

PUBLIC HEARING

A Public Hearing was held at 6:30 p.m., Monday, June 25, 2018 in the City of Zanesville's Council Chambers, 401 Market Street, Zanesville, Ohio to hear a request to amend and revise the zoning map and make permanent zoning on three parcels numbered 84-49-01-10-000, 84-50-01-36-000 and 84-50-01-36-001 from A-E (Agriculture and Estate District) and I-1 (Industrial District) to C-4 (Highway Commercial) district. All testimony for and against was heard.

Mr. Vincent opened the public hearing at 6:30 p.m. We will hear from Mr. Bennett, then see if there any questions from Council, and then see if anyone wants to speak for or against this proposal.

Present at the hearing were the following individuals: Councilpersons Sandy Gentry, Connie Norman, Jan Bradshaw, Ann Gildow, Daniel Vincent, Joey Osborn, J. Rob Sharrer, Steven Foreman, and Mark Baker. Also present were David Rogers, citizen; Howard Cornell, citizen; Ray Seifert, property requester for zoning change; Ira Nolan, Connie Nolan, adjoining property owners; Jason Schamleffel and Dane Miller of Y-City News; and Susan Culbertson, Clerk of Council.

Mr. Bennett said this is referencing Ordinance 18-75 on your docket tonight. Specifically the application was made by the owner to the Planning Commission to change the zoning on what is known as a legal non-conforming activity. So, the activity existed prior to the zoning which carries, which is Agriculture and Estate for one piece of it and a small piece of it is Industrial. Those activities of a car lot/open sales has been there for a long time. So, it is legal. What has progressed is the owner has come in wanting to do some things and as a legal non-conforming property he is not allowed to expand. So, the only way to do it is to come into compliance with the code which is what prompted the request to the Planning Commission. The Planning Commission had this on their Tuesday, May 15, 2018 docket. Heard testimony on it, looked at, looked at the parcels and the zoning around it. Specifically what you are seeing on the yellow, here and here, requested to become C-4, Commercial Highway Zoning. So we have seen C-4 on this stretch of Adamsville Road across the street and you have some commercial zoning as you head back up around the Zane Casket area and up to the Underwood area. It is kind of that activity that you are going to see. We see more and more and the Planning Commission certainly thought it was an appropriate zoning request. It brings it into compliance with the current use. The Planning Commission recommended with 3 members present, of 4 members, there were three votes to recommend approval of the request.

Mr. Vincent said the changes are to rezone this to C-4 to make some changes that they can't make until it is zoned as C-4.

Mr. Bennett said the current activity is a car lot and car sales. The planned use is to continue what is there. They are not changing anything. They want to do some expansion of it. The owner is here tonight.

Mr. Sharrer asked Mr. Bennett if going to a C-4 from the piece that is industrial, that is actually a drop back or you could build a factory on the property.

Mr. Bennett said it depends. Mr. Bennett said you could not build a factory on this site because it is too small and just on the very edge going around the corner.

Mr. Vincent asked if anyone was present to speak in favor of the rezoning request.

Ray Seifert is the owner of the property. He said Mr. Bennett pretty much explained everything. The expansion he was looking to improve is there is no electric on the second lot and he would like to put a wash bay in to clean the cars and he was informed he couldn't do that under the non-confirming zoning status. He is trying to improve the property and he needs to get it done so he can improve the property.

Mr. Vincent asked if there were any questions from Council. Sir, you were saying you wanted to get electricity over there. Is that across the way to the lot to the left?

Mr. Seifert said it is across Granger Avenue. The main office was pointed out and the annex lot has cars, but there is no electric so he doesn't have any security cameras and that adds to the thefts so he wants to get electric and security cameras and a building to put the security cameras in.

Mr. Vincent said you mentioned a wash bay also.

Mr. Seifert said yes, just a small work garage to wash cars and such.

Mr. Vincent said thank you, sir. Is there anyone else to speak in favor? Is there anyone here to speak against?

Mr. Ira Nolan and his wife, Connie Noland, 1378 Mitchel Avenue, Zanesville came to speak against the rezoning request. Mr. Nolan does not want the car lot to expand as he does not want junk cars within 200 yards of his property and expressed concerns of snakes and undesirable items coming onto his property. He also expressed concerns of bring a wash bay in and what does the EPA say about it and possible impact to the rivers. He expressed concerns about the wildlife in the area and interference with the eco-system.

Mr. Vincent thanked the gentleman. Mr. Vincent then asked if there were questions from Council.

Mr. Baker asked if there are any natural barriers like trees or alleyways between the proposed expansion and your property.

Mr. Nolan said well, there is a drop off from his property because where it ends is just a big drop off into a wash and it goes on and then drops off again which is where his property begins.

Mr. Baker said and you are worried about snakes and other critters getting across that gulley.

Mr. Nolan said yes, sir.

Mr. Baker asked if that is possible with the drop off.

Mr. Nolan said we had groundhogs coming up there, we had a coyote, we had a red fox, and we had deer coming up through there and coming into the yard.

Mr. Vincent said and with that to keep things into perspective as far as what Council has before them to make a decision upon. Nothing is impacted as far as wildlife. Currently the property can continue to be used as it is. It is a non-conforming situation and it was there before the zoning went into effect. So if Council all voted no on this a lot would still continue to be a used car lot. What Council would be voting on is changing the zoning and the level which would allow those improvements that the gentleman talked about tonight as far as bringing electricity over to the other lot and adding a garage for washing vehicles. I guess that is what Council needs to take into consideration here and sir what you may want to consider is does it impact any of your concerns. As far as vehicles not being sold there that is a business dealing, that what we decide here I don't think will have an impact unless it somehow helps sales if there is better lighting over there. That would be a stretch. Are there any other concerns you have, sir?

Mr. Nolan said no.

Mr. Vincent thanked him for coming to express his concerns. He then asked if Connie Nolan wanted to speak also.

Connie Nolan, 1378 Mitchell Avenue, Zanesville said they moved there a year or will soon be two years ago. They love the place. They have wild animals that come up there. We don't want any other interference coming up there and messing with us. She doesn't approve of having anything done. That is her opinion.

Mr. Vincent said okay. Then just again to be helpful here. Help me understand as far as what will change for you based on what you have heard here tonight that sounds like additional lighting could go on the other lot. Is that closer to your home, that lighting that would be on the lot that is on the west side, maybe?

Connie Nolan said it would probably shine up the hill.

Mr. Vincent said so you are up above it then.

Connie Nolan said yes. He wants part of our property because we own so far down to the City line and he wants part of what we own. That is not going to happen.

Mr. Vincent said okay. That is your private property and that is totally up to you. Alright, are there any other concerns and maybe Council can help me if there is anything I have missed here.

Mr. Baker said when you say you don't want this zoning change because you don't want your property interfered with. I think that is the term you used. What kind of interference would come about as a result of this that would inconvenience you or change your enjoyment of your property?

Connie Nolan said we don't need no other stuff up there: car lots, car washes, you know, stuff like that. That would draw in snakes. Snakes hide in vehicles. We don't need that. We have animals ourself. We don't need that up there.

Mr. Baker said I will play devil's advocate for a minute. If this would just allow him to create a bay in order to wash his cars would that really draw out any more animals than there are now?

Connie Nolan said it probably would because animals love water.

Mr. Vincent asked if there was anything else.

Mr. Bennett said they would be well above the current car lot.

Mr. Vincent asked if it is wooded between there.

Connie Nolan said yes.

Mr. Baker asked if he could ask a question of the property owner.

Mr. Vincent said let's wait until we are done here then and then we will go to that.

Mr. Foreman said he is confused when you say and maybe Mr. Bennett can help me because when she says that they (the Nolan's) don't want to give up any part of their land to him. I am confused by that, what does that mean?

Mr. Bennett said it sounds like to him that Mr. Seifert has approached them to buy property.

Connie Nolan said he has never approached us at all.

Mr. Foreman said then why is that a concern then.

Connie Nolan said because we don't want to give up none of our property.

Mr. Foreman said but no one is asking you to give up your property that I can see. I don't think anyone is asking you to do that and that is why I am confused.

Connie Nolan said he wants

Mr. Vincent said with that ma'am it is your property and you don't have to sell it unless you default on the loan maybe and the bank took it back and then, but it is your property. The government could force a sale, but government has no interest in that at this point. That would be the only way. I think you are fine there as far as you property being secure.

Connie Nolan said we do not want that put in there at all.

Mr. Vincent said okay, alright. Thank you very much. Is there anything else from Council?

Mr. Baker asked to ask Mr. Seifert a question.

Mr. Seifert was asked to step forward so Mr. Baker could ask him a question.

Mr. Seifert is interested in building a small wash bay to wash cars. He washes cars at the lot currently and he estimates he would use about the same amount of water.

Mr. Baker said so it would probably be no real difference.

Mr. Seifert said I don't know but maybe what she is concerned about is I own the three parcels that go up to their property. As a matter of fact, the previous owner to me actually granted her an easement because their garage sits partially on property that I own. Those lots aren't even the ones in question. Those are the ones above, those are the three lots above where we are discussing.

Mr. Seifert said he thought the three lots above were zoned industrial. He is not sure if they are industrial or residential and he has no plans of changing those lots so they would remain woods. If they are residential or industrial a car lot would not be an allowable use of the property so the car lot could not be expanded.

Mr. Seifert said we are talking 400 or 500 feet of woods between where we are talking about and where they are at, so I don't know the 400 or 500 feet of woods and there are lots of animals in there. There are lots of squirrels and all kinds of animals in there, but all I am talking about doing is working with the property that already has cars on it and I don't see how it affects anything for them.

Mr. Vincent asked if there is anything else from Council before Mr. Seifert sits down. Thank you, sir. Does Council have any other questions then? Sir, did you want to share anything else?

Mr. Nolan came forward. He said the letter they got originally stated Mr. Seifert would be getting within 200 yards of our property line. That is what the whole thing was about.

Mr. Vincent said I understand your confusion now. So yes, the rules require people within a certain distance of these changes need to be sent letters and you were sent that letter because you must fit within the feet requirement so you had to legally be notified of that so do you feel better now knowing that buffer is going to remain there being the additional three lots.

Mr. Nolan said yes, sir.

Mr. Vincent said I now better understand your concerns. Thank you, I appreciate it. I am glad we got that worked out. Is there anything else from Council? Is there anything else Mr. Bennett? I appreciate your time and we will conclude this public hearing and resume our Council meeting here at 7:00 p.m. Thank you all.

The hearing adjourned about 6:50 p.m.

ZANESVILLE CITY COUNCIL MEETING – MONDAY, JUNE 25, 2018

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, June 25, 2018 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

The following members of Council answered Roll Call: Mrs. Gentry, Mrs. Norman, Miss Bradshaw, Ms. Gildow, Mrs. Osborn, Mr. Sharrer, Mr. Foreman, Mr. Roberts, Mr. Baker, and Mr. Vincent.

APPROVAL OF MINUTES

Mrs. Osborn moved to accept the minutes of Monday, June 11, 2018 as printed, seconded by Mr. Foreman.

Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

There were none filed for this meeting.

PROPOSED ORDINANCES

Ordinance No. 18-74 – Introduced by Council – An Ordinance amending Appropriation Ordinance No. 18-31 and declaring an emergency.

Mr. Sharrer moved to waive the readings and it was seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion on waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

Mrs. Norman moved for passage, seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? This was covered in Ways & Means prior to the Council meeting and in great detail and I thank you, Ms. Heskett.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 18-75 – Introduced by Council – An Ordinance to amend and revise the zoning map and make permanent zoning in the City of Zanesville, Ohio as herein provided.

Mr. Baker moved for first reading, seconded by Mrs. Osborn.

Mr. Baker: This and the next two Ordinances concerning potential zoning map changes or code changes rather were approved in Community Development.

Mr. Vincent: Did the first one go through Community Development? Mr. Bennett said no.

Mr. Baker said he thought this did.

Mr. Bennett said zoning changes did.

Mr. Baker: Okay.

Mr. Vincent: This was the public hearing prior to Council. Is there anything else from Council? Hearing none, all in favor of first reading signify by saying aye. All were in favor. None were opposed.

Motion carries.

Ordinance No. 18-76 – Introduced by Council – An Ordinance Amending Chapters 1105.01, 1105.06, 1113.05, 1113.10, 1113.15, 1115.02, 1115.04, 1115.06, 1121, 1134, 1141.04 and 1141.05 of the City of Zanesville’s Planning and Zoning Codes.

Mr. Sharrer moved for first reading, seconded by Mr. Baker.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of first reading signify by saying aye. All were in favor. None were opposed.
Motion carries.

Ordinance No. 18-77 – Introduced by Council – An Ordinance amending Chapter 1141.05 of the City of Zanesville’s Planning and Zoning Code.

Mr. Baker moved for first reading, seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of first reading signify by saying aye. All were in favor. None were opposed.
Motion carries.

Ordinance No. 18-78 – Introduced by Council – An Ordinance amending Chapter 1109.01 of the City of Zanesville’s Planning and Zoning Code.

Mr. Baker moved for first reading, seconded by Mr. Sharrer.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of first reading signify by saying aye. All were in favor. None were opposed.
Motion carries.

Ordinance No. 18-79 – Introduced by Council – An Ordinance consenting to and accepting the annexation of certain property and declaring an emergency.

Mr. Sharrer moved to waive the readings and it was seconded by Ms. Gildow.

Mr. Vincent: Is there any discussion on waiving? With that we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

Mr. Roberts moved for passage, seconded by Mrs. Norman.

Mr. Vincent: Is there any further discussion?

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

ORDINANCES FOR ACTION

Ordinance No. 18-73 – Introduced by Council – An Ordinance authorizing the proper City official to enter into an agreement with Zanesville City Schools.

Mr. Foreman moved for second reading, seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of second reading signify by saying aye. All were in favor. None were opposed.
Motion carries.

TRAFFIC ORDERS

We have none.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Tilton is glad to be back after a few days off.

PRIVATE PETITIONS AND COMMUNICATIONS

None were filed for this meeting.

Non-agenda item petitions filed

No private petitions were filed to speak at this meeting.

A motion was made by Mrs. Osborn to adjourn the meeting. It was seconded by Miss Bradshaw. A voice vote was taken with all in favor. None were opposed. The meeting adjourned about 7:06 p.m.