



## Legislation Text

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**File #: 0492-2022, Version: 2**

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### **Rezoning Application: Z21-081**

**APPLICANT:** Pinchal & Company, LLC; c/o Donald Plank, Atty.; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Limited industrial and commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (3-1) on December 9, 2021.

**FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 180± acre site consists of one parcel developed with agricultural uses and a cemetery in the R, Rural District. The applicant requests the L-M, Limited Manufacturing District to permit office uses, less objectionable manufacturing uses and a limited number of more objectionable manufacturing uses at this location. The existing onsite cemetery will be preserved with additional access in accordance with the submitted site plan. The limitation text establishes use restrictions, including more stringent restrictions for the northwestern part of the site, and supplemental development standards that address building and parking setbacks, traffic access and off-site improvements, screening, mounding, landscaping, preservation of and additional access to the existing cemetery, and a commitment to develop the site as demonstrated on the submitted site plan. The request is consistent with the *South Central Accord's* recommendation for "Light Industrial" land uses at this location. With the inclusion of additional mounding and evergreen landscaping along Lockbourne Road and the southern property line, the preservation of the existing private cemetery, and the inclusion of traffic related commitments requested by the Department of Public Service, City Staff's recommendation is for approval.

To rezone **6680 LOCKBOURNE RD. (43137)**, being 180± acres located on the east side of Lockbourne Road, 1,250± feet south of London-Groveport Road, **From:** R, Rural District, **To:** L-M, Limited Manufacturing District (Rezoning #Z21-081).

**WHEREAS**, application #Z21-081 is on file with the Department of Building and Zoning Services requesting rezoning of 180± acres from R, Rural District, to L-M, Limited Manufacturing District; and

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

**WHEREAS**, the Far South Columbus Area Commission recommends disapproval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested L-M, Limited Manufacturing District is consistent with the *South Central Accord's* recommendation for "Light Industrial" land uses at this location, provides appropriate related use restrictions and traffic commitments, and includes a site plan that demonstrates preservation of the existing cemetery, with additional screening, mounding, and landscaping; 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:

**6680 LOCKBOURNE RD. (43137)**, being 180± acres located on the east side of Lockbourne Road, 1,250± feet south of London-Groveport Road, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio, and in the Township of Hamilton and bounded and described as follows:

Being that tract of land known as The Stimmel Farm, conveyed by deed of record in Deed Book 1151, Page 393, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:  
Beginning at the spike in the centerline of Lockbourne Road at the Northwest corner of said Stimmel Farm and at the Southwest corner of Lot 5, as shown in Complete Record 69, Pages 489, Clerk of Courts records, Franklin County, Ohio;

thence South 79 deg. 09' 40" East along the South line of said lot and the North line of said Stimmel Farm 4017.57 feet to an iron pin in the West line of property of the Chesapeake and Ohio Railroad; thence South 43 deg., 54' 50" West along the west line of said Railroad property 1547.09 feet to an iron pin at a point of curve;

Thence with a curve to the left of radius 5779.65 of a chord bearing of South 35 deg. 07' 30" West a chord distance of 1767.12 feet to an iron pin;

thence North 79 deg. 55' 10" West along the South line of said Stimmel Farm 1381.08 feet to a point in the center of Big Walnut Creek, passing an iron pin at 951.15 feet, a spike in the centerline of Lockbourne Road at 975.08 feet, and iron pin at 1000.60 feet and an iron pin at 1232.40 feet;

Thence with the center of Big Walnut Creek North 22 deg. 19' West 726.00 feet to a point;

Thence continuing along the center of said creek North 24 deg. 49' West 393.36 feet to a point;

Thence continuing with the center of said creek North 33 deg. 49' West 200.64 feet to a point;

Thence continuing again along the center of said creek North 52 deg. 15' 10" West 307.48 feet to a point;

thence North 10 deg. 01' 20" East along the extension of the centerline of Lockbourne Road and the centerline of Lockbourne Road 1715.82 feet to the place of beginning, passing an iron pin at 550.90 feet; containing 191.442 acres of land, subject, however, to all legal right of ways.

Excepting therefrom the following described property:

Situated in the Township of Hamilton, County of Franklin, State of Ohio, being part of that 191.442 acre tract of land deed, conveyed to Arthur L. Smith and Lot L. Smith, Inc., by deed of record in D. B. 2224, page 429, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the centerline of Lockbourne Road, at the northwest corner of the above mentioned 191.442 Ac. Tract, and at the southwest corner of Lot 5, as shown in Complete Record 69, Page 489, Clerk of Courts records, Franklin county, Ohio;

thence and with the centerline of Lockbourne Road, and with part of the westerly line of said 191.442 acre tract, south 10 degrees 01 min. 20 seconds west, 1164.92 ft. to an angle point;

thence and continuing with said centerline of Lockbourne Road, south 27 degrees 28 minutes 40 seconds East, 90.00 ft., to a spike marking the northeasterly corner and the true place of beginning of the herein described tract;

thence and with the easterly line of the herein described tract, and continuing with said centerline of Lockbourne Road, South 24 degrees 30 minutes 40 seconds East, 297.00 ft. to a spike marking the southeasterly corner of the herein described tract;

Thence with the southerly line of the herein described tract, South 65 degrees 29 minutes 20 seconds West, passing and iron pin on line at 30.00 ft. and at 101.35 ft., both distances measured from said centerline of Lockbourne Road, a total distance of 168.13 feet. To a point in the center of Big Walnut Creek, marking the southwest corner of the herein described tract;

thence and with the westerly line of the herein described tract and with said center of Big Walnut Creek, North 24 degrees 49 minutes West, 76.81 ft. to an angle pint' thence and continuing with said westerly line of the herein described tract and with said center of Big Walnut Creek, north 33 degrees; 49 minutes West, 200.64 ft. to an angle point;

thence and continuing with said westerly line of the herein described tract and with said center of Big Walnut creek, North 52 degrees 15 minutes 10 seconds West, 25.07 ft. to a point marking the northwest corner of the herein described tract;

thence with the northerly line of the herein described tract, North 65 degrees 29 minutes 20 seconds East, passing an iron pin on line at 67.29 ft. and at 182.64 ft., both distances measured from said center of Big Walnut Creek, a total distance of 212.64 ft. to the place of beginning, and containing 1.242 acres, more or less, and subject to legal roads and any deeds of easement.

Further excepting therefrom the following described property:

Situated in the Township of Hamilton, County of Franklin and State of Ohio and in the Southwest Quarter of Section 2, Township 3, Range 22, Congress Lands and being a part of that tract of land known as The Stimmel Farm, Conveyed by deed of record in Deed Book 1151, page 393, Recorder's Office and more particularly bounded and described as follows:

Beginning at an iron pin in the west line of the above mentioned Stimmel Farm, which bears S 10° 01' 20" W 1164.92 feet from the northwest corner of said farm and at an angle point in the centerline of Lockbourne Road;

Thence S 27° 40' 40" E along said centerline 614.50 feet to a railroad spike at another angle in said centerline;

Thence S. 30° 03' 40" E continuing along said centerline 90.00 feet to a rail spike;

thence S 59° 56' 20" W 213.95 feet to a point in the west line of said Stimmel Farm and in Big Walnut Creek, passing iron popes at 30.00 feet and 139.40 feet;

Thence N 52° 15' 10" W with said creek 305.05 feet to a point;

thence N 10° 01' 20" E 550.90 feet to the place of beginning; containing 3.41 acres more or less and being subject to all legal rights-of-ways of record.

Further excepting therefrom the following described property:

Situated in the Township of Hamilton, County of Franklin, State of Ohio and in the Southwest Quarter of Section 2, Township 3, Range 22, Congress Lands and being part of that tract of land known as The Stimmel Farm, Conveyed by deed of record in Deed Book 1151, page 393, Recorder's Office and more particularly bounded and described as follows:

Beginning at a railroad spike at the intersection of the south line of the above mentioned Stimmel Farm with the centerline of the Lockbourne Road;

thence N. 80° 00' W with said south line 406.0 feet to a point in the centerline of Big Walnut Creek, passing iron pipes at 24.00 feet and 257.30 feet;

Thence N 22° 19' W with said creek 726.0 feet to a point;

Thence N 24° 19' W with said creek 298.60 feet to a point;

thence N 59° 56' 20" E 205.95 feet to a railroad spike in the centerline of Lockbourne Road, passing iron pipes at 194.60 feet and 175.95 feet;

Thence S 30° 01' 40" E with said centerline 860.00 feet to an angle in said line;

Thence S 27° 33' 10" E. 413.00 feet to a railroad spike at another angle in said centerline;

thence S 13° 40' 40" W 7.00 feet to the place of beginning; containing 7.18 acres more or less and being subject to all legal rights-of-ways of record.

Parcel ID: 495-263119

Commonly Known As: 6680 Lockbourne Rd. Columbus, OH 43137

**To Rezone From:** R, Rural 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 change 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 site plan titled "**SITE PLAN**," dated January 31, 2022, and text titled, "**LIMITATION TEXT**," dated January 24, 2022, both signed by Donald Plank, Attorney for the Applicant, and the text reading as follows:

#### **LIMITATION TEXT**

**Property Location:** 6680 Lockbourne Road, Columbus, Ohio 43137

**Franklin County Auditor Tax Parcel Id. No.:** 495-263119-00

**Owner:** Peters Family Farms, Inc.

**Applicant:** Pinchal & Company, LLC

**Proposed District:** L-M, Limited Manufacturing District

**Date of Text:** January 24, 2022

**Application Number:** Z21-081

**I. INTRODUCTION:** The Property consists of approximately 180 acres located south of London-Groveport Road, northeast and east of Lockbourne Road, and west of Canal Road and the CSX Transportation railroad line and Norfolk Southern Corporation railroad lines, as more particularly described in the legal description submitted with this application (the "Property"). The properties to the northeast are zoned for manufacturing uses in the City of Columbus. The properties to the east sandwiched in between the railroad properties were annexed into the City of Columbus and are zoned rural residential. The small parcels of property to the immediate west of the Property are predominantly rural residential and are located in Hamilton Township. The properties to the northwest and west, just beyond the Hamilton

Township parcels, are zoned for PUD-4 and manufacturing uses (consisting of quarries) located in the City of Columbus. The properties in the southwest are zoned for manufacturing (consisting of quarries) in the City of Columbus. The properties to the south of the Property are zoned rural residential are currently being used as a tree farm.

The Applicant proposes to rezone the Property to L-M, Limited Manufacturing District, to allow for industrial/warehouse/distribution uses.

## **II. PERMITTED USES:**

A. Any uses located within that area of the Property depicted on the site plan and dated 1/31/2022 (the “Site Plan”) as the “Restricted Area”, consisting of approximately 37± acres of land, shall be limited to those uses specified under Chapter 3353 C-2 Commercial Office District, Sections 3363.01(B)(1) and (C), and Sections 3363.02 through 3363.08, less objectionable uses, of the Columbus City Code of Ordinances (the “Zoning Code”).

B. For that portion of the Property, other than the Restricted Area, the permitted uses shall include all uses permitted in Section A above, and the compounding, processing, packaging or treatment of the following materials or similar products:

1. Uses permitted under Section 3363.09 (Other chemicals, petroleum, coal and allied products) of the Zoning Code;
2. Uses permitted under Section 3363.10 (Clay, stone and glass products), except Asbestos products of the Zoning Code;
3. Machinery and Stoves and ranges, as specified under Section 3363.11 (Other metals and metal products) of the Zoning Code;
4. Furniture, Paper and paper board (from paper machine only), and Wallboard, as specified under Section 3363.12 (Other wood and paper products) of the Zoning Code;
5. Bedding (mattress, pillow and quilt), Jute, hemp and sisal products, and Linoleum and other hard-surfaced floor covering (except wood), as specified under Section 3363.13 (Textiles, fibers and bedding) of the Zoning Code; and
6. Uses permitted under Section 3363.14 (Other food and beverage products), except Poultry (including slaughter) of the Zoning Code.

## **III. PROHIBITED USES:**

A. The following uses are prohibited in the Restricted Area: All uses as specified under Chapters 3351 C-1 Neighborhood Commercial District, 3355 C-3 Community Scale Commercial Development, 3356 C-4 Regional Scale Commercial District, and 3357 C-5 Highway Oriented Commercial Development, and uses specified under Sections 3363.01(B)(2) and (D), and Sections 3363.09 through 3363.16, more objectionable uses, of the Zoning Code.

B. For any and all buildings not within the Restricted Area, the following uses are prohibited: All uses as specified under Chapters 3351 C-1 Neighborhood Commercial District, 3355 C-3 Community Scale Commercial Development, 3356 C-4 Regional Scale Commercial District, and 3357 C-5 Highway Oriented Commercial Development, uses specified under Sections 3363.01(B)(2) and (D), the manufacture of materials or similar products of the uses permitted in Section II B, above, and the manufacture, compounding, processing, packaging or treatment of the following materials or similar products:

1. Asbestos products, as listed under Section 3363.10 (Clay, stone and glass products) of the Zoning Code;
2. Boat manufacturer (over five tons), Bolts and nuts, Boiler manufacturer (other than welded), Brass and bronze foundries, Forge plant, pneumatic, drop and forging hammering, Foundries, Galvanizing or plating (hot dip), Lead oxide, Locomotive and railroad car building and repair, Motor testing (internal combustion motors), Ore dumps and elevators,

Shipyards, Structural iron and steel fabrication, and Wire rope and cable, as listed under Section 3363.11 (Other metals and metal products) of the Zoning Code;

3. Barrels, Carriages, Charcoal and pulverizing, Excelsior, Planning and millwork, Sawmill (including cooperage stock mill), and Wood-preserving treatment, as listed under Section 3363.12 (Other wood and paper products) of the Zoning Code;

4. Bleaching, Carpets, rags and mats, Cordage and rope, Cotton ginning, Cotton wadding and linter, Rice cleaning and polishing, Hats, Hair and felt products washing, wiring, dyeing, Knitted and woven goods, Nylon, Oilcloth, oil-treated products and artificial leather, Rayon, Shoddy, Wool pulling or scouring, as listed under Section 3363.13 (Textiles, fibers and bedding) of the Zoning Code;

5. Poultry (including slaughter), as listed under Section 3363.14 (Other food and beverage products) of the Zoning Code; and

6. All uses listed in Section 3363.15 (Other miscellaneous industries and uses) and 3363.16 (Other more objectionable uses permitted only in M-manufacturing districts) of the Zoning Code.

7. Paper mill

#### **IV. DEVELOPMENT STANDARDS:**

Unless otherwise indicated in this text, the applicable development standards in Chapter 3363, M-Manufacturing District, of the Zoning Code shall apply.

##### **A. Density, Height, Lot, and/or Setback Commitments:**

1. A 25' parking setback is established around the perimeter of the entire Property.
2. Any and all buildings constructed within the Restricted Area shall be set back a minimum of one hundred feet (100') from the right-of-way line of Lockbourne Road.
3. A 50' building setback is established along the southern portion of the Property along Lockbourne Road and the Property's southern property line as shown on the Site Plan.

##### **B. Access, Loading, Parking and/or Traffic Related Commitments:**

1. The Property will obtain access to and from the public right-of-way of London-Groveport Road, through the property to the north and northeast of the Property, as shown on the Site Plan. There shall be no separate access to and from Lockbourne Road unless the City of Columbus, Department of Public Safety, Division of Fire requires an emergency access to and from the public right-of-way of Lockbourne Road at a location approved by the Department of Public Service.
2. Turn lanes at the London-Groveport Road and La Salle Drive intersection shall be installed as follows:
  - a. An eastbound 800' right turn lane;
  - b. A westbound 425' left turn lane;
  - c. A northbound 120' right turn lane on the private access drive onto London-Groveport Road;
  - d. A northbound 375' left turn lane on the private access drive onto London-Groveport Road;

e. Turn lane lengths are inclusive of a 50' diverging taper

3. A condition to any site compliance plan application for any portion of the Property shall be that the northernmost access point to the area east of the north/south shared access drive, the subject of site compliance plan 20345-530, be converted to a right-in/right-out only.

4. Modifications to these access configurations or traffic commitments may be approved at the sole discretion of the Department of Public Service without the requirement for modification of this zoning text.

**C. Buffering, Landscaping, Open Space, and/or Screening Commitments:**

1. Applicant shall provide screening along a portion of the Property's Lockbourne Road frontage as follows:

a. Install a minimum six foot (6') high mound, running parallel to Lockbourne Road from the north boundary of the Property south a distance of approximately 675 linear feet.

b. Plant a minimum of 120 evergreen trees, 5' to 6' in height at planting, on the mound and continuing a total distance of approximately 1,200 linear feet from the north boundary of the Property along Lockbourne Road. The trees shall be placed in two (2) staggered rows, centered at 20', such that a tree shall be located every 10' feet along Lockbourne Road.

c. Plant a minimum of 76 evergreen trees, 5' to 6' in height at planting, approximately 760 linear feet along Lockbourne Road at the existing gravel access drive to the cemetery, generally as depicted on the Site Plan. The trees shall be placed in two (2) staggered rows, centered at 20', such that a tree shall be located every 10' feet along Lockbourne Road.

2. Along the south boundary of the Property, Applicant shall install a minimum 3' to 5' high mound. Applicant shall plant a minimum of 85 evergreen trees, 5' to 6' in height at planting, and placed in two staggered rows, centered at 20' such that a tree shall be located every 10 feet along the Property's south boundary.

3. The mound height shall be measured from the surface elevation at the property line of the Property.

~~4. The existing Landes Plum Cemetery (the "Cemetery") shall be preserved as a no-build/no-disturb area as shown on the Site Plan.~~

**D. Building Design and/or Exterior Treatment Commitments:**

N/A

**E. Lighting and/or other Environmental Commitments:**

Lighting shall comply with Section 3321.03(B) and (C) of the Zoning Code, unless otherwise approved by the Board of Zoning Adjustment.

**F. Graphics and/or Signage Commitments:**

N/A

**G. Miscellaneous Commitments:**

1. The Property shall be developed in accordance with this Limitation Text and the Site Plan, which may be slightly adjusted to reflect engineering, topographical or other site data available at the time of development. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of Building and Zoning Services, or

his/her designee, upon submission of the appropriate data regarding the proposed adjustment.

**2. The existing Landes-Plum Cemetery (the “Cemetery”), as shown on the Site plan, shall be preserved.** Applicant shall improve the existing gravel access from Lockbourne Road into the Property as shown on the Site Plan by adding new gravel and providing two (2) parking spaces along with a footpath to the Cemetery. A fence shall be installed to delineate the **original** boundary of the Cemetery **and a sixty foot (60’) perimeter cemetery buffer, measured from the fence, shall be maintained as open space.**

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.