



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

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**Current Projects**

➤ **Planning and Zoning Commission**

**December 6, 2023 Hearing:** The following application was heard at the December 6, 2023 Planning and Zoning Commission hearing:

- Application REP-23-003: The Planning and Zoning Commission approved a request by Orion DeFranco for a replat pursuant to Section 1113.48 of the Pataskala Code for Lots 4, 5, and 7 of the Chapel View subdivision along with a 5.271-acre parcel to create lots 4-A, 5-A, and 7-A for the properties located at 196, 164, and 110 Wesley Drive SW with the following conditions:
  1. The Applicant shall address all comments from the SWLCWSD and the Public Service Director.
  2. The Applicant shall submit a Replat mylar in accordance with Sections 1113.39 and 1113.44 of the Pataskala Code after comments from Planning and Zoning Staff have been addressed.
  3. Pursuant to Section 1113.49 of the Pataskala Code, the Replat shall be recorded within 30 days of the latest signature.

**January 3, 2024 Hearing:** The following application is scheduled to be heard at the January 3, 2024 Planning and Zoning Commission hearing:

- Application FP-23-003: M/I Homes is requesting approval of a Final Plan pursuant to Section 1113.40 of the Pataskala Code for Section 2 of the Forest Ridge Subdivision. Section 2 will contain 30 single-family lots, the construction of one (1) street, and the extension of two (2) existing streets.

➤ **Board of Zoning Appeals**

**December 12, 2023 Hearing:** The following applications were heard at the December 12, 2023 Board of Zoning Appeals hearing:

- Application VA-23-026: The Board of Zoning Appeals approved a request by Tanya Morrison for a variance from Section 1297.02(B)(2) of the Pataskala Code to allow for a private swimming pool to encroach 13'-4" into recorded easement(s), and to reduce the required setback of 10-feet from easements on the east side for the property located at 246 Stonemast Loop with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Code Department within one (1) year of the date of approval.
  2. The applicant shall maintain a minimum five (5) foot separation from the existing stormwater line.
- Application VA-23-027: The Board of Zoning Appeals approved a request by Branham Sign Company, Inc. for two (2) variances from Section 1295.09(1)(D) of the Pataskala Code to allow for a public cultural institution to have more than one (1) sign, and to allow said sign to exceed the maximum size of 24-square feet in a residential zone for the property located at 101 South Vine Street (Pataskala Public Library) with the following condition:
    1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Code Department within one (1) year of the date of approval.
  - Application VA-23-028: The Board of Zoning Appeals tabled a request by April Koenig, Kessler Sign Co., for 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.

**December 12, 2023 Hearing:** The following applications are scheduled to be heard at the December 12, 2023 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 December 12, 2023)*
- Application CU-23-006: Ken Laney, Spark LLC, is requesting approval of a Conditional Use pursuant to Section 1215.08 of the Pataskala Code to allow the property to be used as a facility for adults with developmental disabilities for the property located at 53 George Street.

➤ **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. This list of concerns is attached along with a response from the applicant.
- 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”.



## CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A  
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### FAIR LADY REZONING CONCERNS

#### UPDATED

At the October 16, 2023 Council meeting, staff was 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. This list, **including responses from the applicant**, is as follows:

1. *This project should have been submitted as a PDD – Planned Development District.*

- **Staff Response:** The project was initially submitted as a PDD – Planned Development District because the updated PM – Planned Manufacturing regulations had yet to have a final draft ready to begin the code amendment process. The PDD – Planned Development District submittal used the draft PM – Planned Manufacturing regulations for the development text. The development plan did not show specifics, aside from access points, because the applicant did not know how the project would develop until they had the property rezoned and were able to market the site. The intent was to have the site function as PM – Planned Manufacturing, while actually being zoned PDD – Planned Development District. The PDD – Planned Development District application was delayed while a MOU and traffic study was coordinated with the applicable jurisdictions. While the PDD – Planned Development District application was delayed, the updated PM – Planned Manufacturing regulations were finalized and began the code amendment process. The applicant chose to amend their application to rezone to the PM – Planned Manufacturing district as the updated regulations would be on the books by the time they completed the rezoning process. Had the applicant known how the property would develop, a PDD – Planned Development District would have allayed many of the concerns of the Planning and Zoning Commission. In this instance the development of the property is unknown so the PDD – Planned Development District was effectively the same as rezoning the property to PM – Planned Manufacturing.
- **Applicant Response:** The applicant concurs with this statement.

2. *There would be impacts to the residents in the surrounding residential and agricultural properties.*

- **Staff Response:** The updated PM – Planned Manufacturing regulations contain several requirements (noise, lighting, screening, etc.) designed to minimize off-site impacts to the surrounding area. Until such time that an application is submitted and an end user is identified, it is unknown what the off-site impacts would be and how the updated PM – Planned Manufacturing regulations do, or do not, address them.
- **Applicant Response:** The standards set forth by the PM zoning have significant setbacks, mounding, and buffering requirements, as well as procedures to identify allowed ingress/egress points and noise impacts as part of the final development plan approval process. These standards are set forth in the code in order to prevent significant off-site impact. Final plans are then again reviewed by the city to ensure that conformance is adhered to before any project moves forward.

3. *The proposal does not meet the majority of the criteria in Section 1217.04 of the Pataskala Code.*

- Section 1217.04 of the Pataskala Code contains a list of general standards that may be considered as criteria for approval for a rezoning. These standards are as follows along the Planning and Zoning Commission's evaluation of each:

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.

○ Planning Commission Response: The proposal meets the recommendation of the Comprehensive Plan.

○ Applicant Response: The applicant has applied for the district with all the adopted regulations and standards, which is in conformance to the comprehensive plan.

2. Will be designed, constructed, operated and maintained so as to be harmonious in appearance with the existing or intended character of the of the general vicinity and that such use will not change the essential character of the same area.

○ Planning Commission Response: This is unknown as the Planning and Zoning Commission does not know what will go there at this time.

○ Applicant Response: Until the property is rezoned and users and site plans are developed, no specific layout or site plan can be prepared for the site. The PM zoning prescribes all the requirements that safeguard the public and call out architectural, lighting, and landscaping standards that the city determined are necessary and appropriate for a use to be harmonious with the uses in the general vicinity. The PM code also has procedures for traffic and noise impact analysis that must be considered as part of the final development plan process. The property owner must adhere to the standards and requirements in the PM zoning. Because the proposed development must follow the standards and procedures set forth in the PM zoning, the proposed development will be harmonious with surrounding uses.

3. Will not be hazardous or disturbing to existing or future neighboring uses.

○ Planning Commission Response: The rezoning will likely be hazardous to existing or future neighboring uses.

○ Applicant Response: No proposed use that is allowed under this PM district shall operate without required oversight of governing bodies and agencies as required by law. Any hazardous operations, if any, will be carried out in accordance with all required safeguards.

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 any such services.
  - Planning Commission Response: The proposal does not adequately address these items.
  - Applicant Response: Until a rezoning is in place, these services cannot be supplied to the site nor improved adjacent to the site. Traffic studies, utility agreements and studies, as well as rezoning are required before any final development plans are developed and provided for specific uses on the property. There is no value in designing or constructing traffic improvements or utility extensions until the rezoning is complete and permitted uses are identified. Instead, the PM zoning provides that these infrastructure improvements must be finalized at such time as an end-user is named before final development plans are approved and construction can begin.
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.
  - Planning Commission Response: It is unknown who will be financially responsible for roadway and utility improvements.
  - Applicant Response: The developer and users of this site will fund and construct all needed improvements in association with this site. No taxpayer funding is asked for or anticipated.
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.
  - Planning Commission Response: It is unknown at this time but would likely be addressed by the Planning and Zoning Department and the Licking County Building Department during the permitting process.
  - Applicant Response: Uses allowed under the PM code are what is allowed to be on the site. These uses have been predetermined by the city to be non-detrimental and are mitigated by the many development standards and impact analysis imposed by the PM code as part of the final development plan approval process. All final development plans are brought back to the city to review specifics to verify conformance to the PM standards.

7. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.
    - Planning Commission Response: It does not meet this requirement as there is inadequate access.
    - Applicant Response: The property has access to Morse Road as well as Clark State future roundabout. Initial drafts of traffic studies have been prepared and work is ongoing to finalize the road improvements that are necessary as part of the final development plan approval process.
  8. Will not result in destruction loss, or damage of a natural, scenic, or historic feature of major importance.
    - Planning Commission Response: It is unknown as the applicant has not addressed the stream and wetlands on the property.
    - Applicant Response: The applicant has performed wetlands inventory and analysis, is aware of the wetlands and streams, and will preserve and or mitigate in accordance with all applicable federal, state, and local requirements at the time that a final plan for development is brought forward. To do so now without an end user identified and a final development plan prepared is premature.
  - Staff Response: If rezoned, many items on this list would be addressed through the updated PM – Planned Manufacturing approval process (Planning and Zoning Commission and Council) but could not be addressed as part of the rezoning process.
4. *How can we ensure that there will not be access points on Clark State Road, Graham Road, or Summit Road?*
- Staff Response: Section 1253.05(M) prohibits access, emergency or otherwise, to come from a Rural or Local Roadway as identified in the Pataskala Comprehensive Plan. Graham Road is identified as a Rural Roadway; therefore, no access is permitted. Clark State Road and Summit Road are both classified as a Collector Roadway. The updated PM – Planned Manufacturing regulations do not prohibit access to a Collector Roadway, so it is feasible that access could be granted in the future. That being the case, the Public Service Director controls access to roadways in Pataskala. Throughout the discussions of this project with the applicant, the Public Service Director has reiterated that access should come from Morse Road and/or the future roundabout at the intersection of Clark State Road, Morse Road, and Beech Road.

Applicant Response: The applicant concurs and agrees by adopting this zoning for the site



5. *No conditions can be placed on a rezoning.*

- Staff Response: 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 as part of a rezoning. Any conditions placed upon the rezoning would constitute “contract zoning” which is illegal. The updated PM – Planned Manufacturing regulations do not address contract zoning.

6. *When will improvements be made to Morse Road?*

- Staff Response: Section 1253.05(Q) of the updated PM – Planned Manufacturing regulations require the submittal of a traffic impact study as part of an application. The traffic impact study will determine what, if any, roadway improvements are necessary as part of the development. If roadway improvements are warranted based upon the traffic impact study, they would need to be made as part of the development. Therefore, no roadway improvements will be made to Morse Road until after the application and traffic study are submitted and determined to be warranted. It should be noted that this portion of Morse Road is in Jersey Township and under the purview of the Licking County Engineer, so any roadway improvement would need to be coordinated with the County.
- Applicant Response: The applicant concurs. Traffic studies and improvements are underway and being reviewed at this time.

7. *There will be impacts from increased traffic in the area.*

- Staff Response: Section 1253.05(Q) of the updated PM – Planned Manufacturing regulations require the submittal of a traffic impact study as part of an application. The traffic impact study will determine what, if any, roadway improvements are necessary as part of the development. If roadway improvements are warranted based upon the traffic impact study, they would need to be made as part of the development. While the updated PM – Planned Manufacturing regulations require responsible traffic access management to and from the site, it does not and cannot, prohibit passenger vehicle traffic on area roadways.
- Applicant Response: Traffic studies and improvements are underway and under review at this time. Traffic mitigation and improvements will be made in accordance to approved studies and commitments by the developer prior to any final development plan moves forward.

8. *There is currently no water or sewer at the property.*

- Staff Response: The South West Licking Community Water and Sewer District stated that they do not currently have water and sewer infrastructure to the property and would require extension of existing lines. Section 1253.06(C) states that septic systems may be used until such time that sewer is available; however, connection of public water is required prior to occupancy pursuant to Section 1253.06(B). Therefore, a building could be constructed, but could not be used without public water.

- Applicant Response: Coordination is currently underway with Southwest Licking to extend services to and through the site. Southwest Licking has asked the property owner to grant easements through the property for water and sewer extensions and have provided the applicant with drawings showing the proposed location of the needed infrastructure improvements.

9. *Is gas, electric or fiber available to the properties?*

- Staff Response: At the Planning and Zoning Commission meeting the applicant stated they were working on it. The updated PM – Planned Manufacturing regulations does not have requirements for gas, electric, or fiber.
- Applicant Response: These utilities will need to be extended to the site and surrounding areas, and coordination is underway to determine need and capacity, and with a rezoning these efforts and analysis can be solidified by the providers.

10. *If the property is rezoned to PM – Planned Manufacturing, then a public hearing must be held every time a portion of the site is developed. This is burdensome to the area residents to attend so many meetings.*

- Staff Response: The updated PM – Planned Manufacturing regulations require a public hearing at both Planning and Zoning Commission and Council once an application is made.
- Applicant Response: This is a requirement of the PM district.

11. *The Innovation zone should be above and beyond typical development in Western Licking County.*

- Staff Response: Section 1253.05(S) in the updated PM – Planned Manufacturing regulations has general architectural standards for buildings. Until such time as an application under the PM – Planned Manufacturing regulations is submitted, it is unknown how the buildings will look.
- Applicant Response: Elevations shall meet or exceed the standards set forth in the PM zoning .