

TEMPORARY ORDINANCE NO. 6-18

PERMANENT ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CITY OF LANCASTER ZONING MAP FROM RS-3 SINGLE FAMILY RESIDENTIAL TO CG COMMERCIAL GENERAL FOR 3.488 +/- ACRES LOCATED IN SECTION 3, TOWNSHIP 14, RANGE 19 CONGRESS LANDS, PARCEL NO. 053-10032-00, CITY OF LANCASTER, FAIRFIELD COUNTY, OHIO

WHEREAS, an application to rezone the above referenced property from RS-3 Single Family Residential to CG Commercial General was received by the Clerk of City Council on March 22, 2018 and is attached hereto as Exhibit A; and

WHEREAS, City Planning Commission denied Applicant's February 1, 2018 application for rezoning of the above referenced property from RS-3, Single Family Residential to CG Commercial General at their meeting and public hearing held on March 8, 2018 as set forth in the Planning Commission's report and recommendations letter dated March, 21, 2018 and attached hereto as Exhibit B; and

WHEREAS, the 3.488 +/- acres located in Section 3, Township 14, Range 19, Congress Lands, Parcel No. 053-10032-00, City of Lancaster, Fairfield County, Ohio is located on the south side of Fair Avenue east of the Village at Roxton Ravine near the intersection of Ety Road as depicted on the plat map attached hereto as Exhibit C; and

WHEREAS, Lancaster Codified Ordinance Chapter 1159, and more specifically section 1159.04(d), provides that Applicant may request a hearing before City Council on a rezoning application denied by the Planning Commission; and

WHEREAS, City Council shall hold a public hearing on the rezoning request;

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

SECTION 1. That the Zoning Map of the City of Lancaster, Ohio be and the same is hereby amended to reflect the rezoning of the 3.488 +/- acres located in Section 3, Township 14, Range 19, Congress Lands, Parcel No. 053-10032-00, City of Lancaster, Fairfield County, Ohio from RS-3 Single Family Residential to CG Commercial General.

SECTION 2. That the City Engineer is directed to make the changes on the zoning map upon passage of this Ordinance.

SECTION 3. This Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_ after \_\_\_\_\_ reading. Vote: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Clerk: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Offered by: \_\_\_\_\_

Second by: \_\_\_\_\_

Requested by Code Enforcement & Zoning Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on \_\_\_\_\_, 2018, the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

\_\_\_\_\_  
Clerk of Council

Received 3/22/17  
@ 2:05 pm

Tenace  
Sandy  
Clerk

## NOTICE AND AFFIDAVIT TO LANCASTER CLERK OF COUNCIL

Date: March 22, 2018

RE: Rezoning Hearing for property located at: 2180 West Fair Avenue, Lancaster, Ohio 43130

Dear Lancaster Clerk of Council:

The undersigned, Fat Creek, LLC, an Ohio limited liability company (Fat Creek), says that it is the prospective purchaser of the property located at the above-captioned address from Fair Avenue Properties, LLC, an Ohio limited liability company (Fair Avenue), which is the record title holder thereof. Together, Fat Creek and Fair Avenue are requesting a hearing concerning an application prosecuted on both their behalves for the rezoning of the property located at the above-captioned address. Fat Creek has been, and still is, acting for itself and as an authorized agent for Fair Avenue, pursuant to a real estate purchase contract, in providing this Notice and in making this request. 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 application for the proposed zoning change was recommended for denial by the Lancaster City Planning Commission. The subject application sought to rezone the above referenced property from an RS-3 (Residential Single Family) zoning district to a CG (Commercial General) zoning district.

Pursuant to Lancaster City Ordinance Section 1159.04 (d), an application recommended for denial shall not be considered further unless the applicant within 15 days from the date of the Planning Commission action, files a written request with the Clerk of City Council for a hearing by the City Council. The Planning Commission action in this case took place on March 8, 2018. This request for hearing is accompanied by the payment of the \$310.00 fee required pursuant to the adopted fee schedule. **NOTICE OF THIS REQUEST IS TO BE PROVIDED TO THE PLANNING COMMISSION, WHICH SHALL FORTHWITH TRANSMIT THE ORIGINAL APPLICATION AND THE COMMISSION'S REPORT AND RECOMMENDATIONS TO THE CLERK OF CITY COUNCIL.**

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 recommended rezoning denial will likely not 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. Fair Avenue Properties, LLC, % Winfree Ruff & Associates, Ltd, 692 Hill Road North, Pickerington, Ohio 43147 (Being Tax Parcel No. 0531003200 [3.49 Acres, R19, T14, S3 NW])
2. Lancaster Camp Meeting & Church Assembly Association, Inc., 2151 W. Fair Avenue, Lancaster, Ohio 43130 (Being Tax Parcels Nos. 0531324810 [40.54 Acres, R19, T15, S35] And 0531884900 [5 Acres, R19, T15, S35])
3. Little Blue House, LLC, % William J. Snoke And Paula S. Snoke, Co-Trustees, 3450 Stepath Mound Lane, Lancaster, Ohio 43130 (Being Tax Parcel No. 0531003010 [0.94 Acre, R19, T14, S3 NE])
4. Fair Avenue Development, Llc, 603 W. Wheeling Street, Lancaster, Ohio 43130 (Being Tax Parcel No. 0531003000 [R19, T14, S3 NE])
5. Fairfield Homes, Inc., % Mary Gorsuch, P.O. Box 190, Lancaster, Ohio 43130 (Being Tax Parcel No. 0531001600 [9.66 Acres, R19, T14, S 2 SW NW])
6. Roxton Ravine Common Area, % Advanced Management Realty, 5350 E. Livingston Avenue, Columbus, Ohio 43232 (Being Tax Parcel No. 0531353809 [21.96 Acres, Villas At Roxton Ravine])

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 E to the City's Zoning District Change Packet, by first class mail, at least twenty days before the date of the public hearing to the above-listed landowners.

FURTHER AFFIANT SAYETH NAUGHT.

Fat Creek, LLC, an Ohio limited liability company

By: 

Douglas Balthaser, Authorized Member

Sworn to before me a Notary Public in and for said County and State on the 22<sup>nd</sup>  
day of March, 2018.

  
\_\_\_\_\_  
Notary Public—State of Ohio



**RAYMOND R. MICHALSKI**  
ATTORNEY AT LAW  
Notary Public, State of Ohio  
Lifetime Commission

**CITY OF LANCASTER  
PLANNING COMMISSION  
DEPARTMENT OF ENGINEERING  
121 EAST CHESTNUT STREET, Suite 100  
LANCASTER, OHIO 43130-3825  
OFFICE (740) 687-6614 - FAX (740) 277-4390**



March 21, 2018

RE: Property Rezoning Request for Parcel #053-10032-00

City Council Members,

In accordance with the requirements of Lancaster Codified Ordinance 1159.04(d), I am providing you notification that the City Planning Commission considered the above rezoning request at a March 8, 2018 public hearing as part of Case #2018.002 and recommended a denial of the rezoning request.

Respectfully submitted,

Paul Martin  
Service Safety Director  
Planning Commission Secretary

**EXHIBIT**

B

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