



## CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

### STAFF REPORT

November 6, 2019

#### Final Plan Application FP-19-005

<b>Applicant:</b>	Pataskala Retail, LLC
<b>Owner:</b>	Pataskala Retail, LLC
<b>Location:</b>	7200-7256 Hazelton-Etna Road
<b>Acreage:</b>	5.79-acres
<b>Zoning:</b>	PDD – Planned Development District
<b>Request:</b>	Requesting approval of an Amended Final Plan for the retail portion of Heritage Town Center pursuant to Section 1255.20 of the Pataskala Code

#### Description of the Request:

The applicant is requesting to amend the Final Plan to allow for “tap rooms with on-site brewing” and the potential installation of a patio in Subarea D.

#### Staff Summary:

The property was rezoned in 2003 to the Planned Development District by the original developer. In 2017, Pataskala Retail acquired the property and amended the Final Development Plan. As part of that amendment the development text for the commercial portion of the property (Subarea D) allowed both the permitted and conditionally permitted uses of the GB – General Business district.

The applicant is looking to amend the development text to add “tap rooms with on-site brewing”. Drinking Places (NAICS 722410) is not a permitted use in the GB – General Business district. The applicant wanted to limit the use to just tap rooms with on-site brewing so as to not permit other uses under the NAICS 722410 umbrella such as bars, taverns and night clubs.

The applicant is also seeking to amend the Final Plan to allow for the potential installation of a patio on the northern side of the commercial building that fronts on Hazelton-Etna Road. The Final Plan amendment is necessary because the patio was not shown on the previously amended Final Plan.

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

#### Planning and Zoning Staff:

The Planning and Zoning Department has no concerns with the proposed request.

Other Departments and Agencies:

The Utility Department stated that a backflow prevention device would be required for all food and beverage processing facilities. Full comments are attached.

**Surrounding Area:**

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	LB – Local Business	Vacant
East	PDD – Planned Development District	Farm Land
South	PDD – Planned Development District	Nursing Home
West	PDD – Planned Development District	Vacant

**Final Development Plan Approval:**

According to Section 1255.20 of the Pataskala Code, the Planning and Zoning Commission shall consider approval of a final development plan if the proposal:

- a. The Final Development Plan conforms in all pertinent respects to the approved Preliminary Development Plan, provided that the Planning and Zoning Commission may authorize plans amended as specified in Section 1255.14.
- b. That the proposed development advances the general health and safety of the City of Pataskala.
- c. That the Planning and Zoning Commission is satisfied that the developer has provided sufficient guarantees or demonstrates possession of the requisite financial resources to complete the project.
- d. That the interior road system, proposed parking, and any off-site improvements are suitable, safe, and adequate to carry anticipated vehicular and pedestrian traffic generated by and within the proposed development and to adjacent property.
- e. The development has adequate public services and open spaces.
- f. The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with any applicable regulations.
- g. The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity.
- h. Signs, as shown on the submitted sign plan, will be of a coordinated effect throughout the planned district, and with adjacent development; are of appropriate size, scale, design, and relationship with principal buildings the site and surroundings, so as to maintain safe and orderly pedestrian and vehicular circulation.
- i. The landscape plan adequately enhances the principal buildings and site; maintains existing trees

to the extent possible; buffers adjacent incompatible uses; breaks up large expanses of pavement with natural materials; and utilizes appropriate plant selections of the buildings, site and climate.

- j. That the existing and proposed utilities, including water and sewer service, and drainage will be adequate for the population densities and nonresidential uses proposed in the Planned Development District and complies with applicable regulations established by the City or any other governmental entity which may have jurisdiction over such matters.
- k. Phases of projects are planned so that these conditions are complied with to meet the needs of that phase upon its completion.
- l. That any other items shown in the final development plan or in the accompanying text be addressed to the Planning and Zoning Commission's satisfaction.

#### **Department and Agency Review**

- Zoning Inspector – No comments
- Public Service Director – No Comments
- City Engineer – No comments
- Utility Director – See Attached
- Police Department – No Comments
- West Licking Joint Fire District – No comments
- Southwest Licking Local Schools – No comments

#### **Modifications:**

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

1. The Applicant shall provide a revised development text and plan pages reflecting the final plan amendments.

#### **Resolution:**

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

"I move to approve an amendment to the Final Plan for application FP-19-005 pursuant to Section 1255.14(d) of the Pataskala Code ("with the following modifications" if modifications are to be placed on the approval).

**From:** [Chris Sharrock](#)  
**To:** [Jack Kuntzman](#)  
**Subject:** Review Memo 10-9-19  
**Date:** Thursday, October 10, 2019 1:03:49 PM

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Jack,

Below are my comments for the review memo from 10-9-19:

**FP-19-005-** The Utility Department will require a certified, testable backflow prevention device to be installed on the water service line, after the water meter, for all food and beverage processing facilities.

Thank you,

Chris Sharrock  
Pataskala Utility Director  
430 South Main Street  
csharrock@ci.pataskala.oh.us  
Office: (740) 927-4134  
Cell: (614) 554-2799

***“The soldier is the Army. No army is better than its soldiers.”*** – Gen George Patton



# CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

## FINAL PLAN APPLICATION

(Pataskala Codified Ordinances Chapter 1113)

Property Information	
Address: 7200 - 7256 Hazelton-Etna Rd., Pataskala, OH 43062	
Parcel Number: 064-152712-00.003	
Zoning: PDD	Acres: 5.79 (retail only)
Water Supply:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Staff Use
Application Number: <b>FP-19-005</b>
Fee: <b>500</b>
Filing Date: <b>10-4-19</b>
Hearing Date: <b>11-6-19</b>
Receipt Number: <b>22005</b>

Applicant Information		
Name: Pataskala Retail, LLC		
Address: 250 W. Old Wilson Bridge Rd., Suite 140		
City: Worthington	State: OH	Zip: 43085
Phone: 614-340-1050	Email: jonathan@wilcoxcommunities.com	

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Final Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Address List
<input checked="" type="checkbox"/> Area Map

Owner Information		
Name: Same		
Address: Same		
City:	State:	Zip:
Phone: Same	Email: Same	

Final Plan Information
Describe the Project: An approximately 5.79-acre retail portion of the larger Pataskala Town Center (renamed Heritage Town Center) planned development district. The retail sub-area is referred to as sub-area 'D'.

## Documents to Submit

**Final Plan Application:** Submit 1 copy of the final plan application.

**Final Plan:** Submit 14 copies of the final plan on sheets 24 x 36 inches in size **and an electronic copy (CD, USB)** containing the following:

- a) *Proposed name of the subdivision, location by section, range, township or other officially recognized survey number, date, north arrow, scale and acreage.*
- b) *Name and address of the owner and subdivider, State of Ohio registered professional engineer, and/or surveyor who prepared the plan, and their appropriate registration numbers and seals.*
- c) *Plan boundaries, based on accurate traverse, with angular and lineal dimensions. All dimensions, both linear and angular shall be determined by an accurate control survey in the field which must balance close, within the limit of one (1) in 10,000.*
- d) *Bearing and distances to nearest established street lines, or other recorded permanent monuments.*
- e) *Exact locations, right-of-way, names of all streets within and adjoining the plat, and the building setback lines.*
- f) *Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, and lengths of bearings and chords of all applicable streets within the plat area.*
- g) *All easements and right-of-way provided for public or private services and/or utilities.*
- h) *All lot numbers and lines with accurate dimensions in feet and hundredths. When lots are located on a curve, the lot width at the building setback line shall be shown.*
- i) *Accurate location and description of all monuments.*
- j) *Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.*
- k) *A copy of any restrictions and covenants the subdivider intends to include in the deeds to the lots in the subdivision.*
- l) *Certification by a State of Ohio registered surveyor to the effect that the plan represents a survey made by him, that the monuments shown thereon exist as located, and that all dimensional details are correct.*
- m) *Typical sections and complete profiles of streets and other related improvements to be constructed in the proposed subdivision.*
- n) *The location of, and a description of all monuments and pins as specified in Section 1121.04.*
- o) *If a zoning change is involved, certification from the City Zoning Inspector shall be required indicating that the change has been approved and is in effect.*
- p) *Certification shall be required showing that all required improvements have been installed and approved by the proper City officials and/or other agencies, or the required bond or other surety is in effect assuring installation and initial one (1) year minimum maintenance of the required improvements (Section 1113.18(d)).*

**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at [www.lcounty.com/rec](http://www.lcounty.com/rec).

**Address List:** Submit one copy of a list of all property owners and addresses of those owning property within 200 feet or two parcels from any point on the subject property line, whichever creates more property owners. This list must be in accordance with the Licking County Auditor's current tax list and must be submitted on mailing labels.

**Area Map:** Submit 14 copies of an area map from the Licking County Engineer's office showing the area encompassed by the address list. Area maps can be obtained at [www.lcounty.com/taxparcelviewer/default](http://www.lcounty.com/taxparcelviewer/default).

## 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 final plan request.

Applicant:

*James A. Whi*

Date:

10-4-19

Owner:

*James A. Whi*

Date:

10-4-19

a total of 344 parking spaces and the single-family development will include a total of 196 parking spaces.

## 6. Signage

Signage throughout the neighborhood will be architecturally compatible with the buildings and will maintain a consistent and professional appearance with the overall development.

## 7. Landscaping

Each condominium building will be professionally landscaped as shown on the attached landscape exhibits. Typical building planting plans have been provided. A total of twelve 6-7' spruce trees will be planted along the border of sub-area D to provide some visual screening. L-4 landscape screening per Section 1283.06 will be installed along the boundary with the Pataskala Ridge subdivision to the north, as shown in the overall landscape plan (see exhibit). Finally, a series of landscape beds and 2" caliper trees will be planted along the sub-area's frontage on Emswiler Way, which will maintain a quality appearance but won't create a negative separation between the subareas.

## SUB-AREA D (Retail)

### 1. General Standards

Sub-Area Gross Acreage:	6.55 Acres
Building Setbacks:	36' to Parking / 43' to Building / 25' to Rear & Perimeter
Open Space Area:	0.7 Acres
Net Density:	Maximum of 10,000 sq. ft. per acre

### 2. Permitted & Conditional Uses

All uses permitted in the GB district including, but not limited to, restaurants without entertainment, public & private schools, public parks & playgrounds, governmental buildings, theaters, religious institutions, auto and/or farm implement sales, trade or commercial schools, wholesale business or warehousing when no processing, fabrication, or assembly is involved if conducted entirely in an enclosed building, public garages, building trade equipment material sales if conducted in an entirely enclosed building, furniture and appliance stores and repair, motion picture or

recording studios, grocery stores, accessory buildings and structures and their related uses.

Additional permitted uses are neighborhood or community recreational facilities, clinic and daycare facilities, public and private commercial swimming pools, funeral home providing there are no cremation facilities on the premises, auto accessory store provided there is no outside storage, auto service and gas stations to be excluded (see chapter 1281 of City of Pataskala Zoning Code), contractors office without exterior on-site storage, pet shop provided that all animals are housed within the principle buildings, veterinarian clinic, lodge and fraternal organizations, medical or medical-related office or clinic, law offices, insurance and real estate offices, bank and financial institutions, utility company offices, planning architecture and engineering offices, and other professional offices, **tap rooms with on-site brewing** and accessory uses.

All conditional uses permitted in the GB district shall also be permitted.

### **3. Building, Setback & Height Restrictions**

A third commercial building may be constructed on the vacant lot in the sub-area, or alternatively two smaller buildings may be constructed. The maximum height of the building(s) shall be 35'.

### **4. Architectural & Design Standards**

The new building(s) shall be consistent with the architectural style and exterior elevations of the existing retail buildings in the sub-area. Wall finish materials will be a combination of brick in earth tone colors, natural or cultured stone, precast concrete with the appearance of a traditional limestone wall, wood or cement fiber siding, and stucco or EIFS.

Wall surface can consist of a maximum of 85% stucco or EIFS, excluding glass. Siding should be traditional profiles such as 4" horizontal beveled. Siding surfaces may not be more than 25% of any wall surface, and use of siding is not acceptable within 3 feet of the ground. All walls should be natural colors.

Roofs visible from a public street level view will have natural or simulated slate or tile, wood shakes, dimensional 30-year shingles, standing seam panels, or copper. Roofs not visible from a public street level view may have single-ply membrane roof systems. Sloped roofs are required on all buildings 15-feet or lower.



Taxes Due July 17th

Map

- BOR
- Card
- CAUV
- Documents
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- Pictometry
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- Street View
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- Taxes
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Parcel #

Trouble Searching?



064-152712-00-011

**PATASKALA RETAIL LLC**  
7200-7256 HAZELTON-  
ETNA RD  
PATASKALA, OH 43062

Acres: 5.79  
\$195,000.00

Land: \$338,300  
Improv: \$305,200  
Total: \$643,500

Sale Date: 01/28/2018  
Amount: \$0  
Conveyance: 90000  
Valid Sale: No

Homestead: No  
Owner Occ: No

Foreclosure: No  
Certified Delq: No  
On Contract: No



201703200005678  
 Pgs: 4 \$84.00 T20170006414  
 03/20/2017 3:43PM BXITITLE SEARC  
 Bryan A Long  
 Licking County Recorder

TRANSFERRED  
 Date March 20, 2017  
*Michael L. Smith*  
 Licking County Auditor  
 SEC. 319.202 COMPLIED WITH  
 MICHAEL L. SMITH, AUDITOR  
 BY: *KAE* *Ek-M*

DESCRIPTION APPROVED  
 JARED N. KNERR  
 LICKING COUNTY ENGINEER  
 APPROVED BY  
 3-20-17 *JK*



0115PA00800000011300

17-14876A  
 General Warranty Deed By A Limited Liability Company

6.155

GENERAL WARRANTY DEED

TITLE SEARCH SERVICES BOX

WILCOX INVESTMENT GROUP, LLC, a limited liability company organized and existing under the laws of the State of Ohio, for valuable consideration paid, grants with general warranty covenants, to PATASKALA RETAIL, LLC, an Ohio limited liability company, whose tax mailing address is 250 Old West Wilson Bridge Road, Suite 140, Worthington, OH 43085, the following REAL PROPERTY:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR PROPER LEGAL DESCRIPTION.

EXCEPT FOR the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and further subject to all coal, oil, gas and other mineral rights and interests previously transferred or reserved of record.

PARCEL NUMBER: 064-152712-00.003 - Prior Instrument: 201703200005676

PROPERTY ADDRESS: 7200 Hazelton-Etna Road, Pataskala, OH 43062

Grantor has caused its name to be subscribed hereto by WILCOX INVESTMENT GROUP, LLC, by James R. Wilcox, Manager, thereunto duly authorized by resolution of its Members, this 19 day of March, 2017.

WILCOX INVESTMENT GROUP, LLC  
 an Ohio limited liability company

By: *James R. Wilcox*  
 James R. Wilcox, Manager

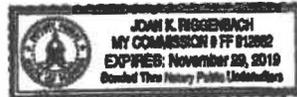
STATE OF FLORIDA, COUNTY OF LEE, ss:

BE IT REMEMBERED, that on this 15 day of March, 2017, before me, the subscriber, a Notary Public in and for said County and State, personally came WILCOX INVESTMENT GROUP, LLC, by James R. Wilcox, Manager, the Grantor in the foregoing deed, and acknowledged the signing thereof to be his/her/its voluntary act and deed, pursuant to authority of its Members.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

  
Notary Public

This Instrument Prepared By: BRUCE H. BURKHOLDER, ESQ.; Isaac, Wiles, Burkholder & Teeter, LLC, 2 Miranova Place, Suite 700, Columbus, Ohio 43215 (614) 221-2121.



**EXHIBIT A**  
**LEGAL DESCRIPTION**

Situated in the City of Pataskala, County of Licking, State of Ohio

SITUATED IN THE STATE OF OHIO, COUNTY OF LICKING, CITY OF PATASKALA, QUARTER TOWNSHIP 4, TOWNSHIP 1, RANGE 15, UNITED STATES MILITARY LANDS, BEING 6.155 ACRES OF LAND OUT OF THAT ORIGINAL 59.644 ACRE TRACT AS DESCRIBED IN A DEED TO PATASKALA TOWN CENTER, LLC, OF RECORD IN INSTRUMENT NO. 200405130017107, ALL REFERENCES HEREIN BEING TO THE RECORDS OF THE RECORDER'S OFFICE, LICKING COUNTY, OHIO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT THE CENTERLINE INTERSECTION OF HAZELTON-ETNA ROAD (WIDTH VARIES) AND EMSWILER WAY (72.00 FEET IN WIDTH) AS SHOWN UPON THE PLAT "HAZELTON-TOWN CENTER RIGHT-OF-WAY AND EASEMENT DEDICATION PLAT" OF RECORD IN INSTRUMENT NO. 200501070000791; THENCE NORTH 75°02'42" WEST, ALONG THE CENTERLINE OF EMSWILER WAY, A DISTANCE OF 611.64 FEET TO A POINT; THENCE NORTH 14°57'18" EAST, A DISTANCE OF 36.00 FEET TO AN IRON PIN SET IN THE NORTHERLY RIGHT-OF-WAY LINE OF EMSWILER WAY AT THE TRUE PLACE OF BEGINNING;

THENCE THROUGH SAID 59.644 ACRE TRACT WITH A NEW DIVISION LINE THE FOLLOWING COURSES:

1. NORTH 14°57'18" EAST, A DISTANCE OF 15.64 FEET TO AN IRON PIN SET AT A POINT OF CURVATURE;
2. WITH THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 546.00 FEET, A CENTRAL ANGLE OF 78°55'18", AN ARC LENGTH OF 733.02 FEET, THE CHORD OF WHICH BEARS NORTH 53°24'57" EAST, A CHORD DISTANCE OF 679.20 FEET TO AN IRON PIN SET;
3. NORTH 14°57'18" EAST, A DISTANCE OF 119.84 FEET TO AN IRON PIN SET IN THE NORTHERLY LINE OF SAID 59.644 ACRE TRACT AND THE SOUTHERLY LINE OF A 0.75 ACRE TRACT DESCRIBED AS PARCEL THREE IN A DEED TO ROBERT G. AND BETTY WILLIS OF RECORD IN DEED VOLUME 826, PAGE 553;

THENCE SOUTH 86°01'01" EAST, ALONG SAID NORTHERLY AND SOUTHERLY LINES, A DISTANCE OF 141.79 FEET TO A 1" O.D. PIPE FOUND IN THE WESTERLY RIGHT-OF-WAY LINE OF HAZELTON-ETNA ROAD;

THENCE SOUTH 14°57'18" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 644.31 FEET TO A 1" O.D. PIPE FOUND AT A POINT OF CURVATURE;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF EMSWILER WAY WITH THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 78.54 FEET, A CHORD WHICH BEARS SOUTH 59°57'18" WEST, A CHORD DISTANCE OF 70.71 FEET TO AN 1" O.D. PIPE FOUND AT A POINT OF TANGENCY;

THENCE NORTH 75°02'42" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 511.64 FEET TO THE TRUE PLACE OF BEGINNING AND CONTAINING 6.155 ACRES OF LAND.

BEARINGS SHOWN HEREON ARE BASED ON NORTH  $75^{\circ}02'42''$  WEST, FOR ENSWILER WAY, AS SHOWN ON THE REFERENCED PLAT "HAZELTON-TOWN CENTER RIGHT-OF-WAY AND EASEMENT DEDICATION PLAT" OF RECORD IN INSTRUMENT NO. 20050107000791.

IRON PINS SET CONSIST OF A 1" (O.D.) IRON PIPE, 30" LONG WITH A PLASTIC CAP INSCRIBED "M-E COMPANIES/S-6872."

Property Address: 0 Hazelton-Etna Road, Pataskala, OH 43062