

CITY OF PATASKALA, OHIO

City of Pataskala
Administrative Offices
www.ci.pataskala.oh.us



621 West Broad Street
Suite 2B
Pataskala, Ohio 43062
Telephone: 740-927-2021
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NOTICE OF PUBLIC HEARING

CITY OF PATASKALA COUNCIL

The City of Pataskala Council will hold a public hearing on December 6, 2021, at 6:15 PM at City Hall in Council Chambers located at 621 West Broad Street, Pataskala, Ohio.

The following appeal will be considered:

Pursuant to Section 719.11 of the Pataskala Code, Joe Holbrook is appealing a decision by the Planning and Zoning Department to disapprove a mobile food vendor permit for OX-B's located at 80 Oak Meadow Drive.

All interested citizens are welcome to attend.

All documents pertaining to the above will be available for examination at City Hall, 621 W. Broad Street, Monday through Friday, 8:00 AM to 4:00 PM.

Kathy Hoskinson
Clerk of Council



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

STAFF REPORT

December 6, 2021

Council Appeal

| | |
|-------------------|---|
| Applicant: | Joe Holbrook, OX-B's |
| Owner: | Washington Enterprises II, LLC |
| Location: | 80 Oak Meadow Drive |
| Acreage: | 2.87-acres |
| Zoning: | GB – General Business |
| Request: | An appeal of a decision to disapprove a mobile food vendor permit by the Planning and Zoning Department pursuant to Section 719.11 of the Pataskala Code. |

Description of the Request:

The applicant is appealing the Planning and Zoning Department's decision to deny a Mobile Food Vendor permit for OX-B's as the operation does not meet the criteria for a Mobile Food Vendor pursuant to Chapter 719 of the Pataskala Code.

Staff Summary:

In 2020, the administration relaxed some regulations to accommodate issues related to Covid-19. For example, temporary signs advertising a business was open or hiring were allowed to remain, and Mobile Food Vendors (food trucks) were allowed to operate within residential neighborhoods. This action was temporary and standard enforcement would return once things returned to a level of normalcy.

OX-B's was a beneficiary of these relaxed regulations. Mobile Food Vendors must operate from a food truck or a food trailer, the latter of which is defined as "any vehicle without motive power that is designed to be drawn by a motor vehicle and is specifically designed for mobile food vending". Essentially, the food trailer must be equipped with wheels so it may be towed behind a vehicle. OX-B's uses shipping containers designed for mobile food vending; however, the shipping container must be elevated with jacks and placed upon a semi-truck to relocate. While OX-B's did not meet the criteria for a Mobile Food Vendor, staff felt the issuance of a permit met the intent of what the administration was trying to accomplish.

Mobile Food Vendor permits are valid for a period of 60 days from the date of issuance and a maximum of three (3) permits shall be issued per Mobile Food Vendor per calendar year. Therefore, a Mobile Food Vendor may operate for a total of 180 days within the City. OX-B's received two Mobile Food Vendor permits in 2020 allowing them to operate until January 1, 2021.

In 2021, OX-B's three (3) Mobile Food Vendor permits were valid between January 31 and August 1. Beginning in April, OX-B's began investigating the possibility of making their location at 80 Oak Meadow

Drive permanent and began their due diligence on the site. Staff informed them that all necessary approvals through the Board of Zoning Appeals and the Planning and Zoning Commission would be required to do so and the option of using a Mobile Food Vendor permit to make the facility permanent was not possible.

On August 10, 2021 staff began the code enforcement process as all three Mobile Food Vendor permits for the 2021 calendar year had expired. Staff informed Mr. Holbrook that no Mobile Food Vendor permits would be issued for the 2022 calendar year as the regulations would no longer be relaxed and OX-B's does not meet the criteria for a Mobile Food Vendor; however, staff would allow the operation to continue if they were still working on establishing a permanent location at 80 Oak Meadow Drive. Typically, the Planning and Zoning Department will allow nonpermitted operations to continue if the operator is actively working to correct the issue. Staff had been reviewing plans and providing comments indicating the operator was in line with the policy.

In October 2021, Mr. Holbrook notified staff that he was no longer interested in the site at 80 Oak Meadow Drive due to site related issues and was investigating another site next to Donato's to establish a permanent location. Mr. Holbrook indicated that he needed three more permits in 2022 (180 days) to operate as a Mobile Food Vendor from 80 Oak Meadow so that he may complete the steps to establish a permanent location. Staff informed Mr. Holbrook that the only option available to him would be to appeal the disapproval of a Mobile Food Vendor permit for the 2022 calendar year to Council pursuant to Section 719.11 of the Pataskala Code.

The Mobile Food Vendor permit application was disapproved by the Planning and Zoning Director on November 2, 2021. The appeal of this decision was submitted on November 9, 2021.

According to the Mr. Holbrook, he is requesting the appeal to allow him to continue to operate in 2022 from 80 Oak Meadow Drive as a Mobile Food Vendor for 180 days (three permits) so as to not lose his local following while he works to establish a permanent location next to Donato's. He has stated that he will request no additional permits beyond the 180 days. Mr. Holbrook's full appeal submittal is attached.

Resolution:

For your convenience, the following resolution may be considered by Council when making a motion:

"I move to approve an appeal pursuant to Section 719.11 of the Pataskala Code to allow Joe Holbrook the issuance of three (3) Mobile Food Vendor permits in the 2022 calendar year for OX-B's to operate on the property located at 80 Oak Meadow Drive.



Mr. Fulton,

I have received my disapproved application for Mobile Food Vendor Application. Under section 719.11 of Business Regulation Code, I would like to begin the appeal process with the Council for the City of Pataskala.

I understand the reason for the disapproval, but I have shown that I have adequate need to have approval for 2022. I have been working diligently and spent a substantial financial amount to establish a permanent location for a new free-standing location. Between, Civil Engineering, Surveying, Architect and Management we have spent approximately \$70,000 to bring OX-B's permanently to Pataskala. Unfortunately for specific and known reasons we have not been able to finalize our initial site. I am currently completing due diligence on a new location that has less obstacles.

I have been approved by Tolson Enterprises to complete our due diligence, utility research, submit site plans for the lot next to Donato's (East Side). This would be a land lease, not a purchase. Based on the approval last Friday the 5th from Tolson Enterprises I will begin working with our Civil Engineer and Architect to ensure that we can meet all County and City requirements.

I want to be a permanent part of Pataskala, I have lived in the area for 34 years, my wife is a teacher at southwest licking, and my children live in the area. Pataskala is very important to us, OX-B's has built a tremendous following in the area. I do not want to leave, disappoint the community, and loose our local following. I honestly feel I am doing good thing for the community and believe enough in the area we opened a second location (Our 5th in Licking County) at 14950 E. Broad Street.



If I could receive additional approval to allow me to keep our unit in the area in 2022 and afford me six more months. Our goal is to open our permanent location by May of 2022. If I could receive this additional approval, I would not request another. If I am unable to open the permanent location within the six months next year, I will promptly remove the Mobile Food Unit.

I have provided images below of the lot we are currently working on, they are very preliminary. Also, images of what we are going to bring to the city, our completed work on the initial site, and a couple images of the completed drawings.

Thank You, Joe Holbrook

Joe Holbrook

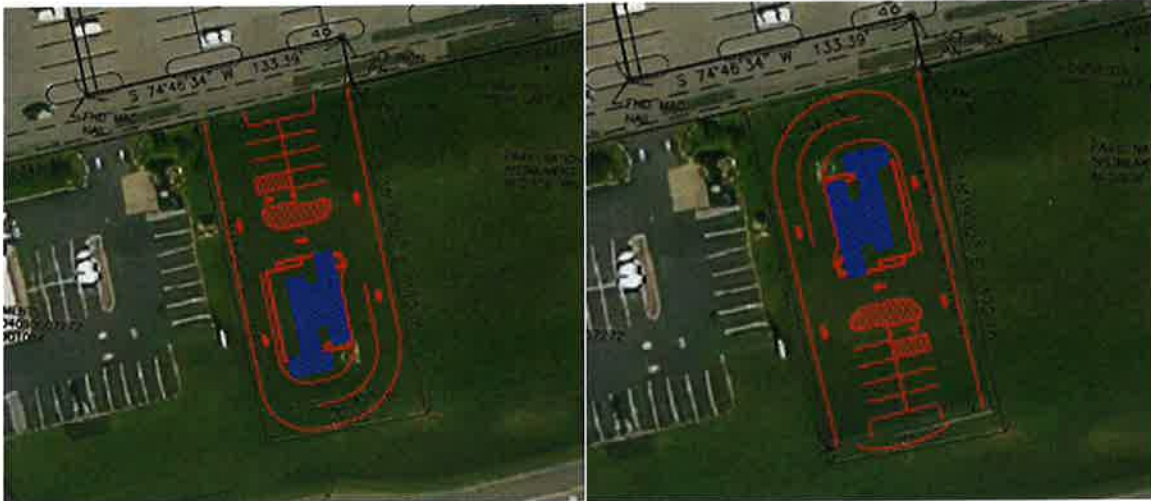
President / Partner



OX-B^s LLC

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11/8/21



Chad Greeley <cgreeley@tolsonent.com>

To: Joe Holbrook
Cc: Evan Lyons; Andrew Shayko

You replied to this message on 11/5/2021 5:52 PM.

Reply Reply All Forward Fri 11/5/2021 3:29 PM

Joe,

We did have our meeting on this project today as I mentioned to you the other day. It looks like a ground lease would be the best option for us, mostly due to the sign on the property. If you want to send over an LOI for the ground lease we can then review it with our team.

Going to ICSC Vegas in December?
[Schedule a Meeting with TE Here](#)

Thank you,

Chad M. Greeley



Leasing Agent

7150 W. Central Ave., Ste. 200
Toledo, Ohio 43617
Office: 419-843-6265
Cell: 419-705-6390

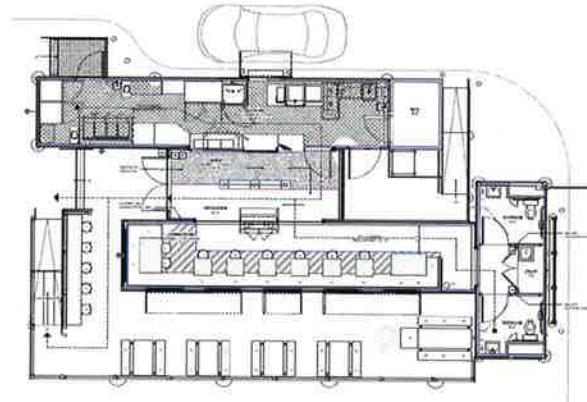
OX-B⁵ LLC

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jholbrook@ox-b.com
614/507-0941

11/8/21



Drawings and Initial location



OX-B's - PATASKALA

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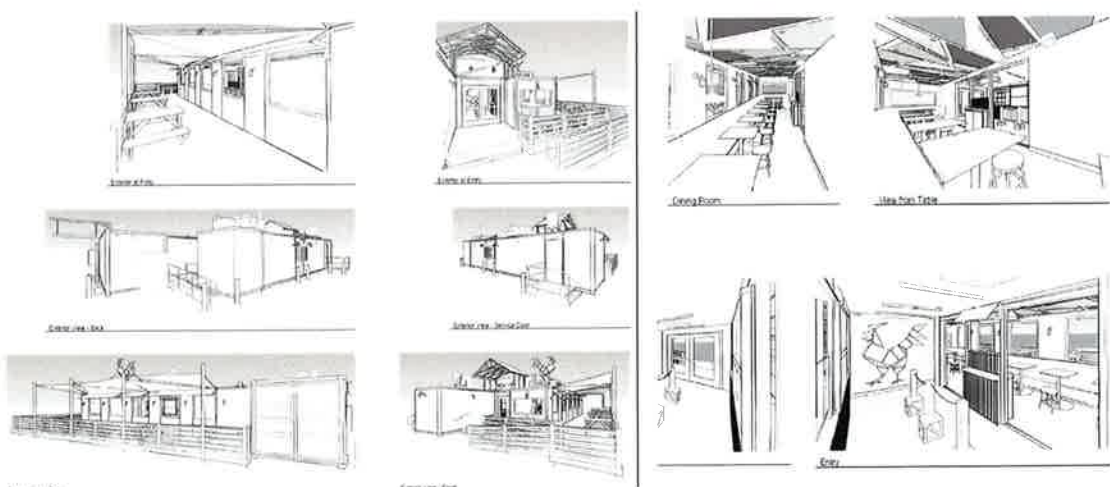
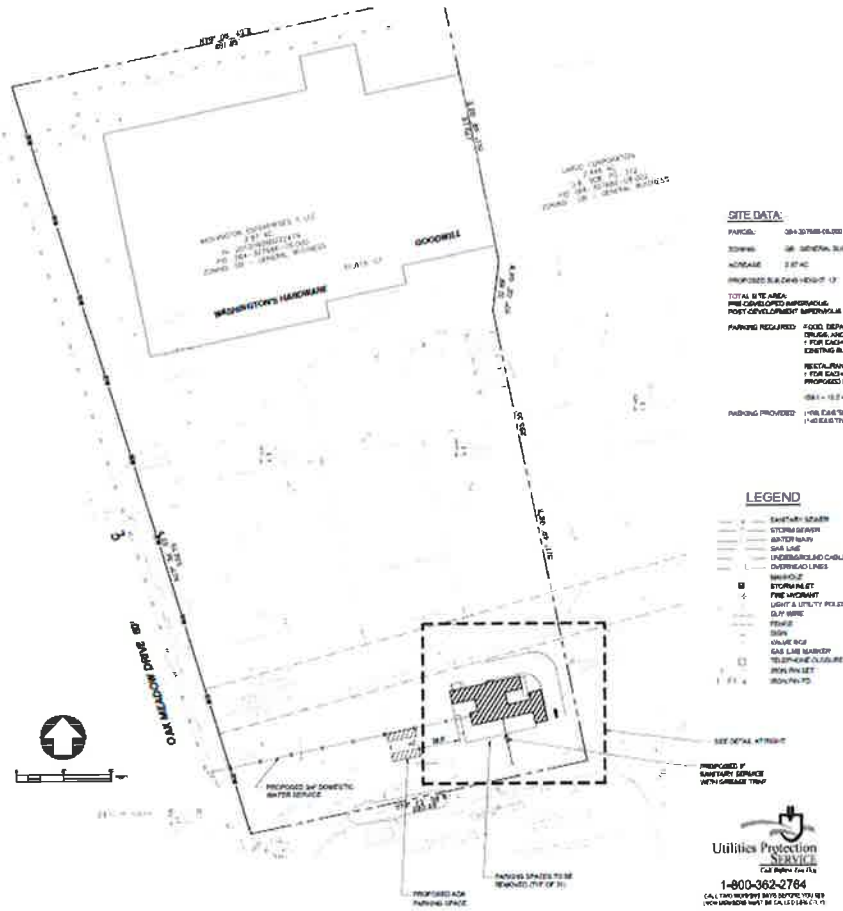
| ITEM NO. | DESCRIPTION | QUANTITY |
|----------|-------------|----------|
| 1 | CONCRETE | 1000 |
| 2 | STEEL | 500 |
| 3 | GLASS | 200 |

ma architects

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11/8/21

