



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

March 10, 2020

Conditional Use Application CU-20-002

Applicant:	Premier Broadcasting Company, Inc.
Owner:	Premier Broadcasting Company, Inc.
Location:	177 Cypress St SW
Acreage:	1.629
Zoning:	M-1 – Light Manufacturing
Request:	Requesting approval of a Conditional Use Pursuant to Section 1251.04(10) of the Pataskala Code to permit the property to be used as a corporate office (NAICS – 551114) for “Massey’s Pizza”

Description of the Request:

The applicant is seeking approval of a conditional use to allow for the property at 177 Cypress Street to be operated as a Corporate Office (NAICS: 551114).

Staff Summary:

The 1.629-acre property located at 177 Cypress Street is currently occupied by 3,530-square foot one (1) story office building, a 1,800-square foot pole barn and approximately 8,000-square feet of paved asphalt surface. Access to the property is served via a driveway onto Cypress Street SW. The subject property connects its paved asphalt surface through access easements with the neighboring two (2) parcels, 167 and 163 Cypress Street SW which have another shared entrance onto Cypress Street to the east side. Parking for the commercial building is directly adjacent to the structure to the north and east. From satellite photos available through the Licking County Auditor it appears the rear area around the pole barn is mixed gravel and asphalt.

The Applicant is requesting approval of a Conditional Use to allow the property to be used by as a Corporate Office for Massey’s Pizza. The North American Industry Classification System (NAICS) 2007 assigns the use code 551114 for Corporate, Subsidiary and Regional Management Offices described as those establishments primarily engaged in administering, overseeing, and managing other establishments of the company or enterprise. Pursuant to Section 1251.04(10) of the Pataskala Code; Corporate, Subsidiary, and Regional Management Offices are a Conditional Use within the M-1 – Light Manufacturing zoning district.

As stated by the Applicant on their Conditional Use Application, they are not proposing any exterior layout changes to the site, and there will be seven (7) employees. Per the Narrative Statement that was submitted the Applicant believes that their proposed use will be harmonious with the general objectives of the code, will not be hazardous or disturbing to neighboring or future uses, will not create excessive additional requirements at public cost, will not produce excessive traffic or noise or fumes, and that the vehicular approaches to and on the site are adequate and will remain the same.

Planning and Zoning Staff first became aware of the Applicant's intention to locate their corporate office at 177 Cypress Street when a sign contractor reached out to Staff regarding obtaining a sign permit for Massey's Pizza. Staff informed the contractor that a sign permit could not be approved because the proposed business had never applied for and received a Certificate of Compliance. Staff also informed the contractor that the proposed use was a Conditional Use, and that without the approval of a Conditional Use permit from the Board of Zoning Appeals, a Certificate of Compliance could also not be approved.

The Applicant met with Staff to discuss the Conditional Use proposal and stated that in addition to the Corporate Office use they were considering using the property for the maintenance, storage, and repair of commercial kitchen equipment and manufacturing wooden pizza peels. Staff informed the Applicant that the additional uses (NAICS: 811310 – Commercial and Industrial Machinery and Equipment Repair and Maintenance and NAICS: 321999 – All Other Miscellaneous Wood Product Manufacturing) were also Conditional Uses within the M-1 – Light Manufacturing district. The Applicant decided not to pursue those uses at this time and proceed with only the Corporate Office use.

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 Future Land Use map designates this property as Light Industrial, which the Comprehensive Plan (2006) describes as "light intensity industrial". The proposed use as a corporate office *does not* fall in line with the Comprehensive Plan, however, Staff does not see an issue with the proposed location.

Pursuant to Section 1291.16 of the Pataskala Code general, professional, or administrative business offices shall provide one (1) parking space for each 400-square feet of gross floor area. As the office building is 3,530-square feet in size, nine (9) parking spaces are required. The submitted site plan does not indicate the number of available parking spaces, however, Staff believes enough space is available to fulfill this requirement.

Section 1291.04 of the Pataskala Code states: any nonresidential parking area with 10 or more off-street parking spaces shall be striped. Individual parking spaces shall be clearly defined by painted striping with a minimum width of four (4) inches. No striping is currently shown on the aerial view or site plan. Section 1291.07 of the Pataskala Code requires that parking areas include handicap accessible spaces. Currently, there are no defined accessible parking spaces within the parking area. A possible condition has been added to address both of these.

Any proposed signage must be in compliance with Section 1295 of the Pataskala Code and will be subject to a Sign Permit.

Based on the information supplied by the Applicant, Staff had no other concerns with the proposal.

Other Departments and Agencies

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	M-1 – Light Manufacturing	Mulch Manufacturing
East	M-1 – Light Manufacturing	Misc. Industrial Uses
South	R-20 – Medium Density Residential	Single-Family Homes
West	M-1 – Light Manufacturing	Dog Grooming/Daycare

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-20-002:

- 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 address all comments from City Staff.
2. 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.
3. The Applicant shall be required to receive a Conditional Use Permit for any further expansion of uses conducted at the site that are identified as Conditional Uses in the M-1 zoning district.

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) of the Pataskala Code for application CU-20-002 ("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: 177 Cypress st SW		
Parcel Number:	063-141876-00.004	
Zoning: M-1	Acres: 1.629	
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-20-002
Fee:
\$300.00
Filing Date:
2-5-20
Hearing Date:
3-10-20
Receipt Number:
22103

Applicant Information		
Name: Premier Broadcasting Company, Inc		
Address: 177 Cypress st SW		
City: Reynoldsburg	State: OHIO	Zip: 43068
Phone: 614-866-0700	Email: info@masseypizza.com	

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

Property Owner Information		
Name: Premier Broadcasting Company, Inc		
Address: 177 Cypress st SW		
City: Reynoldsburg	State: OHIO	Zip: 43068
Phone: 614-866-0700	Email: info@masseypizza.com	

Conditional Use Information
Request (Include Section of Code): NAICS – 551115 "Corporate, Subsidiary, and Regional Managing Offices"
Describe the Project: We would like a conditional use granted for Premier Broadcasting Inc to house the Masseys Pizza corporate offices and warehouse at 177 Cypress St SW.
We will have 7 employees working on site.

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:
 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.*
 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 not 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 interference with traffic on surrounding public thoroughfares.*
 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):

Date:



1-30-2020

Property Owner: (Required):

Date:



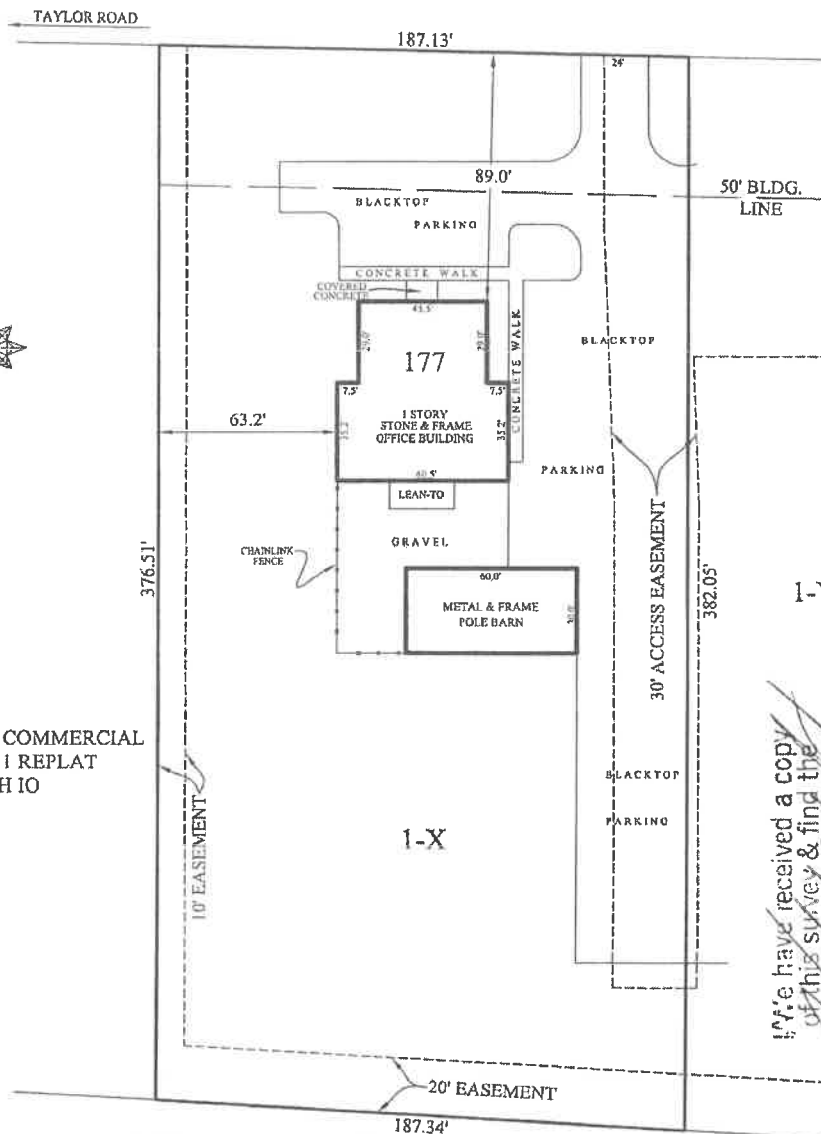
1-30-2020

Narrative Statement

1. Corporate Office is a conditional use pursuant to Pataskala Code
2. Will be harmonious with general objectives.
3. We are planning on keeping premises the same.
4. Will not be hazardous or disturbing to any existing or future neighbors
5. All public facilities will be adequate
6. Will not create any excessive additional requirements at public cost
7. Will not produce excessive traffic, noise, smoke or fumes
8. All current vehicular approaches will stay the same and are adequate
9. Will not result in destruction, loss or damage of natural, scenic or historical features

CERTIFIED TO TALON TITLE AGENCY COUNTY OF LICKING
 LENDER PEOPLES BANK I.N. 200707240019199 PG. _____
 BUYER MSKA INVESTMENTS SCALE 1" = 50' DATE 2-25-16 DRN KB CH DBM

CYPRESS STREET 60'



LOT NO. 1-X
 TAYLOR ROAD COMMERCIAL
 PARK SECTION 1 REPLAT
 PATASKALA, OH IO

1-X

I have received a copy of this survey & find the conditions acceptable.

We hereby certify that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-38, Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37, Ohio Administrative Code. This plat is prepared for mortgage loan and title purposes only and is not to be construed as having been prepared for the owner or for the use of the owner for any purposes.

THIS PROPERTY IS LOCATED IN
 FLOOD ZONE X
 COMMUNITY PANEL 39089C
 PAGE 0407-H DATE 5-2-07

By *David B. McCoy*





201911070024652

Pgs:2 \$34.00 T20190020711
11/7/2019 2:35 PM MEPVALLEY TIT
Bryan A. Long Licking County Recorder

TRANSFERRED
Date Nov. 7, 2019
Michael Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: slm \$ 1161.00



01150553314126001000

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
11-7-19 JW

GENERAL WARRANTY DEED

MSKA Investments, LLC, an Ohio limited company, of Licking County, Ohio, for good and valuable consideration paid, hereby grants, with general warranty covenants, to Premier Broadcasting Company, Inc., an Ohio corporation, whose tax mailing address shall be 177 ~~Express~~ ^{Express} Street Southwest, Reynoldsburg, Ohio 43068, the real property more particularly described on the attached Exhibit A.

Parcel No. 063-141876-00.004

Property Address: 177 ~~Express~~ ^{Express} Street Southwest, Reynoldsburg, Ohio 43068

Prior instrument reference: Instrument No. 2005-0084239, Recorder's Office, Licking, Ohio

Said property is free and clear from all encumbrances whatsoever except taxes and assessments, if any, which shall be pro-rated to the date of recording of this deed, and except rights, reservations, restrictions, easements, and other conditions of record, if any.

Executed this 28th day of October, 2019

MSKA Investments, LLC, an Ohio limited liability company

By: [Signature]

Title: MEMBER

State of Ohio }
County of Franklin } SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named Michael Staffan, the member of MSKA Investments, LLC, an Ohio limited liability company, who acknowledged that he did sign the foregoing instrument and that same was his free act and deed for and on behalf of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal as of the 28th day of October, 2019.



THADDEUS T. RIEGER
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration

Thaddeus T. Rieger
Notary Public

Exhibit A

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

Being Lot Number 1-X in Replat of Lot 1-A Taylor Road Commercial Park Section One Replat, as the same is numbered and delineated upon the recorder plat thereof, of record in Instrument No. 200707240019199, Recorder's Office, Licking County, Ohio.

Parcel No. 063-141876-00.004

Property Address: 177 ^{Cyrus}~~Cypress~~ Street Southwest, Reynoldsburg, Ohio 43068

Valley Title File No. 504305

OnTrac Property Map



January 30, 2020



Street Number Only

Sales - 2020

Interstate/US/State Route

Other Road Type

Interstates

Municipal Corporations

Jurisdictional Townships

Driveway

County Road

0 188 Feet

0.04 Miles

LICKING COUNTY TAX MAP