of Easement from National Gas & Oil Cooperative filed for record _____ as Document No. _____ of Licking County Records.
8. The terms and provisions contained in the document entitled "Pipe Line Right of Way and Meter Site Agreement" recorded January 3, 1986 as Volume 87, Page 350 of Official Records, as affected by Partial Release of Easement from National Gas & Oil Cooperative filed for record _____ as Document No. _____ of Licking County Records.
9. Drainage easements and restrictions disclosed in the Plat of Dedication of Etna Parkway recorded July 10, 2009, as Instrument No. 200907100015351.

Plat of Survey

City of Pataskala, County of Licking, State of Ohio, part Lot 17 in the Fourth Quarter, Township 1N, Range 15W, of the United States Military Lands.

PROPERTY LOCATION:

Being a Survey to combine a 14.663 Acre parcel and a 5.337 Acre parcel conveyed to Howard P. & Rosemary A. Enswiler, Trustees, as recorded in Instrument No. 2021-_____, in the Licking County Deed

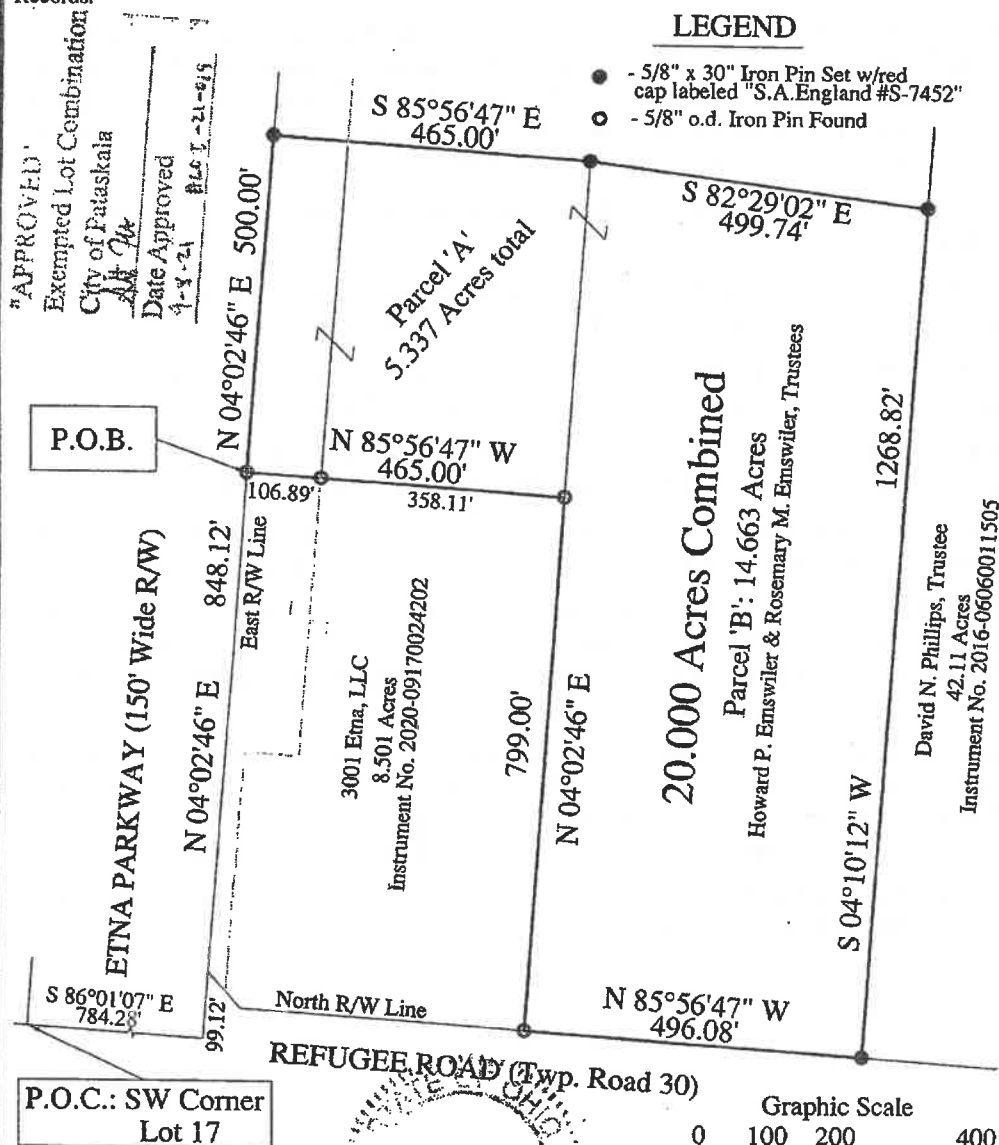
BASIS OF BEARING

The bearings of this plat are based on the East Right of Way of Etna Parkway (150' Wide R/W), as being N 04°02'46" E, and is an assumed Meridian used to denote angles only.

Records.

LEGEND

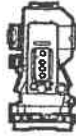
- - 5/8" x 30" Iron Pin Set w/red cap labeled "S.A. England #S-7452"
- - 5/8" o.d. Iron Pin Found



I hereby certify that an actual survey was made of the premises, and that this plat is correct to the best of my knowledge.

8/4/21
Date Scott A. England, P.S.
Ohio Registered Surveyor #S-7452

PREPARED BY:
S.A. ENGLAND SURVEYING
Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008
PHONE: 740-323-0644
WWW.SURVEYOHIO.COM


S.A. ENGLAND SURVEYING
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 Buckeye Lake, Ohio 43008

 E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

Legal Description
Combined Parcel: 20.000 Acres
Part Howard P. & Rosemary M. Emswiler, Trustees Parcels:

Situated in the City of Pataskala, County of Licking, State of Ohio, and being a part of Lot 17 in the Fourth Quarter, Township 1N, Range 15W, of the United States Military Lands, and being more particularly described as follows;

Being a Survey to combine a 5.337 Acre parcel and a 14.663 Acre parcel conveyed to Howard P. & Rosemary A. Emswiler, Trustees, as recorded in Instrument No. 2021- 09090027443, and Instrument No. 2021- 09090027444, in the Licking County Deed Records, and further described as follows;

Commencing at a 5/8" o.d. iron pin found on the East Right of Way Line of Etna Parkway (150' Wide R/W) marking the Northwest corner of an 8.501 Acre parcel conveyed to 3001 Etna, LLC, as recorded in Instrument No. 2020-09170024202, also being the Southwest corner of said 5.337 Acre parcel of which this description is a part, and being the **PRINCIPAL PLACE OF BEGINNING** of the 20.000 Acre parcel herein to be described: said iron pin found bears S 86°01'07" E 784.28 feet and N 04°02'46" E 848.12 feet from the Southwest corner of Lot 17 per Instrument No. 2020-09170024202;

Thence, N 04°02'46" E 500.00 feet continuing with the East Right of Way Line of Etna Parkway, the same being the West line of said 5.337 Acre parcel, to an iron pin set;

Thence, S 85°56'47" E 465.00 feet with the North line of said 5.337 Acre parcel of which this description is a part, to an iron pin set marking the Northwest corner of said 14.663 Acre parcel of which this description is a part;

Thence, S 82°29'02" E 499.74 feet with the North line of said 14.663 Acre parcel, to an iron pin set on the East line thereof, also being on the West line of a parcel conveyed to David N. Phillips, Trustee, as recorded in Instrument No. 2016-06060011505;

Thence, S 04°10'12" W 1268.82 feet with the East line of said 14.663 Acre parcel, the same being the West line of said parcel conveyed to Phillips, to an iron pin set on the North Right of Way Line of Refugee Road (Twp. Road 30);

Thence, N 85°56'47" W 496.08 feet with the North Right of Way Line of Refugee Road, to a 5/8" o.d. iron pin found marking the Southeast corner of said 8.501 Acre parcel conveyed to 3001 Etna, LLC;

Thence, N 04°02'46" E 799.00 feet leaving Refugee Road with the East line of said 8.501 Acre parcel conveyed to 3001 Etna, LLC, to a 5/8" o.d. iron pin found;

Thence, N 85°56'47" W 465.00 feet with the North line of said 8.501 Acre parcel, to the **PRINCIPAL PLACE OF BEGINNING**, passing over a 5/8" o.d. iron pin found at 358.11 feet, and containing 20.000 Acres, more or less, and is subject to all legal easements, right of ways, zoning restrictions, and ordinances of record.

Bearings of the above description are based on the East Right of Way Line of Etna Parkway (150' Wide R/W), as being N 04°02'46" E, and is an assumed Meridian used to denote angles only.

All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

The above description was prepared by S.A. England Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in July of 2021.

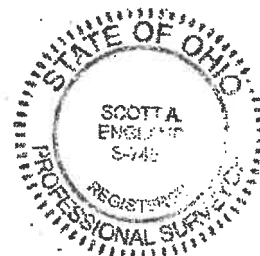
Dated

9/8/21

Scott A. England P.S.

Ohio Registered Surveyor #745

3672-21LI-Combination



Rosemary A. Emswiler Trust

ROSEMARY A. EMSWILER, TRUSTEE OF
THE ROSEMARY A. EMSWILER
REVOCABLE TRUST U/A DATED
DECEMBER 27, 1978 AS AMENDED

STATE OF OHIO)
) ss:
COUNTY OF LICKING)

The foregoing instrument was acknowledged before me this 8 day of September, 2021, by Rosemary A. Emswiler, as Trustee of the Rosemary A. Emswiler Revocable Trust U/A dated December 27, 1978 as amended. No oath or affirmation was administered to the signer with regard to this notarial act.



W. SCOTT HAYES, Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.

[Signature]
Notary Public

This instrument prepared by
and when recorded, return to:
Bradley J. Denson, Esq.
Nelson Mullins Riley and Scarborough, LLP
201 17th Street NW, Suite 1700
Atlanta, Georgia 30363

Signature Page to General Warranty Deed (Ohio)

IN WITNESS WHEREOF, the Grantor has caused this General Warranty Deed to be executed as of the 8 day of September, 2021.

GRANTOR:

Howard P Emswiler Trust

**HOWARD P. EMSWILER, TRUSTEE OF THE
HOWARD P. EMSWILER REVOCABLE
TRUST U/A DATED DECEMBER 27, 1978 AS
AMENDED**

STATE OF OHIO)
) ss:
COUNTY OF LICKING)

The foregoing instrument was acknowledged before me this 8 day of September, 2021, by Howard P. Emswiler, as Trustee of the Howard P. Emswiler Revocable Trust U/A dated December 27, 1978 as amended. No oath or affirmation was administered to the signer with regard to this notarial act.



W. SCOTT HAYES, Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.

W. Scott Hayes
Notary Public
My Commission Expires: _____

[Signatures continue on following page.]

Signature Page to General Warranty Deed (Ohio)

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

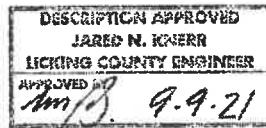
Approved By JW Sep 16, 2021

0115PA00800000094200

TRANSFERRED

Sep 16, 2021
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: CR 3600.00

InstrID:202109160028176 9/16/2021
Pages:6 F: \$66.00 3:21 PM
Bryan A. Long T20210027654
Licking County Recorder



Above Space For Recorder's Use Only

GENERAL WARRANTY DEED

For good and valuable consideration paid, the receipt and sufficiency of which are hereby acknowledged, **HOWARD P. EMSWILER, TRUSTEE OF THE HOWARD P. EMSWILER REVOCABLE TRUST U/A DATED DECEMBER 27, 1978 AS AMENDED**, as to an undivided one-half interest, and **ROSEMARY A. EMSWILER, TRUSTEE OF THE ROSEMARY A. EMSWILER REVOCABLE TRUST U/A DATED DECEMBER 27, 1978 AS AMENDED**, as to an undivided one-half interest (collectively, "Grantor"), grants with general warranty covenants to **SFG PATASKALA, LLC**, a Georgia limited liability company ("Grantee"), having a tax mailing address of 3280 Peachtree Road NE, Suite 2770, Atlanta, GA 30305, the real property situated in Licking County, Ohio (the "Property") and legally described on Exhibit A attached hereto and made a part hereof, together with all improvements thereon and appurtenances thereto.

Prior Instrument Reference: Document Nos. 200507140021370, 200507140021372, 200712070031204, and 200712070031205, Recorder's Office, Licking County, Ohio

Permanent Parcel Nos.: a portion of XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
064-152862-00.005 and 064-152862-00-006

Property Address: Refugee Road and Etna Parkway

The conveyance made hereby is subject to the matters listed on Exhibit B attached hereto and incorporated herein by reference.

[No further text on this page; signature page follows.]

4849-5970-6873 v.1 047902/09153, 1:39 PM, 09/08/2021



***Howard P. Emswiler and Rosemary A. Emswiler, Trustees of the Revocable Trust Agreement of Howard P. Emswiler Trust U/A dated December 27, 1978 and Howard P. Emswiler and Rosemary A. Emswiler, Trustees of the Revocable Trust Agreement of Rosemary A. Emswiler Trust U/A dated December 27, 1978 as reflected in Memorandum of Trust recorded in Instrument 201801050000361 and 201801050000362**