



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

December 11, 2018

#### Extension Request for CU-18-001

<b>Applicant:</b>	Ben Payne, M+A Architects
<b>Owner:</b>	NCM Realty Co.
<b>Location:</b>	144 East Broad Street
<b>Acreage:</b>	4.45 acres, 1.94 acres, 0.5 acres, & 0.15 acres – 7.04 Total Acres
<b>Zoning:</b>	PRO – Professional Research Office
<b>Request:</b>	Requesting an extension of a conditional use pursuant to Section 1215.09 of the Pataskala Code to allow for the properties to be used as a nursing home.

#### Description of the Request:

The applicant is seeking an extension to a conditional use to allow for the construction of an additional nursing home for the Pataskala Oaks Care Center.

#### Staff Summary:

The properties currently contain a 1,425-square foot and 1,076-square foot single-family home as well as the 26,720-square foot Pataskala Oaks Care Center building. In 2017, the property was rezoned from R-20 – Medium Density Residential to PRO – Professional Research Office in order to expand the existing nursing facility which is a conditionally-permitted use in a PRO zone district. The applicant is now proposing to expand the facility and construct an attached roughly 17,000 square foot nursing home to the existing building. In addition, the applicant is proposing to construct a roughly 15,000-square foot free-standing nursing home on the abutting property to the west along Hazelton-Etna Road. The existing single-family homes on the proposed lots will be demolished in order to construct the new buildings.

Conditional Use CU-18-001 was approved by the Board of Zoning Appeals on March 13, 2018. According to Section 1215.09 of the Pataskala Code, the approval of a conditional use shall become void if no action is carried out within six (6) months after the date of approval. Although six (6) months after the initial approval date would have been September, the applicant was also required to obtain a Transportation Corridor Overlay District (TCOD) permit, which was approved by the Planning and Zoning Commission on June 6, 2018 as TCOD-18-001. As the applicant was acting on the approved Conditional Use, the six (6) month expiration was reset with the approval of TCOD-18-001. However, as there has been no further action on CU-18-001 since then, the Conditional Use is set to expire this month; and the applicant has requested an extension be granted.

Pursuant to Section 1215.09 of the Pataskala Code “the Board of Zoning Appeals may grant one extension of a conditional use permit issued in accordance with Section 1215.08 for an additional period of six (6)

months". Attached to this document is the extension request from the applicant, the original staff report for CU-18-001, and the decision letter from March 13, 2018.

**Supplementary Conditions:**

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

1. The extension shall be valid for 6 months from 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 an extension to Conditional Use CU-18-001 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

November 16, 2018

Scott Fulton  
Director of Planning  
City of Pataskala  
621 W. Broad Street,  
Pataskala OH 43062



Re: Extension of Conditional use Application CU-18-001  
Pataskala Oaks Care Center

Mr. Fulton,

We are requesting an extension of conditional use application CU-18-001 pursuant to 1215.09 of the Pataskala Code. This is for property located at 144 E Broad Street known as Pataskala Oaks Care Center.

The original project schedule changed in order to evaluate general contractors. Having the general contractor on board early will give the project the best chance for success.

Feel free to call if any questions  
614-389-0783

Benjamin H Payne, AIA  
Project Manager  
M+A Architects



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

March 13, 2018

#### Conditional Use Application CU-18-001

<b>Applicant:</b>	Ben Payne, M+A Architects
<b>Owner:</b>	NCM Realty Co.
<b>Location:</b>	144 East Broad Street
<b>Acreage:</b>	4.45 acres, 1.94 acres, 0.5 acres, & 0.15 acres – 7.04 Total Acres
<b>Zoning:</b>	PRO – Professional Research Office
<b>Request:</b>	Requesting approval of a conditional use pursuant to Section 1243.04(1) of the Pataskala Code to allow for the properties to be used as a nursing home.

#### Description of the Request:

The applicant is seeking a conditional use to allow for the construction of an additional nursing home for the Pataskala Oaks Care Center.

#### Staff Summary:

The properties currently contain a 1,425-square foot and 1,076-square foot single-family home as well as the 26,720-square foot Pataskala Oaks Care Center building. In 2017, the property was rezoned from R-20 – Medium Density Residential to PRO – Professional Research Office in order to expand the existing nursing facility which is a conditionally-permitted use in a PRO zone district. The applicant is now proposing to expand the facility and construct an attached roughly 17,000 square foot nursing home to the existing building. In addition, the applicant is proposing to construct a roughly 15,000-square foot free-standing nursing home on the abutting property to the west along Hazelton-Etna Road. The existing single-family homes on the proposed lots will be demolished in order to construct the new buildings.

According to the submitted site plan, L3 (one tree per 30 feet with 6-foot high shrubs) or L5 (4-6-foot-high berm with one tree per 30 feet) landscaping standards will be installed along the north and east property lines abutting single-family homes.

#### Staff Review:

*The following review does not constitute recommendations but merely conclusions and suggestions based on the summary*

The future land use map designates the western property along Hazelton-Etna Road as Medium Density Residential (R-20). Staff would question the likelihood of the property being used in that manner in the future. Due to the location at the corner of Broad Street and State Route 310, the property is not well suited for a residential use, particularly single-family. The Pataskala Oaks property is designated as Office which is conforming to the existing use.

Staff would like to note that the Conditional Use Application is the second step out of three in the process to expand the nursing center. The first step was a rezoning recommendation from Planning Commission which was obtained in December of 2016. The third step is for the applicant to get approval of a Transportation Corridor Overlay District (TCOD) application through the Planning Commission for site design such as parking, landscaping, traffic, and setbacks. It is the Board of Zoning Appeal’s responsibility to determine if the proposed use is suitable for the location. Site design specifics will be addressed at the TCOD application hearing through Planning Commission. A possible modification has been placed to address this.

Section 1291.16 of the Code lists types of uses with their minimum number of required parking spaces. Nursing facilities and similar uses are required to have 1 parking space for each 4 beds plus 1 per employee on the main shift, or 1 per 500 square feet of floor area – whichever is more restrictive. It is unclear from the site plan how much parking will be available on-site.

The City Engineer has commented that he has no engineering comments at this time, but that an engineering review will be required prior to final approval. A more thorough engineer review will be completed with the required TCOD application.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-20 – Medium Density Residential	Single-Family Home
East	PRO – Professional Research Office & R-20 – Medium Density Residential	Nursing Home Single Family Home
South	PRO – Professional Research Office	Single-Family Home
West	Agriculture	Gold Course

**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-18-001:

A – Protection of Surrounding Properties and Neighborhoods

4. *Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.*

**Department and Agency Review**

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

**Supplementary Conditions:**

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

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to operating the facility.
2. The applicant shall be approved for a Transportation Corridor Overlay District application prior to operating the facility.

**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 1243.04(1) of the Pataskala Code for application CU-18-001 (“with the following supplementary conditions” if supplementary conditions are to be placed on the approval).”

March 15, 2018

Ben Payne c/o M&A Architects  
775 Yard Street, Suite 325  
Columbus, Ohio 43212



*Planning and Zoning  
Department*

RE: CU-18-001

Dear Mr. Payne

Your request was given a public hearing by the Board of Zoning Appeals on March 13, 2018.

The enclosed Findings of Fact shall serve as official notification and outline the reasoning behind the Board of Zoning Appeal's decision.

Prior to an activity occurring on site related to this matter, a zoning certificate is required in accordance with Chapter 1209 of the Pataskala Code. Furthermore, be advised that a 30-day appeal period, from the date this letter was mailed, will be in effect wherein no activity related to this matter should occur on site. The City of Pataskala will notify you if an appeal is filed.

Please contact the Licking County Building Code Department at 740-349-6671 for any building permits they may require.

Should you have any questions, please feel free to contact me by phone at 740-927-4910, or email at [lpaxton@ci.pataskala.oh.us](mailto:lpaxton@ci.pataskala.oh.us).

Sincerely,



Lisa Paxton  
Zoning Clerk

Enclosure

cc: File

NCM Realty  
Zoning Inspector





## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### FINDINGS OF FACT

#### Conditional Use

Hearing Date: March 13, 2018

Application Number: CU-18-001

#### Findings:

Pursuant to Section 1215.04(A) of the Pataskala Code, the Board of Zoning Appeals (BZA) considered the following factors when determining whether the conditional use you requested should be approved, approved with supplementary conditions, or disapproved. Consistent with the BZA's discussions and deliberations during the public hearing, and as set forth in the hearing minutes, the BZA finds as follows:

#### Yes   No

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. <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 the application.</i>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. <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>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. <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>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. <i>Will not be hazardous or disturbing to existing or future neighboring uses.</i>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. <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> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. <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>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. <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 limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.</i>                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. <i>Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.</i>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. <i>Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.</i>   |

**Decision:**

Having considered all the evidence and testimony presented at the public hearing, the Board of Zoning Appeals:

- Disapproves your request
- Approves your request
- Approves your request with the following supplementary conditions:

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to operating the facility.
2. The applicant shall be approved for a Transportation Corridor Overlay District | application prior to operating the facility.

For purposes of further appeal by any party aggrieved by this Decision, the decision of the Board of Zoning Appeals shall be deemed final upon transmission by the Zoning Clerk by ordinary mail service.