

TEMPORARY ORDINANCE NO. 17-18

PERMANENT ORDINANCE NO. 18-18

AN ORDINANCE AMENDING THE ZONING MAP FOR THE 4.971 ACRE PROPERTY AT THE SOUTHWEST CORNER OF THE CANAL STREET AND SOUTH MAPLE STREET INTERSECTION WITH PARCEL NUMBER 0535026000

WHEREAS, a petition to rezone the above property from IH Industrial Heavy to IL Industrial Light was received on August 9, 2018; and

WHEREAS, the City Planning Commission approved the rezoning of the above property of September 13, 2018; and

WHEREAS, the City must pass an ordinance to vacate any part of an unimproved public alley;

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

SECTION 1. That the zoning ordinance of the City of Lancaster, Ohio be and the same is hereby revised by changing the zoning for 4.971 acre property, described in Official Record 1769, Page 3363, from IH Industrial Heavy to IL Industrial Light.

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

SECTION 3. That this ordinance shall take effect and be in force from the earliest period allowed by law.

Passed: 10/22/18 after 3<sup>rd</sup> reading. Vote: Yeas 9 Nays 0

Approved: 10/22/18

Clerk: Teressa Lee Sandy

Offered by: Mary R. Tenen

Second by: Cory Johnson

Requested by Code Enforcement and Zoning Committee

David C. Ull  
President of Council  
David L. Scheff  
Mayor



Date Filed: August 9, 2018  
 Planning Commission Review Date: September 13, 2018  
 Application Fee (\$150 + \$10/parcel): \$160  
 Sign Posting Fee (\$50): \$50  
 Publication Fee (\$100): \$100  
 Total Fee: \$310

**APPLICATION FOR DISTRICT CHANGE**

Lancaster, Ohio

NOTE: Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, and for regulation amendments, shall be submitted to the Planning Commission, at the City Engineer's Office upon such forms, and all shall be accompanied by such data and information, as may be prescribed for that purpose by the Planning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include a plan or map drawn to the required specifications. Each such application shall be verified by at least one of the owners or leasees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments or district changes initiated by the Planning Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

NOTE: List of Property Owners: Any person or persons desiring a change in the zoning shall file with the application for such change a statement giving the names and addresses of the owners of all properties contiguous to, directly across the street and/or alley from any part of the exterior boundaries of the parcel which is proposed to be changed, and all landowners of property within the proposed parcel to be rezoned. This list is to be obtained from records in the County Auditor's Office or the County Treasurer's Office.

1. Name of Petitioner: Countrytyme Land Specialists Ltd
2. Address & Phone Number: 3451 Cincinnati-Zanesville Rd SW, Lancaster, OH 43130 740-475-6001
3. Petitioner's Attorney or Agent's Name, Address and Phone Number: \_\_\_\_\_  
\_\_\_\_\_
4. General Area and Location of Request: SW Corner of Canal St and S Maple St. North of Hocking River. PN: 0535026000
5. Present Zoning District: IH - Industrial Heavy District

6. Requested Zoning District: IL - Industrial Light District

7. Reason for this Application: See Attached

8. Legal Description of the Property: See Attached

NOTE: LEGAL DESCRIPTION MUST BE REVIEWED AND APPROVED BY THE CITY ENGINEER'S OFFICE BEFORE SUBMITTING AN APPLICATION TO THE PLANNING COMMISSION.

9. Has there been a previous application for district change of the above parcels? No

10. If so, give date: N/A

11. Does the notice go to petitioner or agent? Petitioner

12. The above statements and the statements contained in all exhibits transmitted herewith are true.

Mark Graham, Managing Member  
Applicant (Property Owner's Signature)

Sworn to before me a Notary Public in and for said Fairfield County and State of Ohio, on 14th day of August, 2018.



**Bill J. Conrad**  
Notary Public, State of Ohio  
My Commission Expires 12/20/20

Bill J. Conrad  
Notary

\_\_\_\_\_  
Engineer's Approval & Date

## Reason for Application

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We are requesting this change of zoning in an attempt to utilize the land in a manner that may better serve the community than its past undeveloped state. The land is currently zoned Industrial Heavy and described in the City of Lancaster Zoning Code with the following purpose:

**Purpose.** The (IH) Industrial Heavy District is intended to provide for a full range of industrial uses, including activities which may constitute substantial environmental influences or hazards by their operation and/or appearance.

We would like this land to allow the wider range of industrial and other employment-generating business uses included within the (IL) Industrial Light District. It is our primary goal with this rezoning to promote small business growth and we feel the Fairfield Heritage Trail offers a unique opportunity for public access and business opportunities that are better suited within the (IL) district. This rezoning would also reduce the potential environmental influences or hazards near the Hocking River that seem permitted within the (IH) district.

EXHIBIT "A"

Situated in the State of Ohio, Fairfield County, Township 14, Range 18, Section 7, City of Lancaster.

Being part of Tract 2 and all of Tract 4 as recorded in deed volume 519, page 282, and part of a 0.63 acre tract described in deed volume 620, page 152 and being more fully described as follows:

Beginning at a 5/8 inch rebar set on the eastward extension of the south line of Canal Street, said point being South 09 degrees 28' 04" East a distance of 33.00 feet and South 85 degrees 49' 24" West a distance of 6.22 feet from an iron pin in a monument box found at the centerline intersection of Canal and Maple Streets, said iron pin also being at station 49+68.5 in the centerline of Canal Street; Thence South 22 degrees 10' 34" East a distance of 103.00 feet to a 5/8 inch rebar set; thence South 41 degrees 13' 46" East, passing a 5/8 inch rebar set at 170.00 feet, a distance of 256.00 feet to a point in the Hocking River; thence North 87 degrees 00' 37" West a distance of 615.00 feet to a point on the east line of the former Lancaster Traction and Power Company railroad, said point being South 12 degrees 01' 06" East a distance of 63.81 feet from a 5/8 inch rebar set on said railroad line; thence along a curve to the right having a radius of 1037.42 feet, central angle of 01 degrees 18' 53" and a chord bearing South 09 degrees 35' 55" East a distance of 23.80 feet to a point in the river; thence North 83 degrees 39' 41" West a distance of 433.58 feet to a point in the river and on the south line of 3.274 acre tract described as tract 2 in deed volume 519, page 282, said point also being the southeast corner of a 1.863 acre tract created by this survey; thence North 00 degrees 13' 10" East, passing a 5/8 inch rebar set at 100.00 feet, a distance of 171.87 feet to a 5/8 rebar set at the northeast corner of said 1.853 acres and on the south line of Canal Street; thence with the south line of Canal Street the following three courses: (1) North 86 degrees 00' 40" East a distance of 308.00 feet to a 5/8 inch rebar set on the west line of the former railroad; (2) North 85 degrees 51' 45" East a distance of 53.01 feet to a 5/8 rebar set on the east line of said railroad; (3) North 85 degrees 49' 25" East a distance of 474.00 feet to the point of beginning containing 4.971 acres.

Bearings are based on an assumed meridian and are used for denoting angles only. Rebars set are 5/8 inch by 36 inches and have a yellow plastic identification cap labelled "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

Description is based on a survey made in January of 1997 by Tobin-McFarland Surveying, Inc. and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416

Exhibit "C"

**NOTICE AND AFFIDAVIT TO LANCASTER CLERK OF COUNCIL**

Date: 8-9-2018

RE: Rezoning Hearing for property located at: 0 Canal Street - Parcel # 0535026000

Dear Lancaster Clerk of Council:

We are requesting a hearing concerning the property located at the above-captioned address. Please set the hearing at the soonest available date to be held before City Council at the Educational Services Building, 111 S. Broad Street, Lancaster, Ohio.

The proposed zoning change recommended by the Lancaster City Planning Commission for City Council approval seeks to rezone the above property from a Industrial Heavy zoning district to a Industrial Light zoning district.

I understand that a public hearing cannot occur until the notice for public hearing can be placed in the Lancaster Eagle Gazette at least thirty (30) days in advance of such hearing. I further understand that the public hearing will likely be held on a regularly scheduled City Council meeting date.

I, the petitioner or agent of the petitioner, hereby swear and affirm that I am providing to you a complete list of landowners that are: (1.) The owners of property within the proposed parcel to be rezoned; (2.) The owners of property contiguous to the parcel to be rezoned; and (3.) The owners of property directly across the street and/or alley from the parcels to be rezoned. I fully understand that if I should fail to notify the Clerk of Council of each and every such landowner that the rezoning approval will likely be reversed.

As the petitioner or agent of the petitioner, I also swear and affirm that the addresses of the below-listed names of landowners I am providing you have been confirmed by me as being correct by the county auditor's current tax list or the county treasurer's mailing list. The names and addresses of all landowners (including spouses) described in the preceding paragraph are as follows:


1. The Mithoff Companies Ltd - 4805 Scooby Ln NW, Carroll Ohio 43112
2. American Legion Post 11 - 279 Canal St, Lancaster, OH 43130
3. The City of Lancaster - 104 E. Main St, Lancaster, OH 43130
4. Renkas Properties LLC - 664 S Columbus St, Lancaster, OH 43130
5. Weber Holdings - South LLC - 1600 Universal Rd, Columbus, OH 43207
6. John D. Fyffe - 552 S. Maple St, Lancaster, OH 43130
7. Countrytyme Land Specialists Ltd - 3451 Cincinnati-Zanesville Rd SW, Lancaster, OH 43130

8. \_\_\_\_\_

9. \_\_\_\_\_

I also fully understand that once I have provided this notice to the Lancaster Clerk of Council that the Clerk will send such notice, as provided in Exhibit D, by first class mail, at least twenty days before the date of the public hearing to the above-listed landowners.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Mark Graham, Managing Member  
Signature of petitioner or agent

Sworn to before me a Notary Public in and for said County and State on the 9 day of August, 2018.



**Bill J. Conrad**  
Notary Public, State of Ohio  
My Commission Expires 12/20/20

  
\_\_\_\_\_  
Notary







