



CITY OF PATASKALA

ORDINANCE 2016-4261

Passed May 16, 2016

AN ORDINANCE TO GRANT AN EXTENSION OF AN EXPIRED PLANNED DEVELOPMENT DISTRICT (PDD) FOR THE BROAD AT SUMMIT STREET DEVELOPMENT

WHEREAS, The City of Pataskala approved a rezoning request from the GB zoning classification to the Planned Development District (PDD) zoning classification for the Broad at Summit Street development (Attachment A) by ordinance number 2013-4156 on September 16, 2013; and

WHEREAS, The Planned Development District (PDD) expired pursuant to the criteria in Section 1255.13(b)(13) of the Pataskala Code; and

WHEREAS, Section 1255.13(b)(13)(D) of the Pataskala Code allows City Council to grant an extension to an expired Planned Development District for good cause if shown. A request for time extension shall be made in writing to City Council stating the good cause for the delay and plans for resumption of the project; and

WHEREAS, Connie Klema, attorney for the owners of the Broad at Summit Development, submitted an email dated April 5, 2016 (Attachment B) requesting an extension for the expired Planned Development District (PDD).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING, THAT:

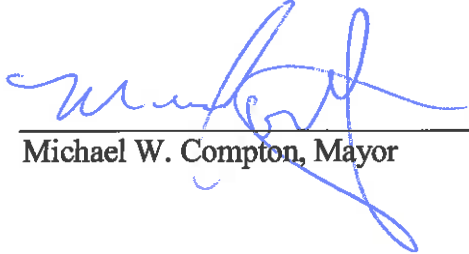
Section 1: The Planned Development District (PDD) for the Broad at Summit Development in the City of Pataskala, Ohio is hereby extended for a period of 36 months from the date of when this Ordinance becomes effective.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

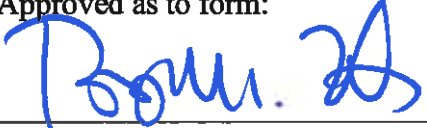
Section 3: This Ordinance shall become effective from and after the earliest period allowed by the Charter of the City of Pataskala.

ATTEST:


Kathy M. Hoskinson, Clerk of Council


Michael W. Compton, Mayor

Approved as to form:


Brian M. Zets, Law Director

ATTACHMENT A

APPLICATION FOR REZONING CHANGE

ATTACHMENT

SUMMIT & BROAD STREET

PARCEL NOS: 063-141960-00.000, 063-141048-01.000, 063-141048-00.000

1. Name of Applicant:

**Connie J. Klema, Attorney
P.O. Box 991
Pataskala, Ohio 43062
(614) 469-9122
cklema@rrohio.com**

2. Name of Property Owners:

**1. Coughlin Investments LTD (063-141960-00.000)
P.O. Box 1474
Pataskala, Ohio 43062**

**2. AP Jackson Properties LLC (063-141048-01.000)
P.O. Box 1474
Pataskala, Ohio 43062**

**3. RP Investments LLC (063-141048-00.000)
P.O. Box 4409
Summit Station, Ohio 43073**

3. Address/Location of Properties:

>063-141960-00.000: 14163 E. Broad Street, Pataskala, Ohio 43062 (SE corner of Broad & Summit)

>063-141048-01.000: Broad Street, Pataskala, Ohio (NE corner of Broad & Summit)

>063-141048-00.000: Broad Street, Pataskala, Ohio (NE corner of Broad & Summit)

4. Legal Descriptions of Properties

See Attached

5. Existing Zoning District:

General Business (GB)

6. Proposed Zoning District:

Planned Development District

7. Existing Use of Properties:

>063-141960-00.000: 14163 E. Broad Street, Pataskala, Ohio (SE corner of Broad & Summit)

Existing restaurant building and accessory buildings; presently vacant

>063-141048-01.000: Broad Street, Pataskala, Ohio (NE corner of Broad & Summit)

Vacant Land

>063-141048-00.000: Broad Street, Pataskala, Ohio (NE corner of Broad & Summit)

Existing house structure; presently vacant

8. Proposed Use of Properties:

063-141960-00.000: 14163 E. Broad Street, Pataskala, Ohio (SE corner of Broad & Summit):

Commercial-Business

063-141048-01.000: Broad Street, Pataskala, Ohio and 063-141048-00.000: Broad Street, Pataskala, Ohio (NE corner of Broad & Summit):

Commercial-Business (properties joined to form development plan)

9. Are there any amendments to text or legal description of the property affected and any deed restrictions for the property?

The proposed PDD is designed to create a commercial-business center at the crossroads of Broad and Summit (the NE and SE corner of Broad and Summit) with both the north and south areas reflecting the same setbacks and building types. The plan resembles the "small town" design where buildings and green space line the sidewalks—not parking lots. Parking is to be located in the rear.

No zoning "text" other than the GB district requirements exist on the properties at this time. The only legal description being affected by the rezoning will be the joining of the two north parcels to create one development plan for the north side. No restrictions exist on the properties that will deter the proposed rezoning plan.

We are requesting to rezone the subject properties under the "Planned Development District" ("PDD")(Chapter 1255) which requires provision of the following documents under the following procedure:

This application for rezoning to a PDD is submitted according to the basic hearing and notification processes of Chapter 1217 ("Amendments") with the exception that only the requirements for submission outlined in the PDD Chapter 1255.17 apply ("Contents of Zoning Amendment Application with Preliminary Development Plan"). In addition, there is submitted a Preliminary Development Plan for the total development (north and south parcels), Development Standards Text and supporting documentation as required. (Chapter 1255.13)

10. Vicinity Map: SEE ATTACHED

11. Site Maps and Diagrams: SEE ATTACHED

12. Statement on the ways in which the proposed amendment relates to and is consistent with the Comprehensive Plan:

The proposed PDD "uses" are consistent with the uses designated by the Comprehensive Plan. According to the Comprehensive Plan, in Summit Station "[t]he area along Broad Street is ... a prime business location for the western portion of Pataskala. Broad Street provides access and visibility needed for commercial, office and industrial development." P.62

In regard to traffic planning, the Comprehensive Plan states that adequate room for the expansion of Broad Street should be provided. The proposed PDD plan provides dedication of additional right of way on the north and south parcels resulting in a right of way of 150' (being a dedication of land from both the north and south parcels of 75' from the centerline, totaling a 150' right of way). It should be noted that the proposed 150' dedication of right of way satisfies the TCOD's required dedication of right or way, which is 150'.

In addition to the right of way, the setbacks from the edge of right of way will be 30', totaling a minimum setback of 105' from the centerline of Broad Street. While the Comprehensive Plan suggests a setback of 120' from the centerline, this PDD plan provides

for parking to be located at the rear of the buildings and not at the frontage which would require a larger setback such as the suggested 120'.

In regard to access and business/building plans, the Comprehensive Plan suggests that "business along State Route 16 needs to be clustered and driveways consolidated to minimize interruptions in the traffic flow." P.74 The proposed PDD plan provides for businesses/buildings to be clustered in a defined-uniform area along Broad Street and driveways and parking areas to be consolidated to serve all the businesses/buildings located on the site.

13. The name and address of all property owners within 200 feet, or two (2) parcels from the property lines, contiguous to, and directly across the street from the parcels proposed to be rezoned.

SEE ATTACHED

14. A written statement as to how the proposed zoning change will impact adjacent and proximate properties.

The parcels today are zoned for commercial uses but have no shared or uniform access plan, no shared or uniform dedication of right of way, no shared or uniform parking area, and no uniform architectural requirements. Each parcel, if developed today without being rezoned to the proposed PDD, would be developed "piecemeal", each with its own parking, access, and architectural plans. The proposed PDD plan will provide shared and uniform access, shared and uniform right of way along the parcels and at the cross roads of Summit and Broad, shared and uniform parking areas, and uniform architectural qualities. The proposed crossroad development plan will bring a positive impact to the adjacent and proximate properties.

DEVELOPMENT STANDARDS TEXT

BROAD AT SUMMIT STREET

PARCEL NOS: 063-141960-00.000, 063-141048-01.000, 063-141048-00.000

All 3 parcels being referred to herein as the "*Broad at Summit*" developments which include the "North Site" (063-141960-00.000) and the "South Site" (063-141048-01.000, 063-141048-00.000)

LIST OF USES FOR BROAD AT SUMMIT:

PERMITTED USES:

- 1. medical or medical related offices or clinics**
- 2. law offices**
- 3. insurance and real estate offices**
- 4. banks and finance establishments**
- 5. utility company offices**
- 6. research facilities and/or laboratories**
- 7. governmental offices**
- 8. planning, architect, or engineering offices, but excluding outside storage**
- 9. professional offices**
- 10. veterinary offices and clinics but excluding facilities for outside boarding or exercising of animals**
- 11. theaters**
- 12. daycare facilities**
- 13. institutions**
- 14. restaurants without entertainment or drive-thru facilities**
- 15. public and private schools**
- 16. public parks and playgrounds**
- 17. religious institutions**
- 18. auto and/or farm implement sales**
- 19. trade or commercial schools**
- 20. wholesale stores, businesses or warehousing when no processing, fabrication or assembly is involved if conducted entirely in an enclosed building**
- 21. public garages**
- 22. building trade equipment material sales including but not limited to concrete, electrical, masonry, sheet metal, plumbing, heating, and other building supplies, if conducted in an entirely enclosed building when no processing, fabrication or assembly is involved**
- 23. furniture and appliance stores and repair**
- 24. motion picture or recording studios**
- 25. grocery stores**

26. gas service station [only one (1) gas service station is permitted at the Broad at Summit developments]
27. motor vehicle garage for the repair and servicing of vehicles, provided all operations are conducted within a fully enclosed building and there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises
28. outlet and discount stores
29. supermarkets/department stores provided that the facilities do not create undue traffic congestion
30. welding shops
31. local retail business or service supplying commodities or performing services primarily for residents of a local community
32. nurseries
33. antique stores
34. libraries, museums, art galleries
35. funeral homes provided there are no cremation facilities on the premises
36. auto accessory stores provided there is no outside storage
37. contractor's office provided there is not outside storage of construction vehicles, equipment, or materials on the premises
38. pet shop, provided all animals are housed with the principal buildings
39. lodge and fraternal organizations
40. beer, wine and liquor stores
41. watercraft and/or recreational vehicle storage
42. NAICS permitted uses in GB, LB, and PRO
43. accessory uses and structures

CONDITIONAL USES:

1. nursing homes
2. hospitals
3. storage facilities
4. drive-thru facilities (not including a gasoline service station, which is a permitted use)
5. public or private commercial swimming pool
6. vehicle car wash
7. NAICS conditional uses in GB, LB, and PRO

(Where the Zoning Code lists requirements of particular "uses" to be accommodated on the "premises", a parcel in the Broad at Summit development shall be considered the "premises" and the access, parking and amenities serving said parcel in the Broad at Summit development shall be considered part of said "premises", regardless of whether said access, parking and amenities are located on said parcel.)

PRELIMINARY DEVELOPMENT PLAN

The Plan:

The “Plan” delineates the “North Site” and the “South Site” and their:

- Boundaries, dimensions and acreages;**
- Existing and to-be dedicated right of ways;**
- Access points and easements;**
- Existing topography and drainage patterns and storm retention area;**
- Location of proposed building areas (“Building Envelope”);**
- Location of proposed public areas/open spaces; and**
- Proposed internal drives and parking areas.**

The Plan permits one or more buildings and associated parking to be developed in the Building Envelopes. The number of parking spaces required for each building/use will be accommodated in the Building Envelope as required by Chapter 1291 of the Zoning Code, unless altered by a variance. The North Site and the South Site may be divided into separate parcels for purposes of private ownership of each developed building. In the event of such division, the benefits and burdens associated with the Plan from which the parcel is split shall run with the parcel and each divided parcel shall retain the benefits and assume the burdens accommodated in the respective Plan (access, open spaces, parking, right of way dedication, storm water retention, and the fees and obligations associated with each).

Architecture:

The Building Envelopes, as delineated on the preliminary development plan, will be developed with one or more buildings that are one-story. Not less than 75% of all exterior solid wall areas (excluding glass and door areas) of each building will be finished with brick, stone, wood, stucco, lap masonry siding, faux masonry materials, or a mixture of some or all of said materials. The building design will incorporate architectural features that screen all mechanicals located on the roof from street level views.

Landscaping:

Landscaping will be in accordance with the “L2” requirements of Chapter 1283.

Maintenance of landscaped areas will be the ongoing responsibility of the property owners. Required landscaping shall be continuously maintained in a healthy manner. Required landscaping that dies must be replaced in kind.

Landscaped areas shall be sufficiently watered to ensure that plants will become established. The watering system need not be permanent if the plants can survive adequately on their own once established.

Dumpsters:

Each dumpster enclosure shall be constructed of materials that match the colors and exterior finish of the building it serves. Gates on the enclosure shall be constructed of fence planks composed of synthetic/recycled/weather durable materials (not treated wood) that coordinate in color with the enclosure.

Signage:

The signage design shall be uniform on the North Site and South Site as shall be approved by the Planning and Zoning Commission.

All freestanding signs shall have matching bases and be constructed of the same materials regardless of their height and size, unless permitted otherwise by variance. All freestanding signs may be devoted to indentifying the building user(s), the building name, or a combination thereof.

Lighting:

Parking lot lighting shall consist of full cut-down fixtures for purposes of minimizing glare and light beams.

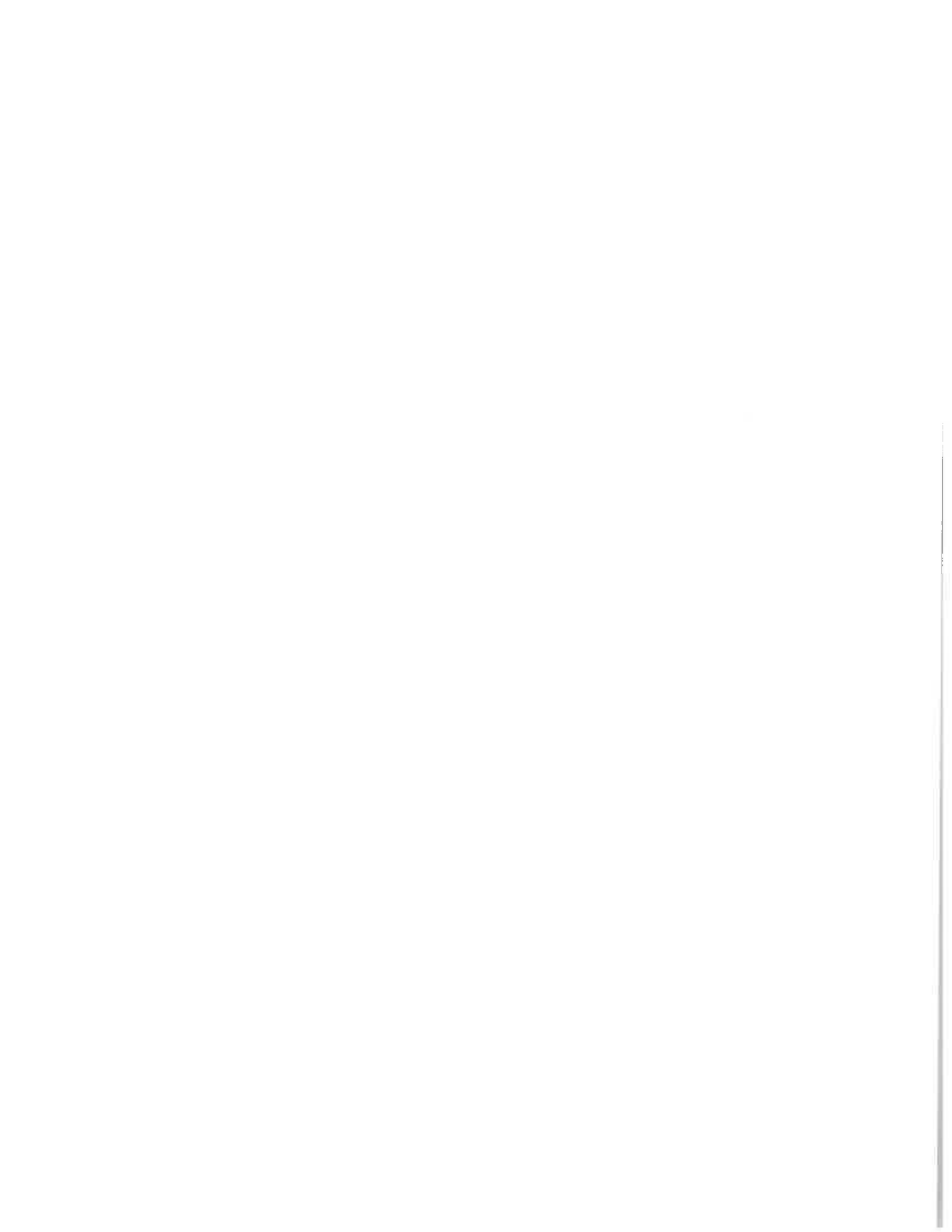
Maintenance of Common Facilities & Amenities:

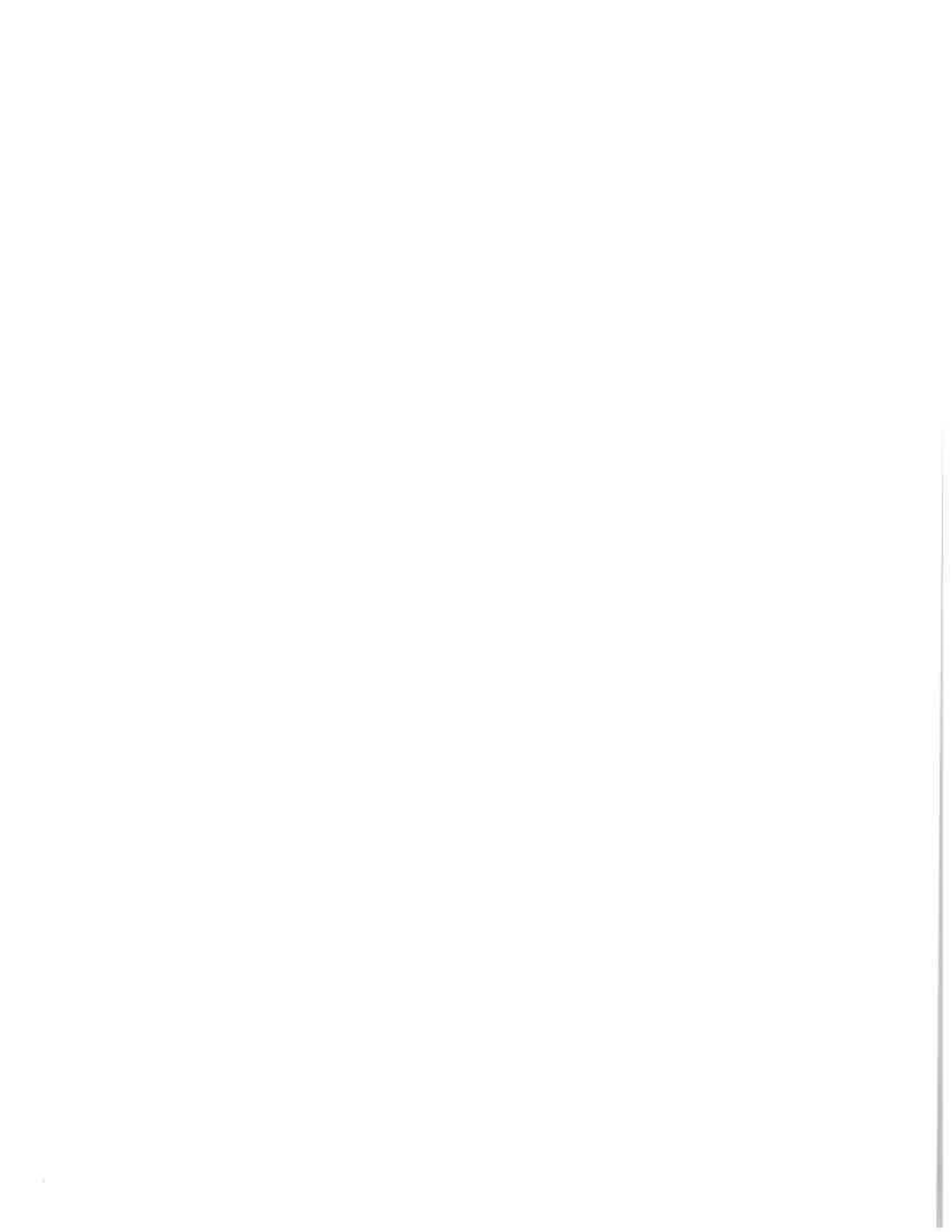
Provisions shall be made to establish private organizations which members shall be the owners of the North Site and South Site or portions of the same. The organizations shall provide for the operation and maintenance of all common facilities and amenities that are part of the North Site and South Site. The organizations shall be self-perpetuating. :

APPLICANT:

Connie J. Klema, Attorney

Date





ATTACHMENT B

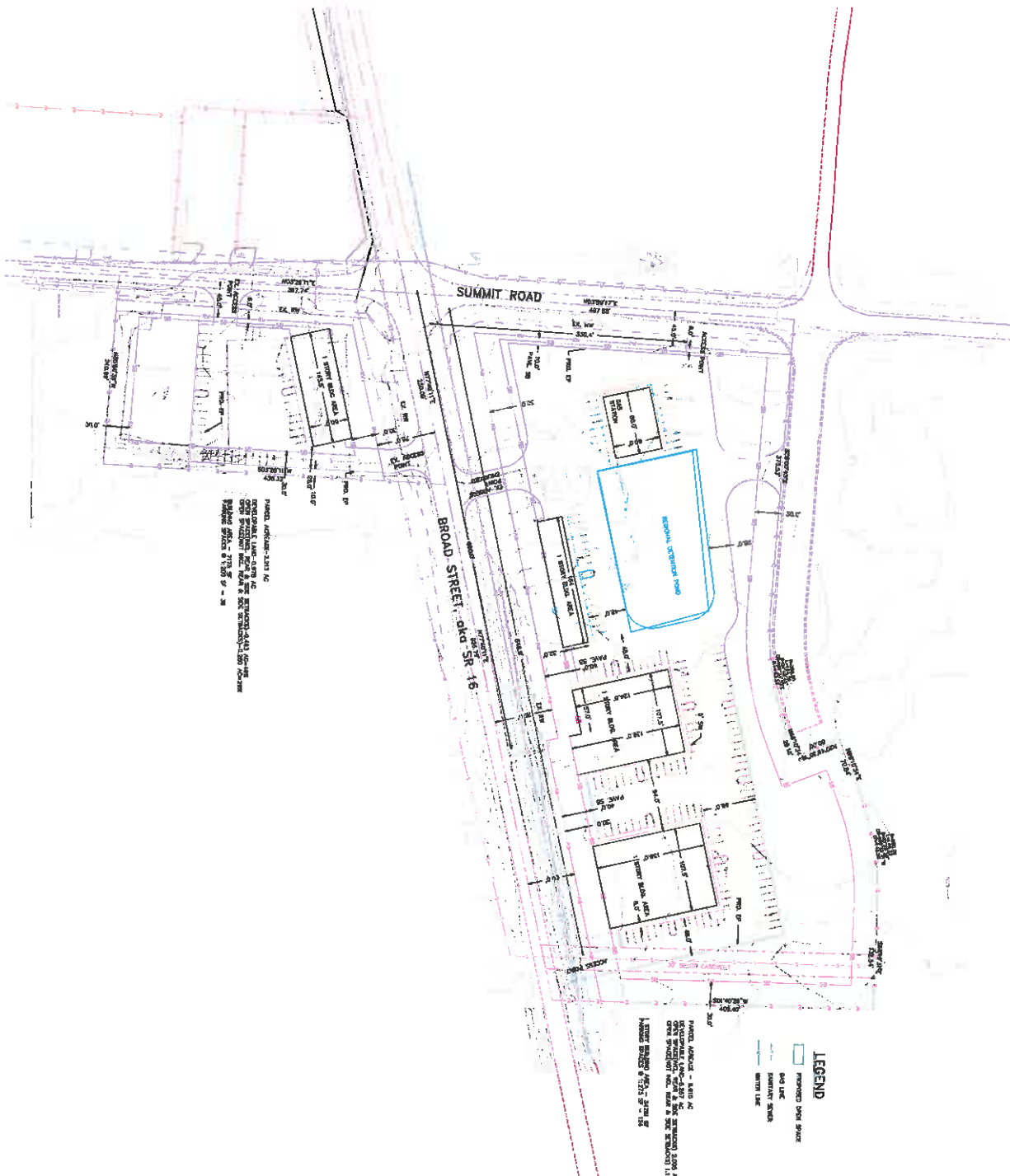
From: [Connie Klema](#)
To: [Scott Fulton](#)
Subject: Request for Extension to approved PDD
Date: Tuesday, April 05, 2016 12:24:42 PM
Attachments: [DEVELOPMENT STANDARDS TEXT FINAL 9 3 13.docx](#)
[APPLICATION FOR REZONING ATTACHMENT.docx](#)
[BroadandSummit Concept Plan2 6 16 13.pdf](#)
[Broad and Summit Site Plan Revised 4 1 14.pdf](#)

Scott: This is a request to extend the PDD zoning that was approved on September 16, 2013 for the properties on the NE and SE corner of Broad and Summit Street. Attached is the plan and text that was approved. The site plan was revised when it was reviewed and approved for the Final Plan, which is also attached. The revised plan was to accommodate the Summit Street access on site and not through the school property.

Thanks,

Connie J. Klema, Attorney
(614) 374-8488

NOTE: NEW EMAIL ADDRESS: cklemaattorney@gmail.com



ISSUED FOR BOOKING	
APPROVALS	
APPROVAL NO.	ISSUED BY
APPROVAL DATE	

ISSUED FOR CONSTRUCTION	
REVISIONS	
REV. NO.	DESCRIPTION

RECORD DRAWING	

DATE	BY	DESCRIPTION

CONCRETE PROPERTIES
BROADWAY STREET
CONCRETE PLANS

SCALE: 1" = 40'
 SHEET 6/10/10