

TEMPORARY ORDINANCE NO. 27-22

PERMANENT ORDINANCE NO. 28-22

AN ORDINANCE TO VACATE A PORTION OF RIGHT-OF-WAY (ROW) FOR THE WHEELING STREET EXTENSION THAT BISECTS THE PROPERTY LOCATED AT 1511-1513 EAST MAIN STREET ASSOCIATED WITH THE CREED OF RECOVERY LLC DEVELOPMENT OF THIS SITE, AND TO DECLARE AN EMERGENCY

WHEREAS, The Creed of Recovery LLC is looking to develop parcels located at 1511-1513 E. Main Street in Lancaster which are bisected by the Wheeling Street Extension public ROW for storm sewer improvements; and

WHEREAS, The Creed of Recovery LLC has requested that said ROW be vacated so the property can be developed and on September 8, 2022, the Planning Commission approved vacating said ROW, see the meeting minutes attached hereto as Exhibit A, as delineated on Exhibit B attached hereto provided that a storm sewer easement is recorded prior to the vacation; and

WHEREAS, Temporary Ordinance 26-22 is a companion piece to accept a specific Storm Sewer Easement, which must be recorded prior to vacating the requested ROW; and

WHEREAS, the City is required by Ohio Revised Code to pass an ordinance to vacate any part of the public ROW and hold a public hearing at City Council to allow adjoining property owners an opportunity to respond to the vacation request;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO,

SECTION 1. That the portion of ROW for the Wheeling Street Extension, as described in Exhibit A attached hereto, is hereby vacated for good cause and in the general interest of the City as set forth above subject to the following conditions:

- a. Petitioner shall prepare all documents and surveys needed for legislation, recording, etc.;
- b. Petitioner shall pay all costs associated with the vacation of the right-of-way, including but not limited to all survey costs, legal advertising costs, and recording costs; and

SECTION 2. That in the interest of economic development and the public health, safety, and welfare, and more specifically, permitting new development in the City in a timely manner, City Council does hereby declare an emergency so that this ordinance shall take effect and be in full force immediately upon its passage.

Passed: 10/24/22 after 3rd reading. Vote: Yeas 9 Nays 0

Approved: 10/24/22


President of Council

Clerk: Teresa Lee Sandy

David L. Scheffler
Mayor

Offered by: Greg Johnson

Second by: [Signature]

Requested by Public Works Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2022 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

RECORD OF PROCEEDINGS

Minutes of

CITY PLANNING COMMISSION

Meeting

Held

Thursday, September 8, 2022

The Lancaster City Planning Commission met on Thursday, September 8, 2022. Present were Jan Coccia, John Sigafoos, Rick Wilkins, Charles Elsea, Mayor David Scheffler and Service Safety Director Paul Martin. Also present were Steven Wellstead of Storm Water, Mitch Noland of the Engineering Department, Geoffrey Davis of Certified Building and Stephanie Hall, City Law Director. Also present were Councilmen Jack Mattlin (Third Ward), and Stephanie Bosco, Economic Development Director. Holly Mattei of Crossroads Community Development and Phyllicia Faieta, soon to be Lancaster's City Planner, were present as well. 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 9:31 AM.

Service-Safety Director Paul Martin presented Case 2022.007, a petition to vacate a Public Right-of-Way through 1511-1513 East Main Street. This right-of-way was once platted as an extension of East Wheeling Street, in the past portions of this right-of-way were vacated. The vacation is being proposed by Creed Recovery to operate a counseling service along with recovery housing for women.

Ms. Mattei was present for this discussion and advised that there are four (4) adjacent property owners who were contacted about this proposal and if they were in support thereof. Those property owners are City of Lancaster, Fairfield County Board of Commissioners, Sue and Grant Niemann and Dawn Ann Campbell. Everyone responded about having no objections except Ms. Campbell. Therefore, if approved by City Planning Commission, a Public Hearing will need to be conducted at City Council.

She further explained that a 30-foot easement over a storm sewer will need to be in place before the City Council hearing. Ms. Mattei explained that the legal description had been received but would need to be reviewed for accuracy on what is required.

Mr. Noland added that the easement is very close to the existing right-of-way and will need to be reviewed and possibly be revised once it has been submitted.

John Entingh of Creed Recovery was present and stated that he agreed with the information as presented.

Upon hearing no further questions or discussion, Service-Safety Director Martin called for a motion. Mr. Elsea made a motion to approve the vacation provided that the easement is granted prior to the City Council public hearing. Mr. Sigafoos seconded the motion. There was a unanimous vote to approve and the motion carried.

The next case for review was Case 2022.008 the Change of Zoning Request for a property identified as 1850 Lancaster-Newark Road. Ms. Mattei also presented this case and explained that it was a 20.7 acres parcel of property located off of State Route 37 or Lancaster-Newark Road between the termini of Countryside Drive and Country Place.

REM Developments, LLC are requesting a Change of Zoning from CG – Commercial General to RS-4 Residential Single-Family and proposing a 46 patio home development.

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Mr. Noland then added that previously a larger development would have created the need for turn lanes, etc. on State Route 37, but explained that this development of less single-family units would not require those turn lanes to be installed. Mr. Sigafoos asked about the surrounding streets and Mr. Noland advised that both Countryside Drive and County Place are city streets and that this development would not create a need for turn lanes on State Route 37.

Steve Peck of Epcon Communities, along with Chris McCray and Dennis Grech of REM Developments were present for this discussion. Mr. Peck did a power point presentation of the type and style of homes being proposed and explained that this is geared toward 55-year-old and older adults who want to own their home, but have the benefits of no lawn mowing, no leaf raking and no snow removal. They are proposing a walkable community and want to possibly connect paths to the city's current bike path with the approval of the Parks Department. He further explained that their base house is 2 bedrooms and 2 bathrooms with an option for an additional bed and bath over the garage. He also advised that the lots are bigger than the 40 feet width as designated in an RS-4 zoning classification, but smaller than the lots required for RS-3. They chose the RS-4 classification and went with larger lots and fewer homes.

With no further comments or questions from the developers, the staff or the board, Service-Safety Director Martin opened the Public Hearing at 9:55 AM and called for proponents of the proposed development.

Karen Hunter of 1924 Branch Place read a letter that she and her husband Scott wrote in representation of all of the residents of the Creekside Estates subdivision stating that they were very much in support of this zoning change for the development as proposed. The letter explained that while past proposals of Residential Multi-Family were undesirable to the neighbors, this proposal was more than acceptable.

Jon Kochis of Fairfield County Emergency Management was present for the County Commissioners in favor of the proposal as well in regards to their retention plans and the impact on Fetters Run.

Roma Hunter of 1901 Country Place also added that the current residents did not want screening of mounds and or trees between the current homes and the proposed ones, so that a community atmosphere was maintained.

Service-Safety Director Martin then called for opponents of the Change of Zoning and none were present. The Public Hearing was closed at 10:09 AM.

He then called for a motion. Mr. Elsea asked if this motion should be contingent upon the drainage requirements being met and the number of lots remaining the same. Mr. Noland advised that while this was only a Change of Zoning motion, all of those issues would be handled when the Preliminary and Final plats came before City Planning Commission.

Mr. Sigafoos made a motion to approve the Change of Zoning from CG – Commercial General to RS-4 Residential; seconded by Mr. Wilkins. There was a unanimous vote to approve and the motion carried.

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This Change of Zoning will now go before City Council for another Public Hearing and vote.

Service-Safety Director Martin called for further discussion and with there being none, called for a motion to adjourn. Mr. Sigafos made a motion to adjourn; seconded by Mr. Coccia. There was a unanimous vote to adjourn and the meeting adjourned at 10:12 AM.

Respectfully submitted,

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

Paul Martin
Service Safety Director

1511-1513 E. MAIN ST., LANCASTER, OH 43130
FAIRFIELD CO. PHN 053-40047-00

BALDWIN DRIVE

R/W

REFERENCE POINT
OF BEGINNING

139.55'
N 84°38'07" E

5.05'

E. MAIN STREET

N 84°36'05" E 168.04'

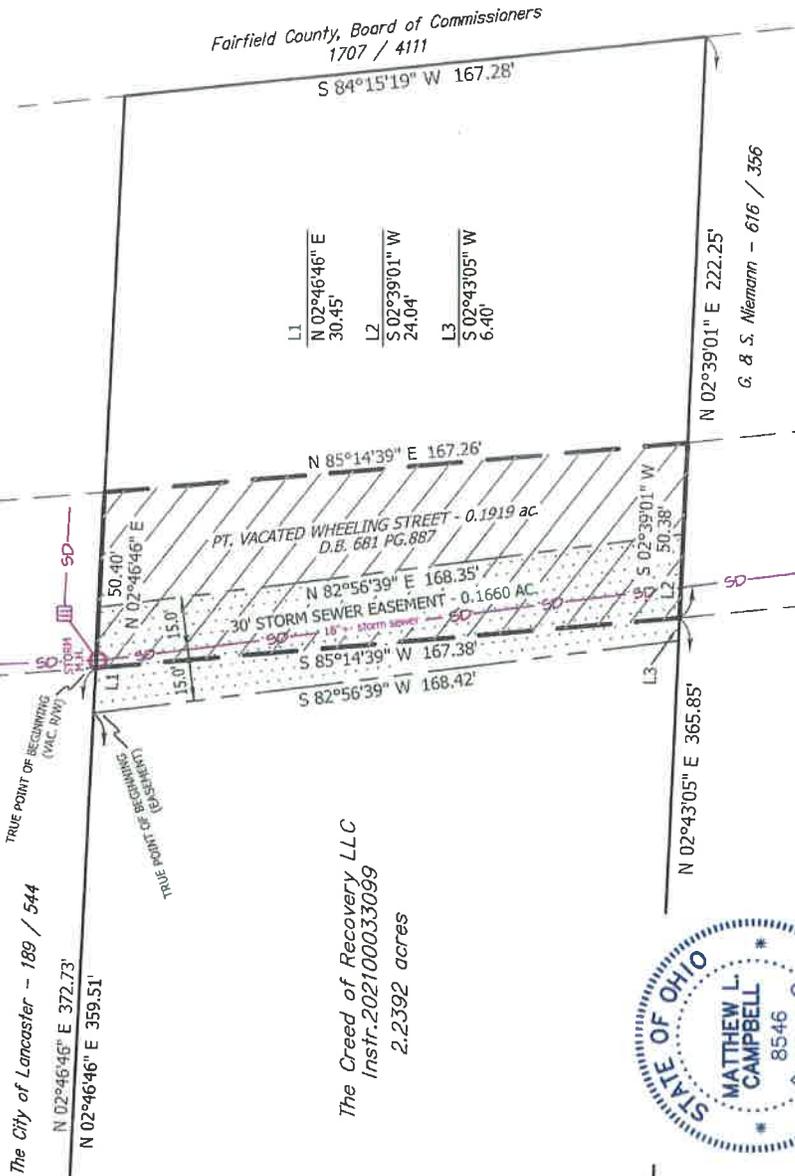
R/W

EASEMENT

STATE OF OHIO, COUNTY OF FAIRFIELD, CITY OF LANCASTER
SECTION NO. 5, TOWNSHIP OF BERNE NO. 14, RANGE NO. 18, PART OF
LOTS 25-26 OF SUBDV. EAST OF LANCASTER (SUR. #642 VOL. 2)

BASIS OF BEARINGS

BEARINGS ARE BASED ON N 84°36'05" E FOR THE
NORTHERLY RIGHT-OF-WAY OF E. MAIN STREET AS
DERIVED FROM GPS OBSERVATIONS, UTILIZING ODOT
VRS, BEING BASED ON GRID NORTH, OHIO STATE PLANE
COORDINATE SYSTEM, SOUTH ZONE, NAD83 (2011)



Job: C0185288



CAMPBELL &
ASSOCIATES, INC.
Land Surveyors
(800)233-4117
www.campbellsurvey.com



9/6/2022
DATE

Matthew L. Campbell
REG. NO. 8546

MATTHEW L. CAMPBELL
CAMPBELL & ASSOCIATES, INC.