

#### CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

#### **STAFF REPORT**

February 7, 2024

#### **Replat Application REP-24-002**

**Applicant:** Ryan Badger, Badger Land Concepts

Owner: Mark Schuster, 8855 E Broad Corp, LLC.

O E Broad St & 43 S Belmar Dr SW (PIDs: 063-151224-00.000, 063-151230-

00.000, 063-151236-00.000, 063-142734-00.000)

**Acreage:** +/- 1.376-acres total

**Zoning:** GB – General Business & R-20 – Medium Density Residential

**Request:** Requesting approval of a Replat to combine Lots 11-13, and 54 of the Summit

Ridge Heights subdivision pursuant to Section 1113.48 of the Pataskala Code.

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

The Applicant is requesting approval of a Replat, pursuant to Section 1113.48 of the Pataskala Code, in order to combine Lots 11, 12, 13, and 54 of the Summit Ridge Heights Subdivision.

#### **Staff Summary:**

There are a total of four (4) lots, being lots 11, 12, 13, and 54, that the Applicant has requested approval to Replat into a single lot. The Summit Ridge Heights subdivision was originally platted in 1956 and included 90 lots along Broad Street, Annett Drive SW, S Summit Ridge Drive SW, S Belmar Drive SW, and Charward Road SW. A summary of the existing lots is below:

**Lot 11** – PID: 063-151224-00.000

• Acreage: +/- 0.32-acres

• Zoning: GB – General Business

• Frontage: E Broad Street to North, S Belmar Drive SW to West.

Current Use: Vacant

Lot 12 - PID: 063-151230-00.000

Acreage: +/- 0.32-acres

• Zoning: GB – General Business

• Frontage: E Broad Street to North

• Current Use: Vacant

**Lot 13** – PID: 063-151236-00.000

• Acreage: +/- 0.32-acres

• Zoning: GB – General Business

• Frontage: E Broad Street to North

Current Use: Vacant

**Lot 54** – 43 S Belmar Drive SW – PID: 063-142734-00.000

- Acreage: +/- 0.41-acres
- Zoning: R-20 Medium Density Residential (Pending rezoning to GB per ZON-24-002)
- Frontage: S Belmar Drive SW to West.
- Current Use: Single-Family Residential.
  - o 1,440sf single-family home.
  - o 576sf detached garage.

The Applicant is requesting approval of a Replat pursuant to Section 1113.48 of the Pataskala Code in order to combine lots 11, 12, 13, and 54 of the Summit Ridge Heights Subdivision into Lot 11-A, +/- 1.376-acres in size. The proposed lot 11-A would have 204.89-feet of frontage on E Broad Street, and 236.42-feet of frontage on S Belmar Drive SW. An existing 10-foot-wide easement along the east side property lines of Lots 13 and 54 will be retained.

Staff would also like to note that the Applicant has applied for a request to rezone Lot 54 (43 S Belmar Drive SW) from R-20 – Medium Density Residential to GB – General Business (Application ZON-24-002). The Applicant has stated that the purpose of the replat is to bring the lots into compliance with the GB – General Business minimum lot requirements, and to allow for potential development of the site in the future.

**Staff Review:** The following summary does not constitute recommendations but merely conclusions and suggestions from staff.

#### Planning and Zoning Staff:

As the four (4) lots exist now, Lots 11-13 are currently zoned GB – General Business, and Lot 54 is zoned R-20 – Medium Density Residential. The Applicant has also submitted an application to request a rezoning of Lot 54 from R-20 to GB (ZON-24-002). Until that Application has been fully approved and the ordinance to change the zoning gone into effect, the Replat would not be able to be recorded, as it would create a split-zoned lot. As such, Staff has included a potential Modification, that the Commission may choose to include, that the Replat shall not be recorded unless the approval of the rezoning for Lot 54 has become official.

If the Rezoning Application is not approved, the Applicant would need to pursue approval of another Replat Application to only combine lots 11-13, if they so choose.

Planning and Zoning Staff have reviewed the proposed Replat and have the following comments:

- Change signature line for Licking County Board of Health to SWLCWSD.
- Remove the land hooks between previous property line locations, as the replat would remove these property lines the land hooks are not necessary.
- Pursuant to Section 1113.44(b): if lots being replatted have existing structures, separate dimensionally accurate sketch with outline of structures shall be included.
- Pursuant to Section 1113.44(e): All existing easements shall be maintained on the Replat. However, the Planning and Zoning Commission may waive this requirement if it is determined that the existing easement would not serve a purpose as part of the replatted lots. The following easements are present on Lots 11-13, and 54:

- 10-foot-wide Utility Easement straddling the south property line of Lots 11-13 and the north property line of Lot 54. 5-feet on either side of the property line(s). Applicant has proposed vacating the easement with this replat.
- Appears to be a 10-foot-wide Utility Easement along the east side property line of Lots 13, 54.
   The Applicant has proposed retaining this easement.
- Staff would like verification that the easement proposed to be vacated does not contain any existing infrastructure. Possible modification included below.

The proposed replat would create a lot 1.376-acres in area, with a width of 204.89-feet along E Broad Street, and a width of 236.42-feet along S Belmar Drive SW. The minimum lot size and width requirements in the GB – General Business zoning district for a property served by central utilities is 20,000-square feet (~0.459-acres) and 100-feet. Should Lot 54 be rezoned to GB, then the proposed replat would meet the minimum requirements of the GB zoning district.

Should this Replat Application be approved, the Applicant shall submit a mylar copy of the approved replat, 18-inch by 24-inch in size, to the Planning and Zoning Office for signatures. Pursuant to Section 1113.49 of the Pataskala Code, the subdivider shall file the Replat within 30 days of the final official signature and return the recorded mylar copy to the Planning and Zoning Staff.

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

Verification needed on 10' utility easements that run along the southern property line, 10' along east. Verify that there are no utilities in the easement affected. It is recommended to provide evidence of coordination with utility providers confirming that their utilities are not located in the easement and/or will not be affected.

#### **Surrounding Area:**

Direction	Zoning	Land Use
North	GB – General Business	Car Wash Undeveloped Land
East	GB – General Business R-20 – Medium Density Residential	Single-Family Home
South	R-20 – Medium Density Residential	Single-Family Home
West	R-20 – Medium Density Residential	Breathing Air Systems Single-Family Home

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

- Zoning Inspector No comments.
- City Engineer No comments.
- Public Service See attached.
- SWLCWSD No comments
- Police Department 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:

- The Applicant shall submit a replat mylar in accordance with Sections 1113.39 and 1113.44 of the Pataskala Code after comments from Planning and Zoning Staff and the Public Service Department have been addressed.
- 2. Pursuant to 1113.49 of the Pataskala Code, the replat shall be recorded within 30 days of the latest signature.
- 3. The replat shall not be considered approved until a final decision on ZON-24-002 by City Council.

#### **Resolution:**

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

"I move to approve Replat Application REP-24-002 pursuant to Section 1113.48 of the Pataskala Code. ("with the following modifications" if modifications are to be placed on the approval)."

From: Antonio Anzalone

To: Jack Kuntzman; Felix Dellibovi; Scott Haines; Sam Eppley; abrown@verdantas.com; Bruce Brooks; Doug White;

Kevin Miller; laitken@lhschools.org; "Chris Gilcher"; Alan Haines

Cc: Scott Fulton; Lisa Paxton

Subject: RE: Pataskala PZC Review Memo for 02-07-2024

Date: Monday, January 29, 2024 12:48:42 PM

Jack,

Please see Public Service Department's comments below, in red.

ZON-24-001: No comments.

**REP-24-001:** Verification needed on 10' Utility Easement that runs along the southern property line. Verify that there will not be any utilities in the easement affected by the proposed development. It is recommended to provide evidence of coordination with utility providers confirming that their utilities aren't located in the easement or will not be affected.

ZON-24-002: No comments.

**REP-24-002:** Verification needed on 10' Utility Easement that runs through the middle of proposed replat. Verify that there will not be any utilities in the easement affected by the proposed development. It is recommended to provide evidence of coordination with utility providers confirming that their utilities aren't located in the easement or will not be affected.

#### **Antonio Anzalone**

Assistant City Engineer City of Pataskala 621 W. Broad Street, Suite 2B Pataskala, Ohio 43062

Office: 740.927.3873 Cell: 740.652.0685

Email: aanzalone@ci.pataskala.oh.us

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

Sent: Wednesday, January 10, 2024 11:36 AM

**To:** Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Scott Haines <shaines@hullinc.com>; Sam Eppley <seppley@verdantas.com>; abrown@verdantas.com; Bruce Brooks <br/>bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Kevin Miller <kevin.miller@lhschools.org>; laitken@lhschools.org; 'Chris Gilcher' <cgilcher@swlcws.com>; Alan Haines <ahaines@ci.pataskala.oh.us>; Antonio Anzalone <aanzalone@ci.pataskala.oh.us>

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

Subject: Pataskala PZC Review Memo for 02-07-2024



## CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

### **REPLAT APPLICATION**

(Pataskala Codified Ordinances Chapter 1113)

Property Information				Staff Use
Address:				Application Number:
Parcel Number:				
Zoning:		Acres:		Fee:
Water Supply:				
☐ City of Pataskala	☐ South Wes	st Licking	On Site	Filing Date:
Wastewater Treatment:				
☐ City of Pataskala	☐ South Wes	st Licking	On Site	Hearing Date:
Applicant Information				Receipt Number:
Name:				
Address:				
City:		State:	Zip:	Documents
Phone:		Email:		☐ Application
				☐ Fee
Property Owner Informatio	n			☐ Cover Letter
Name:				☐ Replat
Address:				Original Final Plat
City:		State:	Zip:	☐ Deed
Phone:		Email:		☐ Electronic Copies
Replat Information				
Describe the Project:				

#### Documents to Submit

Replat Application: Submit one (1) copy of the Replat application.

Cover Letter: Submit one (1) copy of a cover letter detailing the contents and purpose of the Replat submittal.

Replat: Submit 14 copies of the Replat including the following:

- Name of the subdivision located by section, range, township, or by other survey number, date, north arrow, and acreage.
- Name and address of the professional registered surveyor who prepared the replat and appropriate numbers and seals.
- Replat boundaries based on accurate traverse with angular and linear dimensions, both linear and angular shall be determined by an accurate control survey in the field, which must balance, and close within the limit of 1:10,000.
- Bearings and distances to the nearest established street lines or other recognized permanent monuments.
- The parcel identification number of the original tract(s) and the owners name(s) and parcel identification number(s) of all adjacent parcels.
- Radaii, internal angles, points of curvature, tangent bearings, lengths or arcs, all easements and right-f-way provided for
  public services or utilities, building setback lines with dimensions, right-of-way width, and names of all streets within and
  adjoining the Replat.
- New lot numbers assigned to all new or modified lots. This number shall consist of the lowest original lot number contained
  within the lot lines of the proposed lots and hyphenated with the letter "A", or next alphabetical letter needed to make the
  proposed lot unique within the subdivision.
- All lot lines with accurate dimensions in feet and hundredths, and acreage.
- Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for common use of all
  property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.
- The locations and descriptions of all monuments and pins.
- When lots are located on a curve or when lot lines are at angles other than 90 degrees, the width at the building line shall be shown. If the building line is curved, the arc length shall be shown.
- Locations of all wetlands, ponds, watercourses and other naturally occurring water features on the property including a 25foot buffer as measured from the edge of the water feature.
- Any part of the subdivision located within the 100-year flood plain as indicated on the Flood Insurance Rate Map (FIRM), or as determined by other appropriate persons.
- Required statements and signatures to be affixed on the Replat.
- If the lots being replatted have existing structures, then a separate dimensionally accurate sketch prepared by a registered surveyor illustrating the revised lot lines, together with the outlines of such structure shall be submitted.
- The Replat shall meet all applicable zoning and subdivision regulations.
- All existing easements and reserves shall be maintained on the Replat. The Planning and Zoning Commission may waive this
  requirement if it is determined that the existing easement would not serve a purpose as part of the replatted lots.
- Where no easements exist, a minimum five (5) foot easement along the property line of the side and rear yards if determined to be necessary by the City Administrator or their designee.

Original Final Plat: Submit 14 copies of the original Final Plat.

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at www.lcounty.com/rec.

Electronic Copies: Submit an electronic copy of the Replat as a Portable Document Format (pdf) file or other acceptable format.

Signatures	
I certify the facts, statements and information provided on and attache knowledge. Also, I authorize City of Pataskala staff to conduct site visits to this Replat request.	
Applicant (required):	Date: 01/04/2024
Property Owner (required): Marie E setupti	S 12/29/23



P.O. BOX 8656 NEWARK, OH 43058-8656 614-332-3998 BADGER@BADGERLANDCONCEPTS.COM

January 4, 2024

Jack Kuntzman, City Planner City of Pataskala 621 W. Broad St. Pataskala, OH 43062

Re: Replat Applications

8855 E Broad Corp (Lots 11-13 & 54) 8855 E. Broad St., Pataskala Ohio

Dear Mr. Kuntzman,

Enclosed, on behalf of the property owner Mr. Schuster, please find the City's application and other supporting information for Rezoning and combination of lots via Replat, review and approval. Items submitted:

- Replat application and fee \$ 3,000 (\$500.00 plus \$2,500.00 Engineering Review Deposit)
  - o Total fees \$3,750.00 payable to City of Pataskala
- Proposed Replat Survey Document
- ❖ Area Map via Licking County Auditor
- Original Plat for Lots 11-13 & 54
- Original Deed for Lots 11-13 & 54

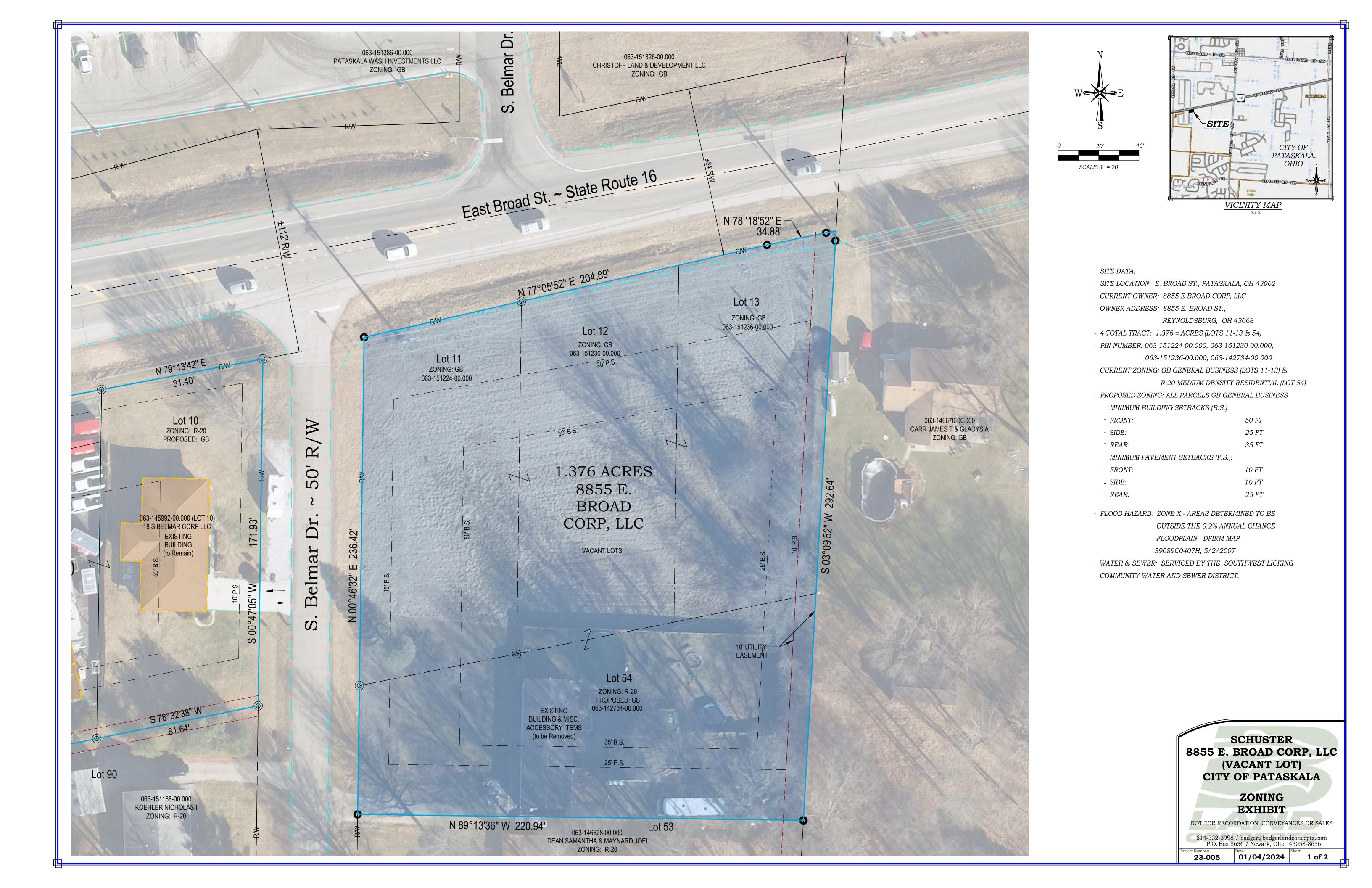
We look forward to the City's review and comment on the proposed development. If you have any questions or require additional information, please don't hesitate to contact me.

Respectfully,

Badger Land Concepts, LLC

е

R. Ryan Badger, Owner



#### DEDICATION

SITUATED IN THE STATE OF OHIO, COUNTY OF LICKING, CITY of PATASKALA AND BEING ALL OF LOTS 7, 8, 10, 11, 12, 13, 54, and PART of LOT 9 in SUMMIT RIDGE HEIGHTS SUBDIVISION (Plat Book 6 Pg. 89), T-1-N in R-15-W IN THE U.S. MILITARY LANDS OF LICKING COUNTY, OHIO.

BEING THE SAME LANDS CONVEYED TO 8855 E BROAD CORP, LLC RECORDED in INSTRUMENT NO. 201804100006769 AND NUMBER 18 S BELMAR CORP, LLC RECORDED in INSTUMENT NO. 201303080006114.

The undersigned Mark Schuster, owner of 8855 E Broad Corp, LLC & 18 S Belmar Corp., LLC does hereby certify that the attached plat correctly represents the Re-plat of Lots 7, 8, 10, 11, 12, 13, 54, & Part of Lot 9 into Lot 7-A & 11-A inclusive, and to hereby accept this plat of same and dedicate to public use as such all or parts of the roads, boulevards, cul-de-sacs, reserves/easements for future access, parks, planting strips, etc., shown dedicated.

The undersigned further agrees that any use of improvements made on this land shall be in conformity with all existing valid zoning, platting, health, or other lawful rules and regulations including the applicable off-street parking and loading requirements of Licking County, Ohio, for the benefit of himself/herself and all other subsequent owners or assigns taking title from, under, or through the undersigned.

Mark Schuster, Owner of 8855 E Broad Corp & 18 S Belmar Corp., LLC	o, LLC		WITNESS
PROVALS			
APPROVED THIS DAY OF	, 202		
LICKING COUNTY BOARD of HEALTH			
APPROVED THIS DAY OF	, 202		
DIRECTOR of PUBLIC SERVICES, PATASI	KALA		
APPROVED THIS DAY OF	, 202		
PLANNING DIRECTOR, PATASKALA			-
APPROVED THIS DAY OF	, 202		
CITY ADMINISTRATOR, PATASKALA			
APPROVED THIS DAY OF	, 202		
CHAIRMAN PLANNING & ZONING COMMI	SSION, PATA	SKALA	
APPROVED THIS DAY OF	, 202		
CITY ENGINEER, PATASKALA			
CERTIFICATE OF RECORD			
TRANSFERRED THIS DAY OF	, 202	2	
AUDITOR, LICKING COUNTY, OHIO			
FILED FOR RECORD THIS DAY OF	,	202 AT	_ <i>(AM-PM)</i>
RECORDED THIS DAY OF	, 202	, IN PLAT BOOK_	<i>PAGE</i>
INSTRUMENT NO	-		
LICKING COUNTY RECORDER			
STATE of OHIO, COUNTY	OF LICKIN	G	
BEFORE ME, A NOTARY PUBLIC APPEARED NAMED			
SIGNING OF THE FORGOING INS	STRUMENT T	O BE THEIR VOLU	INTARYACT
AND DEED FOR THE USES AND I IN WITNESS WHEREOF I HAVE H OFFICIAL SEAL THIS DAY (	IEREUNTO S	ET HAND AND AF	
BY:DAY	Jr	_, ∠∪∠	
	_		

### Certificate of Accuracy

All dimensions are shown in feet and decimal parts thereof, I do hereby certify that I have fully complied with the requirements of the subdivision regulations and the subdivision laws of the County of Licking and State of Ohio, Governing surveying, dividing and mapping of the land and that they plat is correct representation of all exterior boundaries of the land surveyed and the subdivision of it. The Plat represents a survey made by me and that all mounumets indicated hereon actually exist and their location and material are correctly shown.

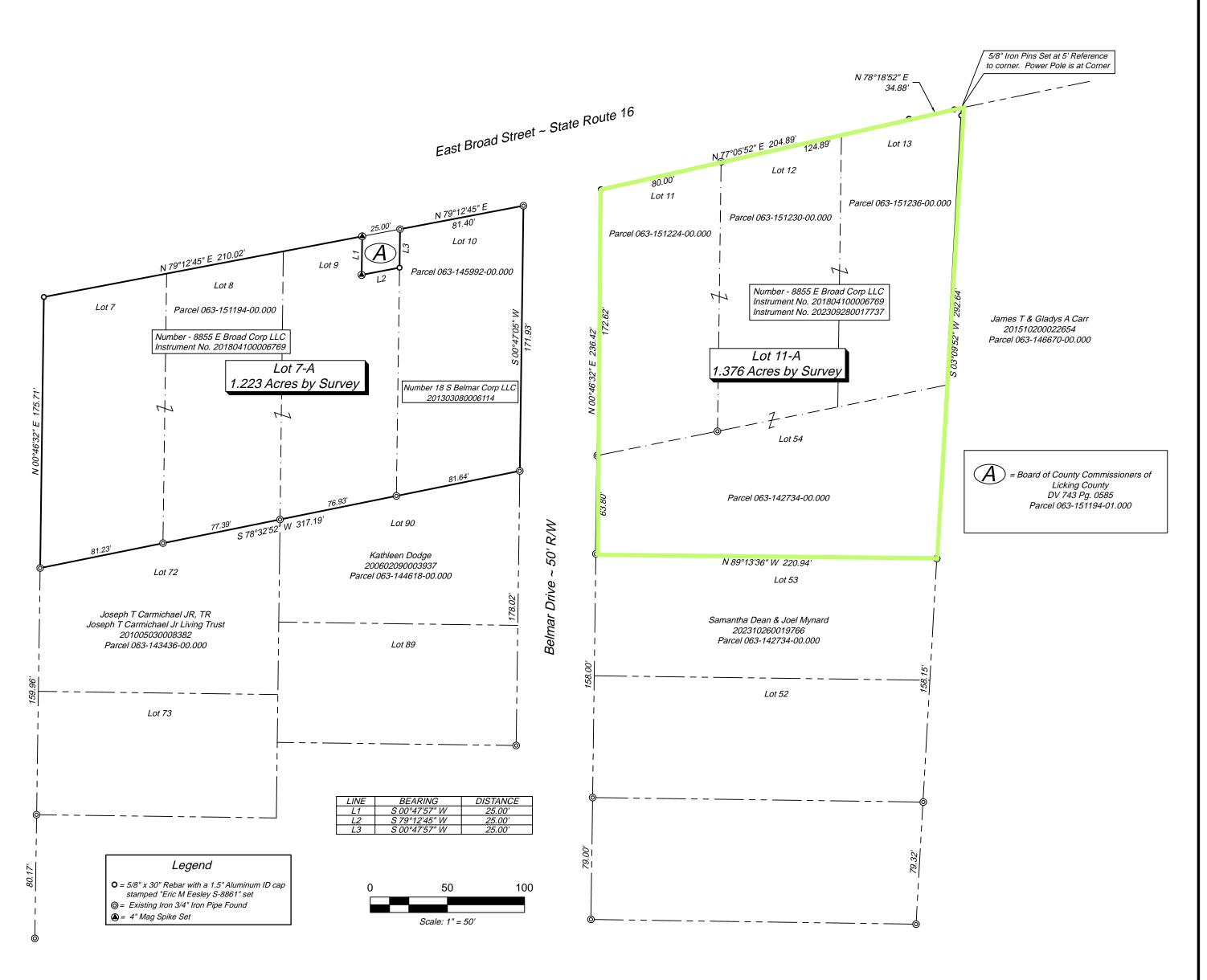
Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (CORS), as established using GPS Observations processed against the Ohio CORS Network, with the West line of Lot 7 as bearing North 00° 46′ 32″ East and are used to

PAUL BOESHART LAND SURVEYING
94 CANYON VILLA DRIVE, HEBRON, OH 43025
PHONE: 740-928-4130 CELL:740-616-0812 EMAIL: pjboeshart@hotmail.com

# Summit Ridge Heights Subdivision Plat Book 6 Page 89

Re-Plat of Lots 7, 8, 9, & 10 into Lot 7-A and Re-Plat of Lots 11, 12, 13, & 54 into Lot 11-A





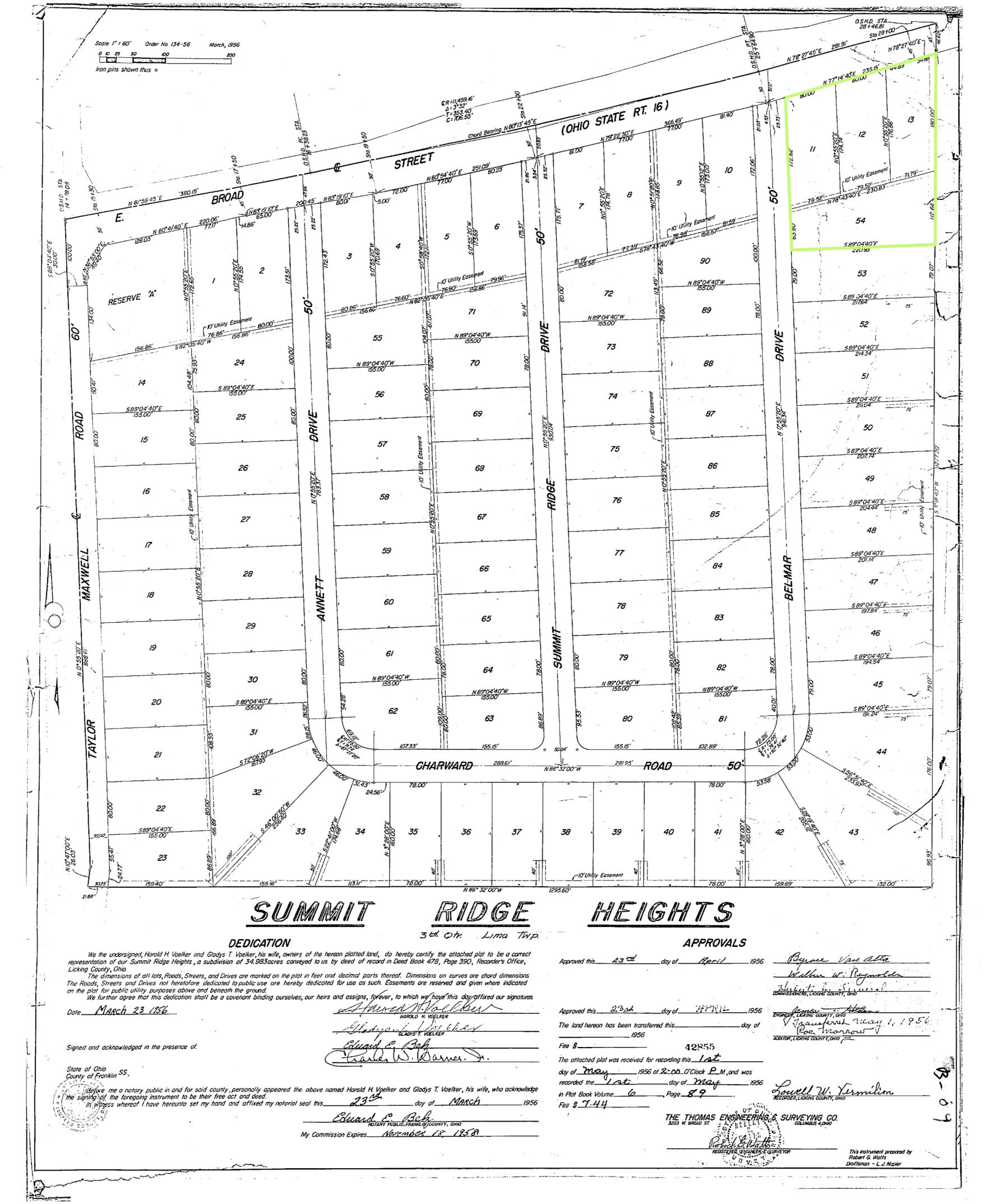
# OnTrac Property Map





LICKING COUNTY TAX MAP

Licking County Auditor GIS



# DESCRIPTION APPROVED JARED N. KNERR LICKING COUNTY ENGINEER

Approved By JR Sep 28, 2023 01150552406089005000

#### TRANSFERRED

Sep 28, 2023
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: CR 480.00

InstrID:202309280017737 9/28/2023
Pages:2 F: \$34.00 9:09 AM
Bryan A. Long T20230019518
Licking County Recorder

#### **GENERAL WARRANTY DEED**

Know all persons by these presents, that:

#### Virginia E. Jones

an unmarried individual, the designated Grantor herein, for valuable consideration received hereby grants and assigns with general warranty covenants, to:

#### 8855 E Broad Corp., LLC, an Ohio limited liability company

the designated Grantee herein whether one or more than one, whose tax-bill mailing address will be 4159 Belmont Place, New Albany, OH 43054, unless the Mortgagee provides written instructions to the County Treasurer to the contrary, all interest in the following real property:

Situated in Licking County and State of Ohio, City of Pataskala, and bounded and described as follows, to wit:

Being Lot Number Fifty-four (54) of SUMMIT RIDGE HEIGHTS SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 6, page 89, Recorder's Office, Licking County, Ohio.

Property Address: 43 South Belmar Drive, Reynoldsburg, OH 43068

Parcel No. 063-142734-00.000

Prior Deed Reference: OR Vol. 306, Page 176 of the Licking County, Ohio records.

The foregoing real property is granted by the Grantor and accepted by the Grantee except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

# 202309280017737 Page 2 of 2

The Grantor herein has read this Deed and hereb	y acknowledges the voluntary signing hereof.
Executed on this $22$ day of $5e^{-2}$	20 <u>23</u> .
Virginia E. Jones	
State of Ohio (County of Kurfield)	
The foregoing instrument was acknowledged being 22 day of September . 2073	fore me, for the purpose(s) stated herein, this 7, by Virginia E. Jones.
Mualutte  Notary Public	ANNA E. DITTOE  Notary Public, State of Ohio  My Commission Expires

This instrument prepared by: Robert Dern, Esq.

Northwest Law 309 East Main Street Lancaster, OH 43130

File #3-10660

After recording, return to:

Northwest Title Family of Companies, Inc 309 East Main Street Lancaster, OH 43130 DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY



201804100006769
Pgs:2 \$28.00 T20180004985
4/10/2018 12:42 PM MEPCHAPIN LEG
Bryan A. Long Licking County Recorder

TRANSFERRED

Date ADVI 10,20(8)

Muld State

Licking County Auditor

SEC. 319.202 COMPLIED WITH

MICHAEL L. SMITH, AUDITOR

BY: ACC. M.

Prepared by/Return to:

Lance Chapin, Esq. Chapin Legal Group, LLC 580 South High Street, Suite 330 Columbus, Ohio 43215

## **QUIT CLAIM DEED**

KNOW ALL PERSONS BY THESE PRESENT, THAT: SUB-AQUATICS, INC., an Ohio For-Profit Corporation, (the "**Grantor**," herein), for a valuable consideration paid, do hereby grant, convey, release and forever quit-claim to 8855 E BROAD CORP, LLC, (the "Grantee" herein), their entire right, title and interest in the following described real property (herein called the "Property):

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

Being Lot Numbers Seven (7), Eight (8), Nine (9) and Eleven (11), Twelve (12) and Thirteen (13) of SUMMIT RIDGE HEIGHTS SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 6, page 89, Recorder's Office, Licking County, Ohio.

Parcel Nos.: 063-151194.00-000, 063-151224-00.000, 063-151230-00.000, 063-151236-00.000

The Prior Instrument Reference as to the Property are Instrument Numbers: Vol. 702, Pg. 325 and 201207160015674, Recorder's Office, Licking County, Ohio.

The tax mailing address of the Grantee is as follows: 8855 E. Broad St., Reynoldsburg, Ohio 43068

01150552406089004000

01150552406089003000

EXCEPT for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Executed on this \_\_\_\_\_ day of April, 2018.

SUB-AQUATICS, INC.

Mark E. Schuster, President

STATE OF OHIO COUNTY OF FRANKLIN, SS:

Apr. The foregoing instrument was acknowledged before me this day of November, 2018, by Mark E. Schuster, President of SUB-AQUATICS, INC., the Grantor and that the same was their free act and deed.

In testimony whereof, I have hereunto set my name and official seal at on the day and year last aforesaid.

Notary Public

My/Commission Expires 08/30/21

Jenna Kristine Kimbrough Notary Public, State of Ohio My Commission Expires:

01150552406089002000

01150552306089002000

01150552306089003000

01150552306089001000

