



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

May 11, 2021

#### Conditional Use Application CU-21-001

<b>Applicant:</b>	Mount Carmel Health Systems
<b>Owner:</b>	Tolson Investments, LLC.
<b>Location:</b>	370 E. Broad Street, Pataskala, OH 43062
<b>Acreage:</b>	05.443-acres total
<b>Zoning:</b>	GB – General Business
<b>Request:</b>	Requesting approval of a Conditional Use pursuant to Section 1249.04(17) of the Pataskala Code for a primary care medical office.

#### Description of the Request:

The applicant is seeking a conditional use to allow for the property at 370 E. Broad Street to be operated as a Primary Medical Care Office in the GB – General Business district pursuant to Section 1249.04(17).

#### Staff Summary:

The property at 370 East Broad Street is a 2,600-square foot storefront in the Kroger shopping center that was constructed in 2001. It is one (1) of twenty (20) leased retail areas of varying size in this development. The building itself is set back approximately 400-feet from East Broad Street and has access to the large paved asphalt parking lot that is shared by all businesses in the complex.

The Applicant is requesting a Conditional Use to allow the property to be used as a Primary Care Medical Office. No exterior alterations are proposed except for a sign. The proposed use as a Primary Care Medical Office falls under the North American Industry Classification System (NAICS) code 621111, which is defined as: “establishments of health practitioners having the degree of M.D. (Doctor of Medicine) or D.O. (Doctor of Osteopathy) primarily engaged in the independent practice of general or specialized medicine (except psychiatry or psychoanalysis)”. The proposed use is a Conditional Use in the GB – General Business district pursuant to Section 1249.04(17) of the Pataskala Code.

Per the Applicant’s Narrative Statement, the office will operate Monday through Friday, 8:00AM to 4:30PM. The number of employees may range from four (4) to seven (7). The Applicant believes that the proposed use will be harmonious with and in accordance with the City’s Comprehensive Plan and City Code, will not be hazardous or disturbing to existing or future neighboring uses, will not create excessive additional requirements at public cost, and will be served adequately by essential public facilities.

**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.*

No exterior changes are proposed, except for a future sign. Any signage would be subject to a Sign Permit and must meet the requirements of Chapter 1295.

Pursuant to Section 1291.16(Commercial)(13) of the Pataskala Code; Medical or Dental Offices shall have 5 parking spaces for each doctor or dentist, plus 1 for each other employee during main work shift; or for every 200 square feet of examination, treating room, office, and waiting room. As the shopping center is served by a large, shared parking lot with over 400 available parking spaces, Staff believes this use will have sufficient parking available.

Pursuant to Section 1215.09 of the Pataskala Code, a Conditional Use permit shall become null and void within six (6) months of the date of approval if the approved Conditional Use is not carried out. An extension may be granted upon approval from the Board of Zoning Appeals.

Staff has no other concerns with the proposed Conditional Use.

**Pataskala Utilities Department**

Property is out of compliance in regard to backflow prevention device inspection requirements. The annual inspection will need to be completed by an entity certified to test backflow devices and the report filed with the Utility Department.

**Other Departments and Agencies**

No other comments were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-M – Multi-Family Residential	Condos
East	GB – General Business	Misc. Commercial
South	B-1 – Business District (Harrison Twp.) R-7 – Village Single-Family Residential	Misc. Commercial Single-Family Homes
West	GB – General Business	Misc. Commercial

**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-21-001:

- None

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

- Zoning Inspector – No comments.
- Public Service Department – No comments.
- City Engineer – No comments.
- Pataskala Utilities– See attached
- Police Department – No comments
- West Licking Joint Fire District – No comments.
- Southwest Licking Local 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 within six (6) months of the date of approval.
2. The Applicant shall address all comments from the Pataskala Utilities Department.

#### **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 1215.08 of the Pataskala Code for application CU-21-001 ("with the following conditions" if conditions are to be placed on the approval)."

**From:** [Chris Sharrock](#)  
**To:** [Jack Kuntzman](#); [Steven Blake](#); [Jim Roberts](#); [Scott Haines](#); [Bruce Brooks](#); [Doug White](#); [Philip Wagner](#); [Perkins, Kasey \(Southwest Licking Local Schools\)](#); [Chris Gilcher](#); [Alan Haines](#); [Chad Brown](#)  
**Cc:** [Scott Fulton](#); [Lisa Paxton](#)  
**Subject:** RE: Pataskala BZA Review Memo for 05-11-2021  
**Date:** Tuesday, April 27, 2021 12:45:59 PM

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Jack,

See my comments below:

**VA-21-018:** The Utility Department has no comment

**CU-21-001:** This property is out of compliance in regard to the backflow prevention device inspection requirements. The annual inspection will need to be completed by an entity certified to test backflow devices and the report filed with the Utility Department.

Thank you,

Chris Sharrock  
City of Pataskala  
Utility Director  
430 South Main Street  
[csharrock@ci.pataskala.oh.us](mailto: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

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**From:** Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>  
**Sent:** Tuesday, April 20, 2021 1:57 PM  
**To:** Steven Blake <sblake@ci.pataskala.oh.us>; Jim Roberts <jroberts@hullinc.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Philip Wagner <pwagner@lhschools.org>; Perkins, Kasey (Southwest Licking Local Schools) <kperkins@laca.org>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Chris Gilcher <cgilcher@swlcws.com>; Alan Haines <ahaines@ci.pataskala.oh.us>; Chad Brown <cbrown@lickingcohealth.org>  
**Cc:** Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>  
**Subject:** Pataskala BZA Review Memo for 05-11-2021  
**Importance:** High

Good Afternoon Everyone,

You are receiving this email because one or more of the Applications submitted for the May 11, 2021 Board of Zoning Appeals is within your jurisdiction. Please see the list below for which



# CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

## CONDITIONAL USE APPLICATION

(Potaskala Codified Ordinances Chapter 1215)

<b>Property Information</b>		
Address: 370 E. Broad Street, Pataskala, OH		
Parcel Number: 64-068322-00.005		
Zoning: General Business (GB)	Acres: 5.443 (whole site)	
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

<b>Staff Use</b>
Application Number: CU-21-001
Fee: \$300.00
Filing Date: 4/14/2021
Hearing Date: 5/11/2021
Receipt Number: 21822

<b>Applicant Information</b>		
Name: Mount Carmel Health System		
Address: 6150 E. Broad Street		
City: Columbus	State: OH	Zip: 43213
Phone: 781-999-2345	Email: maggie.bornhorst@mchs.com	

<b>Documents</b>
<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 checked="" type="checkbox"/> Area Map

<b>Property Owner Information</b>		
Name: Tolson Investments, LLC		
Address: 7150 W. Central Ave., suite 200		
City: Toledo	State: OH	Zip: 43617
Phone: 419-843-1215	Email: bschmidt@tolsonent.com	

<b>Conditional Use Information</b>	
Request (Include Section of Code):	1249.04 #17 <del>AM</del>
Describe the Project: primary care medical office	

## 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

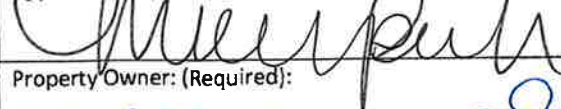
**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/paxworld/>

**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:

4/16/2021

Property Owner: (Required):

Dale A. Tolson



Date:

4/15/2021

## CONDITIONAL USE APPLICATION: Narrative Statement

Mount Carmel Health System – Mount Carmel Medical Group Pataskala

370 E Broad Street

Pataskala, OH 43062

Mount Carmel Health System (the applicant) is requesting conditional use for 370 E Broad Street, Pataskala, OH 43062 in order to open a Primary Care office. This Medical office will operate Monday-Friday, 8:00am-4:30pm. There will be four employees in the office to begin, with the ability to grow to seven employees. There will be space for three providers to practice and see patients.

Mount Carmel has a number of patients in Licking County and is aiming to provide more convenient Primary Care services to the residents of Pataskala and surrounding areas.

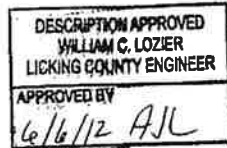
Per Section 1215.04 of the Pataskala Code:

1. Per Zoning Code 1249.04 #17, all Conditional Uses allowed in PRO and LB zoning districts are also permitted Conditional Uses in GB. Per Zoning Code 1247.04 #13, Medical or Medical-Related Offices of Clinics are listed as permitted Conditional Uses in LB zoning district.
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. **CORRECT**
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. **CORRECT**
5. Will be served adequately by essential public facilities and services such as highways, stress, 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. **CORRECT**
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. **CORRECT**









201206210013787  
Pg 3 \$36.00 T20120015867  
06/21/2012 3:12PM MEPRADY COYL  
Bryan A Long  
Licking County Recorder



TRANSFERRED  
Date June 20 2012  
M. OK S. T. BF  
Licking County Auditor  
SEC. 319.202 COMPLIED WITH  
MICHAEL L. SMITH, AUDITOR  
BY BF exg

### GENERAL WARRANTY DEED

(Statutory Form)  
Rev. Code Sec. 5302.05

Harvey A. Tolson, a married man, of Lucas County, State of Ohio for valuable consideration paid, grant(s), with general warranty covenants, to Tolson Investments, LLC, an Ohio limited liability company, whose tax-mailing address is 6591 W. Central Avenue, Suite 100, Toledo, Ohio 43617 the following real property:

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

Subject to zoning ordinances, easements, restrictions of record and taxes due and payable.

Tax Parcel No. 64-068322-00.005  
Prior Instrument Reference: 200409270034894

Constance L. Tolson, wife of the grantor, releases all rights of dower therein.

Executed this 12<sup>th</sup> day of January, 2012.

Harvey A. Tolson  
Harvey A. Tolson

Constance L. Tolson  
Constance L. Tolson

STATE OF OHIO )  
                          ) ss:  
COUNTY OF LUCAS )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of January, 2012, by Harvey A. Tolson and Constance L. Tolson, husband and wife.

Cheryl K. Slotterbeck  
Notary Public

This Instrument Prepared By and  
After Recording Return To:  
Brenda A. Ray, Esq.  
Brady, Coyle Schmidt  
4052 Holland-Sylvania Road  
Toledo, OH 43623



CHERYL K. SLOTTERBECK  
Attorney at Law  
Notary Public - State of Ohio  
My Commission has no expiration date  
Section 147.03 O.R.C.

## EXHIBIT A

### 5.443 Acres

Situated in the State of Ohio, County of Licking, City of Pataskala, lying in Lot Numbers 17 and 18, Quarter Township 3, Township 1, Range 14, United States Military Lands, and being part of the remainder of a 10.597 acre tract and all of a 1.504 acre tract conveyed to Pataskala-Toledo Associates, Ltd, an Ohio limited liability company (Pataskala-Toledo Associates, Limited) by deeds of record in Instrument Numbers 200002230005668 and 200006260020286, respectively, (all references refer to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a magnetic nail set at the intersection of the line common to Lot Numbers 17 and 18 and the centerline of East Broad Street (State Route 16), of record in the plat of "HARRISON SQUARE," a plat of record in Plat Book 16, Pages 263-265, also being the southwesterly corner of a 0.626 acre tract conveyed to the Board of Licking County Commissioners by deed of record in Official Record 162, Page 374;

thence North 00° 48' 52" East, a distance of 187.36 feet, with the line common to said Lot Numbers 17 and 18 and said 0.626 acre tract, and partially with the easterly line of a 7.665 acre tract conveyed to The Kroger Company by deed of record in Instrument Number 200002230005671, to an iron pin set at the northwesterly corner of said 0.626 acre tract and a southwesterly corner of said 10.597 acre tract, being the TRUE POINT OF BEGINNING;

thence North 00° 48' 52" East, a distance of 235.09 feet, continuing with the line common to said Lot Numbers 17 and 18 and said 10.597 and 7.665 acre tracts, to a magnetic nail set at the southeasterly corner of said 1.504 acre tract;

thence South 74° 46' 33" West, a distance of 140.97 feet, with the line common to said 1.504 acre tract and the remainder of said 7.665 acre tract, to a magnetic nail set;

thence North 15° 13' 27" West, a distance of 344.00 feet, with the westerly line of said 1.504 acre tract, and partially with the easterly lines of the remainders of said 7.665 acre tract and a 3.374 acre tract conveyed to The Kroger Company by deed of record in Instrument Number 200002230005671, to an iron pin set at the common corner of said 1.504 acre tract and the remainder of said 3.374 acre tract, being in the southerly line of a 6.237 acre tract conveyed to Olympus Homes, Inc. by deed of record in Instrument Number 200209300036270;

thence North 74° 46' 33" East, a distance of 239.86 feet, with the line common to said 6.237 and 1.504 acre tracts, to an iron pin set at the common corner of said 6.237, 1.504 and 3.448 acre tracts and a 4.147 acre tract conveyed to D.B.M. Enterprises, Inc. by deeds of record in Instrument Numbers 200306130026639, 200306130026640, and 199810210039946, being in the line common to said Lot Numbers 17 and 18;

thence South 89° 24' 09" East, a distance of 221.49 feet, with the line common to said 10.597 and 4.147 acre tracts, to an iron pin set;

thence South 15° 13' 29" East, a distance of 423.62 feet, across said 10.597 acre tract, to a magnetic nail set,

thence North 74° 46' 34" East, a distance of 133.39 feet, continuing across said 10.597 acre tract, to a magnetic nail set;

thence South 15° 19' 02" East, a distance of 197.18 feet, partially across said 10.597 acre tract and partially with the westerly line of a 1.012 acre tract conveyed to The Park National Bank by deed of record in Instrument Number 200108070028546, passing an iron pin set at 25.00 feet at the northwesterly corner of said 1.012 acre tract, to an iron pin set at the southwesterly corner of said 1.012 acre tract and in the northerly right-of-way line of said East Broad Street (State Route 16);

thence South 77° 22' 45" West, a distance of 81.99 feet, with the northerly right-of-way line of said East Broad Street (State Route 16), to an iron pin set at the southeasterly corner of a 1.004 acre tract conveyed to System Capital Real Property Corporation, a Delaware corporation by deed of record in Instrument Number 200106200021982;

thence with the perimeter of said 1.004 acre tract the following courses and distances:

North 15° 13' 26" West, a distance of 168.46 feet, to an iron pin set;

South 74° 46' 34" West, a distance of 234.04 feet, to an iron pin set at a point of curvature;

with the arc of said curve to the left, having a central angle of 89° 55' 04", a radius of 25.00 feet, an arc length of 39.23 feet, an a chord which bears South 29° 48' 40" West, a distance of 35.33 feet, to an iron pin set at a point of tangency;

South 15° 13' 26" East, a distance of 129.68 feet, to an iron pin set at a point of curvature;

with the arc of a curve to the left, having a central angle of 22° 48' 32", a radius of 50.00 feet, an arc length of 19.90 feet, and a chord which bears South 26° 13' 20" East, a distance of 19.77 feet, to an iron pin set at the southwesterly corner of said 1.004 acre tract and in the northerly right-of-way line of said East Broad Street (State Route 16);

thence South 72° 29' 06" West, a distance of 48.69 feet, with the northerly line of said East Broad Street (State Route 16), to an iron pin set in the easterly line of said 0.626 acre tract;

thence North 17° 32' 52" West, a distance of 119.97 feet, with a line common to said 0.626 and 10.597 acre tracts, to an iron pin set;

thence South 72° 29' 08" West, a distance of 120.07 feet, continuing with a line common to said 0.626 and 10.597 acre tracts, to the TRUE POINT OF BEGINNING, containing 5.443 acres, more or less, of which 3.939 acres, lying in Lot Number 17, is from said 10.597 acre tract and 1.504 acres, lying in Lot Number 18, is from said 1.504 acre tract.

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

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the centerline of East Broad Street (State Route 16) being South 74° 46' 34" West, as shown on the plat of "HARRISON SQUARE," a plat of record in Plat Book 16, Pages 263-265.



