



City of Pataskala Planning & Zoning Department
Scott Fulton, Director of Planning
Director of Planning's Report to Council

Current Projects

➤ **Planning and Zoning Commission**

March 6, 2024 Hearing: The following applications are scheduled to be heard at the March 6, 2024 Planning and Zoning Commission hearing:

- Application ZON-24-001: The Planning and Zoning Commission recommended approval of a request by Ryan Badger, Badger Land Concepts, to rezone four (4) lots from R-20 – Medium Density Residential to GB – General Business pursuant to Section 1217.10 of the Pataskala Code for the properties located at 8855 East Broad Street and 18 South Belmar Drive.
- Application REP-24-001: The Planning and Zoning Commission approved a request by Ryan Badger, Badger Land Concepts, for a replat to combine Lots 7-10 of the Summit Ridge Heights subdivision pursuant to Section 1113.48 of the Pataskala Code for the properties located at 8855 East Broad Street and 18 South Belmar Drive with the following conditions:
 1. The Applicant shall submit a replat mylar in accordance with Sections 1113.39 and 1113.44 of the Pataskala Code after comments from the Planning and Zoning staff have been addressed.
 2. Pursuant to Section 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 rezoning application ZON-24-001 by City Council.
- Application ZON-24-002: The Planning and Zoning Commission recommended approval of a request by Ryan Badger, Badger Land Concepts, to rezone from R-20 – Medium Density Residential to GB – General Business pursuant to Section 1217.10 of the Pataskala Code for the property located at 43 South Belmar Drive.
- Application REP-24-002: The Planning and Zoning Commission approved a request by Ryan Badger, Badger Land Concepts, for a replat to combine Lots 11-13, and 54 of the Summit Ridge Heights subdivision pursuant to Section 1113.48 of the Pataskala Code for properties located at 0 East Broad Street and 43 South Belmar Drive with the following conditions:

1. The Applicant shall submit a replat mylar in accordance with Sections 1113.39 and 1113.44 of the Pataskala Code after comments from the Planning and Zoning staff have been addressed.
 2. Pursuant to Section 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 rezoning application ZON-24-002 by City Council.
- Application REP-24-003: The Planning and Zoning Commission approved a request by Pulte Homes of Ohio, LLC for a replat to adjust the front building line setback for Lot 269 of the Hazelwood subdivision pursuant to Section 1113.48 of the Pataskala Code for the property located at 1795 Keela Drive with the following conditions:
 1. The Applicant shall submit a replat mylar in accordance with Sections 1113.39 and 1113.44 of the Pataskala Code.
 2. Pursuant to Section 1113.49 of the Pataskala Code, the replat shall be recorded within 30 days of the latest signature.
 - Application ZON-24-004: The Planning and Zoning Commission recommended approval of a request by Connie J. Klema to rezone three (3) properties from AG – Agricultural to PM – Planned Manufacturing with a Planned District Overlay pursuant to Sections 1217.10 and 1261.06 of the Pataskala Code for the properties located at 7482 Columbia Road and 0 Columbia Road (Parcel Nos. 064-152922-00.001, 064-152922-00.000 and 064-152910-00.000) with the following condition:
 1. The applicant shall provide a clean copy of the complete application to the Planning and Zoning Department prior to proceeding to City Council.
 - Application FP-24-001: The Planning and Zoning Commission approved a request by Rockford Homes c/o Jim Lipnos for a Final Plan pursuant to Section 1255.20 of the Pataskala Code for Phase 1 of the Hazelton Crossing subdivision with the following conditions:
 1. The applicant shall address all comments from the Public Service Department, the City Engineer and the Planning and Zoning Department.
 2. After all comments and questions have been addressed the applicant shall submit a mylar copy of the revised Final Development Plan to the Planning and Zoning Department for signatures and records.

- Application PM-24-001: The Planning and Zoning Department tabled a request to May 1, 2024 for Red Rock Investment Partners, LCC is requesting a recommendation of approval of a Planned Manufacturing application pursuant to Section 1253.10 of the Pataskala Code for the property located at 3000-3007 Etna Parkway (Parcel No. 064-152862-00.001).

April 3, 2024 Hearing: The following applications are scheduled to be heard at the April 3, 2024 Planning and Zoning Commission hearing:

- Application PM-24-001: Red Rock Investment Partners, LCC is requesting a recommendation of approval of a Planned Manufacturing application pursuant to Section 1253.10 of the Pataskala Code for the property located at 3000-3007 Etna Parkway (Parcel No. 064-152862-00.001). *(Tabled March 6, 2024)*
- Application ZON-24-004: The City of Pataskala is requesting a recommendation of approval to amend Chapter 1257 – Flood Damage Prevention and Flood Plain Overlay District (FP) pursuant to Section 1217.07 of the Pataskala Code.

➤ **Board of Zoning Appeals**

March 12, 2024 Hearing: The following applications were heard at the March 12, 2024 Board of Zoning Appeals hearing.

- Application VA-23-028: April Koenig, Kessler Sign Co., is requesting a total of seven (7) variances to allow for the installation of a combined free-standing ground sign and electronic message center sign that will exceed the maximum allowable number of signs, size of sign area, and height of sign as well as the color and function of the electronic message center sign for the property located at 997 North Oxford Drive. *(Tabled January 9, 2024)*
- Application CU-24-001: The Board of Zoning Appeals approved a request by Tyler Nighland for approval of a conditional use pursuant to Section 1215.08 of the Pataskala Code to allow the property to be used for watercraft and/or recreational vehicle storage for the property located at 14652 East Broad Street with the following conditions:
 1. The applicant shall address all comments from the City Engineer, Public Service Department, SWLCWSD, West Licking Joint Fire District, and Planning and Zoning Staff.
 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.
 3. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.

4. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
 5. A traffic impact study shall be required as part of the Transportation Corridor Overlay District (TCOD) application.
- Application CU-24-002: The Board of Zoning Appeals tabled a request by T3 Acquisitions, LLC for approval of a Conditional Use pursuant to Section 1215.08 of the Pataskala Code to allow for the establishment of a Restaurant with a drive-through facility for the property located at the northeast corner of Board Street and John Reese Parkway (Parcel No. 064-311112-00.002).

April 9, 2024 Hearing: At this time, the following applications are scheduled to be heard at the April 9, 2024 Board of Zoning Appeals hearing. The application deadline is March 15, 2024.

- Application VA-23-028: April Koenig, Kessler Sign Co., is requesting a total of seven (7) variances to allow for the installation of a combined free-standing ground sign and electronic message center sign that will exceed the maximum allowable number of signs, size of sign area, and height of sign as well as the color and function of the electronic message center sign for the property located at 997 North Oxford Drive. *(Tabled January 9, 2024)*

➤ **Ordinance 2023-4458**

- Fair Lady Development Holdings, LLC is requesting to rezone +/- 192.666-acres from the RR – Rural Residential and R-87 – Medium-Low Density Residential districts to the PM – Planned Manufacturing district pursuant to Section 1217.13 of the Pataskala Code for properties located at 0 Clark State Road, 0 Summit Road and 14530 Graham Road (PID: 063-140550-00.000, 063-141840-00.000, 063-151764-00.000, and 063-145944-00.001).
- The Planning and Zoning Commission recommended disapproval of the application on October 4, 2023.
- A Council public hearing was scheduled for December 4, 2023 at 6:00pm, but has been postponed until January 16, 2024 at 6:00pm
- Staff were requested to prepare a list of the Planning and Zoning Commission's concerns regarding the Fair Lady rezoning and staff's assessment of how the updated PM – Planned Manufacturing regulations would, or would not, address these concerns.
- The first reading of the ordinance was on January 22, 2024 and was subsequently tabled.
- Staff received a copy of proposed easement language designed to address concerns and is in the process of reviewing and commenting on the language.
- Staff reviewed the proposed easement language and provided comments to the applicant on February 22. Staff is awaiting a revised copy of the proposed easement language.
- On March 8, 2024 revised easement language was submitted based upon staff's comments (attached); however, the property owner left a voicemail on March 7, 2024 indicating that

she wanted the City to cease all activity related to the project. She stated that she has other plans for the property.

- Staff is happy to answer any questions related to this rezoning ordinance.

➤ **100 Connor Avenue**

- The Planning and Zoning Department has been working on an ongoing code violation of Section 1223.05(a)(2) for litter, refuse and debris since October of 2022.
- As this has not achieved compliance, the Planning and Zoning Department may refile the case as a violation of Chapter 723 – Junk Yards, identifying the property as an illegal junk yard and giving the City the authority to clean up the property, if so desired.
- The Planning and Zoning Department will keep Council apprised of this case as more information is known.

➤ **Pataskala CRA's**

- The Planning and Zoning Department has compiled information on the existing CRA's within the City for assessment and provided them to the Montrose Group.
- This assessment will determine the efficiency of existing CRA areas and determine if they should be expanded, retracted, or otherwise adjusted.
- Staff has completed the CRA Process Guide so that all parties (Council, Administration and the Company) are on the same page and know what to expect when navigating the CRA process. It is designed to be policy, rather than legislation, so that it can remain flexible.
- Staff and Montrose are working on the creation of a CRA for the northwest "innovation" district as outlined in the Comprehensive Plan.
- Staff presented a summary of the proposed Northwest Innovation District CRA to the Development Committee on June 21, 2022 for consideration. The Development Committee recommended that staff proceed with the formal creation of the CRA.
- A draft ordinance is currently under review by the Law Director. Once completed it, and associated CRA creation documents, will be presented to Development Committee.

➤ **Comprehensive Plan**

- The Planning and Zoning Department has identified the Economic Development goals outlined in the Comprehensive Plan for implementation and has reviewed them with Montrose and the City Administrator.
- The Planning and Zoning Department is prioritizing the planning and zoning goals outlined in the Comprehensive Plan for implementation. It is likely that Conservation Rural/Suburban regulations will be the first item addressed.
- With the passage and implementation of Impact Fees, staff has completed Action 6.3.1 of the Comprehensive Plan which states: "Consider the use of impact fees as a tool plan for and cover the cost associated with future development".
- Montrose is working on the creation of a CRA for the northern "innovation" district as outlined in the Comprehensive Plan as Action 4.2.2 which states: "Continue to market and explore opportunities for the northern innovation district".

- Staff is working on the creation of the Summit Road TIF as outlined in the Comprehensive Plan as Action 2.2.2 which states: “Establish the area as a primary showplace for the City through public and private improvements”.
- Staff was asked to prepare a progress list for the goals and objectives contained in the Comprehensive Plan.

Declaration of Shared Access and Easements

This Declaration of Shared Access and Easements is hereby made this ____ day of _____, 2024, by _____ LLC (hereinafter referred to as “Declarant”) and the City of Pataskala (hereinafter referred to as the “City”).

WHEREAS, the Declarant is owner of certain real property located south of Morse Road and east of Beech Road SW in Licking County, Ohio, being Licking County Parcel Nos. 063-141840-00.000; 063-140550-00.000; 063-145944-00.001 and 063-151764-00.000 containing 192.6+/- acres as more fully described on Exhibit A attached hereto (the “Property”); and

WHEREAS, the Declarant intends to subdivide the Property to allow for separate building sites as part of an industrial park, each building site being a “Parcel”; and

WHEREAS, the Declarant intends to develop all Parcels together as a single industrial park development such that all Parcels will share certain entranceways, roadways, storm water drainage facilities, water lines and sanitary sewer lines, common areas, landscaping and lighting;

WHEREAS, because there will be multiple Parcels within the industrial park development, the Declarant intends for this Declaration to set forth the shared easements, rights and obligations among the Parcels; and

WHEREAS, the City desires to ensure that the Property be developed and landscaped in accordance with Appendix 1 attached hereto and therefore is a party to this Declaration to ensure compliance with its zoning ordinances;

NOW THEREFORE, the Declarant sets forth the following declaration for shared access and easements:

§1. Water and Sewer Service. The Parcels will share certain water and sanitary service lines and other facilities, included a master water meter and master sewer meter (the “Shared Utility Service Facilities”). There are hereby created perpetual, non-exclusive easements upon, across and over the Parcels as necessary for all Shared Utility Service Facilities.

§2. Storm Water Drainage. The Parcels will share the use of certain storm water drainage facilities (the “Shared Storm Water Facilities”). There are hereby created perpetual, non-exclusive easements upon, across and over the Parcels as necessary for all Shared Storm Water Facilities. All Shared Storm Water Facilities shall be constructed prior to the issuance of a certificate of compliance or occupancy permit for any building constructed anywhere on the Property regardless of how it is subdivided.

§3. Roadways. There are hereby created perpetual, non-exclusive easements upon, across and over all entranceways, roadways, sidewalks, and paths now or hereafter located on the Parcels for ingress and egress to, from, between and over each of the

Parcels to access all contiguous public roadways as permitted and approved by the City of Pataskala and Licking County (the “Shared Roadways”). Such Shared Roadways easements shall be for the benefit of the Parcels, all current and future occupants of the Parcels and their respective lessees, agents, employees and invitees, and all police, fire protection, ambulance, mail delivery and similar personnel.

§4. Landscaping. There are hereby created perpetual, non-exclusive easements upon, across and over all of the Parcels to the allow for the installation, maintenance, repair and replacement of mounding and landscaping required under City of Pataskala zoning ordinances (“Shared Landscaping”). Such Shared Landscaping easements shall be for the benefit of the Parcels, all current and future occupants of the Parcels and their respective lessees, agents, employees and invitees, and the City of Pataskala. All Shared Landscaping, including but not limited to the Shared Landscaping required by City of Pataskala zoning ordinances to be installed along the property lines of the Property adjacent to residential uses as illustrated on Appendix 1, shall be installed prior to the issuance of a certificate of compliance or occupancy permit for any building constructed anywhere on the Property regardless of how it is subdivided.

§5. Effective Date of Restrictions. The easements, covenants and restrictions set forth in this Declaration shall become effective on the date that the rezoning of the Property to the Planned Manufacturing (PM) zoning by the City of Pataskala is final beyond any applicable appeal or referendum periods.

§6. Perpetual Restrictions. The easements, covenants and restrictions set forth in this Declaration shall be perpetual and shall run with the land. This Declaration as set forth herein shall not be amended, released, extinguished or otherwise modified without the prior written consent of the current owner(s) of the Parcels and the City of Pataskala.

§7. Separability. Each provision of this Declaration and the application thereof to the Property are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration.

§8. Enforcement. The City shall have the right to enforce the terms of this Declaration. Any violation of this Declaration shall be treated as a violation of the City of Pataskala zoning ordinances pursuant to Chapter 1209 and therefore shall be subject to the jurisdiction of the Pataskala Mayor’s Court.

§9. Governing Law. This Declaration shall be governed by, and construed in accordance with the laws of the State of Ohio.

(Signature Page to Follow)

DECLARANT:

FAIR LADY LLC

By: _____
Name: _____
Title: _____

STATE OF OHIO
COUNTY OF _____, SS:

The foregoing instrument was acknowledged before me this ____ day of _____,
202_, by _____ (name), the _____ (title) of
_____ LLC.

Notary Public

CITY:

City of Pataskala, an Ohio municipality

By: _____
Its: _____

STATE OF OHIO
COUNTY OF _____, SS:

The foregoing instrument was acknowledged before me this ____ day of _____,
202_, by _____ (name), the _____ (title) on behalf of the
City of Pataskala, Ohio.

Notary Public

Instrument prepared by:

Jill S. Tangeman, Esq.
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street

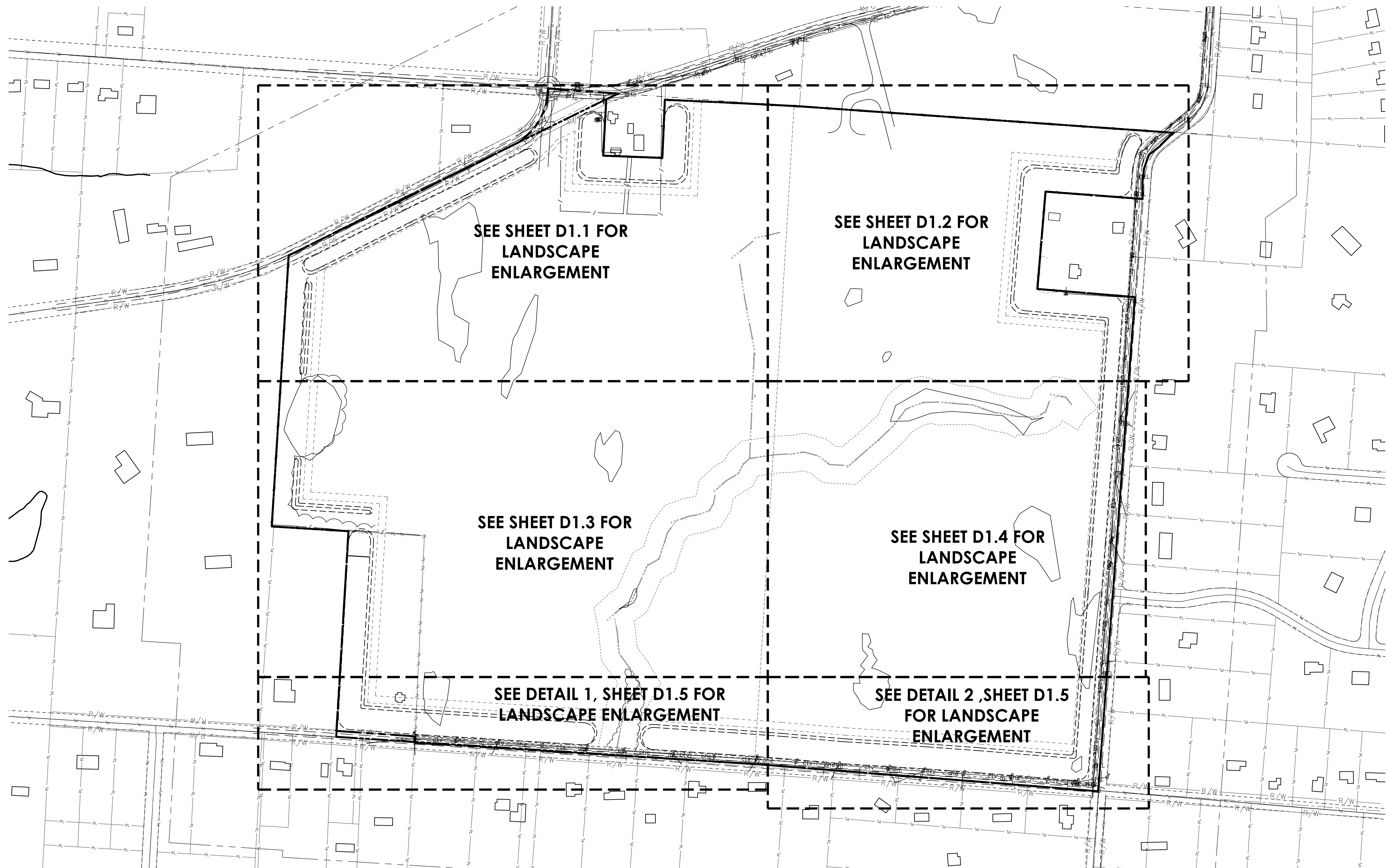
Columbus, Ohio 43215

Exhibit A

The Property

Appendix 1

Shared Landscaping Between Industrial and Residential Uses



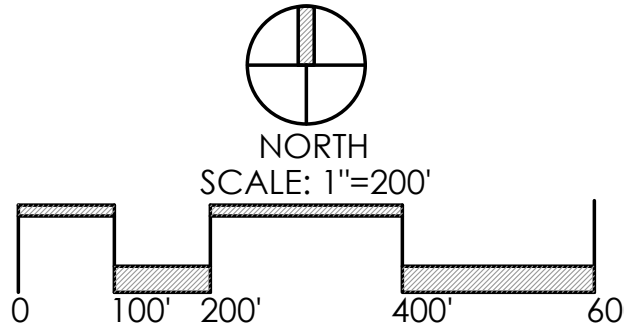
LANDSCAPE BUFFER PLAN - OVERALL

EXHIBIT D-1

FAIR LADY TECHNOLOGY PARK

PREPARED FOR FAIR LADY DEVELOPMENT HOLDINGS LLC

DATE: 9.8.23



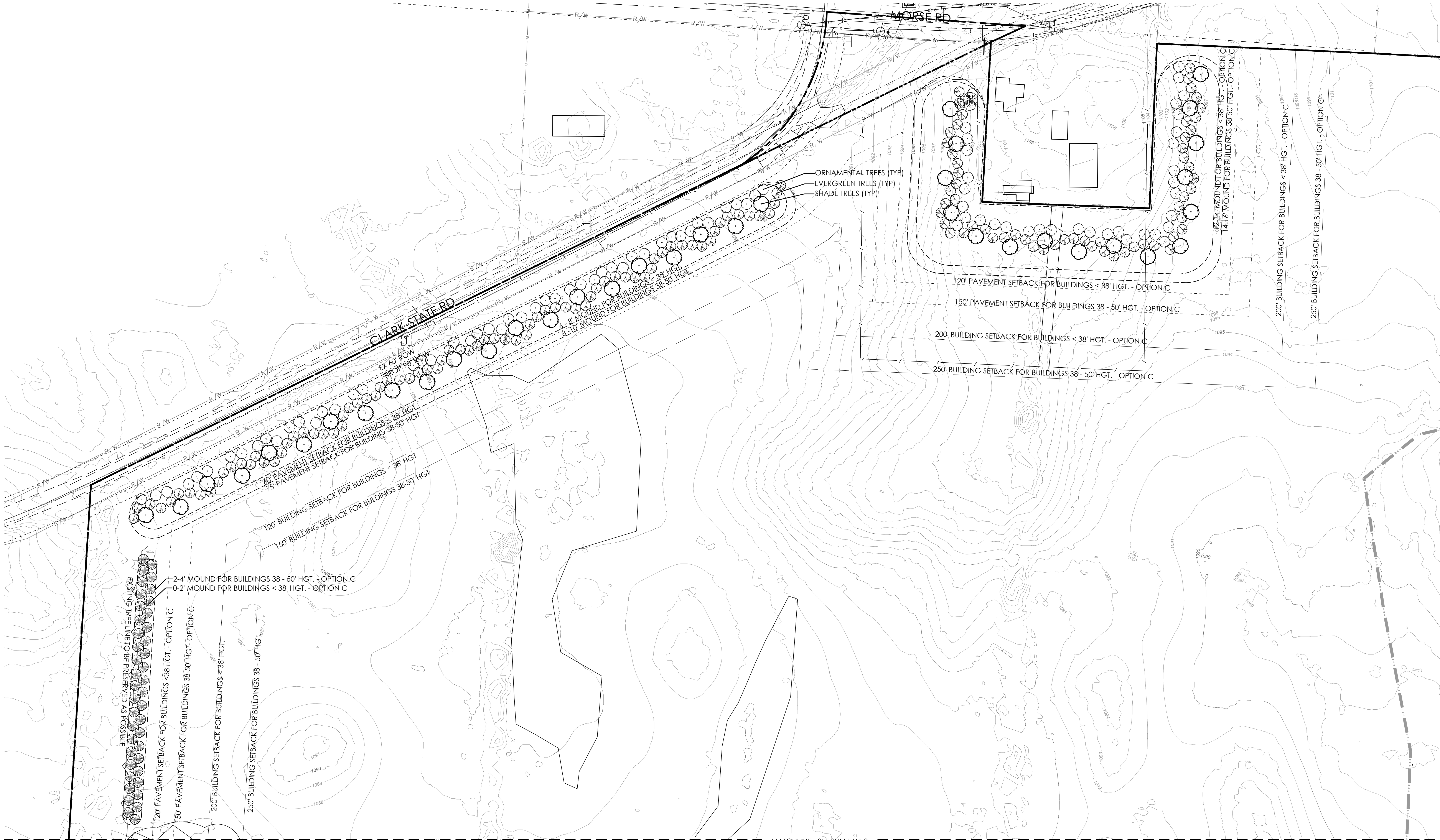
Faris Planning & Design

LAND PLANNING

4876 Cemetery
p (614) 487-1964

LANDSCAPE ARCHITECTURE

Hilliard, OH 43026
www.farisplanninganddesign.com



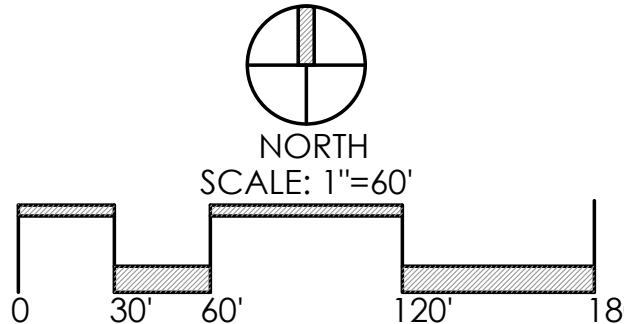
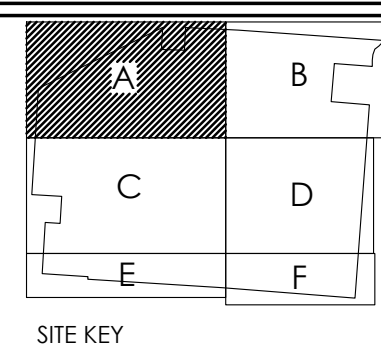
LANDSCAPE BUFFER PLAN - A

EXHIBIT D-1.1

FAIR LADY TECHNOLOGY PARK

PREPARED FOR FAIR LADY DEVELOPMENT HOLDINGS LLC

DATE: 09.08.23



Faris Planning & Design

LAND PLANNING

4876 Cemetery
p (614) 487-1964

LANDSCAPE ARCHITECTURE

Hilliard, OH 43026
www.farisplanninganddesign.com



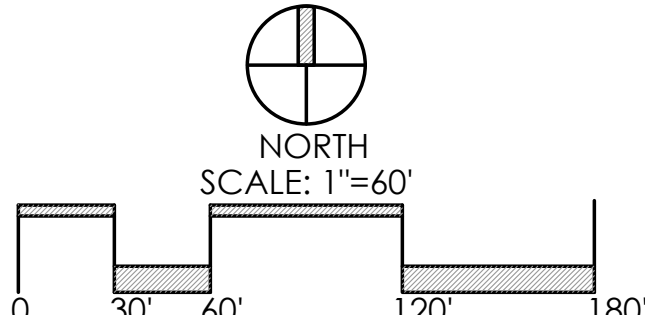
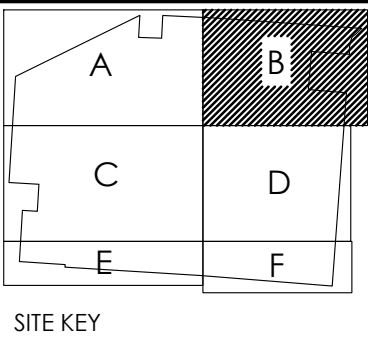
LANDSCAPE BUFFER PLAN-B

FAIR LADY TECHNOLOGY PARK

PREPARED FOR FAIR LADY DEVELOPMENT HOLDINGS LLC

DATE: 09.08.23

EXHIBIT D-1.2





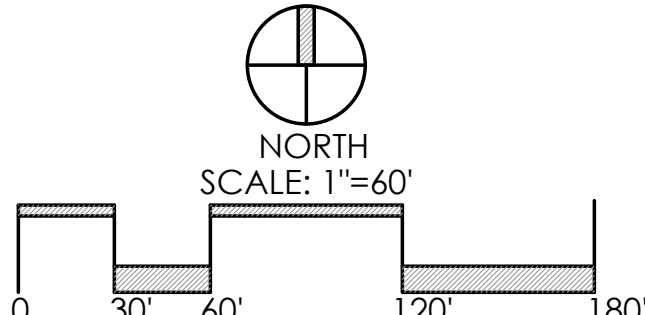
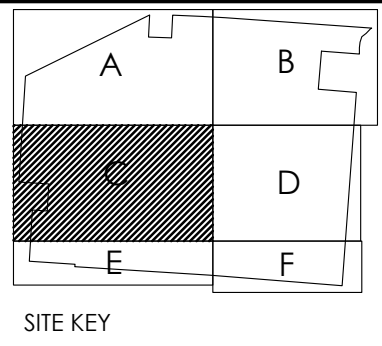
LANDSCAPE BUFFER PLAN - C

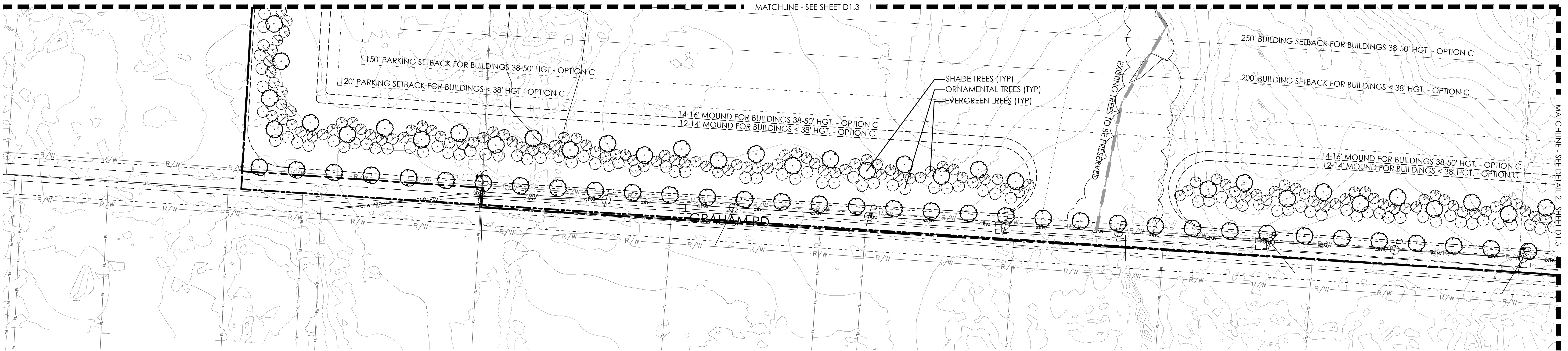
EXHIBIT D-1.3

FAIR LADY TECHNOLOGY PARK

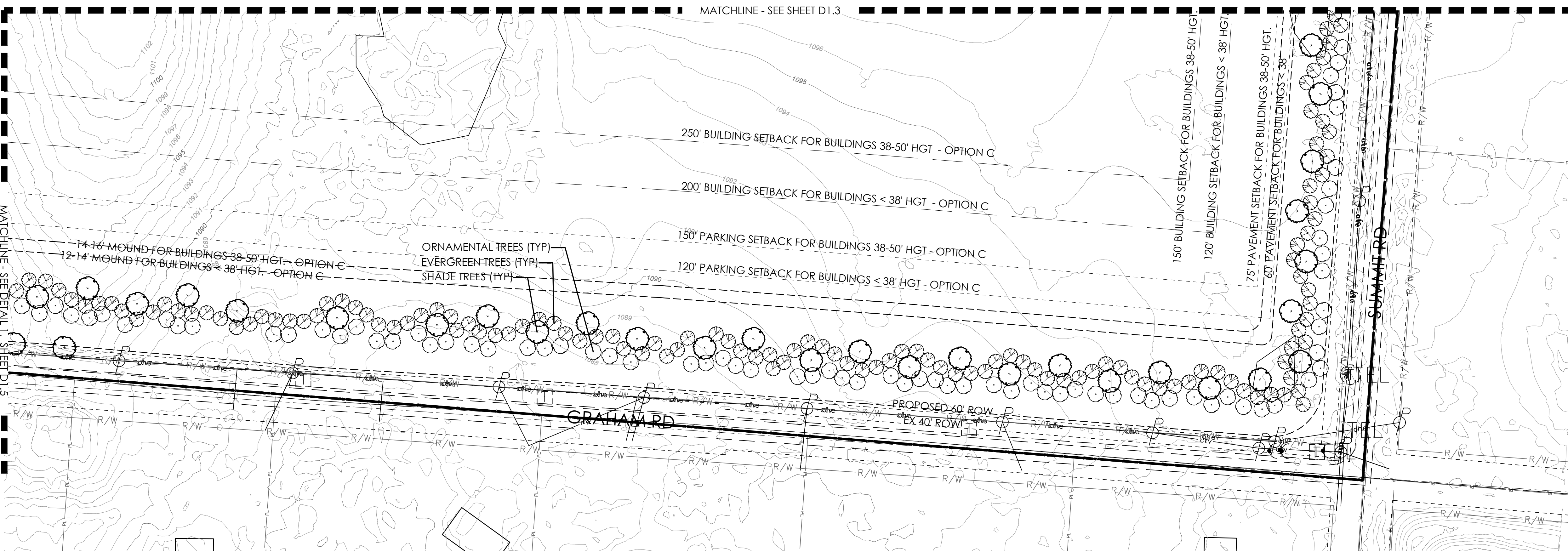
PREPARED FOR FAIR LADY DEVELOPMENT HOLDINGS LLC

DATE: 09.08.23





1 LANDSCAPE BUFFER- E
SCALE: 1":60



2 LANDSCAPE BUFFER- F
SCALE: 1":60

LANDSCAPE BUFFER PLAN - E & F

FAIR LADY TECHNOLOGY PARK

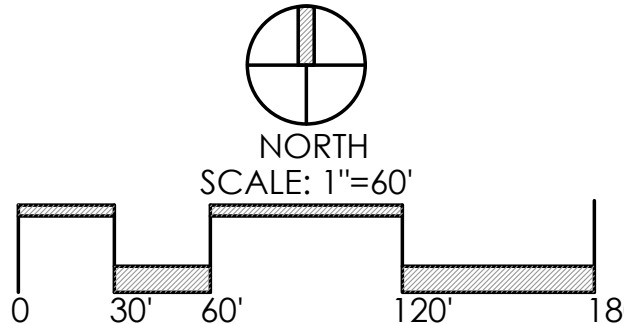
PREPARED FOR FAIR LADY DEVELOPMENT HOLDINGS LLC

DATE: 09.08.23

EXHIBIT D-1.5

Faris Planning & Design

LAND PLANNING LANDSCAPE ARCHITECTURE
4876 Cemetery Hilliard, OH 43026
p (614) 487-1964 www.farisplanninganddesign.com



Fair Lady Easement Comments – February 22, 2024

General

1. Looks like the first parcel number in the first Whereas is missing a zero. Should be parcel number 063-141840-00.000. **Fixed**
2. Should the parcel in Jersey Township along Morse Road (Parcel No. 082-107646-00.000) be included in the easement, specifically in regards to access? **No. This property will be developed separately in Jersey Township and may have access off Summit Road so there is no reason to include this property in the easement.**
3. Is the applicant planning on platting the property or doing lot splits? The City's preference is that the interior roads are private. As properties are split and subsequently sold, it could create issues (inadequate public road frontage, etc.) that could require a variance at a later date. **The initial division will be a lot split. It may be advisable or necessary to plat in the future. It is the intention that roadways will be private and we understand that variances could be necessary for future splits.**
4. If the property is platted, should this easement language be reflected on the plat? **If the property is platted in the future, yes, this easement can be reflected on the plat.**
5. Should there be a Whereas about the City's desire to ensure that appropriate measures are taken regarding the items listed and establish an enforcement mechanism if they are not? **Fixed.**
6. Should the City be a signatory to the easement? **Fixed.**
7. The language jumps between "Parcels", "Property", and "Land". Shouldn't be the same term throughout? **No "Property" refers to the all of the parcels collectively as they exist today; "Parcels" refers to each "lot" that will be created after subdivision. The term "land" is only used as it relates to legal requirements (ie: the declaration runs with the land is legal terminology that is necessary for this Declaration to follow in the chain of title).**
8. Can we indicate that any "violation" of the easement shall be handled in the Pataskala Mayors Court? **Fixed.**
9. What is the penalty for "violation" of the easement requirements? **It should be treated as any zoning violation. See added language.**
10. What are the notification requirements of a "violation"? Again, it should be treated as any zoning violation. **It should be treated as any zoning violation under Chapter 1209.**

Water and Sewer Service

1. Has the South West Licking Water and Sewer District provided comment on the proposed language so as to not conflict with their desires and/or regulations? **We are in continual discussions with SWLWSD and we do not see any conflict at this time.**
2. Depending on how the water and sewer lines are run to the property, should a maintenance agreement be established in this document? For example, a main line comes into the property and branches off to the subdivided parcels. If the main line is damaged, etc., who

pays to fix it? We will ultimately be recording a more detailed set of industrial park restrictions that addresses shared costs, architectural approvals, signage, parking, etc. However, these restrictions are not necessary until such time as individual lots are sold to end-users.

Storm Water Drainage

1. The Planning and Zoning Department issues a Certificate of Compliance once a building is completed, so that should be the terminology used. Fixed.
2. Should a maintenance agreement be established in this document whereby all parties who utilize the stormwater facilities are collectively responsible for their maintenance? If so, I believe that the Public Service Department has additional language essentially stating that if the stormwater facilities are not adequately maintained, the City can rectify the issues. Yes we will ultimately have a master set of restrictions that govern the industrial park but those will be drafted and recorded in the future.

Roadways

1. "All contiguous public roadways". Access to Graham Road is prohibited pursuant to the Planned Manufacturing regulations. Access to Summit Road and Clark State Road is strongly discouraged. The only reasonable access is via Morse Road and a future roundabout at the Clark State Road/Beech Road/Morse Road intersection. The Morse Road access is not included in the rezoning as it is in Jersey Township. I think the "all contiguous public roadways" clause should be amended to reflect these issues. Fixed.
2. Should a maintenance agreement be established in this document whereby all parties who utilize the shared roadways are collectively responsible for their maintenance? See response above regarding master set of industrial park restrictions.

Landscaping

1. What is the triggering mechanism for when the landscaping/mounding is installed? Document says it must be installed before a certificate of compliance is issued.
2. After a triggering mechanism is established, to what extent will the landscaping/mounding be installed? All landscaping shown on Appendix 1 must be installed prior to ANY certificate of compliance being issued.
3. What landscaping/mounding option will be used, and where, pursuant to the Planned Manufacturing regulations? Appendix 1 will show all necessary landscaping.

4. Should a maintenance agreement be established in this document whereby all parties who utilize the landscaping are collectively responsible for their maintenance? **See above response regarding master set of industrial park restrictions.**
5. Once the property is subdivided and landscaping/mounding is located on private property, who is responsible for maintenance? Would it be in conflict with the easement language? **See above response regarding master set of industrial park restrictions.**
6. The landscaping/mounding should be installed along all properties adjacent to residential uses in addition to all properties adjacent to public right-of-way pursuant to the Planned Manufacturing regulations. **Agreed. Appendix 1 will reflect all required landscaping.**
7. The Planning and Zoning Department issues a Certificate of Compliance once a building is completed, so that should be the terminology used. **Fixed.**

Effective Date of Restrictions

1. Procedurally, would this easement be recorded following a successful rezoning or would it be prior? If following, I would assume the City would be the party that would want to record it to ensure that it happens. **We can record it now so the City knows it's done – we have a clause that says they don't become effective until the rezoning is completed.**