CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

February 9, 2021

Variance Application VA-21-005

Applicant:	James T. Watkins, P.E. Watcon Consulting Engineers
Owner:	William Fannin Jr.
Location:	SR 310 (PIDs: 255-0697746-00.000, 255-069066-00.005, 255-069072-00.000)
Acreage:	127.78-acres total
Zoning:	R-15 – Medium-High Density Residential
Request:	Requesting approval of a Variance from Section 1113.06(s) of the Pataskala Code in order to submit a Preliminary Plan without a Tree Replacement Survey, and instead delay the Tree Replacement Survey to the Construction Plans phase of development.

Description of the Request:
Requesting approval of a Variance from Section 1113.06(s) of the Pataskala Code in order to submit a Preliminary Plan without a Tree Replacement Survey, and instead delay the Tree Replacement Survey to the Construction Plans phase of development.

Staff Summary:
There are three (3) induvial parcels, totaling 127.78-acres. A short summary of each is below:

1. PID: 255-0697746-00.000
    - Acreage: 75.73
    - Zoning: R-15 – Medium-High Density Residential
    - Summary: Small (approx. 100-feet) frontage on Hazelton-Etna Road SW (SR 310). Front (west) of parcel used for agricultural land, rear heavily forested with several small creeks and ravines.
2. PID: 255-069099-00.005
    - Acreage: 14.48
    - Zoning: R-15 – Medium-High Density Residential
    - Summary: No frontage on Public Right-of-Way, directly north of adjacent 75.73-acre parcel. South of Hillside Farms Estates subdivision. Currently heavily forested with several small creeks and ravines.
3. PID: 255-069072-00.000
    - Acreage: 37.57
    - Zoning: R-15 – Medium-High Density Residential
    - Summary: No frontage on Public Right-of-Way, directly east of adjacent 14.48-acre parcel. East of Hillside Farms Estates Subdivison and West of Beechwood Trails subdivision. Currently heavily forested with several creeks and ravines.

These three (3) parcels were annexed into the City of Pataskala from Harrison Township in 2015. Pursuant to Section 1113.06(s) of the Pataskala Code, a developer undergoing the subdivision process must submit a Tree Replacement Survey and Landscaping Plan pursuant to Chapter 1283 at the time of application for a Preliminary Plan. The Applicant is instead proposing to delay the Tree Replacement Survey and

Landscaping Plan until after the Construction Plans phase of development, and used a "phased" approach by doing a Tree Preservation and Replacement Plan at each phase of development for the subdivision.

In the Narrative Statement submitted by the Applicant, they've stated that the proposed subdivision is subject to a Nationwide Permit for stream and wetland impacts, which is limited to 300-feet stream impact and 0.5-acres of wetland impact. Because of these challenges, and the nature of the site, the true impacts will not be known until the Construction Plans phase. As such, the Applicant believes it would be appropriate to delay the Tree Preservation and Replacement Plan until the Construction Plans have been completed so that they will have a better understanding of the actual impact that the streets, lots, and infrastructure layouts will have that will translate to a more accurate count on the number of trees that will need to be replaced. The Applicant anticipates at least five (5) phases of development, each with their own individual Tree Preservation and Replacement Plan. Further stated, it is the Applicants' intent to save as many existing trees as possible.

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 basic procedure for approval of a new Subdivision is as follows: Preliminary Plan (overall development), Construction Plans (per phase), Final Plan (per phase), and then Final Plat. As mentioned in the Staff Summary, Section 1113.06(s) of the Pataskala Code requires that a developer submit a Tree Survey and Landscape Plan for the entire development at the time of application for a Preliminary Plan.

Currently, the Applicant has a concept plan, however the details of this design are subject to change, especially considering the physical characteristics of the property with its topography, streams, and wetlands. Once a Preliminary Plan is approved, and final engineering done through the Construction Plans, the locations and impacts of the streets, lots, utilities, etc. could change making the Tree Preservation and Replacement Plan submitted as part of the Preliminary Plan inaccurate. Staff concurs with the Applicant's belief that delaying the Tree Preservation and Replacement Plan until after the Construction Plans would yield an accurate count reflecting the actual locations of said infrastructure.

Staff has no other concerns with the proposed Variance.

Southwest Licking School District

The District does not agree with the postponing of the tree survey for this property. The impact on the school district for this housing development of over 220 homes will be drastic. It is the opinion of the school district that the original plans should be followed.

Other Departments and Agencies

No other comments received.

Surrounding Area:

Direction	Zoning	Land Use
North	AG – Agricultural (Harrison Twp) R – 15 (Harrison Twp) B-1 Business (Harrison Twp)	Single-Family Homes
East	PDD – Planned Development District	Scenic View Estates
South	R-15 – Medium-High Density Residential	Ravines at Hazelwood
West	AG – Agricultural AG – Agricultural (Harrison Twp)	Single-Family Homes Agriculural

Variance Requirements:

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

a. *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
b. *Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
c. *Whether the variance requested is substantial;*
d. *Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
e. *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
f. *Whether the variance, if granted, will be detrimental to the public welfare;*
g. *Whether the variance, if granted, would adversely affect the delivery of government services;*
h. *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
i. *Whether the property owner's predicament con be obviated through some other method than variance;*
j. *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
k. *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Furthermore, Section 1211.07(2) allows other factors to be considered, including comments from City staff, when determining if an area variance is warranted. The following factors from Section 1211.07(2) are applicable to Variance Application VA-21-005:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Pataskala Utilities – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Southwest Licking School District – See comments.

Conditions:

Should the Board choose to approve the applicant's request, the following modifications may be considered:

1. The Applicant shall submit a Tree Replacement Survey and Landscape Plan Pursuant to Section 1283 with the Final Plan Application per phase of development.

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 variance from Section 1113.06(s) of the Pataskala Code for Variance Application VA-21-005 ("with the following conditions" if conditions are to be placed on the approval)."

From:	Perkins, Kasey (Southwest Licking Local Schools)
To:	Philip Wagner; Jack Kuntzman; Steven Blake; Jim Roberts; Scott Fulton; Scott Haines; Bruce Brooks; Doug White; Chris Gilcher; Alan Haines; Chris Sharrock
Subject:	RE: BZA Review Memo for 02-09-2021
Date:	Thursday, January 21, 2021 2:36:17 PM

Good afternoon,

Please see my responses for the following variances. Please also note the District has concerns regarding VA-20-005.

***VA-20-001:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chris Sharrock, Alan Haines

- The District has no issue with this variance.

***VA-20-002:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chris Sharrock, Alan Haines

- The District no has issue with this variance.

***VA-20-003:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chris Sharrock, Alan Haines

- The District has no issue as this doesn't impact the schools, although a decrease of 28 to 2 trees may change the look of the area.

***VA-20-004:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chris Sharrock, Alan Haines

- The District has no issue with this variance.

VA-20-005: Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chris Sharrock, Alan Haines

- The District does not agree with postponing the tree survey for this property. The impact on the school district for this housing development of over 220 homes will be drastic. It is the opinion of the school district that the original plans should be followed.

Respectfully,

Kasey Perkins, Ed.D.
Superintendent

CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information		
Address: SR 310	255-069072-00	
Parcel Number: 255-067746-00 / 255-069066-00		
Zoning: R-15 w/ Cluster Overlay	Acres: 128	
Water Supply:		
☒ City of Pataskala	☐ South West Licking	☐ On Site
Wastewater Treatment:		
☒ City of Pataskala	☐ South West Licking	☐ On Site

Staff Use
Application Number: VA-21-005
Fee: $300.00
Filing Date: 1/15/2021
Hearing Date: 2/9/2021
Receipt Number: 21650

Applicant Information		
Name: James T. Watkins, P.E Watkon Consulting Engineers		
Address: 83 Shull Avenue		
City: Gahanna	State: Ohio	Zip: 43230
Phone: 614-414-7979	Email: jim@watkoneng.com	

Documents
☒ Application
☒ Fee
☒ Narrative
☒ Site Plan
☒ Deed
☒ Area Map

Property Owner Information		
Name: William Fannin Jr.		
Address: 8471 Olinda Way		
City: Fort Myers	State: Florida	Zip: 33912
Phone: 239-745-5492	Email: WilliamFanninJr@gmail.com	

Variance Information
Request (Include Section of Code): Section 1113.06(s) A Tree Replacement Survey
Describe the Project: – See the attached Word Document.

Documents to Submit

Variance Application: Submit 1 copy of the variance application.

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

- The reason the variance is necessary
- The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:
  - *a) Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;*
  - *b) Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
  - *c) Whether the variance requested is substantial;*
  - *d) Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;*
  - *e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
  - *f) Whether the variance, if granted, will be detrimental to the public welfare;*
  - *g) Whether the variance, if granted, would adversely affect the delivery of governmental services;*
  - *h) Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
  - *i) Whether the property owner's predicament can be obviated through some other method than variance;*
  - *j) Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
  - *k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*
- A use variance must also meet the requirements described in Section 1211.07(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 variance 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: 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 variance request.

Applicant (Required): James I. Watkins	Date: 1/14/2021
Property Owner (Required): William Fannin, Jr.	Date: 1/14/2021

WATCON

CONSULTING ENGINEERS
& SURVEYORS

January 15th, 2021

Scott Fulton
Director of Planning
City of Pataskala
621 West Broad Street, Suite 2-A
Pataskala, Ohio, 43062

RE: Forest Ridge Subdivision Concept Plan
Variance Request
"Tree Preservation and Replacement Plan"

VARIANCE INFORMATION:

REQUEST:

Dear Scott and Members of the Board of Zoning Appeals:

We are respectfully requesting a variance that will delay the timing of submitting the Tree Preservation and Replacement Plan (Plan) from the Preliminary Development Plan stage to the Final Engineering Stage. The intent is to prepare a "Phased" Tree Preservation and Replacement Plan at each phase of the Forest Ridge subdivision rather than perform an "Overall" Plan as required per Section 1113.06 (s) of the Preliminary Development Plan Contents. Please see the attached **Exhibit #1 (Concept Plan with Wetland, Streams and Trees), Exhibit #2 (Concept Phased Plan) and Exhibit B (Original Concept)** for reference within this variance request.

According to Section 1113.06(s) of the City of Pataskala's Planning and Zoning Code, it requires and states "*A Tree Replacement and Landscaping Plan pursuant to Chapter 1283.*" In addition, and specifically Chapter 1283.03 of the Zoning Code describes the Tree Preservation and Tree Replacement requirements. Under 1283.03 B1, the requirements for Tree Preservation states:

B1. **Tree Preservation:** Any tree on the site with a caliper of eight (8) inches or more at a height of five (5) feet above the ground, or ornamental trees over twelve (12) feet in height shall be identified as a major tree and shall be protected and preserved unless exempted, as follows: The Zoning Inspector may approve the cutting down, removal or destruction of a major tree when the tree interferes with the proper development of the lot, provided that the lot is the subject of an application for approval of a zoning certificate, variance, or conditional use, and one (1) of the following applied.

83 Shull Avenue Gahanna, Ohio 43230 614.414.7979 fax: 614.414.7980

James T. Watkins P.E., M.B.A., Principal jim@watconeng.com

a) *The tree will be located within a public right-of-way or easement;*
b) *The tree is located within the area to be covered by proposed structures or within 12 feet from the perimeter of proposed or existing structures;*
c) *The tree will be located within the proposed driveway designed to service a proposed use;*
d) *The tree is damaged or diseased;*

Any tree removed shall be mitigated upon completion of the development of the lot using the criteria identified in Paragraph 2 (Tree Replacement Requirements), below.

DESCRIBE THE PROJECT AND REASON FOR THE VARIANCE:

The original concept plan (**Exhibit B**) for the Forest Ridge subdivision features a concept plan that was zoned R15 with a Cluster Design overlay that was approved by the City of Pataskala in 2015. The intent with the Cluster Design overlay was to preserve the natural hilly terrain, streams, wetlands and its numerous forested trees in the middle and northern portion of the site. At the time of the rezoning process, the late owner William Fannin Sr. did not perform a delineation of the wetlands and streams of the site. His intent in 2015 was to immediate flip the site to a prominent home builder; and, in turn, have that home builder follow through with the environmental issues of locating the wetlands and streams and then making any site plan modifications as needed to avoid the maximum amount of stream and wetland impacts.

However, going fast-forward, his son William Fannin Jr and his partner Jim Deagle currently agreed to perform a wetland and stream survey to have an idea of how the original site plan (**Exhibit B**) would be impacted by the wetlands and streams of the site. Therefore, a recent wetland and stream survey was conducted with a revised concept plan and is illustrated on **Exhibit #1**. Please note the revised concept plan, in general, follows the zoning requirements of R-15 with the Cluster Design overlay. The revised concept plan is faced with many challenges with meeting the total maximum stream and wetland impacts allowed under the Nationwide Permit. The total maximum impacts to a stream is 300 feet and the total maximum impacts to wetlands is 0.50 acre. Unfortunately, these total impacts are only preliminary, and we do not know the true impacts until the final engineering details are resolved. In addition, the City's Planning Department requires an addition 25-foot buffer easement to be placed around the perimeter of all existing streams and wetlands. In turn, this impacts our lot configuration and roadway plan and, in turn, affects how many trees are preserved or replaced. Currently, we are negotiating with the City Planning staff on the stream buffer requirement but currently we do not have nothing definite. Our current concept plan is only approximate with meeting these maximum impact requirements because we do not know all the final engineering details.

In addition, we are currently working with the City's Engineering Staff on a "modified" street typical section that will be implemented over existing stream crossings to help reduce the amount of stream impacts. In addition, the City Engineering Staff and the local Fire Department are concerned with emergency situations, and road circulation with future culvert replacements. We are currently negotiating these design items on the current concept plan with these two public agencies. In summary, these design items will need more time to work out at the Final Engineering stage and in turn will affect our Tree Preservation and Replacement Plan.

Therefore, for the reasons stated above, we feel it is more appropriate to delay the Tree Preservation and Replacement Plan until the Final Engineering stage based on a phase-by-phase approach, so we have a better understanding on the entire impacts to the wetlands and streams and eventually to a more accurate tree preservation or removal tree count. We are anticipating having at least five (5) phases (**See Exhibit 2**) of development sections; and therefore, we are planning to have five (5) separate Tree Preservation and Replacement Plans. It is our intent to save as many of the existing trees and knowing the exact tree count for replacement at each Engineered Phase.

SPECIFIC REASONS WHY THE VARIANCE IS JUSTIFIED:

a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance.* **No, a variance is needed so we can have an accurate number of both tree preservation and removal at the Final Engineering stage.**
b) *Whether there are unique physical circumstance or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property.* **Yes, the physical hilly and forested site with the unknown environmental impacts to the streams and wetlands will affect our tree preservation and removal plan. Therefore, a better understanding of the preserving and removing of the trees at the Final Engineering Stage makes sense.**
c) *Whether the variance requested is substantial.* **Yes**
d) *Whether the essential character of the neighborhood would be substantially altered, or adjoining properties would suffer a substantial detriment as a result of the variance.* **No**
e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property.* **No**
f) *Whether the variance, if granted, will be detrimental to the public welfare.* **No**
g) *Whether the variance, if granted, would adversely affect the delivery of government services.* **No**
h) *Whether the property owner purchased the subject property with the knowledge of the zoning restriction.* **No, the property owner was unaware of this tree replacement zoning code since he bought the property in 1999.**
i) *Whether the property owner's predicament can be obviated through some other method than variance.* **No**
j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue.* **Yes**
k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.* **Yes**

In conclusion, we are trying to meet the spirit of the code and believe that delaying the Tree Preservation and Replacement Plan from the Preliminary Development Plan Stage to the Final Engineering Stage will not be a detriment to the public welfare.

Should you have any questions regarding this Variance Request, please contact this office.

Respectfully,

James T. Watkins

James T. Watkins, Owner, P.E, M.B.A, CPESC, CPSWQ
Watcon Consulting Engineers & Surveyors

83 Shull Avenue Gahanna, Ohio 43230 614.414.7979 fax: 614.414.7980

James T. Watkins P.E., M.B.A., Principal jim@watconeng.com

CONCEPT PLAN
FOR:

Forest Ridge

(For Conceptual Use Only)

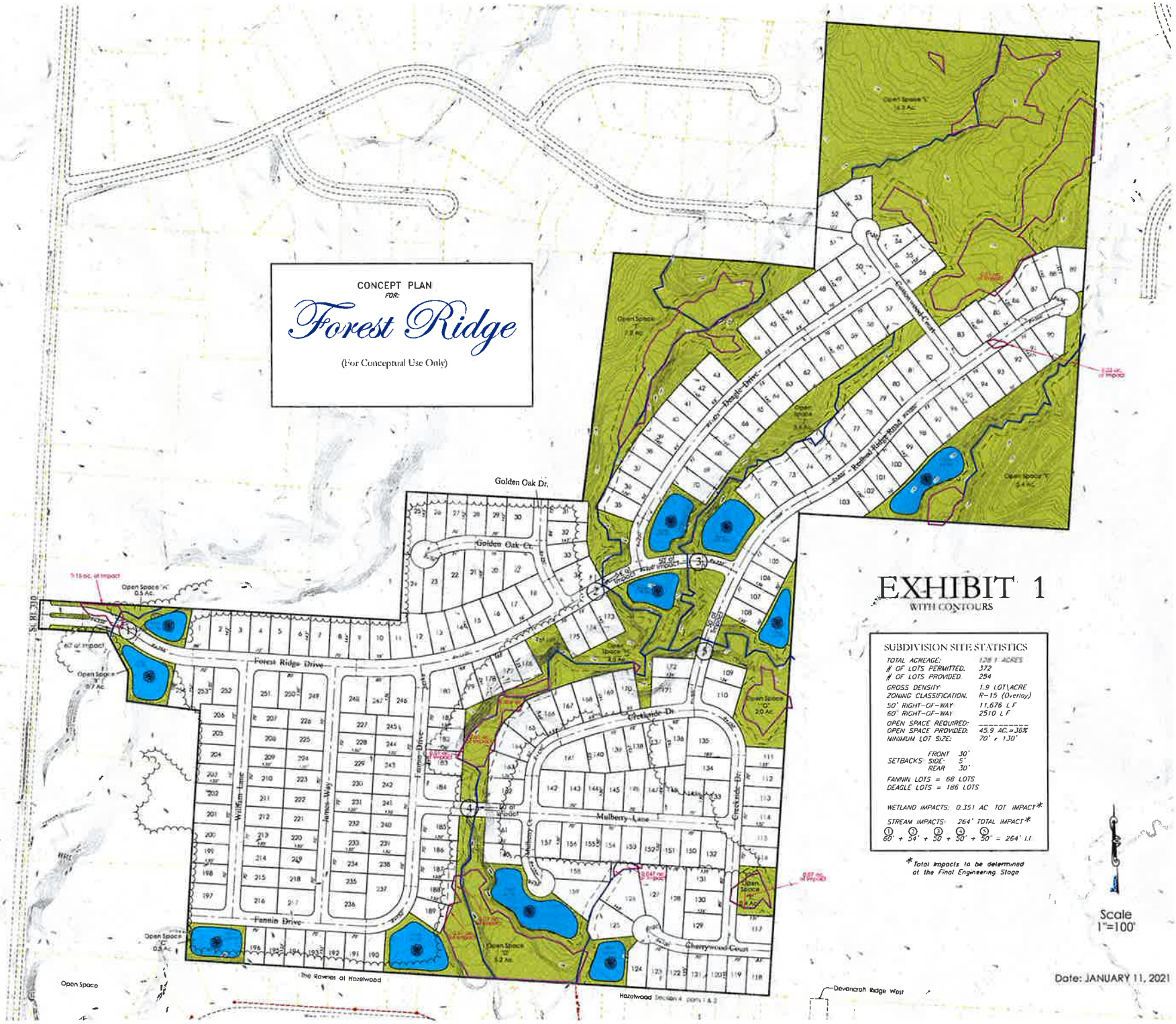


EXHIBIT 1

WITH CONTOURS

SUBDIVISION SITE STATISTICS

TOTAL ACREAGE:	128.1 ACRES
# OF LOTS PERMITTED.	372
# OF LOTS PROVIDED.	254
GROSS DENSITY:	1.9 LOT\ACRE
ZONING CLASSIFICATION.	R-15 (Overlay)
50' RIGHT-OF-WAY	11,676 L F
60' RIGHT-OF-WAY	2510 L F
OPEN SPACE REQUIRED:	----------
OPEN SPACE PROVIDED:	45.9 AC.=36%
MINIMUM LOT SIZE:	70' x 130'
SETBACKS FRONT	30'
SIDE:	5'
REAR	30'

FANNIN LOTS = 68 LOTS
DEAGLE LOTS = 186 LOTS

WETLAND IMPACTS: 0.351 AC TOT IMPACT*

STREAM IMPACTS: 264' TOTAL IMPACT*

1 60' + 2 54' + 3 50' + 4 50' + 5 50' = 264' l.f.

*Total impacts to be determined at the Final Engineering Stage

Scale
1"=100'

Date: JANUARY 11, 2021

PHASING PLAN
FOR:
Forest Ridge
(For Conceptual Use Only)
SECTION 1
51 LOTS
18.9 Ac.
SECTION 2
45 LOTS
12.5 Ac.
SECTION 3
49 LOTS
26.9 Ac.
SECTION 4
50 LOTS
43.7 Ac.
SECTION 5A
21 LOTS
11.9 Ac.
SECTION 5B
38 LOTS
13.9 Ac.
Forest Ridge Drive
Golden Oak Dr.
Golden Oak Ct.
William Lane
James Way
Fannin Drive
Mulberry Lane
Mulberry Ct.
Creekside Dr.
Cherrywood Court
Cottonwood Court
Redbud
Open Space "A"
0.5 Ac.
Open Space "B"
0.7 Ac.
Open Space "C"
0.3 Ac.
Open Space "D"
8.2 Ac.
Open Space "E"
0.4 Ac.
Open Space "F"
2.0 Ac.
Open Space "G"
4.3 Ac.
Open Space "H"
3.4 Ac.
Open Space "I"
1.3 Ac.
Open Space "J"
14.3 Ac.
Open Space "K"
5.1 Ac.
Open Space
The Ravines at Hazelwood
Hazelwood Section 4, parts 1 & 2
Devencroft Ridge West
EXHIBIT 2
Scale
1"=100'
Date: JANUARY 11, 2021

EMERGENCY ACCESS ONLY
BOLLARDS OR GATE
Open Space "C" 25.2 Ac.
Open Space "B" 8.2 Ac.
Open Space "C" 25.2 Ac.
Open Space "A" 0.6 Ac.
Open Space "D" 0.6 Ac.
Open Space "E" 3.0 Ac.
Open Space "F" 8.5 Ac.
Open Space
The Ravines at Hazelwood
Hazelwood Section 4, parts 1 & 2
Devencroft Ridge West
SUBDIVISION SITE STATISTICS
TOTAL ACREAGE 128.1 ACRES
OF LOTS PERMITTED 372
OF LOTS PROVIDED 243
LOT SQ. FT. PERMITTED 15,000 S.F.
LOT SQ. FT. PROVIDED 22,963 S.F.
GROSS DENSITY 1.9 LOT\ACRE
ZONING CLASSIFICATION R-15
OPEN SPACE PROVIDED 46.6 AC.=36.3%
MINIMUM LOT SIZE 70' x 143'
SETBACKS FRONT 30'
SIDE 5'
REAR 30'
FANNIN LOTS = 96 LOTS (69) +27
DEAGLE LOTS = 147 LOTS (112) +35
(181) +62
STREAM IMPACTS 290' TOTAL
1 70' (100'-30') + 2 80' + 3 60' + 4 60' + 5 40'
Scale 1"=200'
EXHIBIT "B"
Date: MARCH 3, 2015

CITY OF PATASKALA

ORDINANCE 2015-4240

Passed October 5, 2015

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR 128.134 +/- ACRES AT LOTS 29 AND 30 OF APPLE BLOSSOM ROAD AND LOT 31 OF HAZELTON ETNA ROAD FROM HARRISON TOWNSHIP RESIDENTIAL PUD TO THE CITY OF PATASKALA R-15, MEDIUM-HIGH DENSITY RESIDENTIAL DISTRICT

WHEREAS, at their meeting on September 2, 2015, the Planning and Zoning Commission of the City of Pataskala recommended approval of the Zoning Map Amendment for 128.134 +/- acres, being Lots 29 and 30 of Apple Blossom Road and Lot 31 of Hazelton Etna Road, changing the existing zoning from Harrison Township Residential PUD to City of Pataskala R-15, Medium-High Density Residential District; and

WHEREAS, a recommendation and approval for the Zoning Map Amendment has been submitted to Council by the Planning and Zoning Commission pursuant to the provisions of Section 1217.14 of the Codified Ordinances of the City of Pataskala; and

WHEREAS, Council has determined the implementation and approval of the Zoning Map Amendment, a legal description of which is attached hereto and incorporated herein by reference as Exhibit "A," is in the best interests of the residents of the City of Pataskala;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING THAT:

Section 1. That the Zoning Map Amendment for 128.134 +/- acres, being Lots 29 and 30 of Apple Blossom Road and Lot 31 of Hazelton Etna Road, a legal description of which is attached hereto and incorporated herein by reference as Exhibit "A," is accepted and approved by the Council of the City of Pataskala. The Director of Development shall change the zoning map for the subject parcel from Harrison Township Residential PUD to City of Pataskala R-15, Medium-High Density Residential District.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal

actions were in meetings open to the public in compliance with all legal requirements of the City of Pataskala, Licking County, Ohio.

Section 3: That this ordinance shall take effect on the earliest period allowed by law.

ATTEST:

Kathy M. Hoskinson, Clerk of Council

Michael W. Compton, Mayor

Approved as to Form

Rufus B. Hurst, Law Director

Exhibit "A"

Description of a 128 acre parcel of land
FROM: HARRISON TOWNSHIP

TO: CITY OF PATASKALA

Situated in the State of Ohio, County of Licking, Township of Harrison, in Farm Lots 29, 30 and 31, and being all of a 75.735 acre tract of land, conveyed to James L. Deagle [Auditors Tax Parcel 25-067746-00.000] of record in Instrument 200911130024503 and being all of a 52.399 acre tract of land, conveyed to Fannin Limited Partnership [Auditors Tax Parcel 25-069066-00.005 and 25-069072-00.000] of record in Instrument 199908190035031, all references to records being on file in the Office of the Recorder, Licking County, Ohio, said 128 +/- acres being more fully described herein;

Beginning for reference at the intersection of the centerline of Hazelton-Etna Road (State Route 310) (60 feet wide) with the centerline of Apple Blossom Road S.W. (60 feet wide).

Thence South with the centerline of said Hazelton-Etna Road and the existing City of Pataskala Corporation line, a distance of 1458'to a point on a north line of said 75.735 acre tract of land at the intersection of the centerline of said Hazelton-Etna Road, said point also being on the south line of a 6.80 acre tract of land conveyed to Edward W. Gero, of record in Instrument 200704160009610, and being the True Point of Beginning.

Thence East with a north line of said 75.735 acre tract of land, the south line of said 6.80 acre tract of land, a distance of 1265 feet to a point at the southeast corner of said 6.80 acre tract of land;

Thence North with a west line of said 75.735 acre tract of land, the east line of said 6.80 acre tract of land, a distance of 456 feet to a point at the northeast corner of said 6.80 acre tract of land, said point also being on the north line of Farm Lot 31 and on the south line of a 21.527 acre tract of land conveyed to Michael H. and Heidi C. Wilson of record in Instrument 201211280028134;

Thence East with the north line of said 75.735 acre tract of land, the south line of said 21.527 acre tract of land and the north line of Farm Lot 31, a distance of 619 feet to a point at the southeast corner of said 6.80 acre tract of land and being the southwest corner of said 52.399 acre tract of land;

Thence North with the west line of said 52.399 acre tract of land, the east line of said 21.527 acre tract of land, distance of 881 feet to a point on the south line of Lot 4 of Hillside Farm Estates Subdivision or record in Plat Book 11, Page 104 and being a northwest corner of said 52.399 acre tract of land;

Thence East with the north line of said 52.399 acre tract of land, the south line of said Hillside Farm Estates Subdivision, distance of 131 feet to a point at the southeast corner of said Lot 4 of Hillside Farm Estates Estates, also being the southwest corner of Lot 3-A replat of Hillside Farm Estates Subdivision as recorded in Plat Book 15, Page 299;

Thence East with the north line of said 52.399 acre tract of land, the south line of said Hillside Farm Estates Subdivision, a distance of 183 feet to a point at the southeast corner of Lot

3-A of said Hillside Farm Estates Subdivision, also being the southwest corner of Lot 2 of said Hillside Farm Estates Subdivision;

Thence East with the north line of said 52.399 acre tract of land, the south line of said Hillside Farm Estates Subdivision, a distance of 180 feet to a point at the southeast corner of Lot 2 of said Hillside Farm Estates Subdivision, also being the southwest corner of Lot 1 of said Hillside Farm Estates Subdivision;

Thence East with the north line of said 52.399 acre tract of land, the south line of said Hillside Farm Estates Estates Subdivision, a distance of 211 feet to a point at the southeast corner of Lot 1 of said Hillside Farm Estates Subdivision, also being the East line of Farm Lot 30;

Thence North with the west line of said 52.399 acre tract of land, the east line of said Hillside Farm Estates Subdivision, the west line of Farm Lot 29, a distance of 869 feet to a point at the northwest corner of said 52.399 acre tract of land, the northeast corner of Lot 17 of said Hillside Farm Estates Subdivision, the southeast corner of a 60.803 acre tract of land conveyed to Top World Legacy, LLC., of record in Instrument 201204060007650 and the southwest corner of Lot 815 of Beechwood Trails Section 5 Subdivision of record in Plat Book 11, Page 94;

Thence East with the north line of said 52.399 acre tract of land, the south line of said Beechwood Trails Subdivision, the north line of Farm Lot 29, a distance of 958 feet to a point at the northeast corner of said 52.399 acre tract of land, and the southeast corner of Lot 820 of said Beechwood Trails Subdivision;

Thence South with the east line of said 52.399 acre tract of land, the west line of said Beechwood Trails Subdivision, a distance of 882 feet to a point at the southwest corner of Lot 843 of said Beechwood Trails Subdivision and being the northwest corner of a 136.305 acre tract of land conveyed to FDT Group, LLC. of record in Instrument 201304160009643, said point also being on the existing City of Pataskala Corporation line as established in Resolution No 2014-027;

Thence South with the east line of said 52.399 acre tract of land, the existing City of Pataskala Corporation line, the west line of said 136.305 acre tract of land, a distance of 838 feet to a point on the south line of Farm Lot 29 and being the southeast corner of said 52.399 acre tract of land;

Thence West with the South line of said 52.399 acre tract of land, the existing City of Pataskala Corporation line, the south line of Farm Lot 29, the north line of said 136.305 acre tract of land, a distance of 947 feet to a point at the southwest corner of Farm Lot 29, the northeast corner of said 75.735 acre tract of land and the northwest corner of said 136.305 acre tract of land;

Thence South with the east line of said 75.735 acre tract of land, the existing City of Pataskala Corporation line, the east line of Farm Lot 31, the west line of said 136.305 acre tract of land, a distance of 1699 feet to a point at the southeast corner of said 75.735 acre tract of land, the southeast corner of Farm Lot 31, the southwest corner of said 136.305 acre tract of land and

on the north line of Lot 243 of Hazelwood Section 4, Part 2 Subdivision of record in Instrument 200405240018327;

Thence West with the south line of said 75.735 acre tract of land, the existing City of Pataskala Corporation line, the south line of Farm Lot 31, the north line of said Hazelwood Subdivision Section 4, Part 2, the north line of a 21.365 acre tract of land, conveyed to Walker Land Ltd. of record in Instrument 200702210004408, a distance of 2052 feet to a point at the southwest corner of said 75.735 acre tract of land and the southeast corner of a 4.459 acre tract of land, conveyed to Marsha Ann Boggess of record in Instrument 201304250010557;

Thence North with a west line of said 75.735 acre tract of land, the east line of said 4.459 acre tract of land, the east line of a 4.712 acre and 1.258 acre tract of land, conveyed to Roger A. & Carolyn E. Hicks of record in Official Record 399, Page 551, a distance of 878 feet to a point at the northeast corner of said 1.258 acre tract of land;

Thence West with a south line of said 75.735 acre tract of land, also being the north line of said 1.258 acre tract of land, a distance of 260 feet to the northwest corner of said 1.258 acre tract of land and being on the east line of a 3.110 acre tract of land, conveyed to David S. & Kay R. Shain, of record in Official Record 504, Page 96;

Thence North with a west line of said 75.735 acre tract of land, also being the east line of said 3.110 acre tract of land, a distance of 101 feet to a point;

Thence North with a west line of said 75.735 acre tract of land, also being the east line of said 3.110 acre tract of land, a distance of 158 feet to a point;

Thence West with a south line of said 75.735 acre tract of land, also being the north line of said 3.110 acre tract of land, a distance of 240 feet to a point in the centerline of said Hazelton-Etna Road;

Thence North with the centerline of said Hazelton-Etna Road, also along the existing City of Pataskala Corporation line, a distance of 100 feet to the True Point of Beginning, containing 128 acres +/-.

The above description was prepared by Watcon Consulting Engineers and Surveyors, LLC. in May 2015, from the best available County records. This information was not derived from an actual field survey. The above description is not valid for the transfer of real property, and is not to be utilized in place of a Boundary Survey as defined by the Ohio Administrative Code in Chapter 4733-37.

Robert W. Martin Date

TRANSFERRED
Date August 19 19 99
Licking County Auditor

SEC.319.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY RM 838.40

Instr:199908190035031 08/19/1999
Pages:2 Fee:$14.00 1:04PM
Patty Albery T199900026233
Licking County Recorder MEPAMERITI

AmeriTitle Box
13456-OMSH

Deed of Executor, Administrator, Trustee, Guardian, Receiver or Commissioner.

Columbus Builders Supply, Inc. Profit Sharing Trust, by the power conferred by Trust Agreement dated January 1, 1994, and every other power, for valuable consideration dollars paid, grants, with fiduciary covenants, to Fannin Limited Partnership whose tax mailing address is 2770 E Main St Columbus Ohio 43209 the following **REAL PROPERTY**:

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

Parcel No. 25-069066-00-005 & 25-069072-00.000

Property Address: Acreage, Apple Bloom Road, Harrison Township, OH

Prior Instrument Reference: Volume 335, page 364 of the Deed Records of Licking County, Ohio.

Witness his hand(s) this 17th day of August, 1999.

Signed and acknowledged in presence of:

Donna W Sayre
Donna W Sayre.
James F O'Keeffe
JAMES F O'KEEFFE

Christopher S. Herold
Columbus Builders Supply, Inc. Profit Sharing Trust, by Christopher S. Herold

State of Ohio, County of Franklin: ss.

BE IT REMEMBERED, That on this 17th day of August, 1999, before me, the subscriber, a notary public in and for said state, personally came, Christopher S. Herold of Columbus Builders Supply, Inc. Profit Sharing Trust the Grantor(s) in the foregoing deed, and acknowledged the signing thereof to be his voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on the day and year last aforesaid.

James F O'Keeffe NotaryPublic

This instrument was prepared by Paul V. Pavlic, Attorney at Law

NOTARIAL SEAL STATE OF OHIO

JAMES F. O'KEEFFE
Notary Public, State of Ohio
My Commission Expires
5-22-2002

Exhibit "A"

Situated in the State of Ohio, County of Licking, Township of Harrison, and being a part of farm Lots 29 and 30, in the 2nd Quarter, Township-1, Range-14, United States Military Lands, and being a survey of that 21.304 acre tract (Tax Duplicate) and 37.57 acre tract (Tax Duplicate, Parcel 2) as conveyed to Columbus Builders Supply Inc., by deed of record in Official Record Volume 335, Page 364, all references being to those of record in the Recorder's Office, Licking County, Ohio, said 52.399 acre parcel being more particularly bounded and described as follows:

Beginning at an existing iron pin (3/4" pipe) marking the Northwest corner of said farm Lot 29, the same being the northeasterly corner of that Subdivision entitled "Hillside Farm Estates", as recorded in Plat Book 11, Page 104, also being the southwesterly corner of Lot 815 in that subdivision entitled " Beech Wood Trails Section 5, as recorded in Plat Book 11, Page 94, and being the **Point of Beginning** of the hereon described **52.399 acre** parcel:

thence southeasterly along the southerly line of Beech Wood Trails Section 5, **South 88°24'49" East, 958.34 feet** to an existing iron pin (3/4" pipe in the base of a tree) marking the southeasterly corner of Lot 820 in said subdivision, passing existing iron pins (3/4" pipes) at 183.97 feet, 469.82 feet, 587.93 feet and 785.87 feet;

thence southwesterly along the westerly line of said subdivision, **South 01°08'47" West, 882.00 feet** to an existing iron pin (3/4" pipe) marking the southwesterly corner of Lot 843, the same being the northwesterly corner of that 136.305 acre tract (Tax Duplicate) as conveyed to Evans Investment Company, by deeds of record in Deed Volume 728, Page 808 and Deed Volume 826, Page 86, this parcel was originally plated as Beech Wood Trails Section 6, and recorded in Plat Book 12, Page 30, and was vacated by the Licking County Auditor's Office and recorded in Deed Volume 826, Page 86, passing existing iron pins (3/4" pipes) at, 65.23 feet, 177.77, 301.59 feet, 443.46 feet, 526.32 feet, 681.25 feet, and 781.11 feet;

thence southwesterly along the westerly line of said 136.305 acre tract, **South 01°08'05" West, 838.32 feet** to an existing iron pin (1" pipe) on the southerly line of farm Lot 29;

thence northwesterly along the southerly line of farm Lot 29, **North 89°08'23" West, 947.04 feet** to an iron pin set marking the northeasterly corner of that 80.791 acre tract (Tax Duplicate) as conveyed to Ruth L. Angevine, et.al., by deeds of record in Deed Volume 560, Page 579, Official Record Volume 235, Page 519, and Official Record Volume 315, Page 701, said iron pin also being the Northeast corner of farm Lot 31;

thence northwesterly along the northerly line of said farm Lot 31, **North 89°22'18" West, 761.75 feet** to an existing iron pin marking the southeasterly corner of that 21.656 acre tract (Tax Duplicate) as conveyed to Robert L. and Gail E. McPherson, by deed of record in Official Record Volume 160, Page 30;

thence northeasterly along the easterly line of said 21.656 acre McPherson tract, **North 04°43'21" East, 881.28 feet** to an existing iron pin marking the northeasterly corner of said 21.656 acre McPherson tract, said iron pin being on the southerly line of Lot 4 in that subdivision entitled " Hillside Farm Estates, and recorded in Plat Book 11, Page 104;

thence southeasterly along the southerly line of said Hillside Farm Estates the following four (4) courses and distances;

South 89°13'27" East, 131.16 feet to an iron pin set, passing an existing iron pin (1/2" rebar) at 116.69 feet;

South 88°24'25" East, 183.40 feet to an existing iron pin (1/2" rebar);

South 89°12'58" East, 180.00 feet to an iron pin set; and...

South 86°10'52" East, 211.22 feet to an existing iron pin (1/2" rebar) marking the southeasterly corner of said subdivision and being on the westerly line of farm Lot 29;

thence northeasterly along the westerly line of said farm Lot 29, the same being the easterly line of Hillside Farm Estates subdivision, **North 00°28'17" East, 869.08 feet** to the **Point of Beginning**, and containing **52.399 acres** more or less according to a survey performed by Jobes Henderson & Associates in March, 1999.

The bearings in the above description are based on the North line of farm Lot 29, the same being the southerly line of Beech Wood Trails Section 5, recorded in Plat Book 11, Page 94 (Sheet 5) as being North 88°24'49" West.

All iron pins set are 5/8" in diameter rebar by 30" in length with red surveyors identification caps marked "J&H, PS 6878".

Subject to all valid and existing easements, restrictions and conditions of record.

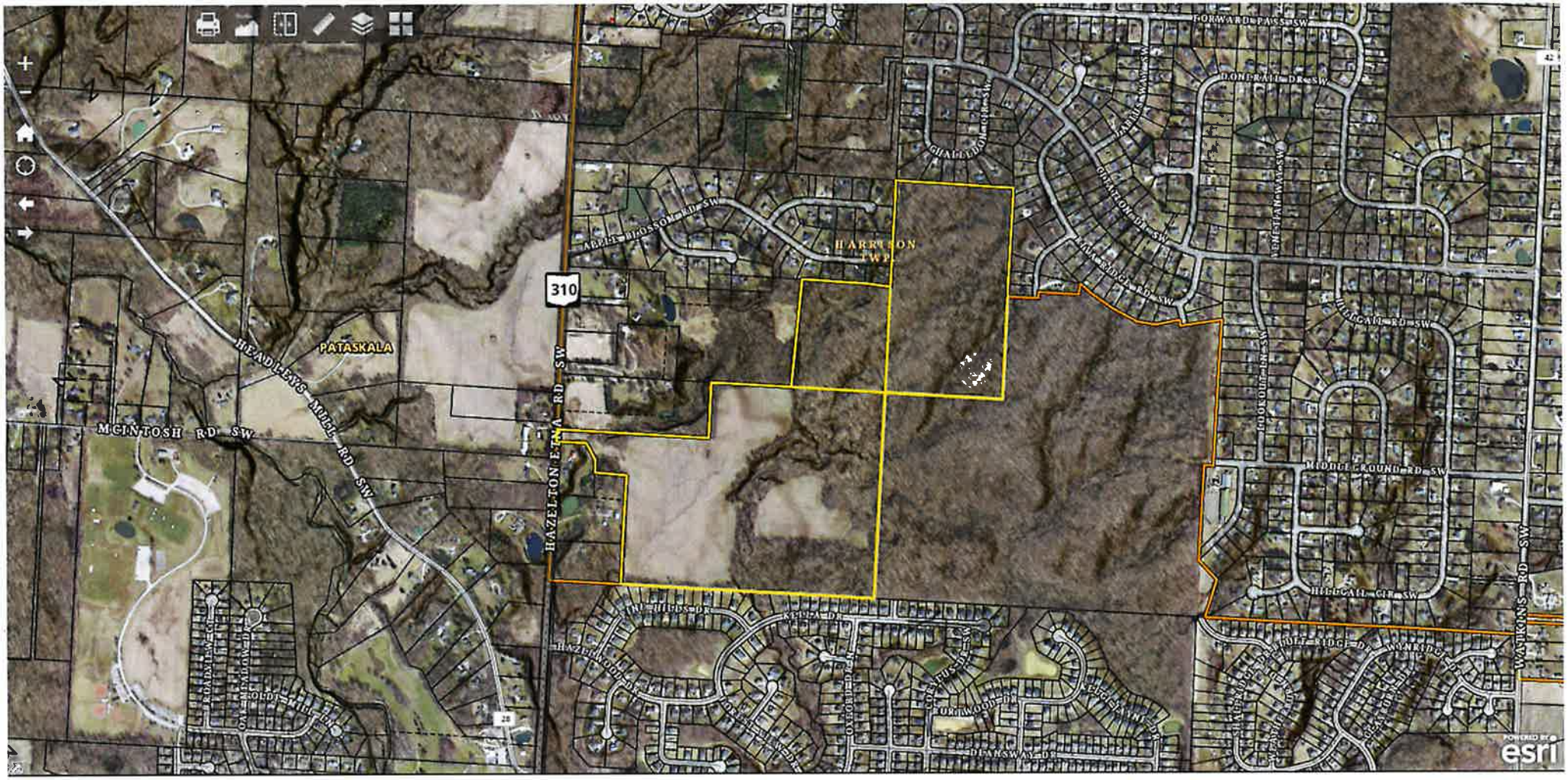
DESCRIPTION APPROVED
TIM LOLLO
LICKING COUNTY ENGINEER
TAX MAP DRAWING NO 4 | APPROVED BY

STATE OF OHIO
KEVIN T. BLAINE
7830
REGISTERED SURVEYOR

March 18, 1999

Kevin T. Blaine, P.S.
Reg. Surveyor No. 7830

s:\legals\F08-01


HARRISON TWP
PATASKALA
HAZELTON ETNA RD SW
310
MCINTOSH RD SW
HEADLEYS MILL RD SW
FORWARD PASS SW
DONPRAIL DR SW
GHALLEDON CIR SW
GHALLEDON DR SW
ABBEY BLOSSOM RD SW
HILLCALL RD SW
HILLCALL CIR SW
HILLCALL CT SW
HOLT RIDGE DR SW
WALKINS RD SW
KELLA DR
DEANSWAY DR
ORTWOOD DR
OXBOW DR
HAZELWOOD DR
ROADEL CIR
OLD MILL DR