

TEMPORARY ORDINANCE NO. 6-20

PERMANENT ORDINANCE NO. 13-20

AN ORDINANCE AMENDING THE ZONING MAP FOR THE 12.646 ACRE TRACT, PARCEL NUMBER 0534000700, BEHIND 2535 EAST MAIN STREET

WHEREAS, a petition to rezone the above property from RS-3 Single Family Residential to CG Commercial General was received on February 6, 2020 by the City Engineering Department; and

WHEREAS, the City Planning Commission held a public hearing on March 12, 2020 and approved the rezoning request application in a 7-0 vote as set forth in Exhibit A attached hereto and incorporated herein;

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 revised by changing the zoning for the 12.646 acre tract Parcel Number 0534000700, behind 2535 East Main Street, Official Record 1763, Page 48 from RS-3 Single Family Residential to CG Commercial General as recommended by a 7-0 vote of the City Planning Commission on March 12, 2020 as set forth in Exhibit A attached hereto.

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: 6/8/2020 after 3<sup>rd</sup> reading. Vote: Yeas 9 Nays 0

Approved: 6/8/2020

Clerk: Jessica Lee Sandy

Offered by: Don J. McDaniel

Second by: Tim Sisk

Requested by Economic Development Committee

[Signature]  
President of Council  
[Signature]  
Mayor



**CITY OF LANCASTER**  
**Engineer's Office**

March 12, 2020

**RE: Hershberger Change of Zoning Request**

Dear Teresa:

As the Clerk of City Council, this letter is being provided to you to note that, on Thursday, March 12, 2020, the City Planning Commission voted 7-0 in favor of recommending to the City Council that the change of zoning request application submitted for the Hershberger property along E. Main Street (US-22) be approved as submitted.

With this letter we are attaching the report that our office prepared for the Planning Commission meeting; among other things, this report includes the zoning change request application submitted by the petitioner. Minutes from the meeting will also be forwarded once they have been completed.

Additionally, we are also sharing the Excel spreadsheet of the adjoining property owners so that City Council can prepare letters for another public hearing regarding this petition. I would also please ask that you inform my office, at the appropriate time, so that signs can be erected for the public hearing to be held at Council Chambers.

Thank you,

Mitch Noland, P.E., S.I.  
City Engineer  
Department of Engineering



**CHANGE OF ZONING REQUEST  
Hershberger Property  
City Planning Commission Meeting  
March 12, 2020**

**CASE No.:** 2020.005

**REQUEST:** Change of zoning from Residential Single Family RS-3 to Commercial General CG

**PETITIONER:** Jadon R. & Justin Hershberger  
H&H Prime Holding, LLC  
1555 Pleasantville Road  
Lancaster, Ohio 43130

**PETITIONER'S AGENT:** Clark & Clark and Associates  
Jonathan C. Clark  
130 E. Chestnut Street  
Lancaster, Ohio 43130  
740-689-9089

**PREVIOUS ACTION:** None

**SITE LOCATION:** 12.646 acre tract behind 2535 E. Main Street (see Exhibit B)

**SITE DESCRIPTION:**

The petitioners have requested this zoning change because they wish to develop the property for commercial use. Approximately 2.8 acres of the property is already zoned CG, but the remainder of the property is zoned RS-3, and it is this RS-3 portion of the property that the petitioners are seeking to change. The petitioners' zoning change application has been attached as Exhibit A.

Surrounding land use is mixed. Most of the adjacent land to the north is used for agricultural purposes, but there is also one residential property. Land use to both the east and west is commercial. The adjacent properties to the south have a mix of residential, commercial, and industrial uses.

The property is currently zoned both RS-3 and CG. Surrounding zoning is CG to the east, a combination of CG and Industrial Medium (IM) to the south, and a combination of RS-3 and CG to the west. The properties to the north are in Pleasant Township and all zoned Single Family Residential (R-1). A map showing the existing zoning districts surrounding this property has been attached as Exhibit C.

The proposed CG zoning is designed to provide a broad range of business activity oriented toward community and/or regional markets. Such business uses, by their nature, rely on higher volumes of customer traffic and generally have higher impact levels on adjacent uses. It is intended to encourage the most compatible relationship between permitted uses and overall traffic movement, while minimizing negative impacts on adjacent land uses. Uses allowed in a CG district include:

1. Public or private open land uses (parks, playgrounds, reservoirs, etc.)
2. Churches and similar places of public assembly
3. Public/private schools
4. Colleges/Universities
5. Community Service Facilities (museums, libraries, etc.)
6. Public protection facilities (police, fire, etc.)
7. Off-street parking areas/garages
8. Administrative, business, or professional offices (insurance agents, real estate agents, medical professionals, lawyers, accountants, etc.)
9. Retail stores which engage in merchandise or services for personal or household consumption (grocery, hardware, apparel, drug stores, etc.)
10. Personal services involving the care of the person and his/her personal effects (restaurants, banks, barber/beauty shops, funeral homes, etc.)
11. Businesses engaged in providing services to other businesses on a fee or contract basis
12. Recreational facilities (bowling alleys, skating rinks, swimming pools, etc.)
13. Lumber and home improvement sales
14. Automobile sales and service establishments, including gasoline service stations
15. Theaters and similar public assembly facilities
16. Hotels/Motels
17. Garden centers

Given that Marietta Road is not an arterial street, CG zoning would require 50 feet of frontage, a 25 foot setback from the right-of-way, and a minimum 10 foot setback from all abutting R (Residential) districts. Uses in a CG district would be subject to screening, parking, signage and other zoning requirements.

The primary access into the site would be from Main Street (US-22) or/and Marietta Road, along both of which the property has frontage. Main Street is designated as a major arterial street and Marietta Road is designated as a local street on the City's Thoroughfare Plan.

Water and gas service is currently available to the site from both Main Street and Marietta Road. Sanitary sewer is currently available to the site from Main Street.

The site generally drains either west into an adjacent property or south into a drainage system in the Main Street right-of-way. Ultimately, the runoff from this

site discharges into Pleasant Run, which is just west of the property. The western portion of the property is located within a FEMA regulated floodplain area (see Exhibit D). Any future development in this area will be required to comply with the City's floodplain regulations. When developed, the site will need to include a storm sewer system and stormwater detention that complies with the City's requirements.

This site is outside the Wellhead Protection Area and outside the Historic Preservation District.

Soils on the site consist primarily of Centerburg Silt Loam (CfB), Urban Land-Udorthents (Uy), Westland Silt Loam (Wg), and Westland Silty Clay Loam (Wk). Most of the soils have limitations for buildings, parking lots, and roadways due to limited bearing capacity, shrinking/swelling, the potential for ponding, and a seasonal high water table.

#### **ISSUES FOR PLANNING COMMISSION CONSIDERATION:**

1. This rezoning is being done under LCO 1159.04(a) as a rezoning at the request of the petitioner.
2. The Land Use Plan recommends this area for commercial use, and many of the adjacent properties to the south and east are already zoned Commercial General (CG).
3. The Planning Commission may recommend that the application be approved as submitted, approved as amended, approved subject to modification, or denied. If denied, the petition is not to be considered by City Council unless the petitioner files a written request with the Clerk of City Council within 15 days from the date of the Planning Commission action for a hearing by the City Council.

#### **RECOMMENDATION:**

The staff has no recommendation.

#### **EXHIBITS:**

Exhibit A: Application for District Change  
Exhibit B: Location Map  
Exhibit C: Existing Zoning Map  
Exhibit D: Floodplain Map

Date Filed: February 6, 2020  
 Planning Commission Review Date: March 12, 2020  
 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.

JUSTIN HERSHBERGER

1. Name of Petitioner: JADON R HERSHBERGER H&H PRIME HOLDING, LLC
2. Address & Phone Number: 1555 PLEASANTVILLE RD LANCASTER OHIO 43130  
~~P# 0534000700~~
3. Petitioner's Attorney or Agent's Name, Address and Phone Number: 740-689-9089  
Jonathan C Clark, 130 E. Chestnut St, Lancaster, OH 43130
4. General Area and Location of Request: 2535 EAST MAIN ST LANCASTER  
EAST-NORTH AND NORTH WEST OF PROPERTY - TO MARIETA RD  
PARCEL # 0534000700
5. Present Zoning District: RESIDENTIAL RS-3 and CG

6. Requested Zoning District: COMERCIAL GENERAL

7. Reason for this Application: OWNERSHIP WANTS TO USE PROPERTY # FOR COMERCIAL USES

8. Legal Description of the Property: OHIO COUNTY - FAIRFIELD CITY OF LANCASTER TWP 14 RANGE 18 SECTION 3 NORTHWEST QUARTER  
\* See Attached legal description.

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? Jonathan C. Clark, Esq.

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

[Signature]  
Applicant (Property Owner's Signature)

Sworn to before me a Notary Public in and for said Fairfield County and State of Ohio, on the 8th day of January, 2020.

[Signature]  
Notary Shawnal Kunkler  
NOTARY PUBLIC  
STATE OF OHIO  
Commission expires  
May 16, 2022

[Signature] 2-06-2020  
Engineer's Approval & Date



**TOBIN-McFARLAND SURVEYING, INC.**

**Professional Land Surveyors**

111 West Wheeling Street  
Lancaster, Ohio 43130  
Phone (740) 687-1710  
Fax. (740) 687-0877

*Description of 12.646 Acres*

Situated in the State of Ohio, County of Fairfield, City of Lancaster, Township 14, Range 18, Section 3, Northwest Quarter.

Being the remainder of the 21.2 acre tract as described in Official Record 1544, Page 2543, and being more fully described as follows:

Beginning at a point in Marietta Road, on the north line of Section 3, and being the northeast corner of a 1.087 acre tract described in Official Record 1104, Page 2314, said point is located South 89°24'45" East a distance of 899.28 feet from the northwest corner of Section 3 and being located South 89°24'45" East a distance of 725.28 feet from a concrete post at the southwest corner of Section 34 of Pleasant Township;

thence with Marietta Road and the north line of Section 3, South 89°24'45" East a distance of 1227.55 feet to a point being the northwest corner of a 1.36 acre tract described in Official Record 1523, Page 1178;

thence South 01°05'53" West, passing a 5/8 inch iron pipe found at 21.95 feet, a total distance of 108.52 feet to a 1/2 inch rebar found at the northeast corner of a 0.686 acre tract described in Official Record 1632, Page 2683;

thence South 64°49'53" West a distance of 198.70 feet to a 1/2 inch rebar found at the northwest corner of said 0.686 acre tract;

thence South 25°10'07" East, passing a 1/2 inch rebar found at 160.00 feet, a total distance of 200.00 feet to a point in Main Street (U.S. Route 22) and being the southwest corner of the 0.686 acre tract;

thence with Main Street South 65°01'59" West a distance of 311.94 feet to a point being the southeast corner of a 0.688 acre tract described in Official Record 1758, Page 2304;

thence North 24°57'59" West, passing a 1/2 inch rebar found at 50.00 feet, a total distance of 200.00 feet to a 1/2 inch rebar found at the northeast corner of said 0.688 acre tract;

thence South 65°00'40" West, passing a 1/2 inch rebar found at 150.00 feet, a total distance of 319.80 feet to a one inch iron pipe found at the northwest corner of a 0.780 acre tract described in Official Record 1265, Page 1563, and on the east line of a 0.621 acre tract described in Official Record 1732, Page 1958;

thence North 24°59'20" West a distance of 70.00 feet to a 5/8 inch rebar previously set at the northeast corner of said 0.621 acre tract;

thence South 65°01'07" West a distance of 100.00 feet to a 5/8 inch rebar previously set at the northwest corner of the 0.621 acre tract;

thence with the west line of the 0.621 acre tract South 24°59'20" East a distance of 70.00 feet to a one inch iron pipe found at the northeast corner of a 0.321 acre tract described in Official Record 1206, Page 196;

thence South 64°58'41" West a distance of 274.84 feet to a one inch iron pipe found at the northwest corner of a 0.918 acre tract described in Official Record 1496, Page 3;

thence North 25°02'35" West, passing a one inch iron pipe found at 15.01 feet, a total distance of 211.04 feet to a one inch iron pipe found at a corner of a 0.214 acre tract described in Official Record 1481, Page 3153;

thence South 00°51'34" West, passing a one inch iron pipe found at 217.48 feet and a mag spike set at 412.67 feet, a total distance of 457.12 feet to a point in Main Street being the southwest corner of a 0.464 acre tract described in Official Record 1302, Page 185;

thence South 65°00'07" West a distance of 59.37 feet to a point being the southeast corner of a 1.24 acre tract described in Deed Volume 462, Page 664;

thence North 01°18'09" East, passing a 5/8 inch rebar set at 44.62 feet, a total distance of 482.38 feet to a 5/8 inch rebar set at the northeast corner of said 1.24 acre tract;

thence North 00°40'27" East, passing a 5/8 inch rebar set at 409.27 feet, a total distance of 439.27 feet to the point of beginning, *containing 12.646 acres.*

Bearings are based on the north line of Section 3 being South 89°24'45" East by previous survey filed in Survey Book 60, Page 15145. Rebars set are 5/8 inch by 30 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in March of 2018 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

S-2018:Noland



*Rodney McFarland* 3/14/18  
Rodney McFarland, P.S.      Date  
March 1, 2018      originals are signed in blue ink



**TOBIN-McFARLAND SURVEYING, INC.**

**Professional Land Surveyors**

111 West Wheeling Street  
Lancaster, Ohio 43130  
Phone (740) 687-1710  
Fax. (740) 687-0877

**Description of 9.877 Acres  
For Re-Zoning**

Situated in the State of Ohio, County of Fairfield, City of Lancaster, Township 14, Range 18, Section 3, Northwest Quarter.

Being 9.877 acres of the 12.646 acre tract described in Official Record 1763, Page 48, and being more fully described as follows:

Beginning at a point in Marietta Road, on the north line of Section 3, and being the northeast corner of a 1.087 acre tract described in Official Record 1104, Page 2314, said point is located South 89°24'45" East a distance of 899.28 feet from the northwest corner of Section 3 and being located South 89°24'45" East a distance of 725.28 feet from a concrete post at the southwest corner of Section 34 of Pleasant Township;

thence with Marietta Road and the north line of Section 3, South 89°24'45" East a distance of 1227.55 feet to a point being the northwest corner of a 1.36 acre tract described in Official Record 1523, Page 1178;

thence South 01°05'53" West, passing a 5/8 inch iron pipe found at 21.95 feet, a total distance of 64.60 feet to a point;

thence South 64°59'36" West a distance of 849.05 feet to a point on the east line of a 0.621 acre tract described in Official Record 1732, Page 1958;

thence North 24°59'20" West a distance of 30.31 feet to a 5/8 inch rebar previously set at the northeast corner of the aforementioned 0.621 acre tract;

thence South 65°01'07" West a distance of 100.00 feet to a 5/8 inch rebar previously set at the northwest corner of the 0.621 acre tract;

thence with the west line of the 0.621 acre tract South 24°59'20" East a distance of 30.36 feet to a point;

thence South 64°59'36" West a distance of 274.88 feet to a point on the east line of a 0.214 acre tract described in Official Record 1481, Page 3153;

thence North 25°02'35" West a distance of 171.32 feet to a one inch iron pipe found at a corner of the aforementioned 0.214 acre tract;

thence South 00°51'34" West a distance of 190.40 feet to a point;

thence South 64°59'36" West a distance of 57.07 feet to a point on the east line of a 1.24 acre tract described in Deed Volume 462, Page 664;

thence North 01°18'09" East a distance of 214.66 feet to a 5/8 inch rebar set at the northeast corner of the aforementioned 1.24 acre tract;

thence North 00°40'27" East, passing a 5/8 inch rebar set at 409.27 feet, a total distance of 439.27 feet to the point of beginning, containing **9.877 acres**.

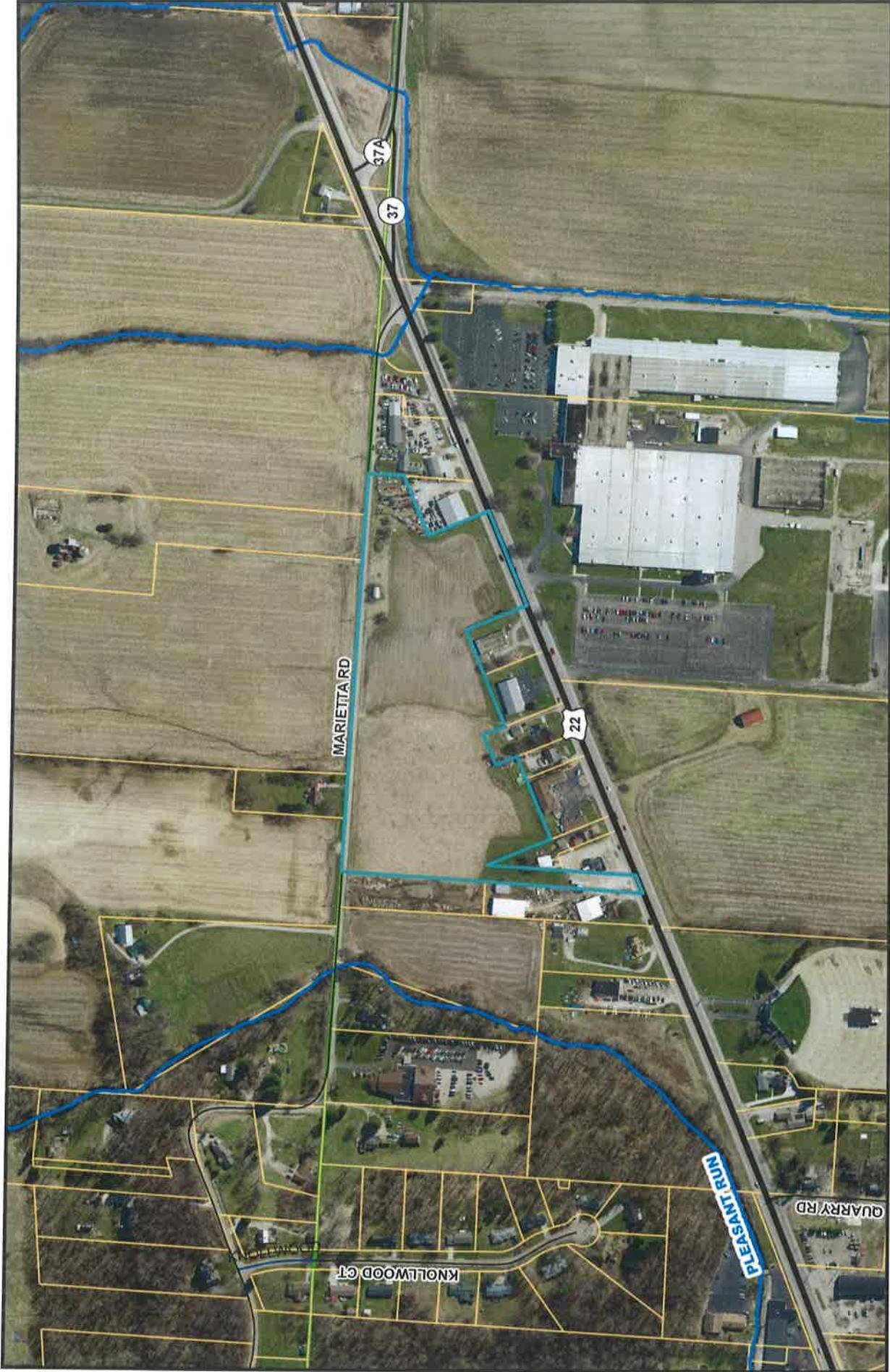
Bearings are based on the north line of Section 3 being South 89°24'45" East by previous survey filed in Survey Book 60, Page 15145. Rebars set are 5/8 inch by 30 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in March of 2018 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.



*Rodney McFarland* 4/9/2020  
Rodney McFarland, P.S. Date  
January 29, 2020 originals are signed in blue ink





**Legend**

-  Parcels
-  Streams
-  Corporation Boundary



**Exhibit B  
Location Map**



**DISCLAIMER**  
 All data created has been developed to meet National Map Accuracy Standards. All GIS data layers are referenced in the Ohio State Plane Coordinate System.  
 Horizontal - North American Datum (NAD) 83 (165)  
 Vertical - North American Vertical Datum (NAVD) 88  
 Units - Spheroidal Feet  
 All data has been developed from public records that are constantly undergoing change and is not warranted for content, completeness or accuracy. The City of Lancaster does not warrant, guarantee or represent the data to be fit for a particular use or purpose. If detailed information is required for data layers shown, please contact the City of Lancaster, Department of Information Technology. Please notify the City of Lancaster, Department of Information Technology with any discrepancies.



**Legend**

Zoning  
 <all other values>

Zoning\_Code  
 AG  
 CBD  
 CG  
 CG/PUD

CH  
 CN  
 IH  
 IL  
 IM  
 OM  
 RE

RM-0  
 RM-1  
 RM-2  
 RM-3  
 RM-3/PUD  
 RM-4

RM-3/PUD  
 RS-1  
 RS-2  
 RS-3  
 RS-3/PUD  
 RS-4

**DISCLAIMER**

All data created has been developed to meet National Map Accuracy Standards. All GIS data layers are referenced in the Ohio State Plane Coordinate System.

Horizontal - North American Datum (NAD) 83 (85)  
 Vertical data - North American Datum (NAD) 83 (85)

All data has been developed from records that are constantly changing and is not warranted, guaranteed or accurate. The City of Lancaster does not warrant, guarantee or represent the data to be fit for a particular use or purpose. If detailed information is required for data layers shown, please contact the City of Lancaster, Department of Information Technology. Please notify the City of Lancaster, Department of Information Technology with any discrepancies.



**Exhibit C**  
**Zoning Map**

0 200 400 800 Feet



- Legend**
- 2012 Floodway
  - 2012 Floodplain
  - <all other values>
  - FLD\_ZONE
  - 0.2 PCT ANNUAL CHANGE FLOOD HAZARD
  - X PROTECTED BY LEVEE

- A
- AE
- AREA NOT INCLUDED
- X

**DISCLAIMER**

All data created has been developed to meet National Map Accuracy Standards. All GIS data layers are referenced in the following:

- Horizontal - North American Datum (NAD) 83 (95)
- Vertical - North American Datum (NAD) 83 (95)

All data has been developed from public records that are constantly undergoing change and is not warranted for content, completeness or accuracy. The City of Lancaster does not warrant, guarantee or represent the data to be fit for a particular use or purpose. If detailed information is required for data layers shown, please contact the City of Lancaster, Department of Information Technology. Please notify the City of Lancaster, Department of Information Technology with any discrepancies.



**Exhibit D**

**Floodplain Map**

0 100 200 400 Feet

<u>OWN1</u>	<u>OWN2</u>	<u>PADDR1</u>	<u>MADDR1</u>	<u>MCITYNAME</u>	<u>MSTATE</u>	<u>MZIP1</u>
CAUDILL CODY C	& LEISHA R SURV	2505 2509 E MAIN ST	2505 E MAIN ST	LANCASTER	OH	43130
DIAMOND POWER INTERNATIONAL LLC		2520 2600 E MAIN ST	P O BOX 415	LANCASTER	OH	43130
GEORGE DEA L		2501 E MAIN ST	2501 E MAIN ST	LANCASTER	OH	43130
H & H PRIME HOLDING LLC		2535 E MAIN ST	3236 SR 93	SUGARCREEK	OH	44681
HOLLIDAY PAUL N		2443 E MAIN ST	6605 STAGECOACH RD NW	RUSHVILLE	OH	43150
KING MICHAEL W	& JOYCE A SURV	1981 MARIETTA RD NE	1981 MARIETTA RD NE	LANCASTER	OH	43130
MARIETTA ROAD PROPERTY LLC		2071 MARIETTA RD NE	4803 GREEN TRAIL	MCKINNEY	TX	75071
NEELEY FOSTER VOIGT FARMS LLC	C/O DAVID NEELEY	MARIETTA RD NE	4803 GREEN TRAIL	MCKINNEY	TX	75071
QUARRY ROAD PROPERTIES #3 LLC		E MAIN ST	6105 BREMEN RD	LANCASTER	OH	43130
SHAHAN DONALD E	& HEFT CHRISTY L	2599 MAIN ST	2599 E MAIN ST	LANCASTER	OH	43130
SWISHER CHRISTINA R TRUSTEE		2479 E MAIN ST	2479 E MAIN ST	LANCASTER	OH	43130
THOMAS PHILIP M TRUSTEE	& TERRI R TRUSTEE	2519 2521 E MAIN ST	1593 STONE GLEN CT	LANCASTER	OH	43130
UHL WILLIAM M JR		2473 E MAIN ST	2473 E MAIN ST	LANCASTER	OH	43130
WAITS ROY C & SANDRA L SURV	C/O DONNA REED	2585 E MAIN ST	2585 E MAIN ST	LANCASTER	OH	43130
WALTER JOSEPH A	& CONNIE J SURV	2465 E MAIN ST	2465 E MAIN ST	LANCASTER	OH	43130
WINTERS JILL N	& BEERY JULIE G	MARIETTA RD NE	655 LAKE RD SE	LANCASTER	OH	43130