

## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

#### STAFF REPORT

May 9, 2023

### **Conditional Use Application CU-23-002**

**Applicant:** Buckeye Valley Family YMCA – Dana Moore

Owner: Judith Y. Baird

**Location:** 325 W Broad Street, Pataskala, OH 43062 (PIDs: 064-307698-00.000 and 064-

307698-00.000) +/- 3.18-acres

**Zoning:** GB – General Business/R-10 – High Density Residential

**Request:** Requestion approval of a Conditional Use to allow for the site to be used for

Child Care Services (NAICS: 624410) pursuant to Sections 1249.04(17) and

1235.04(3) of the Pataskala Code.

#### **Description of the Request:**

The applicant is seeking approval of a Conditional Use to allow for the existing property located at 325 W Broad Street to be utilized for Child Care Services (NAICS: 624410) pursuant to Section 1249.04(17) of the Pataskala Code.

#### **Staff Summary:**

Acreage:

There are two (2) separate properties that share the address of 325 W Broad Street. A summary of each is below:

- Westernmost Lot
  - o Acreage: 2.26
  - Zoning: GB General Business
  - Current Use: Vacant, unoccupied.
- Easternmost Lot
  - o Acreage: 0.92
  - o Zoning: GB General Business/R-10 High Density Residential
  - Current Use: Vocational Rehabilitation Services.
    - 3,944-square foot commercial building built in 1971.
    - Access: Broad Street to North, Linda Avenue to South.
    - Gravel surface parking lot in front (north) of existing structure.

As proposed, the Applicant is requesting approval of a Conditional Use in order to operate a Child Care Services use on the properties. The North American Industry Classification System (NAICS) identifies this use as "establishments primarily engaged in providing day care of infants or children. These establishments generally care for preschool children but may care for older children when they are not in school and may also offer pre-kindergarten educational programs". In both the GB – General Business and R-10 – High Density Residential zoning district, this use is a Conditional Use (Sections 1249.04(17) and 1235.04(3), respectively).

The Applicant has stated that the proposed use would serve children from 0-3 years of age as a preschool/child care facility for the West Licking County Family YMCA. Per the Applicant, the property

originally served as a childcare facility when built. Daycare and preschool programs for infants and toddlers will run from 7AM-6PM, with drop-off times between 7-9AM and pick-up from 4-6PM. As projected, there will be 8-10 staff on-site, and the facility will be licensed with the Ohio Department of Job and Family Services who will determine capacity for children at the time of licensure. Currently, they estimate between 35-45 children. The adjacent 2.26-acre lot to the west of the existing structure will be used for outdoor activities.

Per the Narrative Statement as submitted by the Applicant, they believe that the proposed use will be harmonious with and in accordance with the general objectives of the City's Comprehensive Plan and Code, will be served adequately by public facilities, and has vehicular approaches designed as to not create interference with traffic on surrounding public thoroughfares. Further stated, the Applicant does not believe the proposed use will create conditions detrimental to any persons, property, or the general welfare of the community.

**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 easternmost lot, currently occupied by the existing structure is split-zoned GB – General Business and R-10 – High Density Residential. It is split roughly even down the middle, with the GB zoning occupying the frontage on W Broad Street and the R-10 frontage to the rear of the building fronting Linda Avenue. The proposed use, Child Care Services (NAICS: 624410), is a Conditional Use in both the GB – General Business (Section 1249.04(17)) and the R-10 – High Density Residential (Section 1235.04(3)) zoning districts.

Pursuant to Section 1291.16 of the Pataskala Code; Kindergartens, child care centers, nursery schools, and other similar uses must provide one (1) parking space for each 200 square feet of floor area. For a 3,944-square foot building, this would amount to 20 spaces. All individual parking spaces on site will need to be striped, lighted, and sized per Code (Sections 1291.04, 1291.03, and 1291.11) and any additional paved areas required shall be paved in asphalt or concrete (Section 1291.02(A)(4)), unless a Variance is obtained first.

Additionally, Section 1291.15 states access drives for two-way traffic shall be 28-feet in width, and those for one-way traffic shall be a minimum of 14-feet in width. As the existing drive, at least south of the existing building, is less than 28-feet wide, the directional flow of traffic shall be limited to one-way only south of the building, with an exit-only onto Linda Avenue. Appropriate signage should be installed indicating as such.

Section 1283.07 of the Pataskala Code states that when located in the GB – General Business zoning district, uses shall provide L2 standard perimeter screening along the frontage of the use. L2 type shall consist of a three (3) foot high continuous shrub row, or a three (3) foot high wall or mound, with one (1) tree per 30 lineal feet.

Trash and/or Waste Disposal Units, pursuant to Section 1283.06(13)(b), shall be screened on all sides by a fence, wall, or planting screen that is 100% opaque. There is an existing dumpster enclosure to the south of the current structure, however, it is only screening on three (3) of the sides. The southern face of the existing enclosure must be acceptably screened in order to meet the above requirement.

From the Site Plan as submitted by the Applicant, they have proposed no exterior changes to the property. However, Staff believes further site improvements will be needed in order to meet Pataskala Code, such as available parking, and perimeter landscaping. Additionally, Staff does have concerns with drop-off and pick-ups. With an expected capacity of 35-45 children, there is the potential for stacked vehicles to back up onto Broad Street.

Any proposed or required improvements would be subject to approval and permitting from the Planning and Zoning Department.

As this is a Conditional Use, pursuant to Section 1215.09 of the Pataskala Code, the approved use must be carried out within six (6) months of the date of approval. The Applicant may request one (1) further six (6) month extension before a re-submittal is required.

#### Public Service Director (Full comments attached)

The PSD has the concern that there has not been a plan provided for pick-up/drop-off traffic at the proposed day care location, as it does not appear that there is enough parking or on-site queueing for pick-up/drop-off traffic. The applicant needs to provide trip generation numbers per ITE and develop a plan for on-site traffic that addresses parking and queueing to accommodate the expected traffic, and specifically addresses how back-ups on Broad Street will be prevented.

#### Pataskala Utilities Director (Full comments attached)

Backflow device and grease trap will need to be installed prior to commencement of operations.

#### Other Departments and Agencies

No other comments were received.

#### **Surrounding Area:**

Direction	Zoning	Land Use
North	GB – General Business	Undeveloped
East	GB - General Business R-10 – High Density Residential	Auto Repair Single-Family Home
South	M-1 – Light Manufacturing R-MH – Residential Manufactured Home	YMCA Mobile Home Park
West	GB – General Business	Auto Sales

#### **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-23-002:

None.

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

- Zoning Inspector No comments.
- Public Service See attached.
- City Engineer No comments.
- Pataskala Utilities See attached.
- Police Department No comments.
- West Licking Joint Fire District No comments.
- Southwest Licking 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 the Planning and Zoning Department, Public Service Department, and Pataskala Utilities.
- 2. The Applicant shall carry out the Conditional Use within six months from the date of approval pursuant to Section 1215.09 of the Pataskala Code.

#### **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-23-002 ("with the following conditions" if conditions are to be placed on the approval)."

From: Alan Haines
To: Jack Kuntzman
Subject: YMCA - Day Care

**Date:** Tuesday, May 2, 2023 3:12:41 PM

#### Jack,

The PSD has the concern that there has not been a plan provided for pick-up/drop-off traffic at the proposed day care location, as it does not appear that there is enough parking or on-site queueing for pick-up/drop-off traffic. The applicant needs to provide trip generation numbers per ITE and develop a plan for on-site traffic that addresses parking and queueing to accommodate the expected traffic, and specifically addresses how back-ups on Broad Street will be prevented.

## Regards,

Alan W. Haines, P.E. Public Service Director City of Pataskala

621 W. Broad St. Suite 2B Pataskala, Ohio 43062

Office: 740-927-0145 Cell: 614-746-5365 Fax: 740-927-0228 From: <u>Trent Howell</u>

To: Jack Kuntzman; Felix Dellibovi; Jim Roberts; Scott Haines; Bruce Brooks; Chris Sharrock; Doug White; Kevin

Miller; laitken@lhschools.org; Scott Morris; Alan Haines; Antonio Anzalone; kperkins@laca.org

Cc: Scott Fulton; Lisa Paxton

**Subject:** RE: Pataskala BZA Review Memo for 05-09-2023

**Date:** Tuesday, April 25, 2023 8:51:18 AM

Attachments: <u>image001.png</u>

See comments below in red.

Thank you,

Trent Howell
City of Pataskala
Acting Utility Director
430 S Main Street

thowell@ci.pataskala.oh.us Office: (740) 927-4134

From: Jack Kuntzman < jkuntzman@ci.pataskala.oh.us>

**Sent:** Tuesday, April 18, 2023 2:31 PM

**To:** Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Jim Roberts <jroberts@verdantas.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Trent Howell <thowell@ci.pataskala.oh.us>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Doug White <DWhite@westlickingfire.org>; Kevin Miller <kevin.miller@lhschools.org>; laitken@lhschools.org; Scott Morris <smorris@lickingcohealth.org>; Alan Haines <ahaines@ci.pataskala.oh.us>; Antonio Anzalone <aanzalone@ci.pataskala.oh.us>; kperkins@laca.org

**Cc:** Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>

**Subject:** Pataskala BZA Review Memo for 05-09-2023

Good Afternoon Everyone,

You are receiving this email because one or more of the Application(s) submitted for the **May 9, 2023** Board of Zoning Appeals are within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

**VA-23-010:** Felix Dellibovi, Verdantas, Bruce Brooks, Doug White, Kevin Miller, Scott Morris, Alan Haines

**CU-23-002:** Felix Dellibovi, Verdantas, Trent Howell, Bruce Brooks, Doug White, Kasey Perkins, Alan Haines

The only comments I have is that a backflow device and a grease trap will need to be installed at this property.

**CU-23-003:** Felix Dellibovi, Verdantas, CJ Gilcher, Bruce Brooks, Doug White, Kevin Miller, Alan Haines



## 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			Staff Use
Address: 325 West Broad Street			Application Number:
Parcel NumberXXXXXX		308328-00.000	CV-23-002
Zoning: GB	Acres: 2.5		Fee:
Water Supply:	li .		\$ 700.00
City of Pataskala South West Licking On Site		Filing Date:	
Wastewater Treatment:			4-13-2023
☐ City of Pataskala ☐ South West Licking ☐ On Site		Hearing Date:	
			5-9-2023
Applicant Information			Receipt Number:
Name: Buckeye Valley Family YMG+ - Dana Moore			001064
Address: 470 West Chu	cdo St		
City: Newark	State:	Zip: 43065	Documents
Phone: 740-964-6522 Email: dava moore @bufymea.org		Application	
7 (O 14 ( 4 3 2	THE WATER	3	Fee
Property Owner Information			Narrative
Name: JUDITH Y. BAIRD			Site Plan
Address: 12705 Cable			Deed
City: Pataskala	State: OH	Zip: 43062	Area Map
Phone: 740-927-20	Email: Endub	Email: Judy bairdy & a mail, Com	
11- 12/-20	Jan		<del></del> -
Conditional Use Informa	tion		
Request (Include Section of Co	ode): Clauld Cava	. = 1	
	CAING COC		
Describe the Project: 114	Line the property of 2	25 Vest Brood	St.
as a abild cour	lise the property at 3 Detailed description in at	tached narrative.	
TO A CITIA CAS.	Living (Marphan VI-ca	in and individual	

## **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:		
Darayore	4/10/23		
Property Owner: (Required):	Date:		
Gusithy Bair of	4-6-2023		





## **BUCKEYE VALLEY FAMILY YMCA**

www.bvfymca.org

## **Conditional Use Application**

West Licking County Family YMCA (WLCFYMCA)

#### Narrative

The WLCFYMCA is requesting conditional use of 325 West Broad St. Pataskala, OH 40362, for use as a preschool/child care. The WLCFYMCA preschool/child care would serve children 0-3 years of age. This facility was originally designed to house a child care when it was built in 1972 and the property owner worked with the WLCFYMCA to see the property returned to its original usage.

The WLCFYMCA preschool will have a full-day infant, toddler, and twos day care from 7am-6pm. The WLCFYMCA preschool/child care is a curriculum-based program that specifically focuses on cognitive, physical and social development skills, in addition to language and self-help skills. The program includes breakfast, lunch, snack, educational time, gross motor activities, nap and activities of daily care for children. Parents generally will drop off between 7-9am and pick up between 4-6pm. The WLCFYMCA will have 8-10 staff at the 325 W. Broad St. location. The WLCFYMCA will license the facility with the Ohio Department of Job and Family Services who will determine capacity of children for the facility, at this time we estimate 35-45 children.

Specific Reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:

- 1. Yes
- 2. Yes
- 3. Yes
- 4. No, will not be hazardous or disturbing to existing or future neighborhood uses.
- 5 Yes
- 6. No, will not create excessive additional requirements at public cost.
- 7. Yes, will not involve uses, activities, processes, materials, equipment and conditions of operations that will detrimental to any persons, property or general welfare.
- 8. Yes
- 9. Yes, will not result in damage, destruction or loss of natural, scenic or historical features



DESCRIPTION APPROVED
WILLIAM C. LOZIER
LICKING COUNTY ENGINEER
APPROVED BY
PM.N. 3/20/12

201203270006486

Pgs: 12 \$108.00 T20120007492 03/27/2012 2:42PM BXALL OHIO Bryan A. Long Lioking County Recorder

CONDITIONAL APPROVAL FOR THIS TRANSFER CORRECTION REQUIRED FOR NEXT TRANSFER WILLIAM C. LOZIER, LICKING COUNTY ENGINEER

P.M.N.

no bearings, missing exceptions, poor beg. tef. pt., missing diminain

SEC.319:202 COMPLIED WITH MICHAELL. SMITH, AUDITOR BY MU OX-M

TRANSFERRED

**Licking County Auditor** 

# AFFIDAVIT OF SURVIVING SPOUSE OR JOINT SURVIVOR (O.R.C. Section 5302.17)

State of Ohio, County of Licking,

- I, Judith Y. Baird, being first duly sworn, deposes and says as follows:
- 1. That Bruce J. Baird aka Bruce Joseph Baird and Judith Y. Baird aka Judith Yvonne Baird are joint owners of multiple properties under a duly recorded survivorship or tenancy by entireties deed and recorded as:
  - a. Instrument Number 199809300037227, Recorder's Office, Licking County, Ohio (as to 305-307 Linda Avenue, Pataskala, Ohio 43062);
  - b. Instrument Numbers 199908170034530, 199908170034529, 199908170034528, 199908170034527, Recorder's Office, Licking County, Ohio (as to 5 acres on Broad Street, Pataskala, Ohio 43062);
  - c. Official Record 249, page 457, Recorder's Office, Licking County, Ohio (as to 299 W. Broad Street, Pataskala, Ohio 43062- Lot 29 and 0.49 acres);
  - d. Instrument Number 200508310027191, Recorder's Office, Licking County,
     Ohio (as to 26 W. Depot Street, Pataskala, Ohio 43062);
  - e. Official Record 449, page 484, Recorder's Office, Licking County, Ohio (as to 14025 E. Broad Street, Pataskala, Ohio 43062);
  - f. Official Record 684, page 190, Recorder's Office, Licking County, Ohio and Official Record 578, page 421, Recorder's Office, Licking County, Ohio (as to 1045 Pike Street, Etna, Ohio 43018);
  - g. Instrument Number 200702230004684, Recorder's Office, Licking County, Ohio (as to 293-295 Linda Avenue, Pataskala, Ohio 43062);
  - h. Instrument Number 201111210022416, Recorder's Office, Licking County, Ohio (as to 325 W. Broad Street, Pataskala, Ohio 43062)
  - That the properties are known as:
  - a. 305-307 Linda Avenue, Pataskala, Ohio 43062 and being more particularly described on Exhibit A attached hereto and made a part hereof;
  - b, 5 acres, Broad Street, Pataskala, Ohio and being more particularly described on Exhibit B attached hereto and made a part hereof;
  - c. 299 W. Broad Street, Pataskala, Ohio 43062 (Lot 29 and 0.49 acres) and being more particularly described on Exhibit C attached hereto and made a part hereof;
  - d. 26 W. Depot Street, Pataskala, Ohio 43062 and being more particularly described on Exhibit D attached hereto and made a part hereof;
  - e. 14025 E. Broad Street, Pataskala, Ohio 43062 and being more particularly described on Exhibit E attached hereto and made a part hereof;
  - f. 1045 Pike Street, Etna, Ohio 43018 and being more particularly described on Exhibit F, attached hereto and made a part hereof;
  - g. 293-295 Linda Avenue, Pataskala, Ohio 43062 and being more particularly described on Exhibit G attached hereto and made a part hereof;
  - h. 325 W. Broad Street, Pataskala, Ohio 43062 and being more particularly described on Exhibit H attached hereto and made a part hereof;

Parcel Numbers: a. 305-307 Linda Avenue, Pataskala, Ohio 43062: 064-310656-00.000

b. 5 acres, Broad Street, Pataskala, Ohio 43062: 063-143520-00.000

c. 299 W. Broad Street, Pataskala, Ohio 43062 (Lot 29 and 0.49 acres): 064-307956-00.000

d. 26 W. Depot Street, Pataskala, Ohio 43062: 064-308088-00.000

e. 14025 E. Broad Street, Pataskala, Ohio 43062: 063-142008-00.000 and 063-142014-00.000

f. 1045 Pike Street, Etna, Ohio 43018: 010-018462-00.000;

g. 293-295 Linda Avenue, Pataskala, Ohio: 064-311130-00.000

h. 325 W. Broad Street, Pataskala, Ohio 43062: 064-308328-00.000;

3. That Bruce J. Baird aka Bruce Joseph Baird died on January 4, 2012, and a copy of the Certificate of Death has been issued and is attached hereto and fully incorporated herein as Exhibit "P" and in Taylored Dumber 20126 11 2000 878, Recorded Office, Lichen County, Ohio

4. That by virtue of the death of Bruce J. Baird, Judith Y. Baird is the fee simple owner of the above-described property and requests that this fact be reflected on the land and tax records of the County of Licking.

Further Affiant sayeth naught.

Judith Y Baird

Sworn to before me and subscribed in my presence this Lothday of March, 2012.

Notary Public

.

MARY R. HARSH NOTARY PUBLIC, STATE OF ONIO BY COMMISSION EXPIRES 1-26-2014

This instrument prepared by:

FISHER, SKROBOT & SHERAW, LLC, 471 East Broad Street, Suite 1810, Columbus, Ohio

ALL OHIO TITLE AGENCY, LLC P.O. Box 973 Pataskala, Ohio 43062-0973

