



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 1058-2011, Version: 2

Rezoning Application Z11-012

APPLICANT: Arledge Construction; c/o Michael T. Shannon, Atty; Crabbe, Brown & James LLP; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Contractor's Storage Yard.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on June 9, 2011.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The Applicant is proposing to rezone the site to LM to permit the site to be used for the relocation of a commercial construction company and allow office warehousing and indoor and outdoor storage of commercial vehicles and materials in conjunction with that use. The request will allow a contractor's storage yard to occupy some existing buildings as well as allowing for the possibility of additional less objectionable manufacturing uses. Commercial uses are allowed now and would still be allowed. The proposal is consistent with the land use recommendations of the *The South Alum Creek Plan* (2003), and with the zoning and development patterns of the area.

To rezone **2400 PERFORMANCE WAY (43207)**, being 4.6± acres located north side of Performance Way, 665± feet west of Alum Creek Drive, From: C-4, Commercial District, To: L-M, Limited Manufacturing District **and to declare an emergency.** (Rezoning # Z11-012).

WHEREAS, application #Z11-012 is on file with the Building and Zoning Services Department requesting rezoning of 4.6± acres from C-4, Commercial District, to L-M, Limited Manufacturing District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the Applicant is proposing to rezone the site to LM to permit the site to be used for the relocation of a commercial construction company and allow office warehousing and indoor and outdoor storage of commercial vehicles and materials in conjunction with that use. The request will allow a contractor's storage yard to occupy some existing buildings as well as allowing for the possibility of additional less objectionable manufacturing uses. Commercial uses are allowed now and would still be allowed. The proposal is consistent with the land use recommendations of the *The South Alum Creek Plan* (2003), and with the zoning and development patterns of the area, now, and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

2400 PERFORMANCE WAY (43207), being 4.6± acres located north side of Performance Way, 665± feet west of Alum Creek Drive, and being more particularly described as follows:

Description of Record
4.578 Acres

Situate in the state of Ohio, county of Franklin, city of Columbus, being part of Half Section 36 and 37, Section 25, Township 5N, Range 22W, Refugee Lands and being part of parcel Nos 1 and 3 conveyed to Marl Carl Buchsieb and Jonathon A. Tarbox, Trustees, by deed of record in O.R. 15765 E09, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a railroad spike found in the original centerline of Refugee Road, being the south line of said Section 25, at a common corner of said Half Sections 36 and 37.

Thence S. 89 degrees 23' 39" W, a distance of 159.81 feet along said centerline of Refugee Road and the southerly line of said Half Section 37 to an iron pin set in the southerly limited access right-of-way line of State Route 104 as established by a deed to the City of Columbus of record in O.R. 978 E13 and delineated upon the State of Ohio right-of-way plans FRA-104-10.57;

Thence the following seven (7) courses and distances along said southerly limited access right-of-way line for State Route 104;

- 1) Thence N 69 degrees 08' 22" E, a distance of 87.36 feet to an iron pin; said iron pin being further referenced as 115.00 right of centerline station 225+ 88.09 for said State Route 104;
- 2) Thence N 63 degrees 24' 18" E, a distance of 312.07 feet to an iron pin;
- 3) Thence N 71 degrees 44' 25" E, a distance of 381.24 feet to an iron pin;
- 4) Thence N 84 degrees 39' 20" E, a distance of 236.99 feet to an iron pin;
- 5) Thence S 77 degrees 19' 12" E, a distance of 101.40 feet to an iron pin;
- 6) Thence S 58 degrees 56' 52" E, a distance of 148.72 feet to an iron pin, said iron pin being further referenced as 360.00 right of centerline Station 237 + 75 for State Route 104;
- 7) Thence S 09 degrees 48' 35" E, a distance of 162.53 feet to an iron pin in the northerly limited access right-of-way line of Refugee Road (being 40.00 feet northerly of, as measured by right angles, said original centerline of Refugee Road)

Thence S 89 degrees 22' 33" W, a distance of 150.00 feet along said northerly limited access right-of-way line of Refugee road to the terminus point of said limited access right-of-way line;

Thence continuing S 89 degrees 22' 33" W, a distance of 903.09 feet along the existing northerly right-of-way line of Refugee road to the terminus point of said limited access right-of-way line;

Thence S 00 degrees 09' -5" E, a distance of 40.00 feet along said common line of Half Sections 36 and 37 to the point of beginning of the herein-described tract, containing 4.578 acres, more or less.

To Rezone From: C-4, Commercial District

To: L-M, Limited Manufacturing District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-M, Limited Manufacturing District on this property.

SECTION 3. That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said changes on the said original zoning map and shall register a copy of the approved L-M, Limited Manufacturing District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the

Columbus City Codes; said text titled, "**LM, LIMITED MANUFACTURING DEVELOPMENT TEXT**," signed by Michael T. Shannon, Attorney for the Applicant, dated June 22, 2011, and reading as follows:

LM, Limited Manufacturing Development Text

Rezoning Application

**To Rezone: 2400-2460 Performance Parkway, 43207 (4.6 acres)
from C-4 to LM, Limited Manufacturing District**

Existing District: C-4

Proposed District: LM

Property Address: 2400-2460 Performance Parkway

**Owner: P & P Investment Company
2323 Performance Parkway, Columbus, Ohio 43207**

**Applicant: Arledge Construction Co
c/o CRABBE, BROWN & JAMES, LLP., Michael T. Shannon, Esq.
and John P. Kennedy, Esq., 500 S. Front Street, Ste. 1200, Columbus, Ohio 43215
mshannon@cbjlawyers.com <<mailto:mshannon@cbjlawyers.com>> jkennedy@cbjlawyers.com
<<mailto:jkennedy@cbjlawyers.com>>**

Date of Text: June 22 , 2011

Application No: Z11-012

INTRODUCTION: The subject Site consists of approximately 4.6 acres situated directly South of State Route 104, and South of the exit ramp from S.R. 104, to Alum Creek Drive. The site, currently zoned unrestricted C-4, consists of two (2) separate 6,000 sq. ft. buildings and one (1) 14,000 sq. ft. building most all of which are vacant. The Applicant is proposing to rezone the site to LM to permit the site to be used for the relocation of a commercial construction company and allow office warehousing and indoor and outdoor storage of commercial vehicles and materials in conjunction with that use. The site is bounded on the Southwest by two (2) parcels zoned LM (Manufacturing) and on the South by five (5) residential parcels comprising a cemetery. To the North and Northwest across State Route 104 are four (4) parcels all of which are zoned M, Manufacturing.

The site is located within the Far South Columbus Area Commission boundaries and also falls within the boundaries of the South Alum Creek Neighborhood Plan.

1. PERMITTED USES:

All uses of the Columbus City Code Section 3363.01-Section 3363.08 (M, Manufacturing District) except uses as prohibited in Section 2 (Prohibited Uses) below. Additionally, all types of offices; residence(s) for a night watchman, commercial radio transmitting and appurtenances thereto; rooftop telecommunication installation and all accessory uses related to any permitted principal use shall be permitted.

2. PROHIBITED USES:

Adult entertainment, inclusive of bookstore, adult motion picture theater, adult only entertainment facility, cabarets and night clubs, manufacturing, compounding, processing assembling, packaging or treatment of goods, materials and products involving operations which are obnoxious or offensive by reason of odor, smoke, gas fumes, vibration, fly ash, or other solid particulate matter, noise, glare, heat, sewage waste, or obnoxious conditions.

3. DEVELOPMENT STANDARDS:

A. Access, Loading, Parking And Other Traffic Related Commitments:

1. Any and all traffic related commitments shall be designated and located to the specifications of the City of Columbus Division of Planning and Operations.

2. Curb cuts shall be approved by the City of Columbus Division of Planning and Operations.

C. Dumpster, Lighting, Outdoor Display Areas And Other Environmental Commitments:

1. Any new external outdoor lighting shall be cutoff down-style fixtures (down lighting), except there may be accent lighting up lighting) on landscaping in the front of structures and ground signs, provided the fixtures are screened with landscaping to prevent glare.
2. Service area lighting shall be contained within the service yard boundaries and enclosure walls.
3. Building illumination and architectural lighting shall be indirect in character. Architectural lighting should be articulate and provide lighting for the particular building design as well as provide the required functional lighting for safety and clarity of pedestrian movement.
4. There shall be no outdoor public address system, outdoor call system, or other outdoor audible system permitted in this area, except that a paging system shall be allowed for the purpose of paging employees only.
5. Outdoor storage areas within 100 ft. of residentially zoned property shall be screened by fencing and landscaping.

D. Graphics And Signage Commitments:

1. All signage shall conform to Chapters 3375 through 3383 of the Columbus City Code, as they apply to the M, Manufacturing District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.