

TEMPORARY ORDINANCE NO. 29-21

PERMANENT ORDINANCE NO. 38-21

AN ORDINANCE AMENDING THE ZONING MAP SUBJECT TO PASSAGE OF THE ANNEXATION OF 25.8723 +/- ACRES IN HOCKING TOWNSHIP, AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Lancaster has received a copy of the petition to annex 25.8723 +/- acres from Hocking Township to the City of Lancaster; and

WHEREAS, the City of Lancaster on 11/22/21, consented to the annexation; and

WHEREAS, the ordinance to accept the annexation has been introduced as Temporary Ordinance 27-21; and

WHEREAS, the City must pass an ordinance to establish the zoning for newly annexed territory; and

WHEREAS, the Pre-Annexation Agreement conditionally commits the City to zoning; and

WHEREAS, City Planning Commission granted the Annexation Petitioner's application for rezoning of the above referenced property as set forth in the Planning Commission's report and recommendations letter dated August 12, 2021, and attached hereto as Exhibit A; and

WHEREAS, pursuant to Ohio Revised Code § 713.12, City Council may amend or modify the recommendation of Planning Commission as set forth in Exhibit A attached hereto;

BE IT ORDAINED by the Council of the City of Lancaster, State of Ohio

SECTION 1. That the zoning ordinance and map of the City of Lancaster, Ohio are hereby revised upon successful passage of the Ordinance to Accept the Annexation to establish the City Boundaries and to establish zoning for the 25.8723 +/- acres, pursuant to Exhibits A & B as follows:

- a. Change of zoning from NB (Neighborhood Business) in Hocking Township to CH (Commercial High Intensity) zoning district in the City of Lancaster

SECTION 2. The City Engineer is directed to make the changes on the zoning map.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare by allowing for expansion of critical services of the City. Therefore, this ordinance shall go into immediate effect.

Passed: 11/22/21 after 3rd reading. Vote: Yeas 8 Nays 0

Approved: 11/22/21



President of Council

Clerk: Teresa Lee Sandy



Mayor

Offered by: Don J. McDaniel

Second by: Kurt M. Galt

Requested by Economic Development Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2021 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

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EXHIBIT

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A

Held Thursday, August 12, 2021

The Lancaster City Planning Commission met on Thursday, August 12, 2021. Present were Christine Collins, Bob Lovell, Jan Coccia, John Sigafoos, Rick Wilkins, Mayor David Scheffler and Service Safety Director Paul Martin. Also present were Curtis Shonk and Mitch Noland of the Engineering Department, Pete Vail and Geoffrey Davis of Certified Building and Stephanie Hall and Dan Cogley of the City Law Director's Office. The meeting was held in City Hall at 104 East Main Street in Lancaster, Ohio. Service Safety Director Martin called the meeting to order at 9:30 AM.

Case Number 2021.004, the Change of Zoning Request for Love's Travel Stops & Country Stores, Inc. was first on the agenda. Service-Safety Director Martin began by turning the discussion over to Mr. Noland for a brief summary and what was being brought before the Board. Mr. Noland began by explaining that the rezoning issue is being brought before Planning Commission in conjunction with the Fairfield County and Lancaster City Council Annexation Petition of the property in question which is a total of 25.8723 acres located near the intersection of State Route 188, Delmont Road and Mill Park Drive owned by Mary Reedy. He further explained that the land is primarily used as agriculture and rural residential. This property abuts State Route 188 to the north and beyond to the State Highway Patrol Post and Rock Mill Corporate Park. To the south and east the property is vacant and being used as agricultural. Toward the west, the property abuts Limited Access right-of-way for US 33. Proposed access into the property will be from Delmont Road, one for cars and one for trucks along with an additional car and truck entrance off of State Route 188 by ODOT approval.

Mr. Noland explained that there are two parcels of land being annexed and rezoned. However, the property furthest west has no present plans for development.

Laura Comek, Esq. was present representing Mary Reedy along with Chad Bruner of Love's Travel Stops and Country Stores, Inc.

Mr. Noland explained that the property is currently located within Hocking Township and is zoned NB – Neighborhood Business and once the annexation process is completed the new owners would like to change the zoning to CH – Commercial High Intensity.

Service-Safety Director Martin advised that the Love's representatives have appeared before the City's Board of Zoning Appeals and have received approval for all of the requests as presented for this development. Mr. Vail explained that they are asking for CH-Commercial High Intensity zoning because it allows for truck servicing and fuel, whereas CG – Commercial General does not.

Ms. Collins inquired about signals for the area and was advised what the Traffic Study warranted and that they would be installed at Love's

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expense. Mr. Sigafos inquired about their preparations for fuel spills and Mr. Bruner explained that Love's are proactive in preventing problems rather than trying to fix them at a later date. He advised that the detention pond will have a snout fixture to skim off anything floating on the water's surface and that the site will be equipped with catch basins for fuel spills and various alarms in the event of a mishap. Mr. Lovell asked about Delmont Road becoming a city street and was advised that it would be reconstructed to accommodate the truck traffic at Love's expense.

With no further comments or questions from the Board, Service-Safety Director Martin opened the Public Hearing at 10:02 AM. Jennifer Zwyer, who lives at 944 Sifford Lane was present. She is the granddaughter of Mary Reedy and lives in the area. She advised that she was attending because she had questions about this development, but those questions had all be answered for her during the previous discussion. She stated that while she hates to see the family farm being sold off, her husband is a truck driver and she feels that the proposed development is a good one for the area.

There were no others present for this Public Hearing and it was closed at 10:05 AM.

Service-Safety Director Martin asked for questions or discussion from the members and upon hearing none called for a motion to approve the rezoning. Mr. Sigafos made a motion to approve the rezoning to CH – Commercial High Intensity and the motion was seconded by Mr. Wilkins. There was a unanimous vote to approve and the motion carried.

Case Number 2021.005 is a Change to the City Code and Mr. Noland explained that he is proposing that the code be updated and clarified to allow the city to secure the needed right-of-way as developments occur along any roadway. As part of this update, the City Engineer's office has also identified additional clarity to sidewalks and wheelchair ramp requirements to promote pedestrian travel/movements as the City implements more active transportation measures within the community. He noted the verbiage being added in L.C.O. 1105.03 and removing the RE - Residential Estate stipulation in L.C.O. 1109.06. Examples for clarification were reviewed with the members.

With no further discussion or questions, Service-Safety Director Martin called for a motion to approve. The motion to approve was made by Mr. Wilkins; seconded by Mr. Coccia. There was a unanimous vote to approve and the motion carried.

Ms. Hall asked that the members entertain the idea of amending L.C.O. 1157.03 and remove the word deliberation from its content. She explained that this code now says that the Board of Zoning Appeals must deliberate in public and cannot take any discussions into Executive Session. She feels this is rather restrictive and should be amended. She

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further explained that with a motion to proceed with this change from the City Planning Commission a Public Hearing could be scheduled for the next City Planning Commission meeting.

Service-Safety director Martin called for a motion to do so. The motion was made by Mr. Sigafos and seconded by Ms. Collins. There was a unanimous vote to approve and the motion carried.

With no further discussion or any other cases to be presented, Service-Safety Director Martin called for a motion to adjourn. Mr. Lovell made a motion to adjourn; seconded by Mr. Sigafos. There was a unanimous vote to adjourn and the meeting adjourned at 10:37 AM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Martin", written over a horizontal line.

Paul Martin
Service Safety Director

