



ZONING DIVISION
200 S. Hamilton Road
Gahanna, Ohio 43230
614-342-4025
zoning@gahanna.gov
www.gahanna.gov

CONDITIONAL USE APPLICATION

Project/Property Address or Location: 380 Agler Rd		Project Name/Business Name: Witten Produce Patch	
Parcel ID No.(s): 025-013757	Zoning Designation: CC-Community Commercial	Total Acreage:	
Proposed Use: Retail Sales of Fresh Fruit and Vegetables			
STAFF USE ONLY – Conditional Use:			
APPLICANT Name-do <u>not</u> use a business name: Julie Witten		Applicant Address: PO Box 13, Beverly, Ohio 45715	
Applicant E-mail: wittenjulie217@gmail.com		Applicant Phone No.: 740-350-3104	
BUSINESS Name (if applicable): Witten Produce Patch			
ADDITIONAL CONTACTS Please List Primary Contact for Correspondence (please list all applicable contacts)			
Name(s):		Contact Information (phone no./email):	
PROPERTY OWNER Name: (if different from Applicant) Homestead America		Property Owner Contact Information (phone no./email): jgeorge@livehahu.com 614-506-3884	

APPLICANT SIGNATURE BELOW CONFIRMS THE SUBMISSION REQUIREMENTS HAVE BEEN COMPLETED (see page 2)

I certify that the information on this application is complete and accurate to the best of my knowledge, and that the project as described, if approved, will be completed in accordance with the conditions and terms of that approval.

Applicant/Primary Contact Signature:  Date: 3/5/2020

INTERNAL USE

Zoning File No. _____

RECEIVED: PAW

DATE: 3-9-20

PAID: 100.00

DATE: 3-9-20



CONDITIONAL USE APPLICATION

TO BE COMPLETED/SUBMITTED BY THE APPLICANT:
1. Have you gone through the Area Commission process? Area Commission Meeting date held: _____
2. Review Gahanna Code Chapter 1169 (visit www.municode.com)
3. Legal description of property certified by registered surveyor (11"x17")
4. Statement of the proposed use of the property
5. Statement of the necessity or desirability of the proposed use to the neighborhood or community
6. Statement of the relationship of the proposed use to adjacent property & land use
7. Plot Plan including the following: (11"x17" preferred)
- The boundaries and dimensions of the lot
- The size and location of existing and proposed buildings and/or structures
- The proposed use of all parts of the lot, buildings and/or structures, including access ways, walks, off-street parking and loading spaces, and landscaping
- The relationship of the proposed development to the applicable development standards
- The use of land and location of structures on adjacent property
8. List of contiguous property owners & their mailing address
9. One set of pre-printed mailing labels for all contiguous property owners
10. Application fee (in accordance with the Building & Zoning Fee Schedule)
11. Application & all supporting documents submitted in digital format
12. Application & all supporting documents submitted in hardcopy format
13. Authorization Consent Form Complete & Notarized (see page 3)

Please Note:

The Public Hearing will not occur until the City Of Gahanna Staff reviews the Application for Code Consistency. Applications that are not consistent with the code will not be scheduled for hearing.

AUTHORIZATION CONSENT FORM

(must sign in the presence of a notary)

If you are filling out more than one application for the same project & address, you may submit a copy of this form with additional applications.

PROPERTY OWNER

IF THE PROPERTY OWNER IS THE APPLICANT, SKIP TO NEXT SECTION

As the property owner/authorized owner's representative of the subject property listed on this application, hereby authorize the applicant/representative to act in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all terms and agreements made by the applicant/representative.

(property owner name printed)

(property owner signature)

(date)

Subscribed and sworn to before me on this _____ day of _____, 20____.

State of _____ County of _____

Stamp or Seal

Notary Public Signature: _____

Applicant/Property Owner/Representative

AGREEMENT TO COMPLY AS APPROVED As the applicant/representative/owner of the subject property listed on this application, I hereby agree that the project will be completed as approved with any conditions and terms of the approval, and any proposed changes to the approval shall be submitted for review and approval to City staff.

AUTHORIZATION TO VISIT THE PROPERTY I hereby authorize City representatives to visit, photograph and post notice (if applicable) on the subject property as described.

APPLICATION SUBMISSION CERTIFICATION I hereby certify that the information on this application is complete and accurate to the best of my knowledge.

Jason George Hollands
(applicant/representative/property owner name printed)

Jason George Hollands - agent for the owners
(applicant/representative/property owner signature)

2-18-2020
(date)

Subscribed and sworn to before me on this 18 day of February, 2020.

State of OHIO County of Franklin

Notary Public Signature: Kathi S. Nelson



Stamp or Seal

KATHI S. NELSON
Notary Public, State of Ohio
My Commission Expires 8/28/23

AUTHORIZATION CONSENT FORM

(must sign in the presence of a notary)

If you are filling out more than one application for the same project & address, you may submit a copy of this form with additional applications.

AUTHORIZATION FOR OWNER'S APPLICANT OR REPRESENTATIVE(S) If the applicant is not the property owner, this section must be completed & notarized.

I, _____, the owner or authorized owner's representative of the subject property listed on this application, hereby authorize _____ to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all terms and agreements made by the designated representative.

Property Owner Signature: _____ Date: _____

AUTHORIZATION TO VISIT THE PROPERTY

I, _____, the owner or authorized owner's representative of the subject property listed on this application, hereby authorize City representatives to visit, photograph and post notice (if applicable) on the property as described in this application.

Property Owner Signature: _____ Date: _____

NOTARY

Subscribed and sworn to before me on this _____ day of _____, 20____.

State of _____ County of _____

Stamp or Seal

Notary Public Signature: _____

AGREEMENT TO COMPLY AS APPROVED

I, Julie Witten/Witten Produce Patch, the applicant of the subject property listed on this application, hereby agree that the project will be completed as approved and any proposed changes to the approved plans shall be submitted for review and approval to the Zoning Division staff.

Applicant Signature: [Signature] Date: 2/25/2020

NOTARY

Subscribed and sworn to before me on this 25 day of February, 2020.

State of Ohio County of Washington

Notary Public Signature: [Signature]



Stamp: **MARLA L FOY**
Notary Public • State of Ohio
My Commission Expires
June 12, 2022

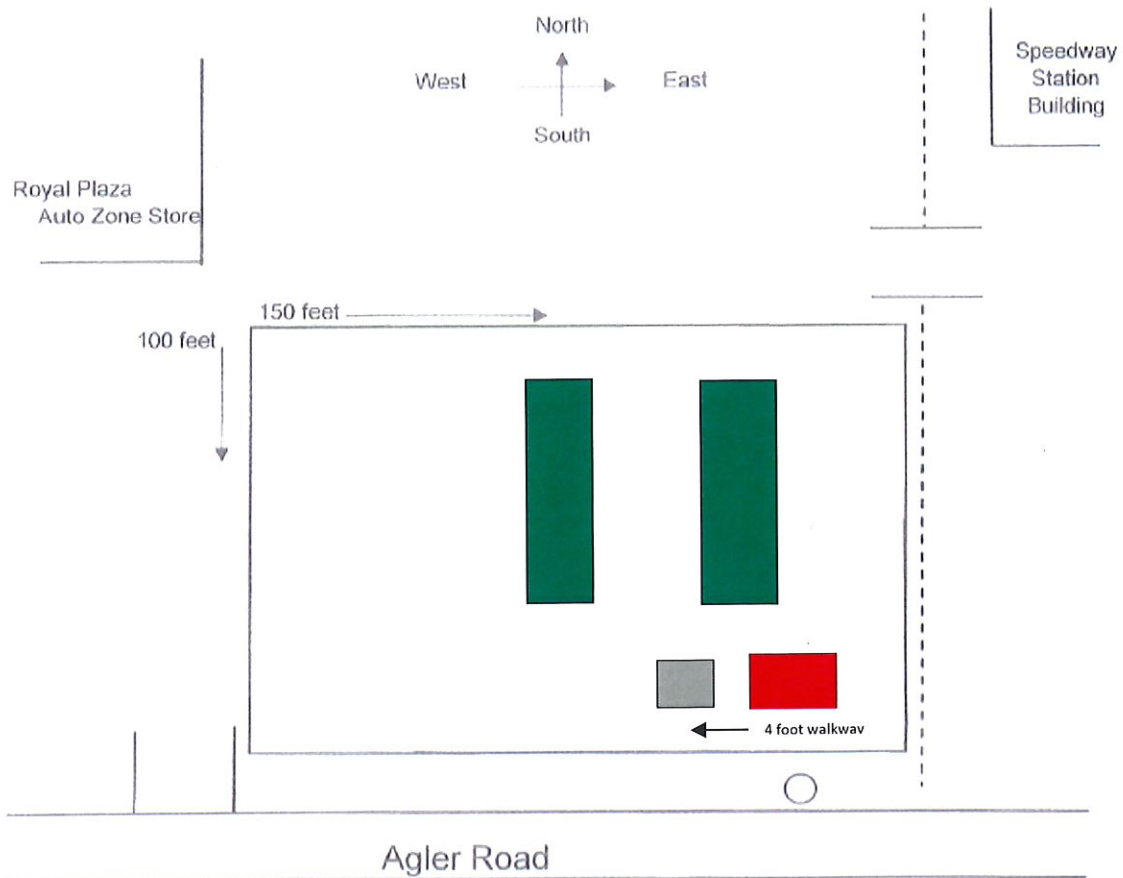
City of Gahanna 200 S Hamilton Rd Gahanna, Ohio 43230	Deborah Thomas 66 Imperial Dr Columbus, Ohio 43230	CIC of Gahanna 200 S Hamilton Rd Gahanna, Ohio 43230
Deborah Horseman 78 Imperial Dr Columbus, Ohio 43230	Eric Strakloff 84 Imperial Columbus, Ohio 43230	Virginia Williams 90 Imperial Dr Columbus, Ohio 43230
John Pierson 96 Imperial Dr Columbus, Ohio 43230	Patiricia Biddle Wilch 102 Imperial Dr Columbus, Ohio 43230	Royal Plaza Gahanna LLC 29 W 3 rd Ave Columbus, Ohio 43201
Dole Maria Gonzales 108 Imperial Gahanna, Ohio 43230	Heartland Bank 850 N Hamilton Columbus, Ohio 43230	F&A I Ltd 89 Bishop Sq Columbus, Ohio 43209
Stygler Village Senior Housing 2335 North Bank Dr Columbus, Ohio 43220		




Wittens Produce Patch Inc.

Here are some pictures to show the set up and display of our produce wagons.



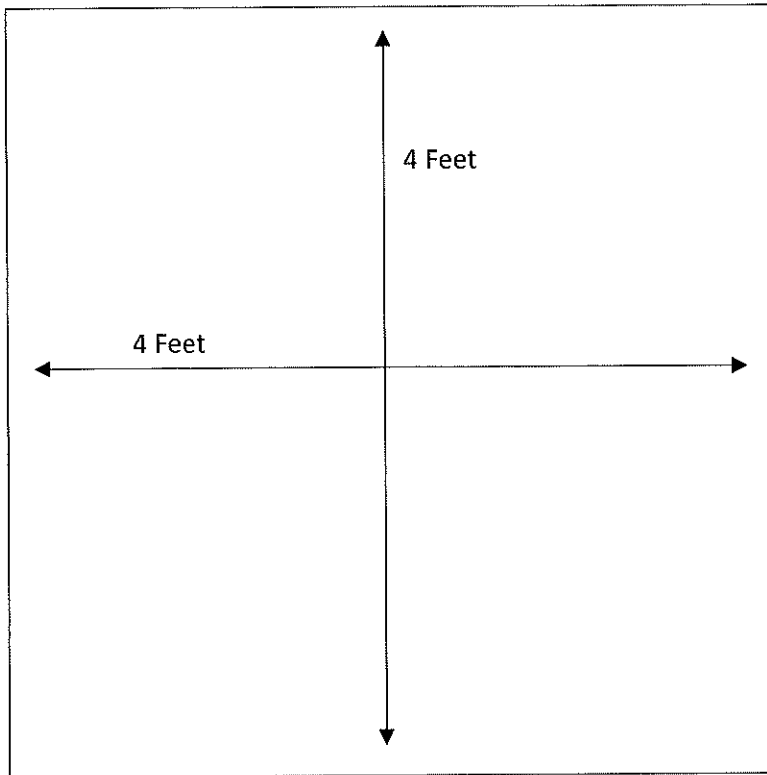
Wittens Produce Patch Inc.
Layout – Produce Wagon 2020
380 Agler Rd. (Part of Royal Plaza at 83 N. Stygler Rd)



- | | | | |
|---|-------------------------------|---|------------------------------------|
| ○ | Electric Pole |  | Movable Produce Wagon (8' x 20') |
| ----- | Speedway Curb & Property Line |  | EZ Up Cash Register Tent (8' x 8') |
|  | Customer/Employee Parking | | |

List of the Temporary Signage---A-frames (3 at a time)

Sign Dimensions



Proposed Placement on the Property

The a-frames are placed in the grass between the parking lot and the sidewalk near the electric pole.

Days/time signage will be displayed

Monday-Sunday 24 hours a day

Sign Material

Corrugated plastic secured to a 4" x 4" piece of plywood on two sides, secured with a hinge at the top to hold the two pieces of plywood together.

Background Color & Letter Colors

The background color is white with red letters.

Anchoring Description

The whole a-frame is not anchored down the corrugated plastic is anchored to the plywood. Due to the weight of the plywood, they do not move.

Gahanna Zoning Application

Community Development

We are requesting approval for five years. Our wagon hours of operation is 8 am- 7 p.m. seven days a week. Our stand is open from May to October depending on vegetable and fruit growing season.



Certificate of Flame Resistance

REGISTERED FABRIC NUMBER

140.00

ISSUED BY

SNYDER MANUFACTURING, INC.
3001 PROGRESS STREET
DOVER, OHIO 44622

Date manufactured

07/27/11

This is to certify that the materials described below are flame-retardant and inherently nonflammable.

FOR RAINBOW INDUSTRIES
CITY SPRINGFIELD

ADDRESS 5975 E NATIONAL RD
STATE OH 45505



The articles described below are made from a flame-resistant fabric or material registered and approved by the State Fire Marshal for such use.

The Flame Retardant Process Used WILL NOT Be Removed By Washing

* FABRIC MEETS THE REQUIREMENTS OF THE SPECIFICATIONS LISTED BELOW INDICATED BY ☒

☒ NFPA-701 (Large Scale)

☐ MIL-C-43006

☐ FMVSS-302

☐ CAN/ULC-S109-2003

☐ CPAL-84

☐ A-A-55308

SNYDER MANUFACTURING INC. By Michael D. Engle

Title Supervisor, Quality Control

STYLE PRV 1218K 4" RED/WHITE 61" DULL

CONTROL NO. 10230

CUSTOMER ORDER NO. JOE

SNYDER S-ORDER NO. 222738

DATE PROCESSED 07/27/11

YARDS OR QUANTITY 403

DATE CERTIFIED 07/28/11

EXHIBIT "A"
6.625 ACRES

Situated in the State of Ohio, County of Franklin, City of Gahanna, being a part of Reserve "A" of "Royal Manor" as the plat of the same is shown of record in Plat Book 33, Pages 64 and 65 and being all of that 1.245 acres tract, 1.317 acres of that 5.540 acres tract and 4.063 acres of that 6.030 acres tract as conveyed to F & A I Limited by deeds of record in Instrument Number 200311130364284 and 200405170112372, all references refer to records of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning at an iron pin set at the southwesterly corner of said Reserve "A", being in the northerly right of way of Agler Road and at the southeasterly corner of Lot 1 of said "Royal Manor";

Thence, North 03°40' 45" East, being along the easterly line of Lots 1 and 2 of said "Royal Manor", a distance of 120.00 feet to an iron pin set at the southwesterly corner of that 0.008 acre tract of land as conveyed to The Ohio Fuel Gas Company by deed of record in Deed Book 2302, Page 387;

Thence, South 86° 19' 15" East, being along the southerly line of said 0.008 acres tract, a distance of 20.00 feet to an iron pin set;

Thence, North 03° 40' 45" East, being along the easterly line of said 0.008 acres tract, a distance of 18.00 feet to a Mag Nail set;

Thence, North 86° 19' 15" West, being along the northerly line of said 0.008 acres tract, a distance of 20.00 feet to an iron pin set in the westerly line of said Reserve "A" at the corner of Lots 2 and 3;

Thence, North 03° 40' 45" East, being along said westerly line, a distance of 21.35 to an iron pin set at an angle point in the easterly line of Lot 3;

Thence, North 11° 57' 05" East, being along the easterly line of Lots 3,4,5,6,7,8, and part of Lot 9 of "Royal Manor", a distance of 382.90 feet to an iron pin set at the southwesterly corner of that 3.417 acres tract as conveyed to The National Church Residences Of Gahanna by deed of record in Instrument Number 200312050388065;

Thence, South 86° 19' 15" East, being along the southerly line of said 3.417 acres tract, a distance of 358.56 feet to a 1" iron pin found at the southeasterly corner of said 0.417 acres tract;

6.625 Acres
(CONTINUED)

Thence, North 03° 59' 55" East, being along the easterly line of said 3.417 acres tract, a distance of 278.23 feet to an iron pin found at the southwesterly corner of Parcel Eight as conveyed to The Roby Company L.P., by deed of record in Official Record 26284B20;

Thence, South 86° 19' 15" East, being along the southerly line of said Parcel Eight, a distance of 199.99 feet to an iron pin set at the southeasterly corner of said Parcel Eight and being in the westerly right of way of Stygler Road;

Thence, South 03° 59' 55" West, being along the westerly right of way of Stygler Road, a distance of 391.51 feet to an iron pin found at the northeasterly corner of that 1.051 acres tract as conveyed to Heartland Bank by deed of record in Instrument Number 200411190265392;

Thence, North 86° 19' 15" West, being along the northerly line of said 1.051 acres tract, a distance of 162.00 feet to a Mag Nail set at a corner of said 1.051 acres tract;

Thence, North 03° 59' 55" East, being along an easterly line of said 1.051 acres tract, a distance of 20.00 feet to a Mag Nail set at a corner of said 1.051 acres tract;

Thence North 86° 19' 15" West, being along the northerly line of said 1.051 acres tract, a distance of 38.00 feet to a Mag Nail set at the northwesterly corner of said 1.051 acres tract;

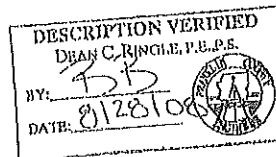
Thence, South 03° 59' 55" West, being along the westerly line of said 1.051 acres tract and along that 0.917 acres tract as conveyed to F & A I Limited by deed of record in Instrument Number 200405170112375, a distance of 445.01 feet to an iron pin found at the southwesterly corner of said 0.917 acres tract in the northerly right of way of Agler Road;

Thence North 86° 18' 45" West, being along said northerly right of way, a distance of 64.92 feet to an iron pin set at an angle point in said right of way;

Thence North 86° 19' 15" West, continuing along the northerly right of way of Agler Road, a distance of 345.72 feet to the place of beginning containing 6.625 acres of land more or less.

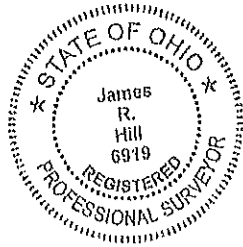
Subject, however, to all legal rights of way, leases, agreements, easements and restrictions of previous record.

The bearings are based on the same meridian as the bearings in Plat Book 33 Pages 64 and 65, where the westerly right of way of Stygler Road has a bearing of South 03° 59' 55" West as shown of record in the Recorder's Office, Franklin County, Ohio.



6.625 ACRES
(CONTINUED)

6919. All iron pins set are 5/8 " X 30" long rebar with a plastic cap inscribed J R HILL PS



JAMES R. HILL SURVEYING

James R. Hill 8/25/08
Professional Surveyor No. 6919

Witten's Produce Patch Inc.---Application for Conditional Use
City of Gahanna Planning Commission

1169.02 (a)(1) A legal description of the property

See the attached legal description

1169.02(a)(2) The proposed use of the property

The Witten Produce Patch Inc. would like to operate a seasonal produce wagon in the southeast corner of the Royal Plaza parking lot directly west of the Speedway gas station. The proposed use of the market would be to sell locally grown fruits and vegetables during the spring, summer, and fall seasons.

1169.02 (a)(3) Statement of the necessity or desirability.....to the neighborhood or community

This will be the seventh year that Witten's Produce Patch Inc. has operated a market in this location and the nineteenth year that a farm market with fresh fruits and vegetables has served this community. We have been well received by the residents of the local community and our customers have said that they appreciate the opportunity to purchase the locally grown, fresh fruits and vegetables that we offered for sale. We choose this site because it is a commercial area located close to established neighborhoods with desirable traffic patterns.

1169.02(a)(4)...relationship of the proposed use to adjacent property and land use

The land use of property immediately adjacent to 380 Agler Road is commercial on all sides. Just beyond the commercial properties are residential neighborhoods.

1169.02 (a)(5)...Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the commission.

No other information applies.



April 21, 2020

Julie Witten
PO Box 13
Beverly, OH 45715

RE: Project 380 Stygler Rd N

Dear Julie Witten:

The following comments were generated from the review of the submitted plans and documents for the referenced project.

Building

1. No comments.

Fire District

2. Membrane structures or tents shall have a permanently affixed label bearing the identification of size and fabric or material type.
3. An affidavit or affirmation shall be submitted to the fire code official and a copy retained on the premises on which the tent or air-supported structure is located. The affidavit shall attest to all of the following information relative to the flame propagation performance criteria of the fabric:
 - (a) Names and address of the owners of the tent or air-supported structure.
 - (b) Date the fabric was last treated with flame-retardant solution.
 - (c) Trade name or kind of chemical used in treatment.
 - (d) Name of person or firm treating the material.
 - (e) Name of testing agency and test standard by which the fabric was tested.
4. Smoking shall not be permitted in tents or membrane structures. Approved "No Smoking" signs shall be conspicuously posted in accordance with paragraph (J)(310) of rule 1301:7-7-03 of the Administrative Code.
5. Portable fire extinguishers shall be provided as required by paragraph (F)(906) of rule 1301:7-7-09 of the Administrative Code.
6. The will need to obtain a permit from the fire division for the tents/open structures.

Parks

7. No Comment

Engineering

8. No comments.

Public Safety

9. No Comment Received.

Soil & Water Conservation District

10. No Comment Received.

If you have any comments or questions, please contact me at kelly.wicker@gahanna.gov or (614) 342-4025.

Sincerely,

Kelly Wicker
Administrative Assistant

PLANNING AND DEVELOPMENT STAFF REPORT

Request Summary

A conditional use has been requested to allow outside sales of seasonal goods, produce, for property located within the Royal Plaza Shopping Center next to speedway. The same request was made and granted in 2015 for a period of five years. This request is also for five years. It will allow for the seasonal sales of produce between May to October, from 8:00am – 7:00pm, seven days a week.

The zoning code requires a conditional use for outside sales of goods within the Community Commercial (CC) zone district. Seasonal sales of merchandise such as produce, flowers, pumpkins, etc are administratively approvable if the duration is for 45 days or less with no more than 90 days in a year. This request does not qualify for administrative approval as it does not meet the time limitations of Chapter 1167.08.

Street View



Conditional Use

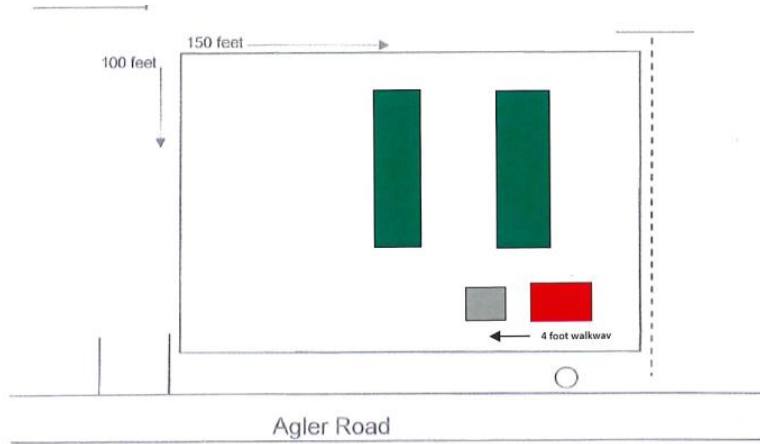
Requests for a conditional use shall be approved if the following four conditions are met:

1. The proposed use is a conditional use of the zoning district and the applicable development standards established in this zoning ordinance are met.
2. The proposed development is in accord with the appropriate plans for the area.
3. The proposed development will not have undesirable effects on the surrounding area.
4. The proposed development will be in keeping with the existing land use character and physical development potential of the area.

Recommendation

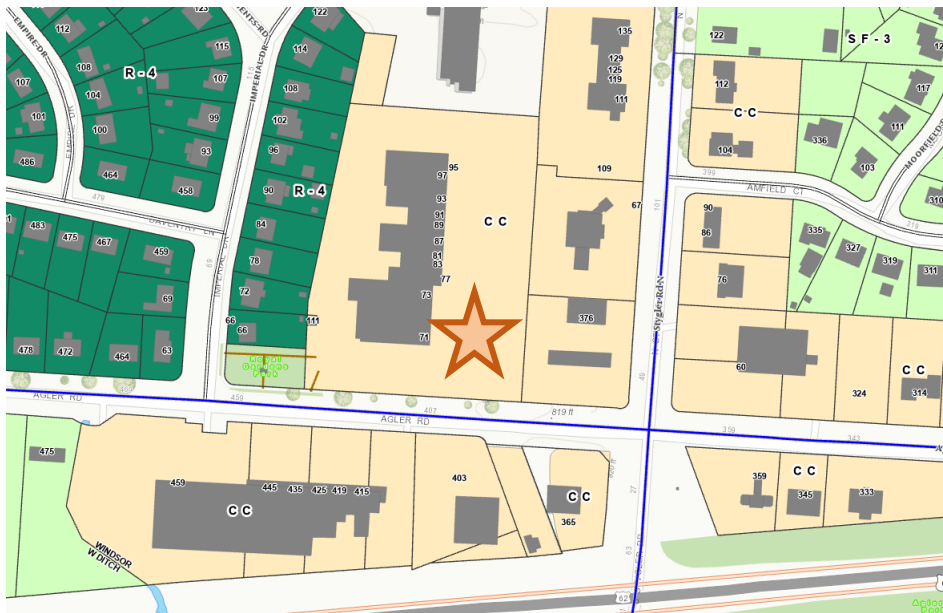
Staff supports the conditional use request. The use has been operating for several years with no known negative impacts. The plaza where they locate is underutilized and in need of additional commerce opportunities. The “west side” also has a lack of options for folks wanting to purchase fresh produce.

Site Plan



- | | | | |
|---|-------------------------------|---|------------------------------------|
|  | Electric Pole |  | Movable Produce Wagon (8' x 20') |
|  | Speedway Curb & Property Line |  | EZ Up Cash Register Tent (8' x 8') |
|  | Customer/Employee Parking | | |

Location/Zoning Map



Respectfully Submitted By:
 Michael Blackford, AICP
 City Planner/Zoning Administrator