



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

February 11, 2020

Conditional Use Application CU-20-001

Applicant:	Green King Co. Inc.
Owner:	LRC Harmon LLC
Location:	40 Cypress St, Reynoldsburg, OH 43068
Acreage:	6.0
Zoning:	M-1 – Light Manufacturing
Request:	Requesting approval of two (2) conditional uses on one lot: <ol style="list-style-type: none"> 1. Landscaping Business (NAICS: 561730) pursuant to Section 1251.04(10) of the Pataskala Code 2. Boat/RV Storage (NAICS: 493190) pursuant to Section 1251.04(4) of the Pataskala Code.

Description of the Request:

The applicant is seeking approval of a conditional use to allow for the property at 40 Cypress Street to be operated as a Landscaping Service (NAICS: 561730) and as a Boat and RV Storage facility (NAICS: 493190).

Staff Summary:

The 6.0-acre property located at 40 Cypress Street is currently occupied by an approx. 3,000 sqft. commercial building with 18,000 sqft. of concrete paving surrounding it. An additional approximately three and a half acres (152,000-sqft.) of area is occupied by a gravel lot. Access to the property is served by two concrete driveways off Cypress Street on the south side of the parcel. The parcel in question is a corner lot, as it sits adjacent to two rights-of-way, Cypress Street SW and Klema Drive W.

Last year, the property was approved for two variances. VA-19-004 was approved by the Board of Zoning Appeals on April 8, 2019 to allow for the installation of a fence that exceeded the 48-inch (four feet) height limit for fences within the front building setback. VA-19-016 was approved on June 10, 2019 to allow for the construction of a gravel parking lot extension with the dimensions of 230-feet by 400-feet.

The Applicant is requesting approval of two Conditional Uses. The First, is for a Landscaping Services business to be located within the existing building and front approximately three acres of the property. The North American Industry Classification System (NAICS) 2007 assigns the use code 561730 and describes Landscaping Services as industries “primarily engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens and (2) establishments primarily engaged in providing these services along with the design of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds, and similar structures”. Pursuant to Section 1251.04(10) of the Pataskala Code, Landscaping Services is a Conditional Use within the M-1 – Light Manufacturing District.

The Second Conditional Use request is for a boat and RV storage facility located in the gravel parking lot which occupies the approximately three acres to the rear of the lot. The Applicant estimates enough room for approximately 25 spaces to be available for vehicles. Boat and RV Storage falls under the “Other Warehousing and Storage” category and assigns the use code 493190. Other Warehousing and Storage is described as “establishments primarily engaged in operating warehousing and storage facilities (except general merchandise, refrigerated, and farm product warehousing and storage)”. Pursuant to Section 1251.04(4) of the Pataskala Code; Vehicle service, storage, and maintenance facilities are a Conditional Use within the M-1 – Light Manufacturing District.

Per the Applicant’s Narrative Statement: Green King Co. Inc. is a residential and commercial landscaping services company. The company owns seven trucks, five trailers, and three skid steer vehicles. There are six full-time employees, and usually around six part time employees during the spring. Services provided include all types of landscaping and snow plowing during the winter. Hours of operation are typically between 7:00AM and 5:00PM. The RV and Boat storage is proposed to be open 24 hours a day seven days a week, however, the Applicant stated most customers only come to the facility one or two times per month.

Also stated in the Narrative; the Applicant believes the use will be harmonious with and in accordance with the general objectives of the City Comprehensive Plan/and City Code, that the use will not alter the essential character of the area and will not create excessive additional requirements at public cost.

Staff Review:

The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.

Planning and Zoning Staff:

The Applicant has not indicated any changes to the exterior layout of the property. Staff would like to know where, if any, landscaping materials (mulch, brick, stone, etc.) will be stored on the property and in what form. Staff would additionally recommend that any landscaping materials to be stored on the property be appropriately screened from view from the roadway and adjacent properties. No signage is indicated on the proposed plans, any potential signage will have to be in compliance with Section 1295 of the Pataskala Code.

Section 1291.16 of the Pataskala Code does not identify the required number of parking spaces for either a Landscaping business or a Boat/RV storage facility. Pursuant to Section 1291.16 of the Pataskala Code, the Planning and Zoning Commission shall reserve the right to determine if an unlisted use is similar too ne listed within Section 1291.16 or determine the number of parking spaces required for any use not mentioned within this section. Staff believes a similar use identified in Section 1291.16 is “Commercial or Business Support Services” which require 1 space per each 400 sqft. of gross floor area. The existing building is 3,000 sqft. in size, requiring eight parking spaces. With approximately 3.5 acres of gravel surface parking available, staff believes there will be ample parking area for employee vehicles, company trailers, and company trucks.

Staff has no other concerns with the proposed Conditional Use.

Other Departments and Agencies

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	M-1 – Light Manufacturing R-20 – Medium Density Residential	Railroad Tracks Single-Family Homes
East	M-1 – Light Manufacturing	Industrial Uses
South	M-1 – Light Manufacturing	Industrial Uses
West	M-1 – Light Manufacturing	Industrial Uses

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-20-001:

- 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.
- Licking Heights 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.
2. Any outdoor storage of landscaping materials including, but not limited to; mulch, gravel, stone, brick and dirt shall be appropriately screened from public rights-of-way and adjacent properties.

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 1251.04(10), and a Conditional Use Pursuant to Section 1251.04(4) of the Pataskala Code for application CU-20-001 ("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

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

Property Information	
Address: 40 Cypress St. Reynoldsburg, OH. 43068	
Parcel Number: 063-140430-00-015	
Zoning: M-1	Acres: 6
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 checked="" type="checkbox"/> South West Licking
<input type="checkbox"/> On Site	

Staff Use
Application Number: CU-20-001
Fee: \$300.00
Filing Date: 1-10-20
Hearing Date: 2-11-20
Receipt Number: 22085

Applicant Information		
Name: Green King Co. Inc.	Erik J. High	
Address: 9562 Taylor Rd. S.W		
City: Reynoldsburg	State: OH.	Zip: 43068
Phone: 614-738-6063	Email: erikjhigh@gmail.com	

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

Property Owner Information		
Name: LRC Harmon LLC		
Address: 1966 Westbrook Village Dr.		
City:	State: OH.	Zip: 43228
Phone:	Email:	

Conditional Use Information
Request (Include Section of Code):
Landscape Business 12-51-04 (10)
Boat/R.V. Storage 12-51-04 (4)
Describe the Project:
operate landscape co. from the front/south 3 acres of the property
operate a Boat/R.V. Storage facility from the back/north 3 acres of the property... enough to accommodate ~ 25 spaces

Documents to Submit

Conditional Use Application: Submit 1 copy of the conditional use application.

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

- The reason the conditional use has been requested.
- The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:

yes 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 this application.*

yes 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.*

yes 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.*

Correct 4. *Will not be hazardous or disturbing to existing or future neighboring uses.*

yes 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.*

Correct 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.*

Correct 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 not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*

yes 8. *Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.*

Correct 9. *Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.*

- Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.
- Wireless Telecommunication Facilities must also meet the requirements outlined in Section 1293.06(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 conditional use 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/paxworld/>

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 conditional use request.

Applicant (Required):

Evelyn Hill

Date:

1-10-20

Property Owner: (Required):

Ruslan Cherveta

Date:

1-10-20

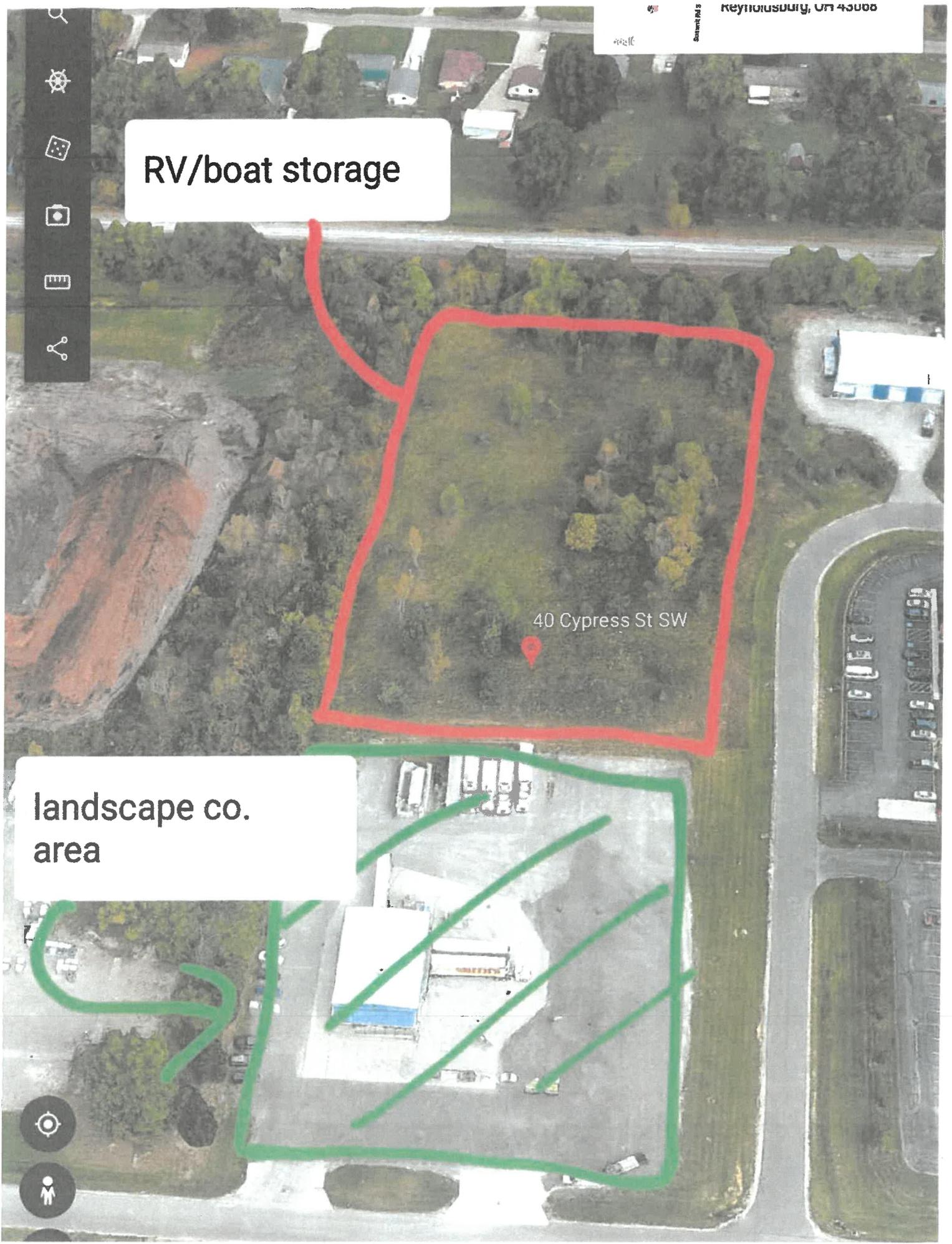
Green King company is a well-established residential/commercial landscape company that has been Located in Reynoldsburg area and in business Since 1965 .With an average yearly revenue of 1.2 to 1.5 million dollars we are absolutely sure that our company would benefit The city of Pataskala. The company owns seven trucks five trailers and three skid steers... we have six full-time employees and usually six part time employees in the spring... we produce all facets of landscaping in house and we also subcontract out our mowing/maintenance work.Through the winter months we plow snow... One of the largest contracts we currently have is with the reynoldsburg city schools.... we take care of all of their landscaping /maintenance and snow removal needs on a yearly basis... our business operations are typically from 7 AM to 5 PM Monday through Friday.... we typically start loading trucks between 6:30 and 7:00 a.m.and are usually back at the shop and unloaded by 5 :00 and 5:30 pm.

Our boat and RV storage is open 24 hours 7 days a week .Most of our customers only come into the facility one or two times a month....In other words most of the vehicles rarely move.

RV/boat storage

40 Cypress St SW

landscape co.
area



TRANSFERRED
Date March 5 2019
Michael Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: JAE 1860.00

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
W.J. 3-5-19



201903050004083

Page: 3 \$36.00 T2019000341
3/5/2019 9:01 AM BKSTEWAR
Bryan A. Long Licking County Records

File No.: 351781

GENERAL WARRANTY DEED

Catherine J. Schmid, married, for One Dollar and No Cents (\$1.00) and other good and valuable consideration paid, grants with general warranty covenants to LRC HARMON LLC, an Ohio limited liability company their successors and assigns forever, whose tax mailing address is:
1916 Westbrook Village Drive, Columbus, OH 43228
the following described real estate:

See Exhibit "A" attached hereto and made a part hereof.

Property Address: 40 Cypress Street, ^{Reynoldsburg} ~~Delaware~~, OH 43068

Parcel Number: 063-140430-00.015

Prior Instrument Reference: Official Record 399, Page 3 of the Licking County, Ohio Records.

Excepting from said general warranty covenants, all legal highways, restrictions, and easements of record, and taxes and assessments from the date of the closing.
Executed this 25 day of February, 2019.

Stephen W. Schmid, husband of Catherine J. Schmid, signing solely to release his dower rights.

Catherine J. Schmid
Catherine J. Schmid
Stephen W. Schmid
Stephen W. Schmid

Stewart Title Agency
of Columbus Box
101 CH



01150553914128006000



01150553914128007000

State of Ohio County of Cuyahoga

This foregoing deed was acknowledged before me this 25th day of February, 2019 by Catherine J. Schmid and Stephen W. Schmid.

Cheryl M Kirkbride

Notary Public
My Commission Expires: _____

This instrument was prepared by:

Joe Budde, Attorney at Law
259 W Schrock Rd
Westerville, OH 43081

Cheryl M. Kirkbride, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03R.C.



EXHIBIT "A"
LEGAL DESCRIPTION

Parcel I:

Situated in the State of Ohio, County of Licking, and in the Township of Lima:

Being Lot Numbers 19 and 20 in Taylor Road Commercial Park Section 2, which were comprised from a 6.000 acre tract, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 14 page 128, as amended by Plat Book 15 page 341, Recorder's Office, Licking County, Ohio.

Parcel II:

Non-exclusive easement for vehicular and pedestrian ingress and egress as contained within Official Record 399 page 3.

Parcel III:

Non-exclusive easement for vehicular and pedestrian ingress and egress as contained within Official Record 354 page 128.

Parcel IV:

Non-exclusive easement for vehicular and pedestrian ingress and egress as contained within Official Record 359 page 33.

