

CITY OF PATASKALA PLANNING & ZONING COMMISSION

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

STAFF REPORT

April 13, 2021

Variance Application VA-21-016

Applicant: Derek Marine, DMK Development – Pataskala, LLC.

Owner: Edwards Real Estate Group, LLC.

Location: 11309 Broad Street SW

Acreage: 4.98-acres

Zoning: GB – General Business

Request: Requesting approval of a Variance from Section 1279.03(A)(2) of the Pataskala

Code to allow for the construction of a fence that will exceed 72-inches.

Description of the Request:

The applicant is requesting a Variance from Section 1279.03(A)(2) of the Pataskala Code to allow for the construction of a fence that exceed 72-inches behind the front building setback line.

Staff Summary:

The 4.98-acre property located at 11309 Broad Street SW is current vacant, undeveloped land. There are existing tree lines to the south, bordering the railroad right-of-way. The properties only frontage is along Broad Street SW to the north.

The Applicant has requested approval of a Transportation Corridor Overlay District (TCOD) application to allow for the construction of Tractor Supply Co. retail store with an outdoor sales area and associated site improvements. This request, TCOD-21-002 went before the Planning and Zoning Commission for consideration at a public hearing on April 7, 2021. However, at the time of this Staff Report being written this hearing had not yet taken place.

In general, the proposed development is comprised of an approximately 20,000-square feet retail building and an additional 20,000-square feet of outdoor sales area setback from the front property line approximately 224 feet. 75 parkin spaces are proposed in the off-street parking area and the development will be screened along the frontage by L2 type landscaping (a three (3) foot high mound with one (1) tree per 30 lineal feet, and along the east side property line by a six (6) foot tall opaque wall with one (1) tree per 30 lineal feet.

Per the Narrative Statement supplied by the applicant, the reason for the request is that the outdoor sales area will contain expensive tools and equipment on display, and a higher fence height is required for security purposes. Further stated, the Applicant believes the requested variance is not substantial, that the essential character of the neighborhood would not be altered, and that variance request will not impair the appropriate use or development of the adjacent properties as the fence will be partially screened by landscaping.

Staff Review:

The following review does not constitute recommendations but merely conclusions and suggestions based on the summary

Planning and Zoning:

Section 1279.03(A)(2) of the Pataskala Code states that a fence or wall not exceeding 72-inches (6-feet) in height may be erected in any area behind the building setback line. In the GB – General Business district, the building setback line is 50-feet when using central water and sewer. Effectively, this limits the size of fences to a maximum of 6-feet.

The Applicant stated in their Narrative, that due to security concerns, they have proposed an 8-foot-tall fence around their outdoor sales area. This would be a variance of 2-feet above the maximum allowable height, or an increase of 33.33%. The proposed fence would be further screened by the proposed landscaping along the east side property line and would be set back from the road approximately 224-feet. Staff has no concerns with the requested variance.

Other Departments and Agencies:

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	AG – Agricultural	Agricultural
East	GB – General Business	Misc. Commercial
South	AG – Agricultural	Railroad Agricultural
West	GB – General Business	Auto Repair/Storage

Department and Agency Review

- Zoning Inspector No comments
- City Engineer No comments
- SWLCWSD No comments
- Police Department No comments
- Public Service Director No comments
- West Licking Joint Fire District No comments
- Licking Heights School District No comments

Modifications:

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

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction.

Resolution:

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

"I move to approve a variance from Section 1279.03(A)(2) of the Pataskala Code for Variance Application VA-21-016 ("with the following modifications" if modifications are to be placed on the approval)."



Property Information

CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

Staff Use

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Address: 11309 Broad Street SV	Application Number:				
Parcel Number: 063-150882-00	VA-21-016				
Zoning: GB (General Business)	Zoning: GB (General Business) Acres: 4.98		Fee:		
Water Supply:				\$300.00	
☐ City of Pataskala	☐ City of Pataskala ☐ South West Licking ☐ On Site		Filing Date:		
Wastewater Treatment:				3/16/2021	
☐ City of Pataskala	South W	Vest Licking	On Site	Hearing Date:	
				4/13/2021	
Applicant Information				Receipt Number:	
Name: Derek Marine DMK D	21727				
Address: 24927 E. Stariha Dr. Su	uite B				
City: Norton Shores		State: MI	Zip: 49441	Documents	
Phone: 231-780-5063 ext 102 Email: derekmarine24@gmail.com		☐ Application			
				☐ Fee	
Property Owner Informati	☐ Narrative				
Name: Edwards Real Estate Gro	☐ Site Plan				
Address: 5368 Central College F	☐ Deed				
City: Westerville		State: OH	Zip: 43081	☐ Area Map	
Phone: 614-245-8267 Email: info.edwardsrealty@gmail.com					
Variance Information					
Request (Include Section of Cod	e): The proposed	Tractor Supply bu	ilding will include an Out	tdoor Sales area that is to be	
surrounded by an 8-foot tall fend	e. Per the Codified	Ordinances of Pata	skala, Part Twelve - Zoning (Code Section 1279 the height of	
of any fence shall not exceed 72'	' (6 feet). The prop	osed request would	allow for a change in fence	height from 6 feet to 8 feet.	
Describe the Project: The existing	ng vacant parcel is	to be developed into	o a proposed Tractor Supply	r. The proposed project will	
have a ~19,000 SF building with	a large outdoor sa	les area, approxima	tely (72) parking spaces and	I (3) RV/Truck parking spaces, a	
a dumpster enclosure, and all pa	avement necessary	for site circulation.	The proposed development	t will be in compliance with the	
Transportation Corridor Overlay and General Business Districts.					

Documents to Submit

Variance Application: Submit 1 copy of the variance application.

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

- The reason the variance is necessary
- The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:
 - a) Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;
 - b) Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;
 - c) Whether the variance requested is substantial;
 - d) Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;
 - e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;
 - f) Whether the variance, if granted, will be detrimental to the public welfare;
 - g) Whether the variance, if granted, would adversely affect the delivery of governmental services;
 - h) Whether the property owner purchased the subject property with knowledge of the zoning restriction;
 - i) Whether the property owner's predicament can be obviated through some other method than variance;
 - j) Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,
 - k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- A use variance must also meet the requirements described in Section 1211.07(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 variance 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 variance request.				
Applicant (required): /	Date:			
Im nember	3/4/21			
Property Owner (required):	Date:			
	3-4-2021			

2800 Corporate Exchange Drive, Suite 400 Columbus, Ohio 43231-7628 (614) 794-7080

www.cesoinc.com



March 11, 2021

Mr. Jack Kuntzman City Planner City of Pataskala 621 W. Broad St. Suite 2-A Pataskala, OH 43062

RE: Variance Application for Fence Height for the Tractor Supply at 11309 E. Broad St. Pataskala, OH

Dear Mr. Kuntzman:

CESO, Inc. is pleased to submit this letter to you on behalf of DMK Development – Pataskala, LLC This letter is meant to explain why the fence height variance from 6-feet to 8-feet is critical to the day to day operation of the proposed Tractor Supply Co. (TSC) along E. Broad St. in Pataskala, OH.

Reason the Variance is Necessary: The request to allow for an 8-foot tall fence is necessary as the fence will be the only barrier between the public and TSC's outdoor sales area. Expensive equipment and tools will be on display in this area and to better ensure the security of this area an 8-foot fence is required.

Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance: The proposed Tractor Supply development will yield a reasonable return.

Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property: There are no unique physical circumstances or conditions that prohibit the use of a 6-foot fence. The request for a taller fence is solely based on the security of TSC's outdoor inventory.

Whether the variance requested is substantial: It is of our opinion that a 2-foot increase in fence height is not substantial when considering the added security and safety to the general public.

Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance: The adjacent property line to the east in which the fence will be closest to is currently used for a couple businesses of which are placed around 80 feet south of Broad Street. The proposed outdoor sales area that will be enclosed with the fence will be located approximately 300 feet south of Broad Street which means it will be behind the required screening along the frontage of Broad Street. Along the east property line there is an existing tree line on the adjacent parcel that will help block any view of the proposed fenced area. Combined with the proposed landscaping along that property line it is of our opinion that the neighborhood will not see any substantial alteration or detriment due to this increase fence height.

Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of the adjacent property: The fence will be partially screened by existing and proposed landscaping therefore this increase in fence height will not have any effect on the adjacent properties ability to use or develop.

Whether the variance, if granted, will be detrimental to the public welfare: The variance for increased fence height will not be detrimental to the public welfare. In fact it will be helpful as it will further deter the general public from entering the area.

Whether the variance, if granted, would adversely affect the delivery of governmental services: The taller fence height will have no impact on the delivery of governmental services.

Whether the property owner purchased the subject property with the knowledge of the zoning restriction: The property owner (Edwards Real Estate Group LLC) is currently working on the sale of the site to our client DMK Development – Pataskala, LLC The sale of this property relies on the ability of Kettler to be able to develop the site into a Tractor Supply of which the ability to develop the site into a Tractor Supply hinges on the acceptance of this variance.

Whether the property owner's predicament can be obviated through some other method than variance: There are no other economically viable options for ensuring the security of the outdoor inventory.

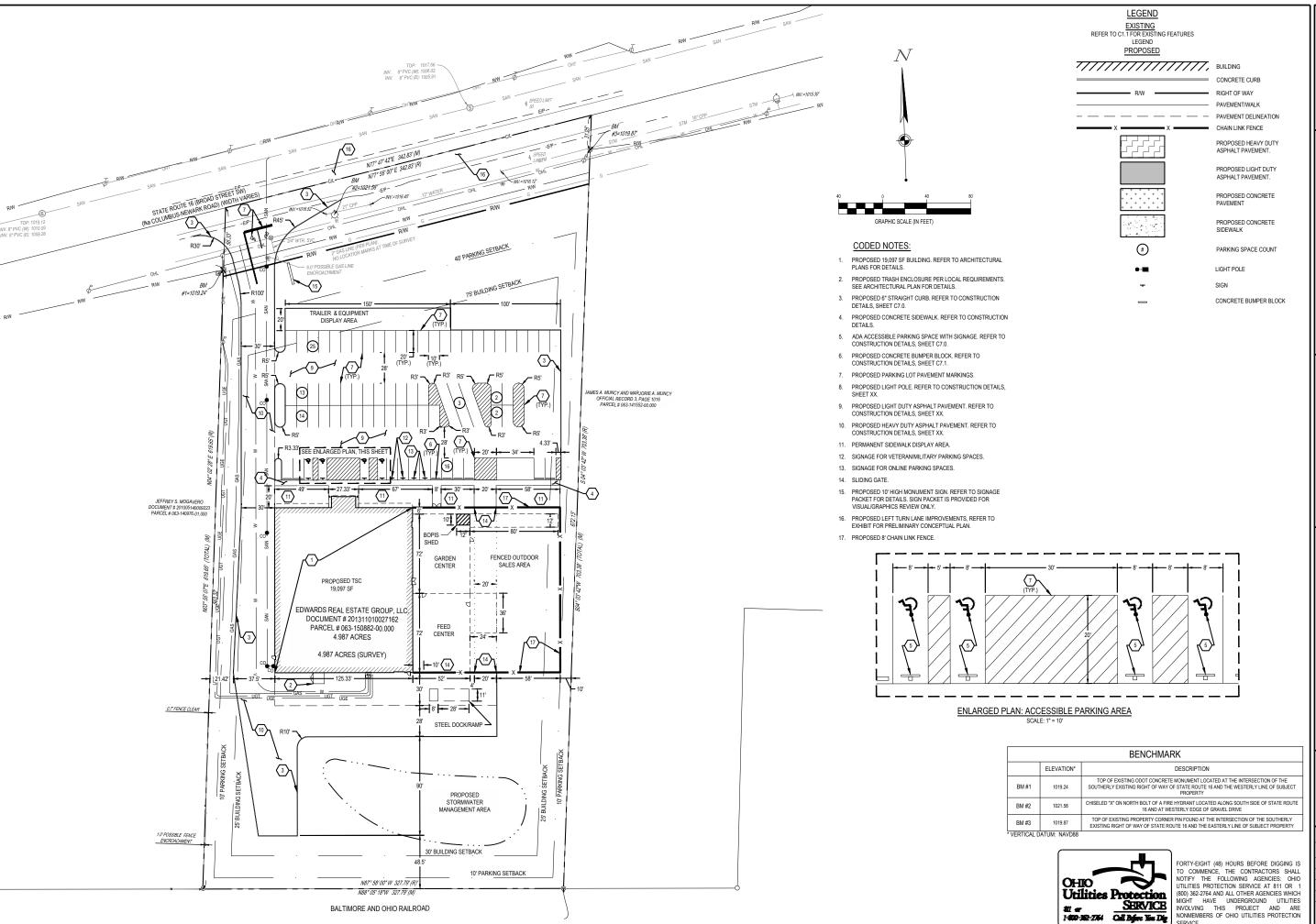
Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue: It is of our opinion that adding 2 feet to the fence height to better ensure security of the property is the least modification to the variance possible.

Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: The modest increase in fence height in exchange for safety and security meets the spirit and intent of the zoning requirement and for that reason we believe substantial justice would be done in granting this variance.

We look forward to working with the City of Pataskala to develop a Tractor Supply store at this location. Should you have any further questions, please do not hesitate to call me.

Respectfully,

Matthew Poindexter, P.E. Project Manager





8 TRACTOR SUPPLY

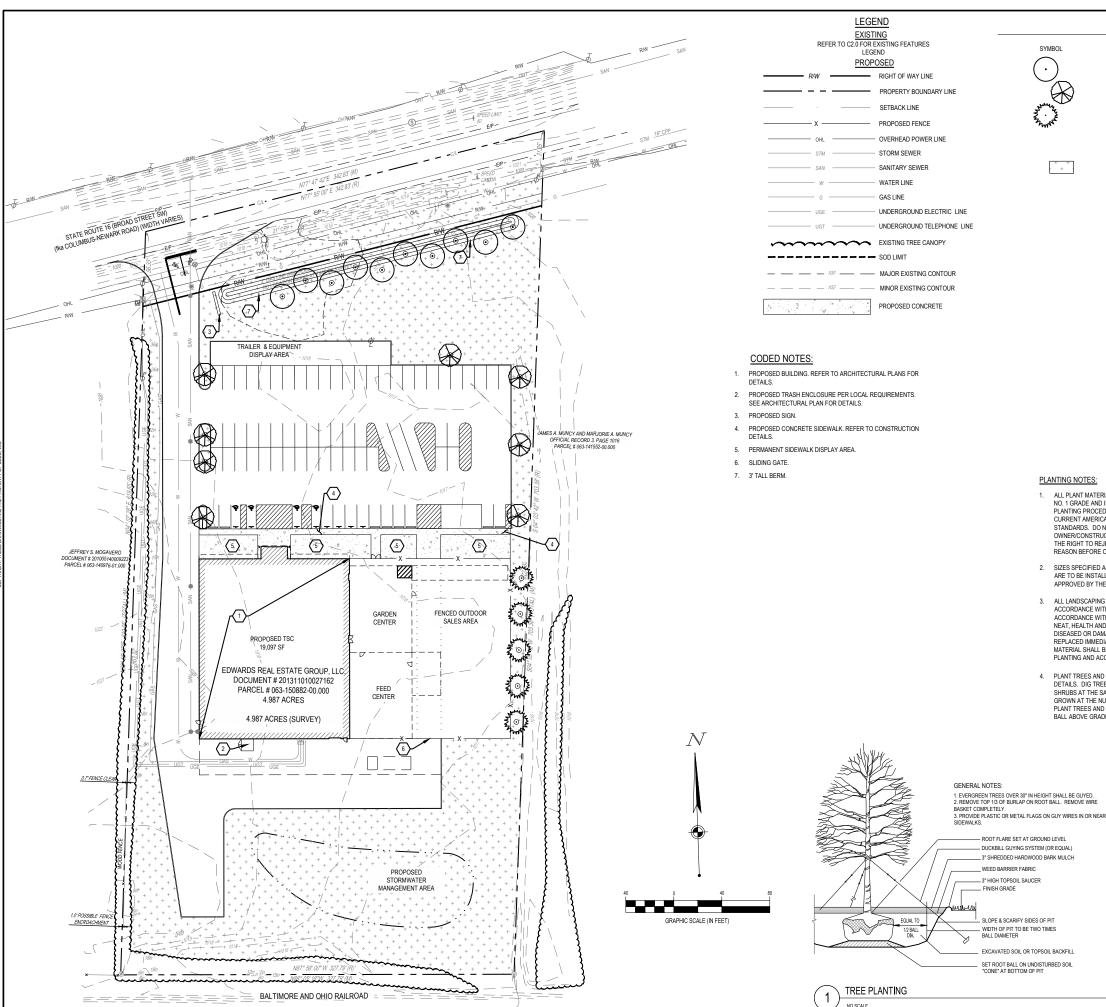
SITE PLAN

TCOD SUBMITTAL DATE: 03.05.2021 JOB NO.: 758553 DESIGN: MS DRAWN: MS CHECKED: EJL

SHEET NO.

1-800-362-2764 Call Before You Dig

SERVICE



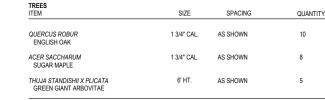












GROUNDCOVERS QUANTITY 87,443 SF

MULCH

CONTRACTOR TO PLACE 4' DIAMETER MULCH RING AROUND ALL TREES IN LAWN

LANDSCAPE REQUIREMENTS

PER LOCAL SPECIFICATIONS

FRONTAGE LANDSCAPING (294 LF) - SCREENING TYPE L2
REQUIRED TREES: 10 (1 PER 30 LF) PROPOSED TREES 3' TALL BERM PROPOSED BERM:

SIDE YARD LANDSCAPING (150 LF) - SCREENING TYPE L4 6' TALL OPAQUE WALL 6' TALL OPAQUE WALL PROPOSED WALL RECUIRED TREES 5 (1 PER 30 LF)

INTERIOR PARKING - SCREENING OPTION 1 REQUIRED LANDSCAPED AREA: 1,500 SF (20 SF PER STALL)
PROPOSED LANDSCAPED AREA: 1,500 SF 8 (1 PER 200 SF) REQUIRED TREES: PROPOSED TREES

PLANTING NOTES:

- 1. ALL PLANT MATERIAL SHALL BE NORTHERN NURSERY GROWN. NO. 1 GRADE AND INSTALLED ACCORDING TO ACCEPTED PLANTING PROCEDURES. ALL PLANT MATERIALS SHALL MEET CURRENT AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS. DO NOT PLANT MATERIALS UNTIL DIRECTED BY OWNER/CONSTRUCTION MANAGER. THE OWNER RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL, FOR ANY REASON BEFORE OR AFTER IT IS INSTALLED.
- 2. SIZES SPECIFIED ARE MINIMUM SIZES TO WHICH THE PLANTS ARE TO BE INSTALLED. ANY PLANT SUBSTITUTIONS SHALL BE APPROVED BY THE MUNICIPALITY AND OWNER.
- ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH MUNICIPAL STANDARDS AND IN ACCORDANCE WITH CURRENT INDUSTRY STANDARDS IN A NEAT, HEALTH AND WEED FREE CONDITION. ANY DEAD. DISEASED OR DAMAGED PLANT MATERIALS ARE TO BE REPLACED IMMEDIATELY AFTER NOTIFIED TO DO SO. PLANT MATERIAL SHALL BE GUARANTEED FOR ONE YEAR AFTER PLANTING AND ACCEPTANCE.
- PLANT TREES AND SHRUBS IN ACCORDANCE WITH PLANTING DETAILS. DIG TREE PITS PER DETAILS. PLANT TREES AND SHRUBS AT THE SAME GRADE LEVEL AT WHICH THEY WERE PLANT TREES AND SHRUBS HIGHER, APPROX. 1/4 OF THE ROOT BALL ABOVE GRADE.

- REMOVE ALL TWINE, WIRE, NURSERY TREE GUARDS, TAGS AND INORGANIC MATERIAL FROM ROOT BALLS. REMOVE THE TOP 1/3 OF BURLAP FROM EARTH BALLS AND REMOVE BURLAP FROM AROUND TRUNK.
- FINELY SHREDDED HARDWOOD BARK MULCH, NATURAL COLOR (NON-COLORED), IS REQUIRED FOR ALL PLANTINGS AND PLANTING BEDS. MULCH PER PLANTING DETAILS. MULCH IN PLANT BEDS SHALL BE 3" THICK AT TIME OF INSPECTION AND AFTER COMPACTED BY RAIN OR IRRIGATION.
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF ALL UNDERGROUND AND OVERHEAD
 UTILITIES. IF A CONFLICT WITH UTILITIES EXISTS, NOTIFY OWNER/CONSTRUCTION MANAGER PRIOR TO PLANTING

TOPSOIL AND SOD NOTES:

- ALL DISTURBED AREAS SHALL RECEIVE SOD. SOD SHALL BE GROWN ON TOPSOIL UNLESS APPROVED OTHERWISE. SOD SHALL BE 2 YEARS OLD AND STRONGLY ROOTED. PLACE SOD TIGHTLY WITH NO GAPS AND WITH GRAIN IN SAME DIRECTION.
 SOD SHALL BE WATERED IMMEDIATELY TO AVOID DRYING OUT. DO NOT INSTALL SOD UNTIL ACCEPTANCE OF FINISH GRADE AND IRRIGATION SYSTEM IS OPERATING PROPERLY UNLESS DIRECTED IN WRITING TO DO OTHERWISE.
- SOD SHALL BE INSTALLED ON A MIN. OF 3" OF LIGHTLY COMPACTED APPROVED TOPSOIL. TOPSOIL SHALL BE FERTILE, SCREENED, FRIABLE TOPSOIL FREE OF STONES 1/2" IN DIA. AND LARGER, ROOTS, STICKS, OR OTHER EXTRANEOUS MATERIAL INCLUDING NOXIOUS PLANTS. PH BETWEEN 6.0 AND 6.5, SALTS 500 PARTS PPM, ORGANIC CONTENT 3% MIN. DO NOT INSTALL TOPSOIL UNTIL APPROVED BY OWNER/CM. TOPSOIL SHALL BE FINE GRADED TO A SMOOTH FINISH, FREE OF LUMPS AND DEPRESSIONS.



FORTY-FIGHT (48) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: OHIO UTILITIES PROTECTION SERVICE AT 811 OR 1 (800) 362-2764 AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NONMEMBERS OF OHIO UTILITIES PROTECTION

WWW.CESCINC.COM

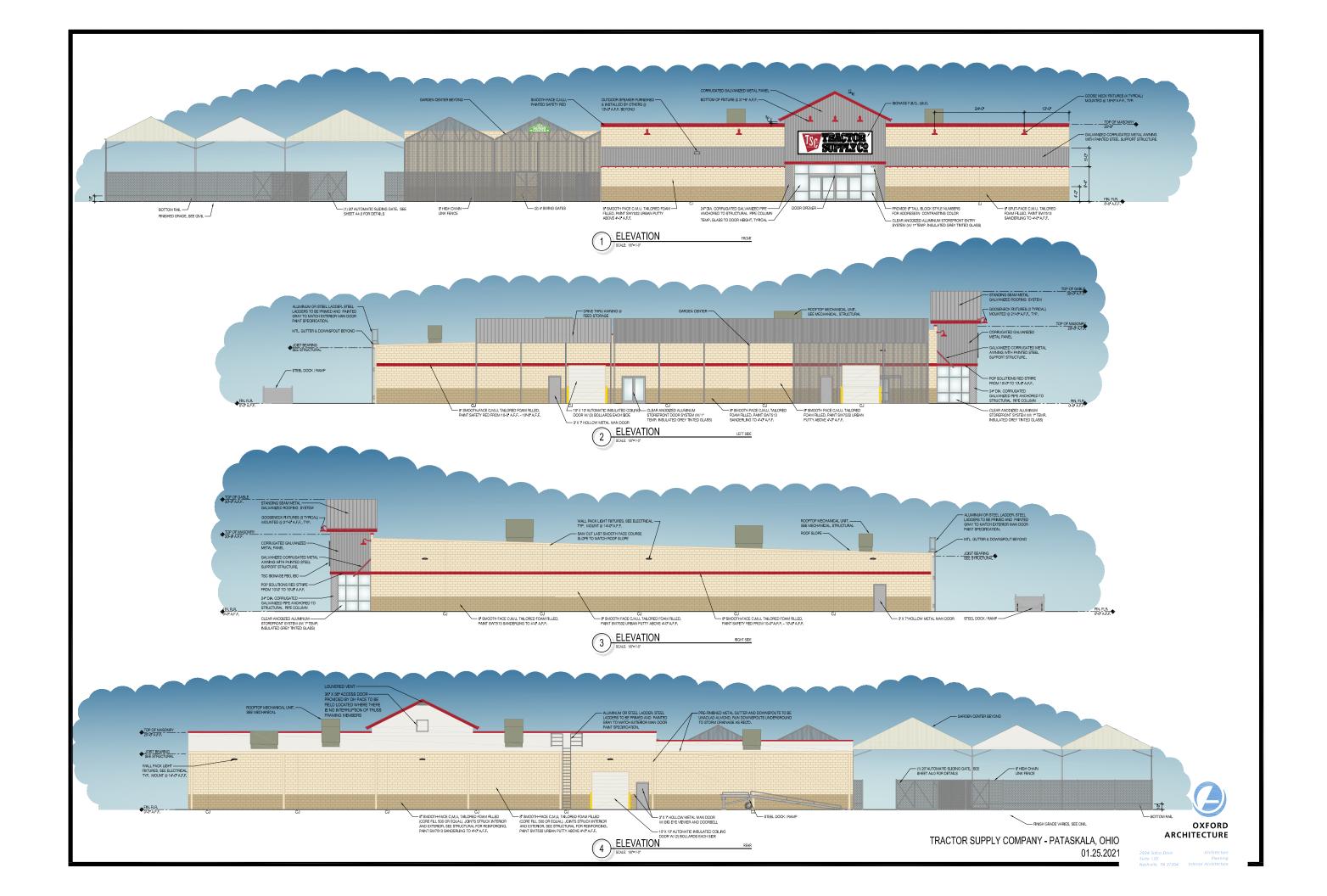
SUPPLY TRACTOR

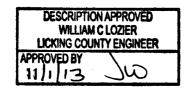
 $\ddot{\circ}$

PLAN TCOD SUBMITTAL DATE: 03.05.2021

LANDSCAPE

JOB NO.: 758553 DESIGN: MS DRAWN: MS CHECKED: EJL SHEET NO. C8.0









TRANSFERRED 10 November 1

Man Od Si

Licking County Auditor

GENERAL WARRANTY DEEDLIMITED LIABILITY COMPANY

SEC.319.202 COMPLIED WITH MICHAEL L. SMITH, AUDITOR BY BF \$ 6000.00

LABUD ENTERPRISES, LTD, a limited liability company organized and existing under the laws of the State of Ohio, Grantor, of Licking County, Ohio, for valuable consideration paid, grants, with general warranty covenants, to EDWARDS REAL ESTATE GROUP, LLC, Grantee, whose tax-mailing address is 5555 Wall Street Dublin OH 43017, the following described REAL PROPERTY:

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

Being part of Lot 15 of the First Township and 15 Range, Section 4, U.S.M. Lands; beginning at a stake on the North line of the Central Railroad, 40 rods East of the East line of J.F. Conine's land; thence North 37 ½ rods to the center of the Granville and Columbus Road; thence East along the center of said road to the Northwest corner of lands of William Pincott; thence South 42 ½ rods to the North line of said railroad; thence Westerly along the North line of said railroad, 20 rods to the place of beginning, containing 5 acres, more or less and more particularly described as follows:

Situated in the State of Ohio, County of Licking, City of Pataskala, and being a part of Lot 15 of Section 4, Township 1, Range 15, of the United States Military Lands, and being all of that land as conveyed to Stone Quarry Meadows Property Management, by deed of record in Instrument Number 200209060033361. All references being to those of record in the Recorder's Office in Licking County, Ohio. The 4.987 Acre parcel being more particularly bounded and described as follows:

Beginning at the northeasterly corner of a 4.0 acre parcel as conveyed to Ronald G. & Joyce L. Moore by deed of record in Official Volume 499, page 710, said point also being at centerline station 201 + 75.22 of the State of Ohio Department of Transportation right-of-way plans for State Route 16 (Columbus-Newark Road).

Thence North 77 deg. 55' 00" East, 342.83 feet along the centerline of State Route 16 (Columbus-Newark Road) to the northwest corner of a 5.497 acre parcel as conveyed to James A. & Marjorie Muncy by deed of record in ORV 3, page 1016, said point being at station 205 + 18.05 of the said centerline survey.

Thence South 4 deg. 11' 00" West, 703.38 feet along the westerly line of the said 5.497 acre Muncy parcel to an iron pin set of the northerly right-of-way line on the Baltimore and Ohio Railroad, passing an iron pin set at 31.25 feet on the southerly right-of-way line of State Route 16 (Columbus-Newark Road).

Thence North 87 deg. 58' 00" West, 327.79 feet along the northerly right-of-way line of the Baltimore and Ohio Railroad to the southeasterly corner of the said 4.0 acre Moore parcel.

Thence North 4 deg. 02' 28" East, 619.65 feet along the easterly line of the said 4.0 acre Moore parcel, passing an iron pin found at 0.87 feet, and a O.D.O.T. Right-of-way monument at 563.32 feet, to the point of Beginning and containing 4.987 Acres more or less according to a survey made by Blaine Surveying LTD., during April of 2006.

Subject however to all legal easements and or rights-of-way, if any of public record.

All iron pins set are 5/8" rebar 30" in length with an orange I.D. Cap labeled "Blaine 7830".

The bearings in the above description are based on the centerline of State Route 16, as being North 77 deg. 55' 00" East, as shown on the State of Ohio Right-of-way plans for State Route 16.

Prior Instrument Reference: Document NO. 200704030008322 & 200604270011800

Parcel No.: 063-150882-00.000

Property Address: 11309 E. Broad Street, Pataskala, OH 43062

EXCEPTIONS TO THE WARRANTIES: Except as herein before provided, except all easements, leases, conditions, and restrictions of record, if any, and except real estate taxes and assessments, for which taxes and assessments an adjustment has been made between the parties and which, therefore, the grantee herein assumes and agrees to pay.

IN WITNESS WHEREOF, the said Grantor, LABUD ENTERPRISES, LTD, has caused its company name to be subscribed hereto by Nikola T. Labudovski, its authorized member, thereunto duly authorized by its articles of organization and/or resolution of its members, this 29th day of October, 2013.

Signed and acknowledged by:

LABUD ENTERPRISES, LTD

Nikola T. Labudovsk

Membe

STATE OF OHIO

COUNTY OF FRANKLIN

In testimony whereof, I have hereunto subscribed my name and affixed my seal on the day and year last aforesaid.

Notary Public

My commission expires

This instrument prepared by: CARL J. MEYER, ESQ. (PLH) 1243 S. High Street Columbus, OH 43206 File No. GH-23068

> Janice L. Shook Notary Public, State of Ohio My Commission Expires 03-15-2015

