

ORDINANCE NO. 06-2023

ADOPTED: OCTOBER 4, 2023

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAP OF THE VILLAGE OF KIRKERSVILLE, LICKING COUNTY, OHIO BY REZONING ±9.126 ACRES ONCE A NEW PARCEL IS SPLIT FROM PARCEL NUMBER 02608008200004

WHEREAS, Linda K. Weiler, Trustees own ±56.61 acres of land located in the Village of Kirkersville at or near the intersection of Outville Road and SR 158 (Parcel No. 02608008200004); and

WHEREAS, Gallas Zadeh Development LLC is in the process of creating a new ±9.126 acre parcel out of Parcel No. 02608008200004 as part of a development project. Once the ±9.126 acre-site is split off and a new parcel is created, Gallas Zadeh Development, LLC intends to construct a 7-Eleven/Speedway on the new ±9.126-acre parcel; and

WHEREAS, Gallas Zadeh Development LLC, on behalf of itself and Linda K. Weiler, submitted a rezoning application and preliminary development plan under Chapter 12 of the Village of Kirkersville Zoning Ordinance for the anticipated ±9.126-acre parcel. The Zoning Inspector determined the rezoning application is complete and the preliminary development plan complies with Section 1208(b)(1); and

WHEREAS, with its rezoning application and preliminary development plan, Gallas Zadeh Development LLC intends to rezone ±9.126 acres located at the southern end of Parcel No 026800820004 from B (Business District) to PUD (Planned Unit Development with AB-Accommodation Business District uses) once this new parcel is created; and

WHEREAS, having had more than 30 days to consider the preliminary development plan, the Village of Kirkersville Planning Commission held a meeting and public hearing on June 28, 2023 to consider, discuss, deliberate, and make a recommendation concerning the Application. The meeting was properly noticed, as required by Section 1210(b). Notice of the Application also was sent to the Village of Kirkersville Police Department, the West Licking Fire District, and the Southwest Licking Community Water and Sewer District for review and comment; and

WHEREAS, the Village of Kirkersville Planning Commission recommended approval of the rezoning application and preliminary development plan with the following conditions:

1. Trucks are prohibited from exiting the site and traveling northbound on Outville Road and adequate signage must be installed to enforce this;
2. Overnight parking of semitrailers, tractor-trailers, tractors, trucks, and/or automobiles are prohibited anywhere on the site;
3. There shall be no RV Dump Station located anywhere on the site; and
4. Landscaping/screening shall be installed, to the satisfaction of the Village, to screen the properties to the North/Northwest/West of the site.

WHEREAS, the thirty-day public examination period, as contemplated by Section 1210(b) has expired; and

WHEREAS, Council of the Village of Kirkersville now wants to adopt the Planning Commission's recommendation and approve the Zoning Map Amendment to rezone ±9.126 acres of land located at the southern end of Parcel No 026-8008200004 once it is split off into, and new parcel is created, to PUD (Planned Unit Development).

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Kirkersville, County of Licking, State of Ohio, a majority of the members elected thereto concurring:

SECTION 1: Council for the Village of Kirkersville hereby adopts the Planning Commission's recommendation and all its conditions. In doing so, Council for the Village of Kirkersville hereby approves and adopts the Preliminary Development Plan submitted by Gallas Zadeh Development LLC, on behalf of itself and Linda K. Weiler and all the Planning Commission's conditions for the ±9.126-acre parcel.

SECTION 2: Only if and after a new ±9.126-acres parcel is created adjacent to the southern end of Parcel No 026-8008200004, it is hereby rezoned from B (Business District) to PUD (Planned Unit Development District).

SECTION 3: The Village of Kirkersville Zoning District Map shall be changed to reflect the rezoning accomplished by this Ordinance.

SECTION 4: The zoning designation for all other parcels in the Village of Kirkersville shall remain unchanged, in effect, and valid, including but not limited to the remaining ±47.484 acres of Parcel No. 0268008200004.

SECTION 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the Village of Kirkersville which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 6: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

SECTION 7: This Ordinance shall take effect at the earliest time allowed by law.

Passed in Council this 4 day of October 2023.

Terry Ashcraft, Mayor

ATTEST: _____
Shirley Roskoski, Clerk of Council

APPROVED:

Approved as to form this 26th day of July 2023:



Brian M. Zets
Village Solicitor