

TEMPORARY ORDINANCE NO. 8-24

PERMANENT ORDINANCE NO. 12-24

AN ORDINANCE TO AMEND THE CITY OF LANCASTER ZONING MAP TO CHANGE THE ZONING OF 0.99 +/- ACRES IDENTIFIED AS FAIRFIELD COUNTY AUDITOR TAX PARCEL NUMBERS 0535067300, 0535067500, AND 0535067510 FROM CENTRAL BUSINESS DISTRICT TO SERVICE INDUSTRIAL

WHEREAS, an application to amend the Zoning Map for Fairfield County Tax Parcel Nos. 0535067300, 0535067500, and 0535067510 from Central Business District ("CBD") to Service Industrial ("SI") was filed by the property owner with the City of Lancaster Planning Commission ("Planning Commission") pursuant to Lancaster Codified Ordinance ("LCO") 1159.02 (See Exhibit A attached hereto); and

WHEREAS, the Planning Commission met and held a public hearing on January 11, 2024, discussed the application, and voted to recommend to City Council that the application be approved as submitted, with 4 members voting for this recommendation and 2 members voting against this recommendation (See Exhibit B attached hereto); and

WHEREAS, pursuant to LCO 1159.02(c)(7), Lancaster City Council must hold a public hearing and take action on the application to approve or deny a change to the Zoning Map; 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 is hereby amended to change the zoning for Tax Parcel Nos. 0535067300, 0535067500, and 0535067510, which consist of approximately 0.99 acres, pursuant to Exhibit A, as follows:

a. From Central Business District (CBD) to Service Industrial (SI)

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

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

Passed: March 12, 2024 after 3rd reading. Vote: Yeas 9 Nays 0

Approved: March 12, 2024

Clerk: Kurt M. Cant

[Signature]
President of Council

Don H. McDaniel
Mayor

Offered by: [Signature]

Second by: [Signature]

Requested by Code Enforcement & Zoning Committee

I, Kristina Crites, Clerk of Council do hereby certify that on _____, 2024 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



Date Filed: _____
Planning Commission Review Date: _____
Application Fee (\$150 + \$10/parcel): *180.00
Sign Posting Fee (\$50): *50.00
Publication Fee (\$100): *100.00
Total Fee: *330.00

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: WATER AT HIGH LLC
2. Address & Phone Number: 205 WATER ST., LANCASTER, OHIO
740-503-1164
3. Petitioner's Attorney or Agent's Name, Address and Phone Number:
AGENT: DAN R. SINGER - 222 S. BROAD ST., LANCASTER, OHIO
4. General Area and Location of Request: NW CORNER OF WATER AT
HIGH ST., LANCASTER, OHIO 43130
5. Present Zoning District: CBD - CENTRAL BUSINESS DISTRICT

6. Requested Zoning District: SI - SERVICE INDUSTRIAL

7. Reason for this Application: TO MAXIMIZE THE USE OF THE PROPERTY

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: _____

11. Does the notice go to petitioner or agent? DAWR, SINGER

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

WATER AT HIGH LLC SOLE MEMBER
Dawn Singer
Applicant (Property Owner's Signature)

Sworn to before me a Notary Public in and for said FAIRFIELD County and State of Ohio, on the 15th day of NOVEMBER, 2023

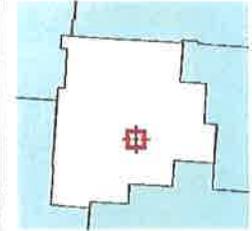
Deborah S Paskins
Notary

Engineer's Approval & Date





Overview



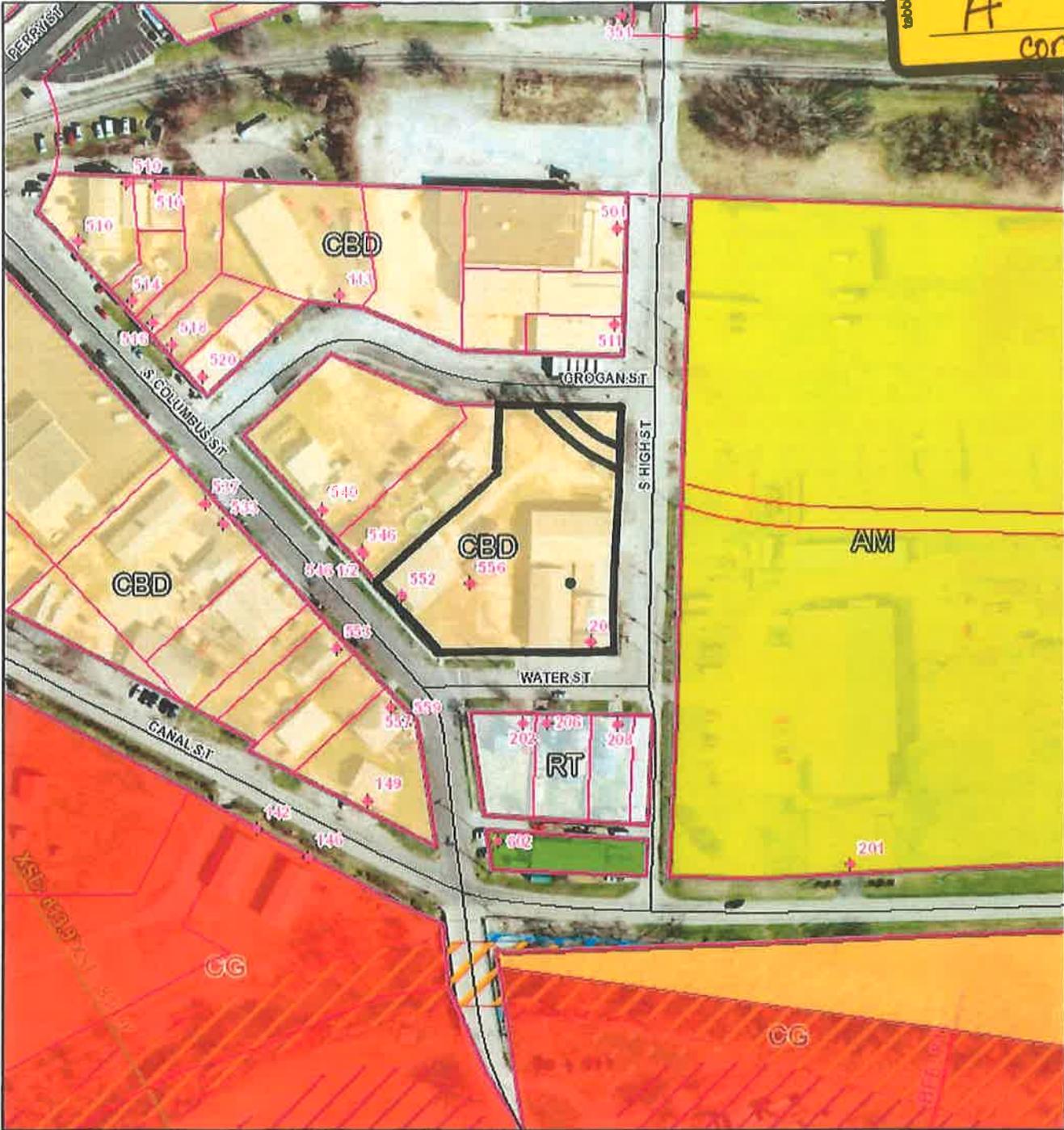
Legend

- Parcels
- Streets**
 - Unaccepted Built Roads
 - Unaccepted Roads
 - Private
 - Private/Dedicated Roads
 - Alleys
 - Municipal Roads
 - Township Roads
 - County Roads
 - State Routes
 - US Routes
 - Interstate Routes
 - Ramps
 - Unknown



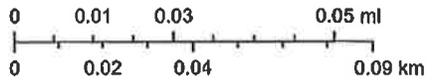
Lancaster Webmap

EXHIBIT
 A
 cont.



12/22/2023, 10:40:31 AM

1:2,257



- | | | | |
|-----------------|---------------------------|---------------------------|----------------------|
| Parcels | US Routes | CG | SI |
| Corp Lines | Interstate Roads | RT | Floodplains |
| Roads | Ramps | SI | Floodway |
| Private | Address Points | Zoning (Est. 2023) | 100 year Floodplain |
| Municipal Roads | City Properties | AM | 500 year Floodplain |
| Township Roads | Zoning (Est. 2023) | CBD | Cross Sections |
| County Roads | AM | CG | Base Flood Elevation |
| State Routes | CBD | RT | 2018 Cross Sections |

City of Lancaster, IT/Telecom, City of Lancaster, IT/Telecom, Engineering, City of Lancaster IT/Telecom, City of Lancaster, IT/Telecom, FEMA, Lancaster IT

Lancaster GIS

City of Lancaster, IT/Telecom, Stormwater, Engineering | City of Lancaster, IT/Telecom, LMG | City of Lancaster, IT/Telecom, Sewer, Engineering | City of Lancaster, IT/Telecom, Water | City of

RECORD OF PROCEEDINGS

Minutes of

CITY PLANNING COMMISSION

Meeting

Held

Thursday, January 11, 2024

The Lancaster City Planning Commission met on Thursday, January 11, 2024. Present were Bob Lovell, Jan Coccia, Rick Wilkins, Sherry Orlando, Mayor Don McDaniel and Service Safety Director Carrie Woody. Also present were Steven Wellstead and Ryan Shonk of Storm Water, Curtis Shonk of the Engineering Department, Stephanie Hall and Mitch Hardin of the City Law Director's Office and Pete Vail with Planning and Zoning. Present in the audience were Geoffrey Davis of Certified Building and Tim Deitz of Transportation and Steve Gayfield with Parks Department. The meeting was held in City Hall at 104 East Main Street in Lancaster, Ohio. Service Safety Director Woody called the meeting to order at 9:31 AM.

Service-Safety Director Woody asked Mr. Wellstead to begin the discussion on Case Number 2024.001 a Rezoning Public Hearing for property located at 205 Water Street. Water at High LLC is requesting a rezoning of the property from CBD – Central Business District to SI – Service Industrial. The petitioner was granted a Use Variance to permit automobile-oriented uses within the Central Business District from the Board of Zoning Appeals' recent meeting with the condition that he seek a rezoning of the property as stated above.

Mr. Wellstead explained that in accordance with the 1999 Land Use Plan this area was designated for commercial uses. He also noted that being located in Wellhead Protection Area 2 should not be an issue. The issues for Planning Commission to consider are:

- 1) Should the Zoning Map be amended pursuant to L.C.O. 1159.04(a) to rezone parcels 0535067300, 0535067510 and 0535067500 from CBD to SI at the request of the petitioner
- 2) The 1999 Land Use Plan recommended this are for Commercial use
- 3) The Planning Commission may recommend that the application be approved as submitted, approve as amended, approved subject to modification, or denied. If denied, the petition will not 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.

Dan Singer was present and explained that this property of his has been many uses throughout the years and those uses have been either industrial or commercial. Ray Mar Steel has used this property for many years prior to now. He explained that the current tenants want to install garbage compacter units on garbage truck chassis and need to obtain an automobile dealership license to do so.

Ms. Orlando asked Mr. Singer if anyone in the area was opposed to the rezoning and Mr. Singer advised that everyone that he talked with in the area was fine with this proposed change.

Mr. Vail added that approval for this business to be in Wellhead Protection Area 2 was approved by Jake Pendleton of the Storm Water Department.

Service-Safety Director Woody called the Public Hearing to order at 9:42 AM and called for proponents other than Mr. Singer who had already spoken. Upon there being none, she then called for opponents and Matt

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Nihiser of 132 North High Street was present and stated that he and most everyone that he talked with felt that the Central Business District area was in place to preserve this section of the City as a Historic District and that automotive businesses should not be allowed.

Mr. Lovell inquired about the Use Variance for this business that was granted by the Board of Zoning Appeals. Mr. Vail replied that they did make this request of BZA and were granted the use variance but advised to seek rezoning as well. He advised that UPS, Ray Mar Steel, and several HVAC businesses are in this same area and to fit in with what is existing, the SI zoning would be the best fit for the property and this proposed use.

Ms. Orlando felt that a precedent had been set with the approval of the use variance by the Board of Zoning Appeals and that this request should go before City Council.

Mr. Coccia stated that there are several automotive places within the immediate area and felt that Mr. Singer should not be denied the rezoning of the property. It was explained that the other businesses are legal non-conforming with the zoning, but have been grandfathered in.

Ms. Hall and Mr. Vail both said that as long as the property use stays the same, it will be grandfathered until such time as it is abandoned and empty for six months.

Mr. Lovell felt that all of the City Departments should be on the same page with their recommendations. Mr. Vail advised that while Planning and Zoning were not in favor of the rezoning, they felt comfortable with them asking Planning Commission to seek rezoning.

Service-Safety Director Woody asked if there was any more discussion concerning this case. Upon hearing none, she closed the Public Hearing at 9:57 AM. She then called for a motion from the Board. Mr. Coccia made a motion to approve the rezoning request as submitted; seconded by Mr. Wilkins. Mayor McDaniel, Service-Safety Director Woody, Jan Coccia and Rick Wilkins voted to approve. Ms. Orlando and Mr. Lovell voted No. The motion carried with a majority vote of 4 to 2.

The next item for discussion was Case 2024.002 Lancaster Senior Living LLC asking that they be allowed to make a payment in lieu of land dedication for their Public Sites and Open Space requirement for the proposed senior living facility. With no one present from Lancaster Senior Living LLC or GBC Design, Mr. Ryan Shonk advised that the Lancaster Senior Living LLC was proposing an 81-unit senior living development located at 1572 Timbertop Street. This requirement was discussed at the Parks Board meeting held on the evening of Wednesday, January 10, 2024 and approved by them at that time.

With no further discussion, Ms. Orlando made a motion to approve; seconded by Mr. Coccia. There was a unanimous vote to approve and the motion carried.

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CITY PLANNING COMMISSION

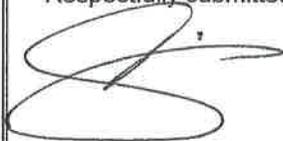
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With there being no further discussion, no questions and no other cases presented, Service-Safety Director Woody called for a motion to adjourn. Ms. Orlando made a motion to adjourn; seconded by Mr. Wilkins. There was a unanimous vote to adjourn. The meeting adjourned at 10:05 AM.

Respectfully submitted,



Carrie Woody
Service Safety Director