

TEMPORARY ORDINANCE NO. 28-22

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY OF LANCASTER ZONING MAP TO CHANGE THE ZONING OF 20.7 +/- ACRES IDENTIFIED AS FAIRFIELD COUNTY AUDITOR TAX PARCEL NUMBER 0533008400 FROM COMMERCIAL GENERAL (CG) TO RESIDENTIAL SINGLE FAMILY 4 (RS-4), AND TO DECLARE AN EMERGENCY

WHEREAS, an application, see Exhibit A attached hereto, to Amend the Lancaster Zoning Map for Fairfield County Tax Parcel No. 0533008400 from CG to RS-4 for the purpose of constructing a 46-unit patio home residential development, was filed by the property owner on August 2, 2022, with the City of Lancaster Planning Commission pursuant to Lancaster Codified Ordinance (LCO) 1159.04(a); and

WHEREAS, that application was approved at the September 8, 2022, Planning Commission meeting at which time a public hearing was held, according to the meeting minutes attached hereto as Exhibit B; and

WHEREAS, pursuant to LCO 1159.04(e) Lancaster City Council must hold a public hearing, which is currently scheduled for _____, and take action on the application to approve or deny the Amendment to the Zoning Map;

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 is hereby amended to change the zoning for Tax Parcel No. 0533008400, which consists of approximately 20.7 +/- acres, pursuant to Exhibit A, as follows:

a. From Commercial General (CG) to Residential Single Family 4 (RS-4).

SECTION 2. The City Engineer is directed to make this change on the Zoning Map.

SECTION 3. That in the interest of economic development and the public health, safety, and welfare, and more specifically, permitting new development in the City in a timely manner, City Council does hereby declare an emergency so that this ordinance shall take effect and be in full force immediately upon its passage.

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 _____, 2022 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



Date Filed: 8-02-22 MN
Planning Commission Review Date: 9-08-22
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: REM Developments, LLC
2. Address & Phone Number: 9202 Markbury End, Powell, OH 43065 (614)203-1492
3. Petitioner's Attorney or Agent's Name, Address and Phone Number: Richard Craven - Sikora Law
4. General Area and Location of Request: 1850 Lancaster - Newark Rd Lancaster, OH 43130
5. Present Zoning District: CG - Commercial General District

6. Requested Zoning District: 1129.03 (RS) RS-4

7. Reason for this Application: To obtain Residential RS-4 zoning to develop a patio home community (Epcor product).

8. Legal Description of the Property: See "American Land Title Association" Exhibit A.

Parcel ID 0533008400

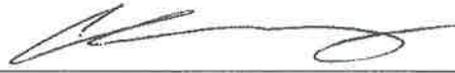
NOTE: LEGAL DESCRIPTION MUST BE REVIEWED AND APPROVED BY THE CITY ENGINEER'S OFFICE BEFORE SUBMITTING AN APPLICATION TO THE PLANNING COMMISSION.

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

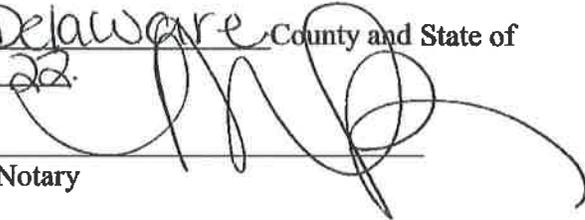
10. If so, give date: _____

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

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


Applicant (Property Owner's Signature)

Sworn to before me a Notary Public in and for said Delaware County and State of Ohio, on the 1 day of August, 2022.


Notary

Engineer's Approval & Date



Morgan Brianna Rogers
Notary Public, State of Ohio
My Comm. Expires 09/10/2024

Exhibit "C"

NOTICE AND AFFIDAVIT TO LANCASTER CLERK OF COUNCIL

Date: 8/1/2022

RE: Rezoning Hearing for property located at: 1850 Lancaster Newark Rd
Lancaster, OH 43130

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 CG zoning district to a RS (RS-4) 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:

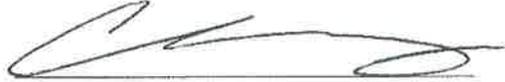
1. 1850 Property LLC - 1430 Collins Rd NW, Lancaster, OH 43130
2. NHI - Bickford RE LLC - 222 Robert Rose Dr, Murfreesboro, TN 37129
3. Sherman Vanmeter - 332 Kanawha Rd, Lancaster, OH 43130
4. Ryan Ferry - 1816 Granville Pike NE, Lancaster, OH 43130
5. Lancaster Medical Center - 1800 Granville Pike, Lancaster, OH 43130
6. BGB 1781 Countryside Lancaster LLC - 220 N Green St, Chicago, IL 60607
7. James & Bridget Reitano - 209 Postage Cir, Pickerington, OH 43147

See Exhibit C For Complete List

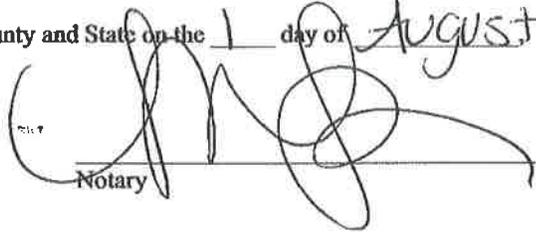
8. Trent Temper - 1901 Branch Pl, Lancaster, OH 43130
9. Jared Stewart - 1900 Country Pl Lancaster, OH 43130

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.


Signature of petitioner or agent

Sworn to before me a Notary Public in and for said County and State on the 1 day of AUGUST
2022


Notary



Morgan Brianna Rogers
Notary Public, State of Ohio
My Comm. Expires 09/10/2024

Exhibit "C"

1. 1850 PROPERTY LLC (Parcel ID 0533008400)
1430 COLLINS RD NW
LANCASTER, OH 43130
2. NHI-BICKFORD RE LLC (Parcel ID 0533008430)
222 ROBERT ROSE DR
MURFREESBORO, TN 37129
3. VANMETER SHERMAN (Parcel ID 0533008609)
332 KANAWHA RD
LANCASTER, OH 43130
4. FERRY RYAN M (Parcel ID 0533008600)
1816 GRANVILLE PIKE NE
LANCASTER, OH 43130
5. LANCASTER MEDICAL (Parcel ID 0533008410)
CENTER LLC
1800 GRANVILLE PIKE
LANCASTER, OH 43130
6. BGB 1781 COUNTRYSIDE LANCASTER LLC (Parcel ID 0533008421)
220 NORTH GREEN STREET
CHICAGO, IL 60607
7. REITANO JAMES A II (Parcel ID 0533188000)
& BRIDGET A SURV
209 POSTAGE CIR
PICKERINGTON, OH 43147
8. TEMPER TRENT A (Parcel ID 0533187900)
134 1/2 N COLUMBUS ST
APT A
LANCASTER, OH 43130
9. STEWART JARED (Parcel ID 0533173000)
& STEFANI
1900 COUNTRY PL
LANCASTER, OH 43130
10. HUNTER EARL A (Parcel ID 0533172900)
& ROMA E SURV
1901 COUNTRY PLACE
LANCASTER, OH 43130
11. SHAHAN GWENDOLYN M (Parcel ID 0533172400)
406 HAWTHORNE AVE
LANCASTER, OH 43130
12. GRANVILLE PROPERTIES LLC (Parcel ID 0533008420)
1750 GRANVILLE PK
LANCASTER, OH 43130
13. CRAINE TIMOTHY J (Parcel ID 0270090300)
& LINDA S SURV
1475 LONGWOOD DR
LANCASTER, OH 43130

14. RINGS BRYAN M (Parcel ID 0270090500)
& LYNSI B SURV
1435 LONGWOOD DR NE
LANCASTER, OH 43130
15. MOORE TERRY L TRUSTEE (Parcel ID 0270084400)
& MARY E TRUSTEE
1689 ROSEWOOD DR NE
LANCASTER, OH 43130
16. TIPPLE CORY A (Parcel ID 0270084500)
& HESTON MISTY R
1375 LONGWOOD DR NE
LANCASTER, OH 43130
17. ROMINE CLIFFORD E (Parcel ID 0270084600)
& DARLENE S SURV
1355 LONGWOOD DR NE
LANCASTER, OH 43130
18. MUCKENSTURM ROBERT (Parcel ID 0270090200)
& STARLETTE SURV
1495 LONGWOOD DR
LANCASTER, OH 43130

ZONING DESCRIPTION

Containing 20.7+/- Acres

Situated In the State of Ohio, City of Lancaster, County of Fairfield, Township 15, Range 18, Section 30, United States Military Lands, and being out of that original 29.539 acre original tract as conveyed to 1850 Property LLC, of record in Official Record 1817, Page 3352, all deed references are on record at the Recorder's Office of Fairfield County, Ohio and described as follows:

BEGINNING at the northeasterly corner of a 1.000 acre tract of land conveyed to Jason D. Green and Aimee E. Green, of record in Official Record 1773, Page 3800 and a point in the westerly line of a plat entitled "Wacker Heights Addition No. 1", of record in Plat Book 7, Page 39;

Thence Northwesterly, with the northerly line of said 1.000 acre tract, a distance of 312 feet to a corner thereof;

Thence Southerly, with the westerly line of said 1.000 acre tract, a distance of 189 feet to a point in the northerly line of a 41.59 acre tract of land conveyed to Fairfield County Commissioners, of record in Volume 104, Page 157;

Thence Westerly, with the northerly line of said 41.59 acre tract, a distance of 332 feet to the southeasterly corner of a 6.797 acre tract of land conveyed to NHI-Bickford RE, LLC, of record in Official Record 1690, Page 157;

Thence Northerly, with the easterly line of said 6.797 acre tract of land, a distance of 455 feet to a corner thereof;

Thence Westerly, with the northerly line of said 6.797 acre tract and the northerly right of way line Countryside Drive, of record in Plat Cabinet 2, Slot 177 to a point in the westerly right of way line of said Countryside Drive;

Thence Southerly, with said westerly right of way line, a distance of 15 feet to a point of curvature;

Thence Southwesterly, continuing with said westerly right of way line, with a curve to the left having a radius of 165 feet and an arc length of 236 feet to a point of tangency;

Thence Westerly, continuing with said westerly right of way line, a distance of 65 feet to the southeasterly corner of a 1.833 acre tract of land conveyed to BGB 1781 Countryside Lancaster, LLC, of record in Instrument Number 202200010056;

Thence Northerly, with the easterly line of said 1.833 acre tract, a distance of 228 feet to the southeasterly corner of a 1.12 acre tract of land conveyed to Lancaster Medical Center LLC, of record in Official Record 1268, Page 2837;

Thence Northerly, with the easterly line of said 1.12 acre tract, a distance of 143 feet to a point in the southerly line of a 2.701 acre tract of land conveyed to Ryan M. Ferry, of record in Official Record 1706, Page 2235;

Thence Easterly, with said southerly line, a distance of 35 feet to a corner thereof;

Thence Northerly, with the easterly line of said 2.701 acre tract, a distance of 237 feet to a point in the southerly line of Reserve "A" of a plat entitled "Creekside Estates Phase 1", of record in Plat Cabinet 1, Slot 157;

Thence Easterly, with the southerly line of said "Creekside Estates Phase 1", and with the southerly line of said "Creekside Estates Phase 2", of record in Plat Cabinet 1, Slot 186, the southerly line of a plat entitled "Creekside Estates Phase 3", of record in plat Cabinet 2, Slot 181, and the southerly line of a 13.00 acre tract of land conveyed to Sherman Vanmeter, of record in Instrument Number 202200013378, a distance of 1487 feet to a corner thereof, being the City of Lancaster Corporation line and being the westerly line of a plat entitled "Wacker Heights Addition No. 2, of record in Plat Book 7, Page 65;

Thence Southerly, with the City of Lancaster Corporation line and with the westerly line of said "Wacker Heights Addition No. 2", and being the westerly line of said "Wacker Heights Addition No. 1", a distance of 464 feet to a point;

Thence Southerly, continuing with said corporation line and with said westerly line of "Wacker Heights Addition No. 1", a distance of 309 feet to the **POINT OF BEGINNING** and containing 20.7+/- acres of land, more or less;

This description was prepared from existing records for zoning purposes and is not intended for deed transfer purposes.



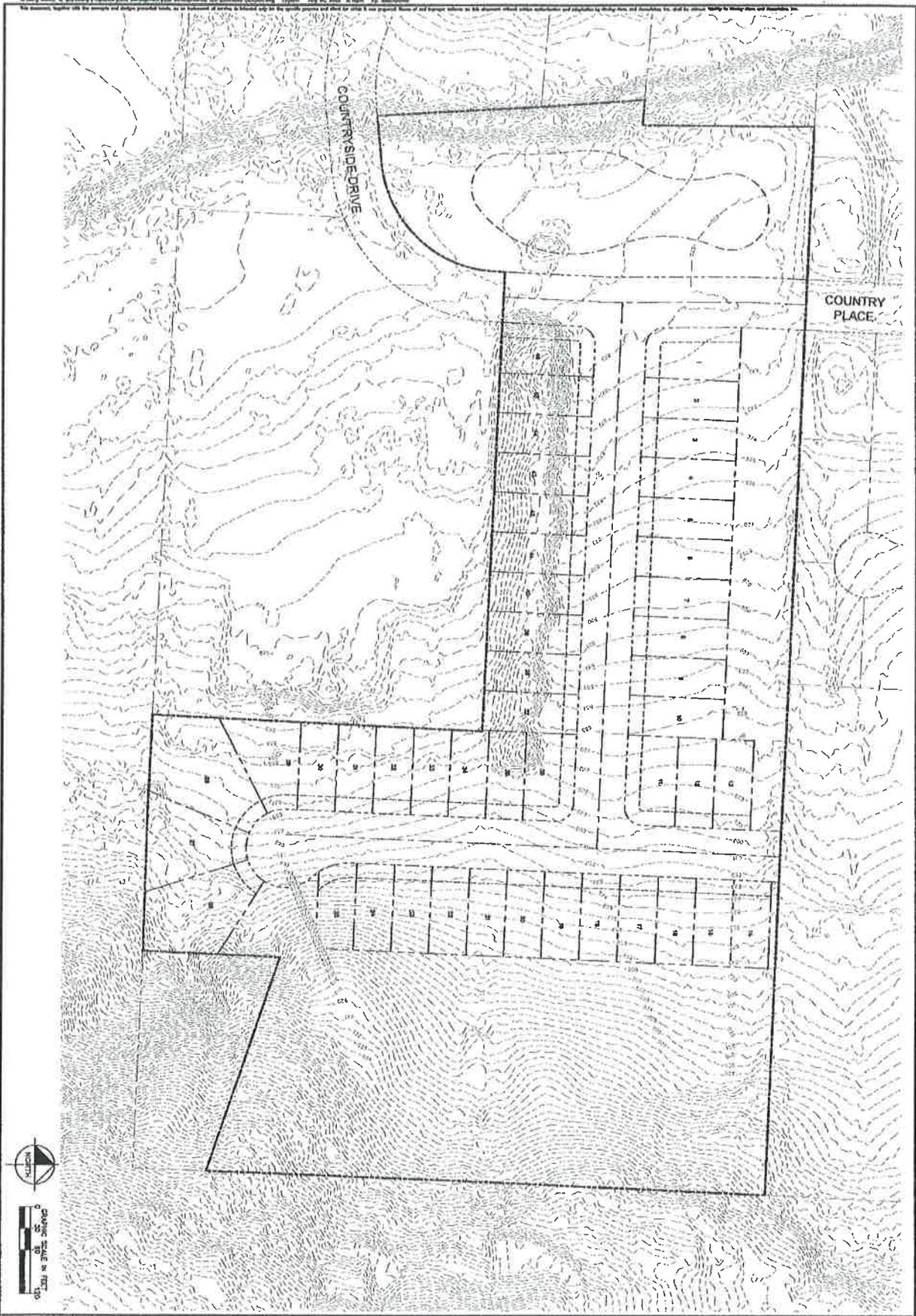
CESO, Inc.

Jeffrey A. Miller, PS
Registered Surveyor No. 7211

8-19-2022

Date:





1860 LANCASTER NEWARK ROAD
 LANCASTER
 FAIRFIELD COUNTY, GEO.

SHEET NO. 1
 OF 1

SCALE: 1"=60'
 DESIGNED BY: ECT
 DRAWN BY: GCT
 CHECKED BY: BUN

Kimley-Horn
 © 1973 KIMLEY-HORN AND ASSOCIATES, INC.
 7045 N. HOLLY STREET, SUITE 300
 COLUMBIA, SC 29205
 PHONE: 812-325-8800
 WWW.KIMLEY-HORN.COM

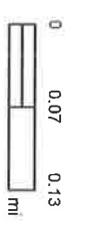
NO.	REVISIONS	DATE	BY	APP. DATE	APP. BY

Lancaster GIS Web Map Export

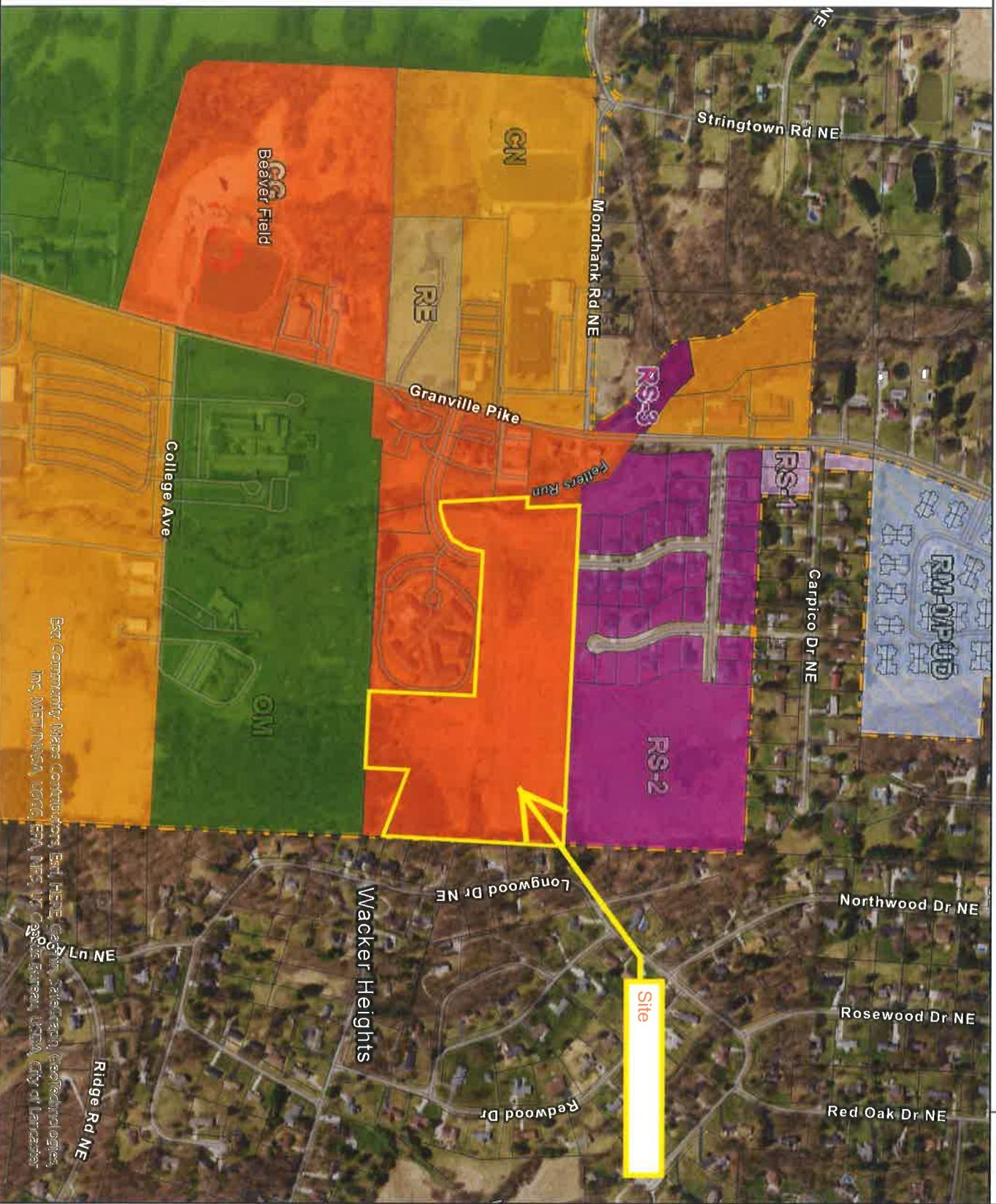


Zoning

Zoning_Code	Color/Pattern
AG	Light Yellow
CBD	Yellow
CG	Orange
CG/PUD	Dark Orange
CH	Red-Orange
CN	Orange
IH	Yellow-Green
IL	Light Green
IM	Green
OM	Dark Green
RE	Light Brown
RE/PUD	Dark Brown
RM-0	Light Blue
RM-0/PUD	Dark Blue
RM-1	Light Blue
RM-2	Blue
RM-2/PUD	Dark Blue
RM-3	Blue
RM-3/PUD	Dark Blue
RS-1	Light Purple
RS-2	Purple
RS-3	Dark Purple
RS-3/PUD	Very Dark Purple
RS-4	Dark Purple
Corp Lines	Yellow Dashed Line



Map Printed on 8/19/2022 10:42 AM



East Community Maps Contributors: Bill Heide, Greg Hill, Jennifer App, GeoFidelity, Inc., METRIXSON, 20001 EPA, NPS, US Coast Guard, US Army, US Navy, City of Lancaster

RECORD OF PROCEEDINGS

Minutes of

CITY PLANNING COMMISSION

Meeting

Held Thursday, September 8, 2022

The Lancaster City Planning Commission met on Thursday, September 8, 2022. Present were Jan Coccia, John Sigafoos, Rick Wilkins, Charles Elsea, Mayor David Scheffler and Service Safety Director Paul Martin. Also present were Steven Wellstead of Storm Water, Mitch Noland of the Engineering Department, Geoffrey Davis of Certified Building and Stephanie Hall, City Law Director. Also present were Councilmen Jack Mattlin (Third Ward), and Stephanie Bosco, Economic Development Director. Holly Mattei of Crossroads Community Development and Phyllicia Faieta, soon to be Lancaster's City Planner, were present as well. The meeting was held in City Hall at 104 East Main Street in Lancaster, Ohio. Service Safety Director Martin called the meeting to order at 9:31 AM.

Service-Safety Director Paul Martin presented Case 2022.007, a petition to vacate a Public Right-of-Way through 1511-1513 East Main Street. This right-of-way was once platted as an extension of East Wheeling Street, in the past portions of this right-of-way were vacated. The vacation is being proposed by Creed Recovery to operate a counseling service along with recovery housing for women.

Ms. Mattei was present for this discussion and advised that there are four (4) adjacent property owners who were contacted about this proposal and if they were in support thereof. Those property owners are City of Lancaster, Fairfield County Board of Commissioners, Sue and Grant Niemann and Dawn Ann Campbell. Everyone responded about having no objections except Ms. Campbell. Therefore, if approved by City Planning Commission, a Public Hearing will need to be conducted at City Council.

She further explained that a 30-foot easement over a storm sewer will need to be in place before the City Council hearing. Ms. Mattei explained that the legal description had been received but would need to be reviewed for accuracy on what is required.

Mr. Noland added that the easement is very close to the existing right-of-way and will need to be reviewed and possibly be revised once it has been submitted.

John Entingh of Creed Recovery was present and stated that he agreed with the information as presented.

Upon hearing no further questions or discussion, Service-Safety Director Martin called for a motion. Mr. Elsea made a motion to approve the vacation provided that the easement is granted prior to the City Council public hearing. Mr. Sigafoos seconded the motion. There was a unanimous vote to approve and the motion carried.

The next case for review was Case 2022.008 the Change of Zoning Request for a property identified as 1850 Lancaster-Newark Road. Ms. Mattei also presented this case and explained that it was a 20.7 acres parcel of property located off of State Route 37 or Lancaster-Newark Road between the termini of Countryside Drive and Country Place.

REM Developments, LLC are requesting a Change of Zoning from CG – Commercial General to RS-4 – Residential Single-Family and proposing a 46 patio home development.

EXHIBIT

B

tabbles

RECORD OF PROCEEDINGS

Minutes of

CITY PLANNING COMMISSION

Meeting

Held

Thursday, September 8, 2022

Mr. Noland then added that previously a larger development would have created the need for turn lanes, etc. on State Route 37, but explained that this development of less single-family units would not require those turn lanes to be installed. Mr. Sigafoos asked about the surrounding streets and Mr. Noland advised that both Countryside Drive and County Place are city streets and that this development would not create a need for turn lanes on State Route 37.

Steve Peck of Epcon Communities, along with Chris McCray and Dennis Grech of REM Developments were present for this discussion. Mr. Peck did a power point presentation of the type and style of homes being proposed and explained that this is geared toward 55-year-old and older adults who want to own their home, but have the benefits of no lawn mowing, no leaf raking and no snow removal. They are proposing a walkable community and want to possibly connect paths to the city's current bike path with the approval of the Parks Department. He further explained that their base house is 2 bedrooms and 2 bathrooms with an option for an additional bed and bath over the garage. He also advised that the lots are bigger than the 40 feet width as designated in an RS-4 zoning classification, but smaller than the lots required for RS-3. They chose the RS-4 classification and went with larger lots and fewer homes.

With no further comments or questions from the developers, the staff or the board, Service-Safety Director Martin opened the Public Hearing at 9:55 AM and called for proponents of the proposed development.

Karen Hunter of 1924 Branch Place read a letter that she and her husband Scott wrote in representation of all of the residents of the Creekside Estates subdivision stating that they were very much in support of this zoning change for the development as proposed. The letter explained that while past proposals of Residential Multi-Family were undesirable to the neighbors, this proposal was more than acceptable.

Jon Kochis of Fairfield County Emergency Management was present for the County Commissioners in favor of the proposal as well in regards to their retention plans and the impact on Fetters Run.

Roma Hunter of 1901 Country Place also added that the current residents did not want screening of mounds and or trees between the current homes and the proposed ones, so that a community atmosphere was maintained.

Service-Safety Director Martin then called for opponents of the Change of Zoning and none were present. The Public Hearing was closed at 10:09 AM.

He then called for a motion. Mr. Elsea asked if this motion should be contingent upon the drainage requirements being met and the number of lots remaining the same. Mr. Noland advised that while this was only a Change of Zoning motion, all of those issues would be handled when the Preliminary and Final plats came before City Planning Commission.

Mr. Sigafoos made a motion to approve the Change of Zoning from CG – Commercial General to RS-4 Residential; seconded by Mr. Wilkins. There was a unanimous vote to approve and the motion carried.

RECORD OF PROCEEDINGS

Minutes of

CITY PLANNING COMMISSION

Meeting

Held

Thursday, September 8, 2022

This Change of Zoning will now go before City Council for another Public Hearing and vote.

Service-Safety Director Martin called for further discussion and with there being none, called for a motion to adjourn. Mr. Sigafos made a motion to adjourn; seconded by Mr. Coccia. There was a unanimous vote to adjourn and the meeting adjourned at 10:12 AM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Martin", written over a horizontal line.

Paul Martin
Service Safety Director