



# CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

## STAFF REPORT

November 6, 2019

### Rezoning Application ZON-19-007

<b>Applicants:</b>	Countrytyme Land Specialists, LLC
<b>Owner:</b>	Countrytyme Land Specialists, LLC
<b>Location:</b>	10530 Mill Street Road SW, Pataskala, OH 43062
<b>Acreage:</b>	21.42-acres
<b>Zoning:</b>	AG - Agriculture
<b>Request:</b>	Requesting a recommendation of approval pursuant to Section 1217.10 of the Pataskala Code to allow for a rezoning from AG – Agriculture to R-87 Medium-Low Density Residential.

#### Description of the Request:

The applicant is seeking to rezone the property located at 10530 Mill Street Road SW from AG – Agricultural to R-87 – Medium-Low Density Residential for the purpose of splitting the property into six (6) separate lots.

#### Staff Summary:

The 21.42-acre property at 10530 Mill Street Road SW is currently occupied by two accessory structures. One being a 528-square foot garage, and the other being a 3,180-square foot barn. There is also an agricultural silo present. All structures are situated near the middle of the property, with access onto Mill Street Road SW via a gravel entry. Much of the acreage is currently utilized as farmland, with an existing tree stand on the west side of the property surrounding the area where a creek runs through the property from east to west. The creek feeds into the Muddy Fork river, which is adjacent to the subject parcel to the North, on land owned by the Licking Park District. A small portion of the property in the Northwest is in the Floodplain.

The Applicant is proposing that the property be rezoned from AG – Agricultural to R-87 – Medium-Low Density Residential. It is the Applicant’s intention, as stated in the supplied Narrative Statement, to further split the property into residential building lots that will meet the R-87 zoning district minimum standards.

Further stated in the Narrative, the Applicant believes that even though such a rezoning will allow for the area to be developed, it would keep with the rural character of Mill Street and be harmonious in appearance to nearby properties. The Applicant also believes there would be no disturbance or hazard created that could inhibit future uses in the area and that there will be no need for the community to bear any excessive cost now or in the future. The proposed lots will conform to the requirements of the R-87 – Medium-Low Density Residential zoning district,

Following a recommendation by the Planning and Zoning Commission, the application will be considered by City Council for final approval of the rezoning request pursuant to Section 1217.13 of the Pataskala Code.

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

Planning and Zoning Staff:

The Future Land Use Map designates this property as Medium Density Residential. The City of Pataskala Comprehensive Plan (2006) identifies Medium Density Residential as having a density between 20,000-square feet (~0.46-acres) per lot, to 2-acres per lot depending on availability of central water and sewer facilities. The Applicant is proposing six (6) lots, ranging from 2.23-acres to 2.8-acres, with one larger 6.65-acre lot; therefore, the proposed rezoning to R-87 – Medium-Low Density Residential *is not* in line with the Comprehensive Plan, however it is only just slightly below the density outlined by the current plan.

Section 1229.05 details the general requirements of the R-87 – Medium-Low Density Residential zoning district. The minimum lot size is not less than 2-acres (87,120-square feet) and a minimum lot width of 200’ throughout. Based on the concept plan submitted with the application, the Applicant can meet these requirements upon splitting the lots. However, final lot sizes and widths shall be verified by Staff before approval upon the Applicant’s submittal of the lot split applications.

City Engineer

Driveway spacing shall be spaced not less than 200’ from each other per Section 1117.12. Full comments attached.

**Surrounding Area:**

Direction	Zoning	Land Use
North	AG – Agricultural	Muddy Fork River Licking Park District/City owned
East	AG – Agricultural	Single-Family Home Farmland
South	AG – Agricultural	Single-Family Home Farmland
West	AG – Agricultural	Single-Family Home Farmland

**Rezoning Approval:**

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

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Comprehensive Plan and/or this Code.
2. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
8. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

**Department and Agency Review**

- Zoning Inspector – No Comments.
- City Engineer – See Attached.
- Public Service – No Comments.
- Pataskala Utilities – No comments.
- Police Department – No Comments.
- West Licking Joint Fire District – No Comments.
- South West Licking School District – No Comments.

**Modifications:**

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

1. The Applicant shall address comments from the Planning and Zoning Staff, and the City Engineer.

**Resolution:**

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

"I recommend to approve Rezoning Application number ZON-19-007 pursuant to Section 1217.10 of the Pataskala Code. ("with the following modifications" if modifications are to be placed on the approval)."

**From:** [Scott Haines](#)  
**To:** [Jack Kuntzman](#)  
**Cc:** [Alan Haines](#); [Scott Fulton](#); [Jim Roberts](#)  
**Subject:** November PZC Agenda  
**Date:** Monday, October 28, 2019 6:08:55 PM

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Jack

Hull and Associates has reviewed the agenda items for the November 6, 2019 PZC Meeting and we offer the following comments:

ZON-19-003

1. We have no additional engineering comments on this application. The comments sent on August 25<sup>th</sup> would still apply.

ZON-19-007

1. Driveway Spacing shall be spaced not less than 200' from each other per section 1117.12.

REP-19-002

1. We have no engineering related comments on this application

FP-19-005

1. We have no engineering related comments on this application

ZON-19-006

1. We have no engineering related comments on this application

Thanks

**Scott R. Haines, P.E., CPESC**

Senior Project Manager

**HULL** | Newark, Ohio

Environment / Energy / Infrastructure

o: 740-344-5451 | f: 614-973-9070

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[web](#) | [directions to offices](#)



# CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

## REZONING APPLICATION

(Pataskala Codified Ordinances Chapter 1217)

<b>Property Information</b>		
Address: Mill St 10530 Mill St Road		
Parcel Number: 064-152880-00.000		
Current Zoning: Ag	Proposed Zoning: R87	Acres: 21.42
Water Supply:		
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input checked="" type="checkbox"/> On Site
Wastewater Treatment:		
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input checked="" type="checkbox"/> On Site

<b>Staff Use</b>	
Application Number:	
201-19-007	
Fee:	
750	
Filing Date:	
10-4-19	
Hearing Date:	
11-6-19	
Receipt Number:	
21196	

<b>Applicant Information</b>		
Name: Countrytyme Land Specialists		
Address: 3451 Cincinnati Zanesville Rd SW		
City: Lancaster	State: Oh	Zip: 43130
Phone: 740-475-6001	Email: DonovanK@Countrytyme.com	

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

<b>Property Owner Information</b>		
Name:		
Address: Same As Above		
City:	State:	Zip:
Phone:	Email:	

<b>Rezoning Information</b>	
Request (Include Section of Code):	
Requesting Rezone From AG to R87	
Describe the Project (Include Current Use and Proposed Use):	
Current Use is Farming. Would Like to rezone to R-87 for Residential Lots 2+ Acres each.	

## Documents to Submit

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

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

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

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

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

**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

**Area Map:** Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

## Signatures

I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this rezoning request.

Applicant (Required):

Date:

10-4-19

Property Owner (Required):

Date:

10-4-19

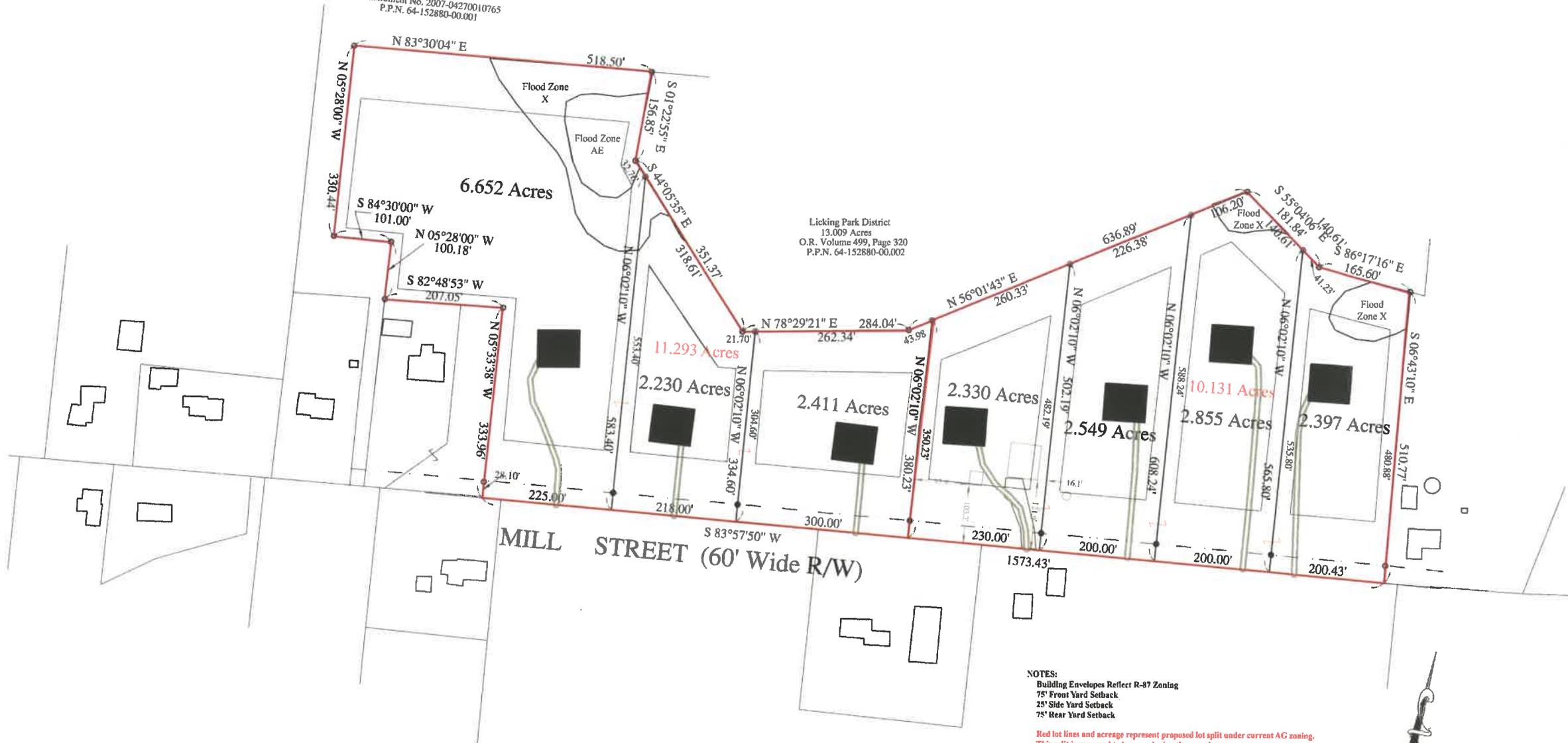
We are seeking rezoning of the subject property from its current designation as AG to R-87. It is our intention to split the property into residential building lots not to be smaller than 2 acres. We feel that even though this allows for development it would keep with the beautiful rural feel of the Mill St area nearby and be harmonious in appearance to nearby properties and the character of the neighborhood. We feel that there would be not disturbance or hazard created that would inhibit future uses in the area and there will be no need for the community to bear any excessive cost now or in the future as these will be standalone lots of record for residential use and should actually provide more tax revenue than the current AG designation. As the lots will be a minimum of 2 acres or more and will conform to all regulations on driveways, there should be no detrimental interference to current traffic patterns. There are no historic dwellings or landmarks contained within the subject property and the lots are designed to conform well with the natural land and property features.

## Site plan for rezoning application from AG to R-87 City of Pataskala - Parcel #064-152880-00.000

Situated in the City of Pataskala, County of Licking, State of Ohio, and being part of Quarter Township 4, Township 1N, Range 15W, of the United States Military Lands, being 21.4237 Acres Total, conveyed to Countrytyme Land Specialists, Ltd., as recorded in Instrument No. 2019-09170019760, in the Licking County Deed Records.

The City of Pataskala  
25.04 Acres  
Instrument No. 2007-04270010765  
P.P.N. 64-152880-00.001

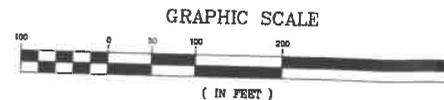
Licking Park District  
13.009 Acres  
O.R. Volume 499, Page 320  
P.P.N. 64-152880-00.002



**NOTES:**  
Building Envelopes Reflect R-87 Zoning  
75' Front Yard Setback  
25' Side Yard Setback  
75' Rear Yard Setback

Red lot lines and acreage represent proposed lot split under current AG zoning.  
This split is proposed to happen during the rezoning process

Drawn By: Mark Graham, PE Date: 10-4-19  
Countrytyme Land Specialists Ltd  
markg@countrytyme.com  
740-475-6001





Pgs: 4  
 9/17/2019 3:54 PM  
 Bryan A. Long Licking County Recorder

201909170019760

\$44.00 T20190016555  
 MEPTITLE CO L

**TRANSFERRED**  
 Date Sept 17 2019  
Mandy Smith  
 Licking County Auditor  
 SEC. 319.202 COMPLIED WITH  
 MICHAEL L. SMITH, AUDITOR  
 BY: JA 181.50



0115PA0070000033000

DESCRIPTION APPROVED  
 JARED N. KNERR  
 LICKING COUNTY ENGINEER  
 APPROVED BY  
 9-17-19 [Signature]

3

**GENERAL WARRANTY DEED\***

*Ayrkat Limited, a limited liability company organized and existing under the laws of the State of Ohio, for valuable consideration paid, grant(s) with general warranty covenants, to Countrytyme Land Specialists Ltd., an Ohio limited liability company*

*whose tax mailing address is 3451 Cincinnati-Zanesville Road, Lancaster, Ohio 43130*

*the following **REAL PROPERTY**: Situated in the State of Ohio, County of Licking, and in the City of Pataskala and more particularly described as follows:*

*See Attached Exhibit "A"*

*Subject to taxes and assessments, which are now or may hereafter become liens on said premises and except conditions and restrictions and easements, if any, of record for said premises, subject to all of which this conveyance is made.*

*Parcel Number: 064-152880-00.000  
 Address: 21.42 acres Mill Street SW, Pataskala, Ohio 43062*

*Prior Instrument Reference: Book 804, Page 835 of the Official Records of Licking County, Ohio.*

*Grantor has caused its company name to be subscribed hereto by Donald T. Powell, its Authorized Member, thereunto duly authorized by resolution of the company, this 12<sup>th</sup> day of September, 2019.*

*Ayrkat Limited, an Ohio limited liability company*

By: Donald T. Powell  
 Donald T. Powell  
 Its: Authorized Member

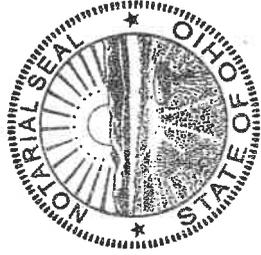
State of Ohio

County of Franklin ss.

**BE IT REMEMBERED**, That on this 12<sup>th</sup> day of September, 2019, before me, the subscriber, a notary public in and for said state, personally came, Donald T. Powell, a duly authorized Member on behalf of Ayrkat Limited, an Ohio limited liability company, the Grantor in the foregoing Deed, and acknowledged the signing thereof to be its and his voluntary act and deed.

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

  
Notary Public



Deanna D. Switalski  
Notary Public, State of Ohio  
My Commission Expires 10-11-19

This instrument was prepared by: Michael J. Weisz, Esq., 536 S. Wall Street, Columbus, Ohio 43215

\*See Sections 5302.05 and 5302.06 Ohio Revised Code

EXHIBIT "A"

DEED DESCRIPTION  
TRACT #3

21.4237 ACRES +/- OR 933,218 Sq. Ft.

BEING A SURVEY OF PART OF THE PARCELS CONVEYED TO THE PARK NATIONAL BANK AS RECORDED IN DEED VOLUME 646 PAGE 31, AND OFFICIAL RECORD 745 PAGE 118, OFFICIAL RECORD 701 PAGE 229, AND OFFICIAL RECORD 145 PAGE 778, IN THE LICKING COUNTY RECORDER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SITUATED IN THE FOURTH QUARTER, TOWNSHIP-1N, RANGE-15W, OF THE UNITED STATES MILITARY LANDS, LIMA TOWNSHIP (NOW BEING A PART OF THE VILLAGE OF PATASKALA), COUNTY OF LICKING, STATE OF OHIO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, FOR REFERENCE, AT AN IRON PIN FOUND MARKING THE SOUTHWEST CORNER OF LOT 165 IN JOSEPH AND PETERS ADDITION AS RECORDED IN PLAT BOOK 1 PAGE 114, THENCE WITH THE OLD PATASKALA CORPORATION LINE S 05°09'59" E 1002.63 FEET TO A RAILROAD SPIKE FOUND IN THE CENTERLINE OF HILL STREET, THENCE WITH THE CENTERLINE OF SAID STREET THE FOLLOWING SIX (6) COURSES AND DISTANCES:

- 1) S 54°51'49" W 56.95 FEET TO A POINT;
- 2) S 61°32'43" W 161.79 FEET TO A POINT;
- 3) WITH A CURVE TO THE RIGHT WITH A RADIUS OF 725.67 FEET AND A DELTA OF 14°32'47" AND A CHORD OF S 75°06'12" W 183.74 FEET TO A POINT;

4) S 83°52'26" W 36.52 FEET TO A POINT IN A BRIDGE DECK OVER MUDDY FORK CREEK;

- 5) S 83°11'36" W 26.81 FEET TO A POINT;

6) S 83°11'35" W 201.76 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER AND THE PRINCIPLE PLACE OF BEGINNING OF THE PARCEL HEREIN TO BE DESCRIBED:

THENCE, CONTINUING WITH SAID ROAD, S 83°57'50" W 1573.44 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF THE PARCEL HEREIN TO BE DESCRIBED:

THENCE, LEAVING SAID CENTERLINE AND WITH THE EAST LINE OF A PARCEL CONVEYED TO HELEN V. MCGOWAN AS RECORDED IN OFFICIAL RECORD 275 PAGE 763, N 05°33'38" W 333.96 FEET TO AN IRON PIN FOUND, PASSING OVER AN IRON PIN FOUND AT 28.10 FEET:

THENCE, WITH THE NORTH LINE OF THE MCGOWAN PARCEL, S 82°48'53" W 207.05 FEET TO AN IRON PIN FOUND:

THENCE, WITH THE EASTERLY LINE OF A PARCEL CONVEYED TO THE SOUTHWEST LICKING COMMUNITY WATER & SEWER DISTRICT AS RECORDED IN OFFICIAL RECORD 442 PAGE 94, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- 1) N 05°28'00" W 100.18 FEET TO AN IRON PIN FOUND;
- 2) S 84°30'00" W 101.00 FEET TO AN IRON PIN FOUND;
- 3) N 05°28'00" W 330.44 FEET TO AN IRON PIN FOUND, SAID POINT BEING THE NORTHWEST CORNER OF THE PARCEL HEREIN TO BE DESCRIBED;
- 4) N 83°30'04" E 518.59 FEET TO AN IRON PIN FOUND MARKING THE NORTHWEST CORNER OF A PARCEL CONVEYED TO THE LICKING PARK DISTRICT AS RECORDED IN OFFICIAL RECORD 499 PAGE 320:

EXHIBIT "A", continued

THENCE, WITH THE SOUTHERLY LINES OF THE LICKING PARK DISTRICT PARCEL THE FOLLOWING SIX (6) COURSES AND DISTANCES:

- 1) S 01°22'55" E 156.85 FEET TO AN IRON PIN FOUND:
- 2) S 44°05'35" E 351.37 FEET TO A POINT:
- 3) N 78°29'21" E 284.04 FEET TO AN IRON PIN FOUND:
- 4) N 56°01'43" E 636.89 FEET TO AN IRON PIN FOUND:
- 5) S 55°04'06" E 181.84 FEET TO AN IRON PIN FOUND:
- 6) S 86°17'16" E 165.60 FEET TO AN IRON PIN FOUND:

THENCE, WITH THE WEST LINE OF A PARCEL CONVEYED TO JAMES H. AND KIMBERLY S. ELIE AS RECORDED IN OFFICIAL RECORD 547 PAGE 781, S 06°43'10" E 510.78 FEET TO THE PLACE OF BEGINNING, PASSING OVER AN IRON PIN FOUND AT 480.88 FEET. THE PARCEL AS SURVEYED CONTAINS 21.4237 ACRES OR 933,216 SQUARE FEET MORE OR LESS. SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

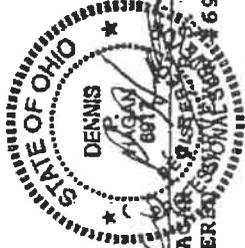
THE BEARINGS OF THE ABOVE DESCRIBED PARCEL ARE BASED ON THE BEARINGS OF THE 13.009 ACRE PARCEL AS DESCRIBED IN OFFICIAL RECORD 499 PAGE 320 AND BEING SURVEYED BY CURRY WILLIS & GROVE, INC., IN DECEMBER OF 1992.

ALL IRON PINS SET ARE 5/8" O.D. REINFORCING BARS WITH YELLOW CAPS LABELED "DENNIS P. HAGAN, #6917".

THE ABOVE DESCRIPTION IS BASED ON A FIELD SURVEY DONE UNDER THE SUPERVISION OF DENNIS P. HAGAN, P.E., P.S., OHIO REGISTERED SURVEYOR #6917 ON APRIL 3, 1996.

DATED

*Dennis P. Hagan*



DENNIS P. HAGAN, P.E., P.S., OHIO REGISTERED SURVEYOR #6917

**Location map for rezoning application from AG to R-87  
City of Pataskala - Parcel #064-152880-00.000**

Drawn By: Mark Graham, PE Date: 10-4-19  
Countrytime Land Specialists Ltd  
markg@countrytime.com  
740-475-6001  
Base Map: Google Maps

