

## CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

## **STAFF REPORT**

February 7, 2024

## **Rezoning Application ZON-24-001**

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

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

Location: 8855 E Broad Street & 18 S. Belmar Drive, Reynoldsburg, OH 43068 (PIDs: 063-

151194-00.000, 063-145992-00.000)

Acreage: +/- 1.242-acres total

**Zoning:** R-20 – Medium Density Residential

**Request:** Requesting a recommendation of approval to rezone four (4) lots from R-20 –

Medium Density Residential to GB – General Business pursuant to Section

1217.10 of the Pataskala Code.

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

The Applicant is seeking a recommendation of approval, pursuant to Section 1217.10 of the Pataskala Code, to rezone a total of four (4) lots from the R-20 – Medium Density Residential zoning district to GB – General Business.

## **Staff Summary:**

There are a total of four (4) lots, being lots 7, 8, 9, and 10 of the Summit Ridge Heights subdivision, that the Applicant has requested to rezone. 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. Lots 7 through 9 are currently tied, by deed (having one parcel number – indicating same ownership) but are still separate individual lots. A summary of the properties is below:

## 8855 E Broad Street: Lots 7, 8, 9 of the Summit Ridge Heights Subdivision

- Acreage: +/- 0.93-acres total.
- Frontage: E Broad Street to North, S Summit Ridge Drive SW to West.
- Current Land Use: Commercial. Breathing Air Systems Supply and service of breathing air systems/compressors.
- Structures:
  - 10,000-square foot commercial structure built in 1990.
  - o 20,000-square foot asphalt surface parking area.
  - 4,000-square foot concrete surface parking area.

## 18 S Belmar Drive SW: Lot 10 of the Summit Ridge Heights Subdivision

- Acreage: +/- 0.32-acres total.
- Frontage: E Broad Street to North, S Belmar Drive SW to East.
- Current Land Use: Residential.
- Structures: 1,204-square foot single-family home built in 1975.

There is a small +/- 0.01-acre parcel owned by the Licking County Commissioners on Broad Street, in front of the subject parcels. Per the Licking County Board of Commissioners Administrator, this parcel previously housed a sanitary sewer lift station but is currently unoccupied (see attached).

The Applicant is requesting a recommendation of approval from the Planning and Zoning Commission to rezone the properties from R-20 – Medium Density Residential to GB – General Business. Per the Applicant, lots 7-9 are currently zoned residential, but have been occupied by a commercial use for some time. Lot 10 is currently a rental home. The Applicant has stated that by rezoning to GB – General Business, their existing non-conforming use into compliance with the current Zoning Code. Further stated, the Applicant believes that the proposed rezoning would not be hazardous or disturbing to existing or future neighboring uses, as the property has been operating as a commercial use for several years.

Also included in the Rezoning Application is a conceptual plan showing a potential 3,700-square foot addition to the existing structure to expand the current use, along with additional parking, additional a landscape buffer to comply with Chapter 1283 of the Pataskala Code along the south rear property line where the addition will border the existing residential uses on S Summit Ridge Drive SW and S Belmar Drive SW, along with the existing buffer between the existing building and the south property line. No additional access points are proposed, with full access on E Broad Street and S Summit Ridge Drive to remain.

Staff would note that because this is a rezoning to an existing zoning district within the City, and not a Planned Development District, the Applicant is not beholden to the concept plan submitted with the Application, and it is purely for illustrative purposes. However, should this rezoning be approved, any future development would need to be in compliance with current Pataskala Code, including but not limited to: the general requirements of the GB zoning district, parking and loading, and landscaping and screening.

Additionally, as this property lies within 0.25-miles of Broad Street, any new development would require approval of a Transportation Corridor Overlay District (TCOD) Application by the Planning and Zoning Commission before any site design approval is given.

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

### Planning and Zoning Staff:

The Future Land Use Map recommends 'Medium Density Mixed Use', which the Comprehensive Plan (2021) describes as "allowing for both residential and neighborhood focused commercial". The requested rezoning to GB – General Business would be in line with the recommendations of the Comprehensive Plan.

The request is for a "straight rezoning" to an existing zoning district within the City, rather than a rezoning to a PDD – Planned Development District. As a result, the applicant is not beholden to adhere to the submitted plan as they would with PDD – Planned Development District. The plan is conceptual at this point and is for illustrative purposes only. Any future development would be subject to the current requirements of Pataskala Code, as well as require site design approval by the Planning and Zoning Commission in the form of a Transportation Corridor Overlay District (TCOD) Application prior to any development of the site.

The Planning and Zoning Commission cannot place conditions on a recommendation to Council to require the applicant to adhere to specific components of the concept plan. Any conditions placed upon a "straight rezoning" would constitute contract zoning which is illegal.

Following a recommendation from the Planning and Zoning Commission for this rezoning request, the Application will go before City Council for a final determination.

## **Surrounding Area:**

Direction	Zoning	Land Use
North	GB – General Business	Car Wash Auto Parts Store
East	GB – General Business	Undeveloped
South	R-20 – Medium Density Residential	Single-Family Homes
West	CC – Community Commercial (Reynoldsburg)	Dollar General

#### **Rezoning Approval:**

According to Section 1217.04 of the Pataskala Code, the Planning and Zoning Commission may consider the following criteria for approval of all zoning amendments:

- 1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Comprehensive Plan and/or this Code.
- 2. 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.
- 3. Will not be hazardous or disturbing to existing or future neighboring uses.
- 4. 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.
- 5. 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.
- 6. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.
- 7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- 8. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

## **Department and Agency Review**

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

## **Resolution:**

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

"I recommend approval of Rezoning Application number ZON-24-001 pursuant to Section 1217.10 of the Pataskala Code.



## CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

## **REZONING APPLICATION**

(Pataskala Codified Ordinances Chapter 1217)

Property Information					Staff Use
Address:					Application Number:
Parcel Number:					
Current Zoning:	Proposed Zonin	ıg:	Acres:		Fee:
Water Supply:					
☐ City of Pataskala	☐ South V	Vest Licking		☐ On Site	Filing Date:
Wastewater Treatment:					
☐ City of Pataskala	☐ South V	Vest Licking		On Site	Hearing Date:
Applicant Information					Receipt Number:
Name:					
Address:					 
City:		State:		Zip:	Documents
Phone:		Email:			☐ Application
					 ☐ Fee
Property Owner Information	on				☐ Narrative
Name:					☐ Site Plan
Address:					☐ Deed
City:		State:		Zip:	☐ Area Map
Phone:		Email:			
Rezoning Information					
Request (Include Section of Code	e):				
Describe the Project (Include Cur	rent Use and Pro	posed Use):			

## **Documents to Submit**

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

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

- The reason the rezoning has been requested.
- The specific reasons why the rezoning is appropriate as it pertains to Section 1217.04 of the Pataskala Code:
  - Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this Code.
  - 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.
  - 3. Will not be hazardous or disturbing to existing or future uses.
  - 4. 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, schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
  - 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.
  - 6. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.
  - Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.
  - 8. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Site Plan: Submit one (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.
- Location and dimensions of all existing buildings and structures on adjacent properties within 500 feet.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Existing and proposed driveways
- Floodplain areas
- Location of existing wells and septic/aerator systems.
- Number and dimensions of existing and proposed parking areas
- Existing and proposed refuse and service areas
- Existing and proposed landscaping features
- Any other information deemed necessary for the rezoning 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: <a href="https://www.lickingcountyohio.us/">https://www.lickingcountyohio.us/</a>

Signatures	
I certify the facts, statements and information provided on and attached to the knowledge. Also, I authorize City of Pataskala staff to conduct site visits and pl to this rezoning request.	
Applicant (Required):	Date: 01/04/2024
Property Owner (Required):	Date: 12/29/2023



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: Rezoning Applications

8855 E Broad Corp (Lots 7-10) 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:

- Rezoning application and fee \$750.00
- Property Site Plan Exhibit
- Property Conceptual Layout Exhibit
- Area Map via Licking County Auditor
- Original Plat for Lots 7-10
- Original Deed for Lots 7-9 & 10

#### Narrative:

This project proposes a rezoning of lots 7-10, of the original Summit Ridge Heights subdivision, from R-20 Medium Density Residential to GB General Business. An application to replat these lots is also being submitted. These lots are currently occupied by commercial uses on lots 7-9 and rental property on lot 10. Replating these lots along with their rezoning will bring the existing uses up to current zoning classifications and in line with the zoning classification of the neighboring properties within the E. Broad St. corridor. No new development or change in uses of the existing buildings are being proposed as part of these applications. However, it is understood that if any changes to the property are proposed in the future, the current zoning requirements for (GB) General Business as well as the requirements of the (TC) Transportation Overlay District.

# 1217.04 General Standards For All Zoning Amendments. A. The following general standards may be considered as criteria for approval of all zoning amendments:

- 1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Comprehensive Plan and/or this Code.
  - This property falls in line with the future codes for the E. Broad St. corridor for mixed use, medium density development, and brings the current use of the property up to current zoning classification.
- 2. 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.
  - This property currently has been operating as a General Business (GB) use for years. Rezoning these lots will bring the property up to the current zoning classification.
- 3. Will not be hazardous or disturbing to existing or future neighboring uses.
  - This property currently has been operating as a General Business (GB) use for years. Rezoning these lots will bring the property up to the current zoning classification.
- 4. 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.
  - This property currently has been operating as a General Business (GB) use for years, utilizing these services.

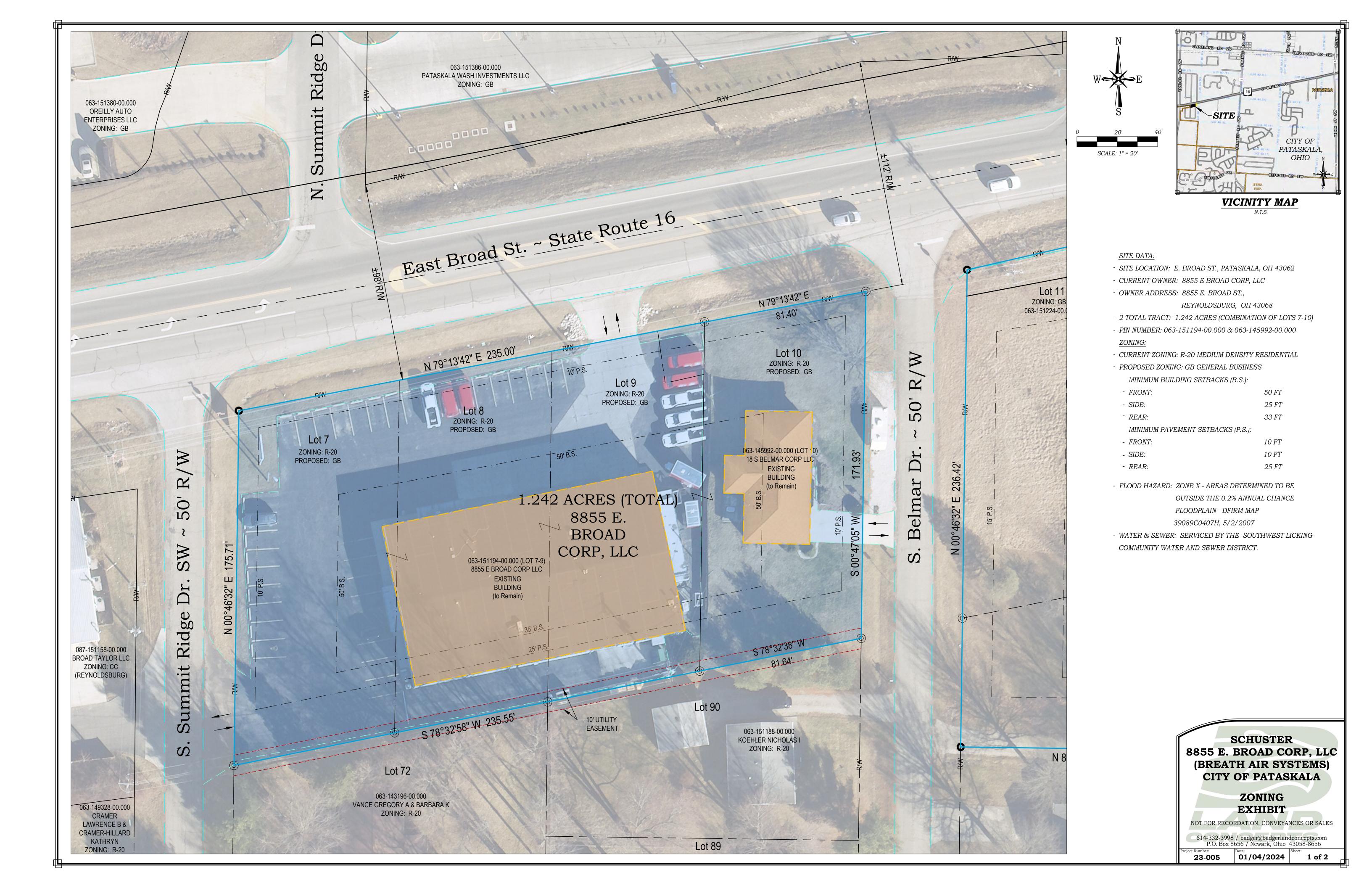
- 5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
  - This property currently has been operating as a General Business (GB) use for years and there are no current plans to have any public impact.
- 6. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.
  - Existing occupant of this property, Breathing Air Systems, has been operating in this location for many years and has not had any negative impacts on the community.
- 7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
  - This site has 2 vehicular access points, one off Broad Street that has been functioning for years, and a second off Summit Ridge, also being used for years. Both entrances allow for positive internal traffic patterns for the existing GB zoning use, on E. Broad St.
- 8. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
  - Not applicable. No known features such as these are within close proximity of this property.

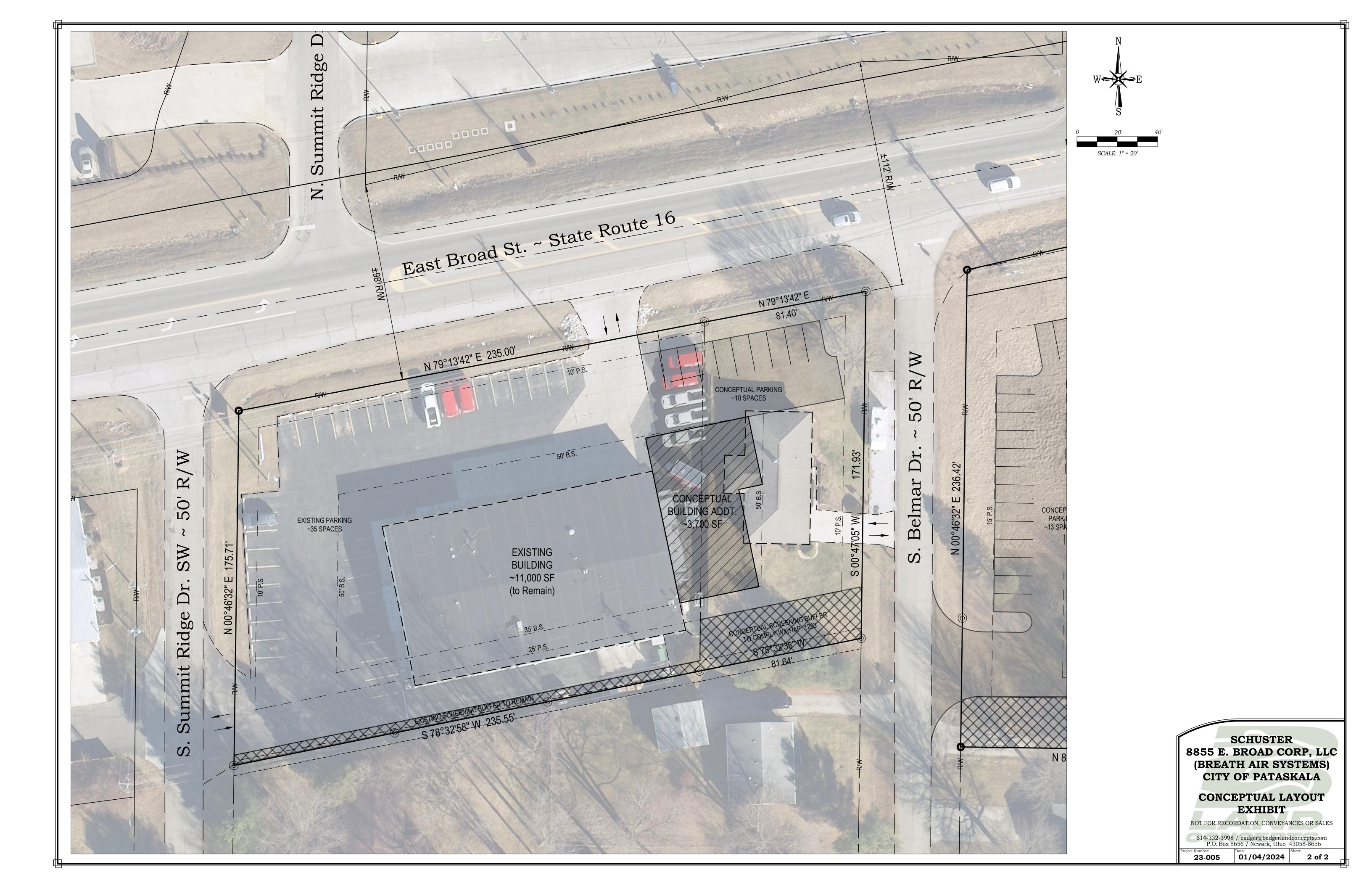
We look forward to the City's review and comment on the proposed development. If you have any questions or require additional information, please don't hesitate to contact me.

Respectfully,

Badger Land Concepts, LLC

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.

& 18 S Belmar Corp., LLC	LLC		WITNESS	
PROVALS				
APPROVED THIS DAY OF	_, 202			
LICKING COUNTY BOARD of HEALTH				
APPROVED THIS DAY OF	_, 202			
DIRECTOR of PUBLIC SERVICES, PATASKA	ALA			
APPROVED THIS DAY OF	_, 202			
PLANNING DIRECTOR, PATASKALA			-	
APPROVED THIS DAY OF	_, 202			
CITY ADMINISTRATOR, PATASKALA				
ADDDOVED TWO	222			
APPROVED THIS DAY OF	_, 202			
CHAIRMAN PLANNING & ZONING COMMIS	SION, PATASKA	<i>ILA</i>		
APPROVED THIS DAY OF	_, 202			
CITY ENGINEER, PATASKALA				
CERTIFICATE OF RECORD				
TRANSFERRED THIS DAY OF	, 202	_		
AUDITOR, LICKING COUNTY, OHIO				
FILED FOR RECORD THIS DAY OF _	. 202	AT	(AM-PM)	
RECORDED THIS DAY OF			, ,	
INSTRUMENT NO				
LICKING COUNTY RECORDER				
LICKING COUNTY RECORDER				
STATE of OHIO, COUNTY O				
BEFORE ME, A NOTARY PUBLIC IN APPEARED NAMED	WHO	ACKNOWLED	GE THE	
SIGNING OF THE FORGOING INST AND DEED FOR THE USES AND PL	_		_	
IN WITNESS WHEREOF I HAVE HE OFFICIAL SEAL THIS DAY OF			FIXED BY	
BY:	,			
MY COMMISSION EXPIRES				

## 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.

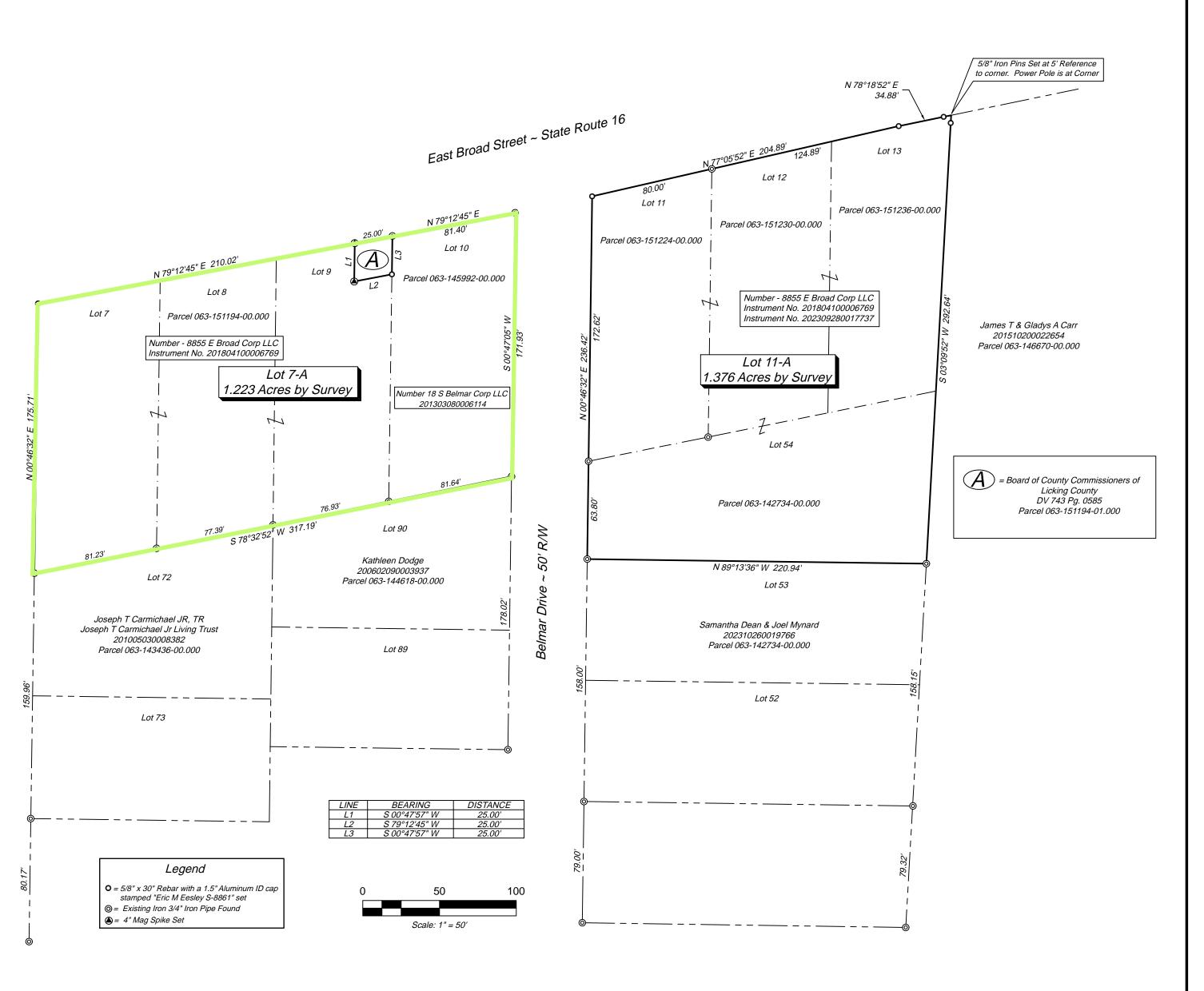
Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (CORS), as established using GPS Observations processed against the Ohio CORS Network, with the West line of Lot 7 as bearing North 00° 46′ 32″ East and are used to denote analysis only

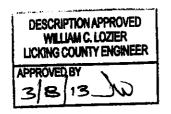
PAUL BOESHART LAND SURVEYING
94 CANYON VILLA DRIVE, HEBRON, OH 43025
PHONE: 740-928-4130 CELL:740-616-0812 EMAIL: pjboeshart@hotmail.com

# 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











Pgs: 1 \$28.00 T20130006266 03/08/2013 11:11AM BXHAYES BOX Bryan A. Long Licking County Recorder



TRANSFERRED

Date March 8, 9013

Licking County Auditor

SEC:319.202 COMPLIED WITH MICHAEL L. SMITH, AUDITOR BY TOTAL S 240,00

## GENERAL WARRANTY DEED

Mary C. Hewitt, unmarried, of Licking County, Ohio, for valuable consideration paid, grants with general warranty covenants to 18 S. Belmar Corp, LLC, an Ohio Limited Liability Company, whose tax mailing address is 2855 E. Becaper Remarks (1986), the following real property:

Situated in the County of Licking in the State of Ohio and in the Village of Summit Station and Being Lot Number Ten (10) 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.

Prior Deed Reference: Instrument Number 200412300045532, Licking County Recorder's Office, Licking County, Ohio.

Also known as: 18 South Belmar Drive, Reynoldsburg, Ohio 43068

Auditor's Parcel # 063-145992-00.000

Excepting conditions, easements, restrictions, rights of way and zoning and other governmental regulations of record and taxes and assessments not yet due and payable which Grantees assume and agree to pay as a part of the consideration herein.

Executed this 5th day of March, 2013

Mary C. Hewitt

State of Ohio County of Licking SS:

The foregoing instrument was acknowledged before me this day of mech, 20 by Mary C. Hewitt.

AURIE WELLS, ATTORNEY AT LAW 1007A2Y PUSLIC, STATE OF OHIO My colomission has no expiration date. Section 147.03 R.C.

Prepared by: Laurie Wells, Esq. Hayes Law Offices 195 E. Broad St., Pataskala, OH 43062 740.927.2927 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

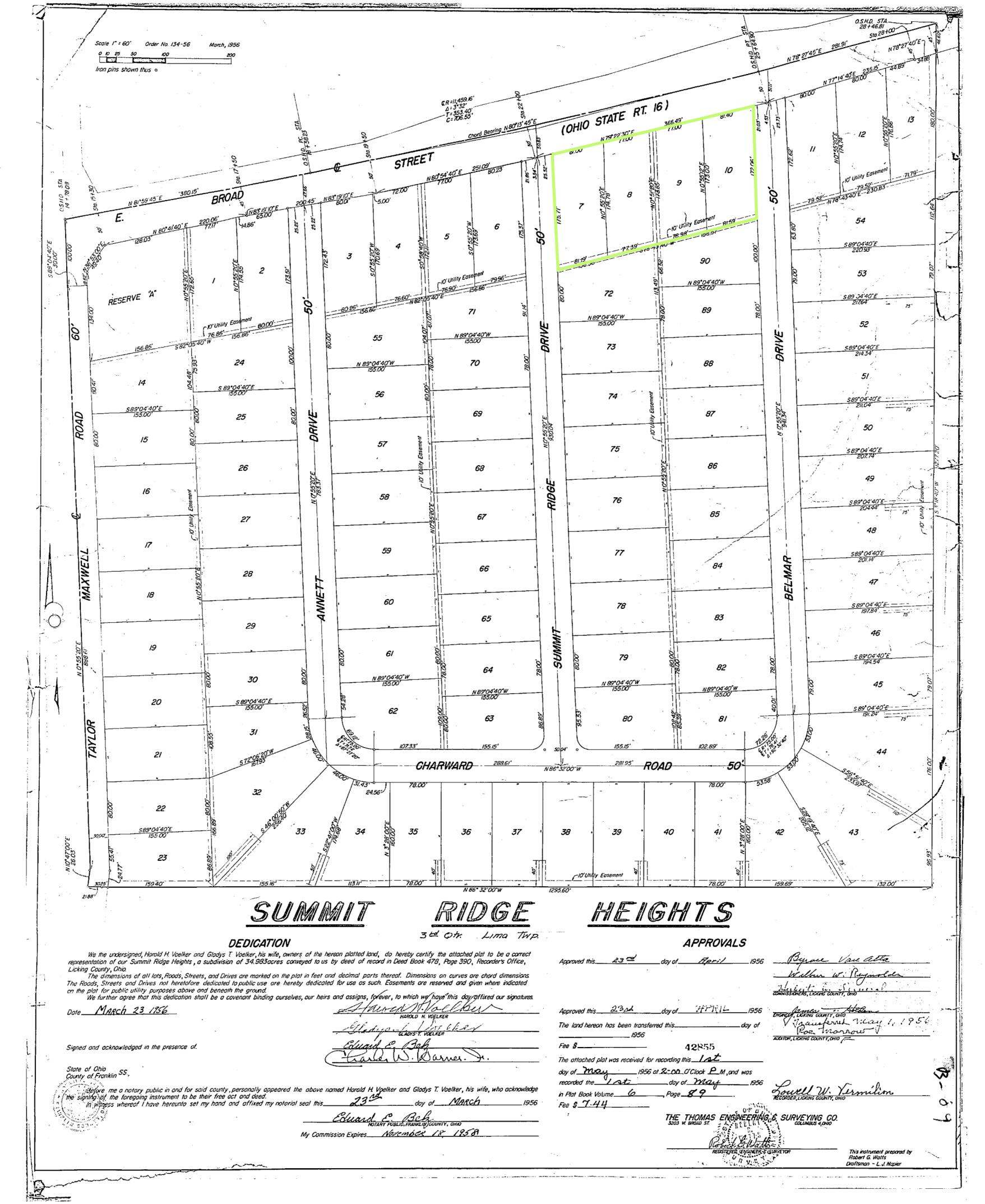
Jenna Kristine Kimbrough Notary Public, State of Ohio My Commission Expires:

01150552406089002000

01150552306089002000

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# OnTrac Property Map





LICKING COUNTY TAX MAP

