

TEMPORARY ORDINANCE NO. 4-20

PERMANENT ORDINANCE NO. 11-20

AN ORDINANCE AMENDING THE ZONING MAP FOR THE 18.939 ACRE PROPERTY BETWEEN NORTH MEMORIAL DRIVE AND NORTH COLUMBUS STREET/NELSON ROAD PARCEL NUMBERS 0532152400, 0532152600, 0532144900, 0532145000

WHEREAS, a petition to rezone the above property from RS-3 Residential Single Family and CG Commercial General to RM-2 Residential Multi-Family with a Planned Unit Development (PUD) overlay was received on January 2, 2020 by the City Engineering Department; and

WHEREAS, the City Planning Commission held a public hearing on February 13, 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 ordinance of the City of Lancaster, Ohio be and the same is hereby revised by changing the zoning for the 18.939 acre property, described in Official Record 1744, Page 3531, from RS-3 Residential Single Family and CG Commercial General to RM-2 Residential Multi-Family with a Planned Unit Development (PUD) overlay.

SECTION 2. That the acceptance specified in Section 1 shall be contingent upon the developer signing a standard City Affidavit of Understanding for locating signs within the public right-of-way.

SECTION 3. That any approval of this change of zoning request be contingent upon the approval of the right-of-way vacation that is part of Temporary Ordinance 1-20 and the conditions set forth therein.

SECTION 4. That the City Engineer is directed to make the changes on the zoning map.

SECTION 5. That this ordinance shall take effect and be in force from the earliest period allowed by law.

Passed: 6/8/2020 after 3rd reading. Vote: Yeas 9 Nays 0

Approved: 6/8/2020

Clerk: Jessie Lee Handy

Offered by: Don M. M. Dandy

Second by: Shelly J. Miller - Danner  
Requested by Economic Development Committee

T. A. C. C. C.  
President of Council

[Signature]  
Mayor



**CITY OF LANCASTER**  
**Storm Water Management**

February 14, 2020

**RE: Flats on Memorial Change of Zoning Request**

Dear Teresa:

As the Clerk of City Council, this letter is being provided to you to note that, on Thursday, February 13, 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 Flats on Memorial property be approved as submitted, contingent upon the developer executing the City's standard Affidavit of Understanding agreement for the two signs proposed to be located within the public right-of-way.

With this letter we are attaching the report that our office prepared for the Planning Commission meeting; among other things, this report includes both the zoning change request application and Development Plan that was submitted by the petitioner. In addition, we are attaching a 13-page document of concerns from nearby residents that was left with Planning Commission by a Michael McGushin of 1789 Nelson Road on behalf of various residents who were unable to attend the Planning Commission meeting. Minutes from the meeting will also be forwarded once they have been completed.

Please keep in mind that the petitioner has requested a Planned Unit Development (PUD) zoning district overlay as part of this request, so the request is to be administered in accordance with LCO Chapter 1147.08.

Thank you,

Steven Wellstead, P.E.  
Stormwater Engineer  
Storm Water Management Department



**CHANGE OF ZONING REQUEST  
Flats on Memorial  
City Planning Commission Meeting  
February 13, 2020**

**CASE No.:** 2020.003

**REQUEST:** Change of zoning from Residential Single Family (RS-3) and Commercial General (CG) to Residential Multi-Family (RM-2) with a Planned Unit Development (PUD) overlay

**PETITIONER:** Flats on Memorial, LLC  
3895 Stoneridge Lane  
Dublin, Ohio 43017

**PETITIONER'S AGENT:** Kontogiannis & Associates  
Randall A. Woodings  
400 S. Fifth Street, Suite 400  
Columbus, Ohio 43215  
614-224-2083

**PREVIOUS ACTION:** Various right-of-way vacations, a re-plat, and a change of zoning dating back to 1955. Most recent action was an approved right-of-way vacation in December 2019.

**SITE LOCATION:** 18.939 acre tract located to the east of the Big Sandy Superstore between N. Memorial Drive and N. Columbus Street/Nelson Road (see Exhibit #3)

**PROJECT & SITE DESCRIPTION:**

The petitioners have requested this zoning change in order to construct a multi-family apartment complex on the property. Since the petitioner is requesting a PUD overlay as part of the zoning change request, they are required to submit a Development Plan with their application. The petitioner's zoning change application and Development Plan have been attached as Exhibits #1 and #2, respectively.

Requirements for properties with a PUD zoning overlay are specified in Chapter 1147 of the Lancaster Codified Ordinances (LCO). LCO 1147.08(b) requires ten specific items that must be included within the Development Plan, and the Development Plan submitted by the developer includes all ten of these items.

The proposed facility is a permitted use under the requested zoning. The proposed development meets all bulk and area requirements for the requested zoning.

Surrounding land use is a mix of both commercial and residential. The property is bordered by commercial establishments to the south and west and bordered by residential homes to the north and east.

Surrounding zoning is similar to the surrounding land use. The adjacent properties to the south and west are zoned Commercial General (CG) while the properties to the north and east are zoned Residential Single Family (RS-3). A map showing the existing zoning districts surrounding this property has been attached as Exhibit #4.

The site will be accessed from Memorial Drive via two different locations. The western entrance will be through a shared private driveway at the existing traffic light next to the Sherwin Williams building. The eastern entrance will be a public roadway to be constructed through the unimproved Lowell Drive right-of-way between the Ohio Health building and Coconi's Furniture and Mattress store. This new public roadway will be a right-in, right-out access.

Two sanitary sewers run along the northern perimeter of the property and are available to service the site. Water is currently available along Memorial Drive and will have to be extended to the property to service the site. The developer has noted that the complex will not be served by natural gas, so no gas main extensions will be necessary.

Most of the site drains north and east into Hocking River Lateral A, which generally runs along the northern perimeter of the site. The site contains special flood hazard areas as delineated on FEMA map 39045C0251G dated January 6, 2012, although most of the site is outside of the special flood hazard area. 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 Aetna silt loam (Ag), Amanda silt loam (AmB and AmC2), and Urban land-Udorthents complex (Uy). These soils have moderate limitations for buildings, parking lots, and roadways due to limited bearing capacity, shrinking/swelling, and seasonal high water table.

## ISSUES FOR PLANNING COMMISSION CONSIDERATION:

1. In accordance with LCO 1147.08(d), Planning Commission needs to determine:
  - o Whether the PUD is consistent with the Future Land Use Plan
  - o Whether the PUD harmonizes with the existing and expected development of surrounding areas
  - o Whether the PUD is a unified treatment of the development possibilities of the project site
  - o Whether the PUD is consistent with the stated purposes and standards of Chapter 1147
2. The Land Use Plan recommends this area for part residential and part commercial use.
3. Per 1147.05(d), PUD properties are permitted to prescribe their own maximum building height limits. The Development Plan identifies the maximum building height at 38 feet. For reference, the standard zoning code, if it applied, would limit the maximum building height on this property to 35 feet.
4. Per LCO 1147.04(b)(2), signs for PUD properties must comply with the provisions of Chapter 1317. The Development Plan has proposed the construction of two off-premises signs, but Chapter 1317 does not allow the construction of off-premises signs.
5. This development will create residential units and must comply with the public sites and open spaces requirements of LCO 1109.12. The developer has already been in contact with the Parks Board to discuss possibilities for meeting these requirements.
6. The Planning Commission may recommend that the application be approved as submitted, approved as amended, approved subject to modification, or denied. No matter what Planning Commission recommends, the application will be forwarded to City Council.

**RECOMMENDATION:**

The staff has no recommendation. If Planning Commission recommends any form of approval of the Development Plan with any signage within the public-right-of-way, then staff recommends that the recommendation for approval be given contingent upon the developer signing a standard Affidavit of Understanding for locating signs within the public right-of-way.

**EXHIBITS:**

- Exhibit 1 – Application for District Change
- Exhibit 2 – Development Plan
- Exhibit 3 – Location Map
- Exhibit 4 – Existing Zoning Map

Date Filed: January 2, 2020  
 Planning Commission Review Date: February 13, 2020  
 Application Fee (\$150 + \$10/parcel): \$190.00  
 Sign Posting Fee (\$50): \$ 50.00  
 Publication Fee (\$100): \$ 100.00  
 Total Fee: \$ 340.00

**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: Flats on Memorial, LLC
2. Address & Phone Number: 3895 Stoneridge Lane, Dublin, Ohio 43017 614-923-4000
3. Petitioner's Attorney or Agent's Name, Address and Phone Number: \_\_\_\_\_  
 Kontogiannis & Associates  
 Architects/Planners  
 Randall Alan Woodings, 614-582-3066 (C), 614-224-2083 (o)  
 400 S. Fifth St., Ste. 400 Columbus, Ohio 43215    rwoddings@kontogiannis.com
4. General Area and Location of Request: \_\_\_\_\_  
See Attachment "A"
5. Present Zoning District: RS-3 & CG

6. Requested Zoning District: RM-2/PUD

7. Reason for this Application: \_\_\_\_\_

The current application is being submitted for a zone change from RS-3 and CG to Residential RM-2/PUD to allow the construction of a multifamily apartment project.

8. Legal Description of the Property: See Attachment "B"

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: \_\_\_\_\_

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

12. The above statements and the statements contained in all exhibits transmitted herewith are true. Fairfield Commercial Properties LLC

[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 31 day of December, 2019.

[Signature]  
Notary

[Signature] 1-09-2020  
Engineer's Approval & Date



Katherine D Bowman  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
September 04, 2023



**Kontogiannis & Associates**

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Architecture • Planning • Design

**ATTACHMENT A**

**GENERAL AREA/LOCATION OF REQUEST**

The Flats on Memorial is a development proposal located on a part of vacated portion of Lowell Drive and Emerson Boulevard in John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition, and being part of Lots 5 & 6 in Colonial Heights Addition. Entry to the project will be from Lowell drive from North Memorial Drive. A secondary entrance to the development will located at the western portion of the site to the commercial road accessible from the traffic light on North Memorial Drive West of Pierce Avenue. The proposed project will be a multi-family housing development.

phone: 614.224.2083

fax: 614.224.4736

e-mail: [architects@kontogiannis.com](mailto:architects@kontogiannis.com)

400 south fifth street • suite 400 • columbus, ohio 43215-5492

### DESCRIPTION OF 18.939 ACRES FOR ZONING PURPOSES

Situated in the State of Ohio, County of Fairfield, City of Lancaster, Sections 35 & 36, Township 15, Range 19, United States Military Lands, and being part of a 14.751 acre tract of land and all of a 3.654 acre tract of land, conveyed to Fairfield Commercial Properties, LLC, of record in Official Record 1744, Page 3531, being part of vacated portion of Lowell Drive and Emerson Boulevard in John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition, of record in Plat Book 8, Page 124, and being part of Lots 5 & 6 in Colonial Heights Addition, of record in Plat Book 6, Page 14, all references to records being on file in the Office of the Recorder, Fairfield County, Ohio, said 18.939 acre tract being more fully described herein;

**BEGINNING** at a 5/8" rebar found (Tobin McFarland) at a northwest corner of said 14.751 acre tract, the northeast corner of a 14.279 acre tract of land, conveyed to Fairfield Christian Church, of record in Official Record 1444, Page 1922, and being at an angle point in the south line of Lot 3 in Colonial Heights Addition Revision of a part of Block 7 and Block 9, of record in Plat Book 7, Page 73;

Thence, with the north line of said 14.751 acre tract, the south line of said Colonial Heights Addition Revision of a part of Block 7 and Block 9, the south line of Colonial Heights Addition Block 9, of record in Plat Book 7, Page 31, and the south line of Vangundy Subdivision of Block 10 Colonial Heights, of record in Plat Book 7, Page 2, the following six (6) courses:

1. South 55°25'19" East, a distance of 206.30 feet, to a 5/8" rebar found (Tobin McFarland);
2. South 83°07'05" East, a distance of 84.98 feet, to a 3/4" pinch top pipe found;
3. South 00°50'31" East, a distance of 104.89 feet, to a 5/8" rebar found (Tobin McFarland);
4. North 81°32'59" East, a distance of 395.02 feet, to an Iron pin set;
5. North 82°30'24" East, a distance of 355.35 feet, to a rebar found in concrete;
6. South 30°58'07" East, a distance of 52.65 feet, to an iron pin set at the southeast corner of Lot 6 in said Vangundy Subdivision of Block 10 Colonial Heights;

Thence, North 45°06'47" East, a distance of 178.69 feet, with a line common to said 14.751 acre tract and the east line of said Lot 6, to an iron pin set on the south right-of-way line of North Columbus Street;

Thence, with the south right-of-way line of said North Columbus Street, the following two (2) courses:

1. With a curve to the right, having a radius of 542.96 feet, a delta angle of 05°36'51", an arc length of 53.20 feet, a chord bearing of South 41°36'32" East and a chord distance of 53.18 feet, to an iron pin set;
2. South 38°48'07" East, a distance of 187.80 feet, to an iron pin set at the northeast corner of said 3.654 acre tract, and the northwest corner of Lot 11 in said Vangundy Subdivision of Block 10 Colonial Heights;

Thence, with a line common with said 3.645 acre tract, the south line of said Vangundy Subdivision of Block 10 Colonial Heights, the west line of Avondale Addition, of record in Plat Book 4, Page 4, and the north line of Colonial Heights Addition, of record in Plat Book 6, Page 14, the following nine (9) courses:

1. South 51°31'09" West, a distance of 210.68 feet, to a 5/8" rebar found;
2. South 30°58'07" East, a distance of 277.09 feet, to a 5/8" rebar found in concrete;
3. South 47°53'13" West, a distance of 222.31 feet, to a 3/4" iron pipe found;

4. South 86°40'09" East, a distance of 123.75 feet, to a 5/8" rebar found;
5. South 53°07'42" West, a distance of 42.04 feet, to a 1/2" rebar found;
6. South 03°10'03" West, a distance of 66.13 feet, to a 1/2" rebar found;
7. North 70°36'14" West, a distance of 123.90 feet, to an iron pin set;
8. South 28°07'05" West, a distance of 61.41 feet, to a rebar found in concrete;
9. North 64°27'57" West, a distance of 226.15 feet, to an iron pin set at the southwest corner of said 3.654 acre tract;

Thence, with part of the vacated portion of Lowell Drive and Emerson Boulevard, the following five (5) courses:

1. North 71°28'33" West, a distance of 60.03 feet, to an iron pin set;
2. South 20°14'33" West, a distance of 86.01 feet, to an iron pin set;
3. North 44°45'26" West, a distance of 66.90 feet, to an iron pin set;
4. With a curve to the left, having a radius of 530.08 feet, a delta angle of 21°22'01", an arc length of 197.68 feet, a chord bearing of North 55°26'27" West and a chord distance of 196.54 feet, to an iron pin set;
5. North 66°07'27" West, a distance of 129.61 feet, to an iron pin set;

Thence, South 23°43'02" West, a distance of 134.02 feet, through said part of the vacated portion of Emerson Boulevard, and the east line of a tract of land, conveyed to Diann L. Helber, Trustee, of record in Official Record 1771, Page 1425, to an iron pin set;

Thence, through said Diann L. Helber tract, and said 14.751 acre tract, the following three (3) courses:

1. North 73°11'37" West, a distance of 540.89 feet, to an iron pin set;
2. North 15°42'03" East, a distance of 71.99 feet, to an iron pin set;
3. North 73°11'37" West, a distance of 175.38 feet, to an iron pin set on the west line of said 14.751 acre tract;

Thence, with the west line of said 14.751 acre tract, the east line of a 3.508 acre tract of land, conveyed to Barkley Holdings, LLC., of record in Deed Book 1738, Page 2124, the east line of a 1.206 acre tract of land, conveyed to Fairfield Christian Church, of record in Official Record 1634, Page 2129, and the east line of said 14.279 acre tract the following two (2) courses:

1. North 16°10'56" East, a distance of 317.11 feet, to a point;
2. North 50°41'22" East, a distance of 247.18 feet, to the **TRUE POINT OF BEGINNING**, containing 18.939 acres, subject to all easements and documents of record.

For the purpose of this description a bearing of North 73°11'37" West was determined for the south property line of a tract of land conveyed to Fairfield Commercial Properties of record in Official Record 1744, Page 3531, as based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011 adjustment). Said bearing was established by Static and RTK GPS Observations, calculated using National Geodetic Survey, OPUS-S service performed on June 12 of the year 2019.

**CIVIL & ENVIRONMENTAL CONSULTANTS, INC.**

# THE FLATS ON MEMORIAL DEVELOPMENT PLAN

NORTH MEMORIAL DRIVE  
LANCASTER, OHIO

## LIST OF DRAWINGS

SHEET	TITLE
COVER	COVER SHEET
1	ZONING EXEMPT
2	ALTIMERE LAND TITLE SURVEY
3	SITE DEVELOPMENT PLAN
4	PERMITS
5	SITE PLAN
6	LANDSCAPE PLAN
7	TRAIL PLAN
8	PERMITS
9	PERMITS
10	PERMITS
11	PERMITS
12	PERMITS
13	PERMITS
14	PERMITS
15	PERMITS

Architect:  
Kontogiannis & Associates  
400 South Fifth Street  
Columbus, Ohio 43215

Civil Engineer:  
Advanced Civil Design  
422 Beecher Road  
Gahanna, Ohio 43230

Civil Engineer:  
Civil & Environmental Consultants, Inc.  
250 Old Wilson Bridge Road, Suite 250  
Worthington, Ohio 43085




**KONTOGIANNIS & ASSOCIATES**  
ARCHITECTURE PLANNING DESIGN  
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COLUMBUS, OHIO 43215-5492  
PHONE: 614-224-2083 FAX: 614-224-4736  
E-MAIL: architects@kontogiannis.com

FORMING SET:  
SHEET:  
PERMIT SET:  
CONSTRUCTION SET  
01/30/2020

GEORGE J. KONTOGIANNIS, LICENSED ARCHITECT  
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**KONTIGIANNIS  
& ASSOCIATES**

ARCHITECTURE  
PLANNING  
DESIGN

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PROJECT:

# THE FLATS ON MEMORIAL

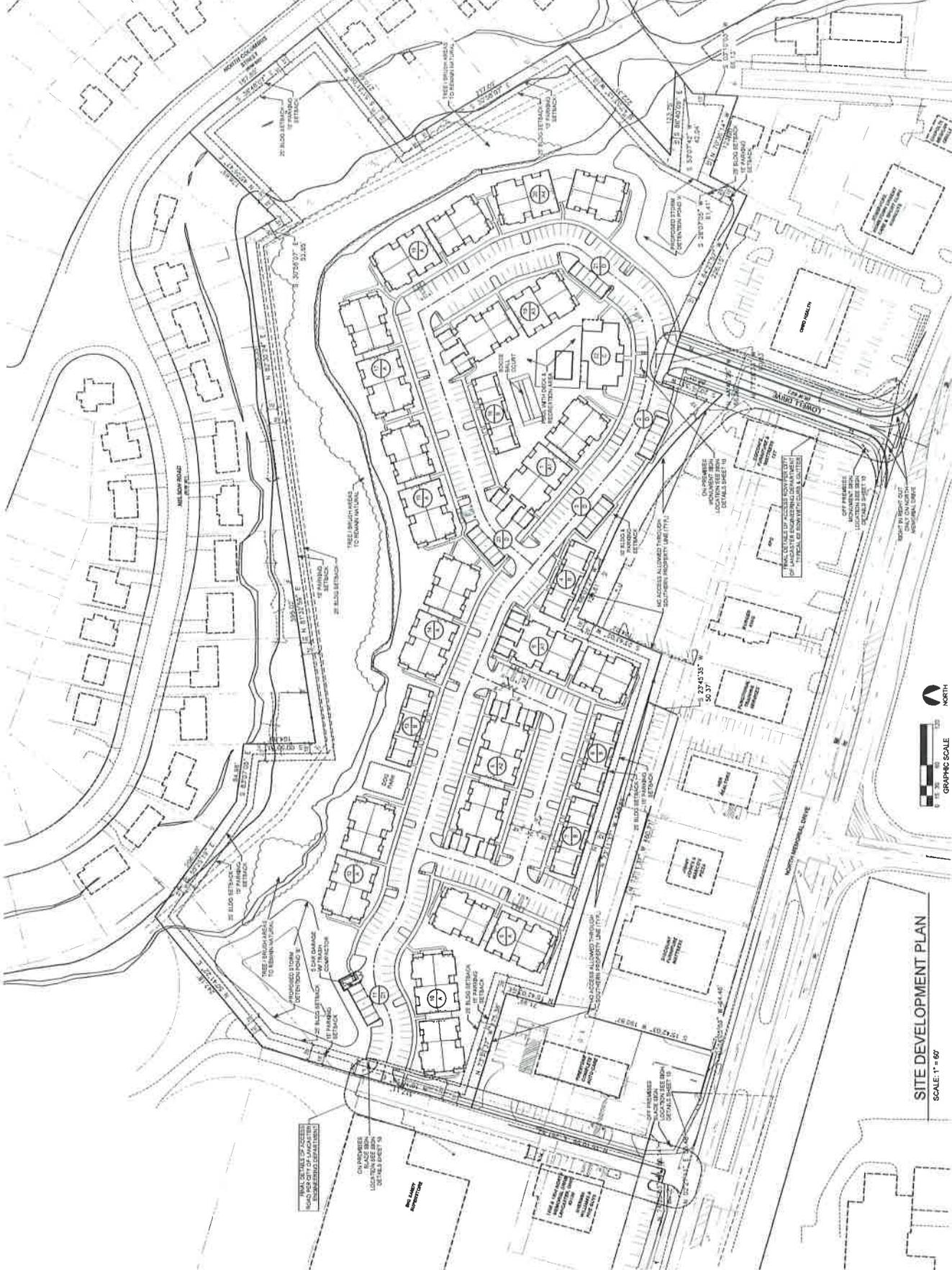
NORTH MEMORIAL DRIVE  
LANCASTER, OHIO

DRAWING TITLE  
SITE DEVELOPMENT  
PLAN

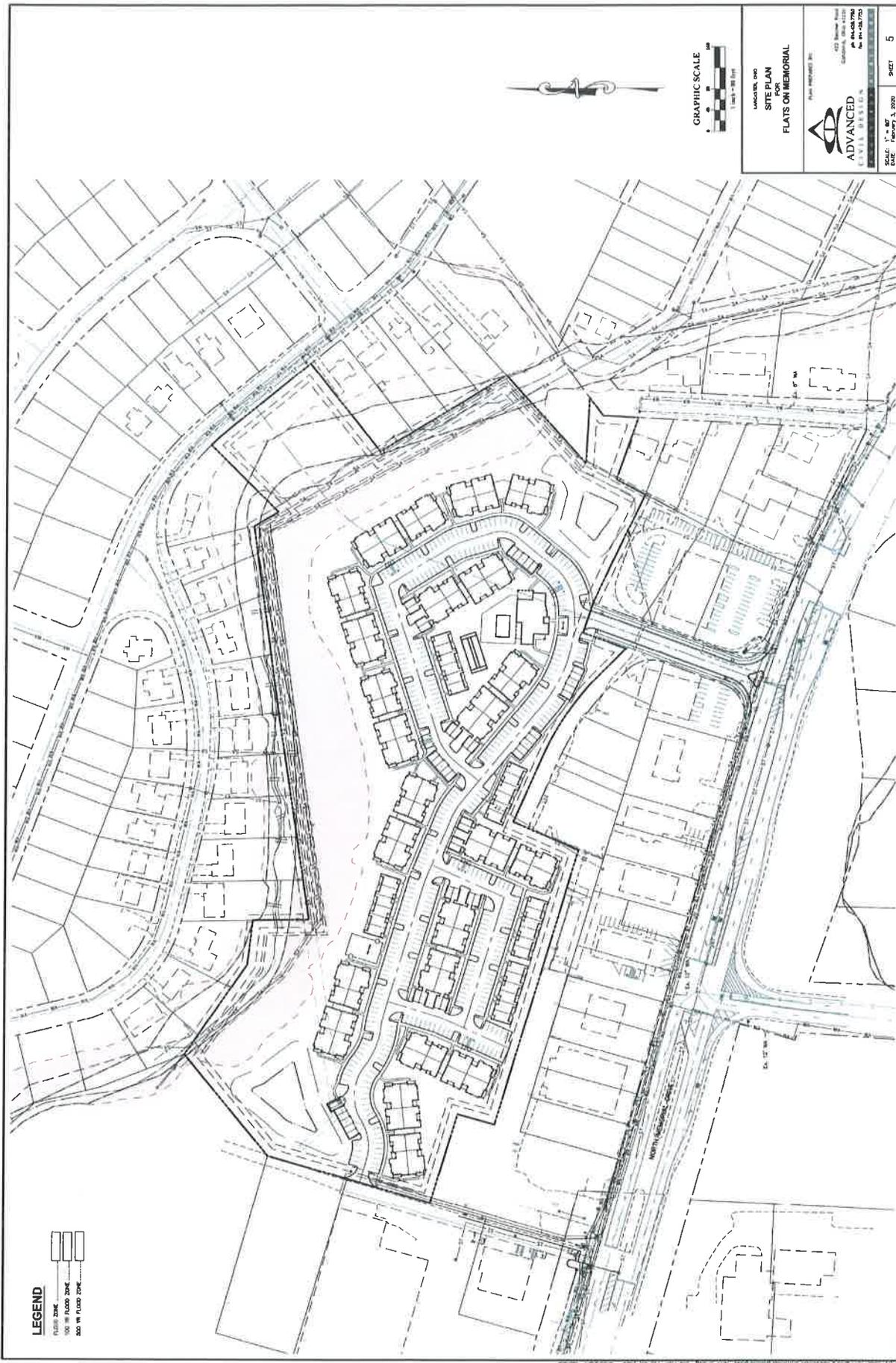
DATE: 02/03/2020  
REVISED:

DESIGNED BY: JONATHAN L. LEMKE, P.E.  
DRAWN BY: JONATHAN L. LEMKE, P.E.  
CHECKED BY: JONATHAN L. LEMKE, P.E.

PROJECT NO.: 2019-001  
SHEET NO.: 001  
CONSTRUCTION SET



**SITE DEVELOPMENT PLAN**  
SCALE: 1" = 60'



**LEGEND**

FLOOD ZONE
   
 100 YEAR FLOOD ZONE
   
 500 YEAR FLOOD ZONE

**GRAPHIC SCALE**

0 10 20 30 40 50
   
 FEET

WASHINGTON, D.C.  
**SITE PLAN FOR**  
**FLATS ON MEMORIAL**

PLAN PREPARED BY:  
  
**ADVANCED**  
**URBAN DESIGN**

422 Belmont Road  
 Washington, D.C. 20007  
 Tel: 202-331-7700  
 Fax: 202-331-7709

SCALE: 1" = 40'  
 DATE: February 3, 2000

SHEET 5









**KONTOGIANNIS & ASSOCIATES**  
 ARCHITECTURE  
 PLANNING  
 DESIGN

400 SOUTH FIFTH ST  
 SUITE 400  
 COLUMBUS, OHIO  
 43215-5492

PHONE: 614-224-2043  
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PROJECT:  
**THE FLATS  
 ON MEMORIAL**

NORTH MEMORIAL DRIVE  
 LANCASTER, OHIO

DRAWING TITLE:  
 EXTERIOR CONCEPT  
 PHOTOS

DATE: 1/27/2019  
 REVISED:

DESIGNED BY: KONTOGIANNIS & ASSOCIATES  
 DRAWING NO: 19-01-001  
 DATE: 1/27/2019



SIMILAR MATERIALITY TO BE USED AT THE FLATS ON MEMORIAL



VIEW TOWARDS POOL AND COVERED PATIO



COVERED ENTRY PATIO



SIMILAR ELEVATION TO BE USED AT THE FLATS ON MEMORIAL



FLATS ON HOUK, DELAWARE OHIO  
 (CURRENTLY UNDER CONSTRUCTION)



VIEW OF APARTMENT FACADE



CLUB HOUSE INTERIOR VIEW

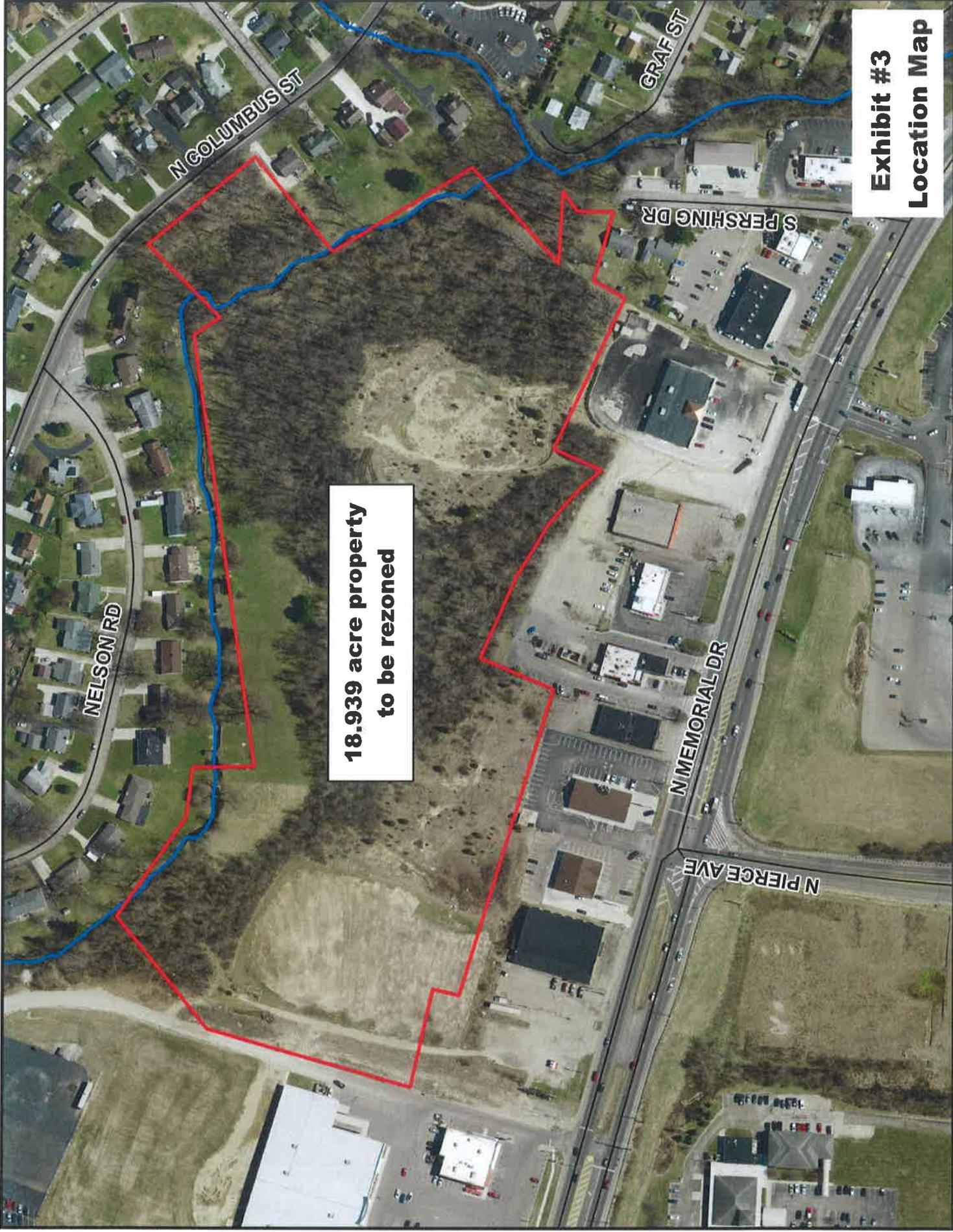


CLUB HOUSE INTERIOR VIEW



CLUB HOUSE INTERIOR VIEW

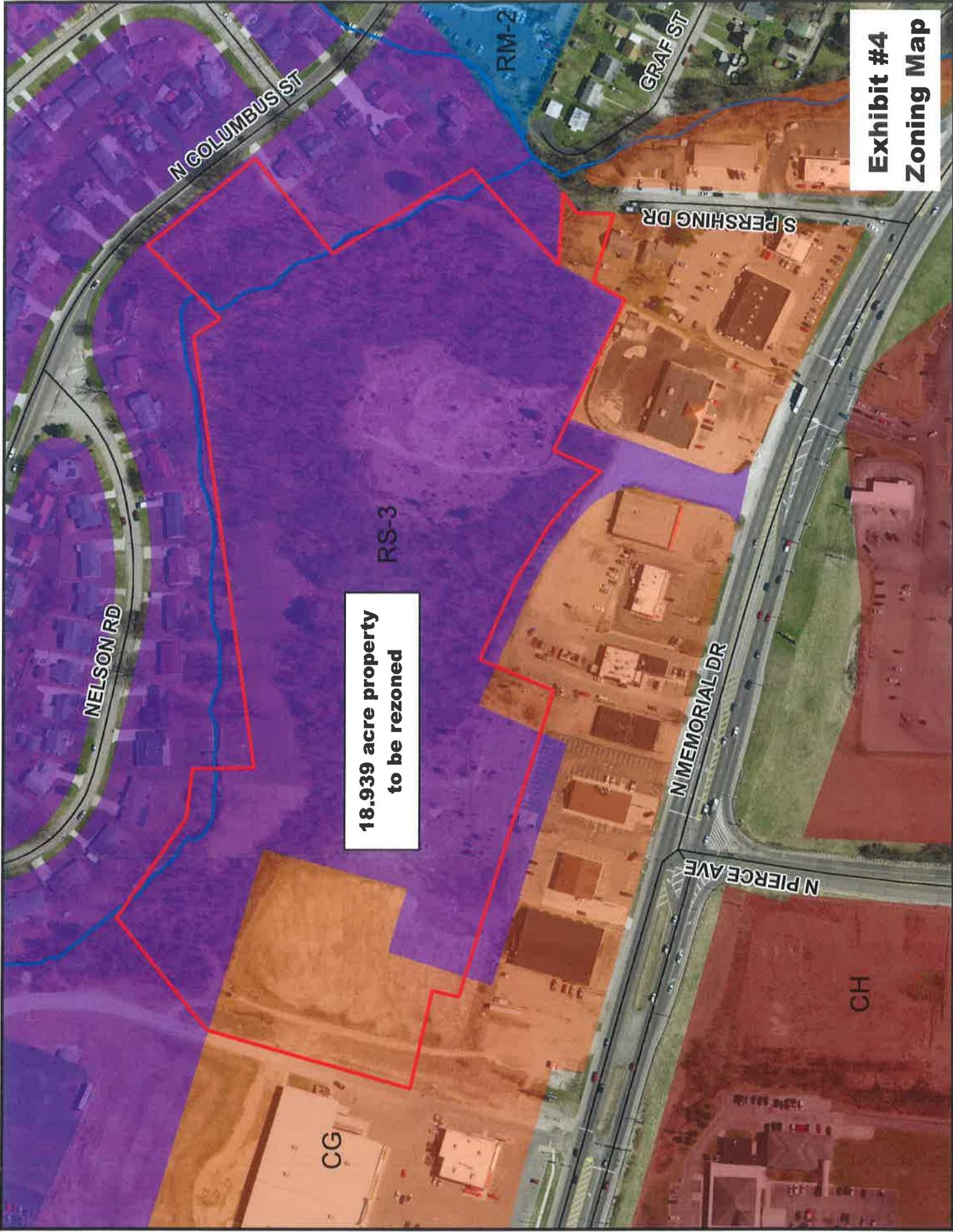




**18.939 acre property  
to be rezoned**

**Exhibit #3  
Location Map**

**Exhibit #4  
Zoning Map**



**18.939 acre property  
to be rezoned**

RS-3

NELSON RD

N COLUMBUS ST

GRAF ST

S PERSHING DR

N MEMORIAL DR

N PIERCE AVE

RM-2

CG

CH