



Legislation Details (With Text)

File #: 2215-2023 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/14/2023 **In control:** Zoning Committee

On agenda: 7/31/2023 **Final action:** 8/2/2023

Title: To rezone 5200 WINCHESTER PIKE (43110), being 27.56± acres located on the north side of Winchester Pike, 1,650± feet east of Shannon Road, From: R, Rural District, To: L-M, Limited Manufacturing District (Rezoning #Z23-004).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2215-2023_Attachments, 2. ORD2215-2023_Labels

Date	Ver.	Action By	Action	Result
8/2/2023	1	ACTING CITY CLERK	Attest	
8/2/2023	1	MAYOR	Signed	
7/31/2023	1	COUNCIL PRESIDENT	Signed	
7/31/2023	1	Zoning Committee	Approved	Pass
7/24/2023	1	Columbus City Council	Read for the First Time	

Rezoning Application: Z23-004

APPLICANT: Strait Real Estate & Arnold Lumber Investments II LLC; c/o Thomas Hart, Atty.; 5029 Cemetery Road; Hilliard, OH 43206.

PROPOSED USE: Light manufacturing and lumber yard.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on June 8, 2023.

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 27.56± acre site consists of two parcels located on the north side of Winchester Pike zoned in the R, Rural District. The larger 15.77± acre parcel is developed with a manufacturing facility specializing in lumber products, and is partially located within the flood plain, while the smaller 11.79± acre parcel is undeveloped. The requested L-M, Limited Manufacturing District will permit the expansion of the existing manufacturing use. The limitation text divides the site into Subarea A, the existing development, and Subarea B, the proposed expansion. The plan proposes an additional warehouse, an outdoor storage area, and two additional sheds in Subarea B. The text establishes use restrictions and supplemental development standards that address building, parking, storage, and landscaping setbacks, traffic access, landscaping and screening, dumpsters, and graphics provisions. The text also contains additional traffic commitments for reducing the existing driveway access for Subarea A along Winchester Pike, and upgrading the north side of Winchester Pike to meet the Franklin County Engineers Office's standards for travel lane width and shoulder grading along the frontage of the site. The site is located within the planning boundaries of the *South East Land Use Plan* (2018), which recommends "Industrial/Warehouse" land uses at this location for the existing manufacturing use (Subarea A), and recommends "Employment Center" for the proposed expansion area (Subarea B).

The Plan also includes the complete adoption of *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*. Staff supports the requested L-M district as the permitted uses are consistent with both land use recommendations at this location, and the limitation text commitments for landscaping, screening, and fencing will adequately buffer and screen adjacent residential uses from these non-residential uses, consistent with C2P2 design guidelines. The request also incorporates traffic-related improvements which are supported by both the Department of Public Service and the Franklin County Engineers Office. A concurrent Council variance (Ordinance #2216-2023; CV23-010) has been filed and includes variances to allow more objectionable uses within 600 feet of a residentially zoned property, with reduced standards for parking surface, dumpster area, storage, and building setbacks.

To rezone **5200 WINCHESTER PIKE (43110)**, being 27.56± acres located on the north side of Winchester Pike, 1,650± feet east of Shannon Road, **From:** R, Rural District, **To:** L-M, Limited Manufacturing District (Rezoning #Z23-004).

WHEREAS, application #Z23-004 is on file with the Department of Building and Zoning Services requesting rezoning of 27.56± 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 Greater South East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested L-M, Limited Manufacturing District will permit the expansion of an existing manufacturing use that includes commitments for landscaping, screening, traffic access, and improvements, all consistent with the land use recommendations of the *South East Land Use Plan and C2P2 Design Guidelines*; 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:

5200 WINCHESTER PIKE (43110), being 27.56± acres located on the north side of Winchester Pike, 1,650± feet east of Shannon Road , and being more particularly described as follows:

Parcel 1 (Subarea A):

Situated in the State of Ohio, County of Franklin, Township of Madison, lying in Section 10, Township 11, Range 21, and being a 15.759 acre tract conveyed to Strait Real Estate LLC 1 LTD by Instrument Number 199705230006729, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing at a Franklin County Monument #9946 at the southeast corner of said Section 10, southwest corner of Section 11, northwest corner of Section 14, and the northeast corner of Section 15, and the southwesterly corner of a 11.904 acre tract as conveyed to Arnold Estate Investments II LLC by Instrument Number 202110270195617;

Thence northerly along the east line of section 10, the west line of Section 11, and a 40.76 acre tract as conveyed to Ohio Lamb Farm LLC., in Instrument Number 201509170131006, **North 4°20'08" West, 722.51 feet**, to a point being the northeasterly corner of said 11.904 acre tract, and being the **Point of Beginning** for the herein described 15.900 acre tract;

Thence along the northerly line of said 11.904 acre tract, **North 84°45'24" West, 746.10 feet** to a Pipe Found, being a northeasterly corner of a 0.815 acre tract as conveyed to Stephen M. Forquer and Amy J. Forquer by Official Record 11460, Page F19;

Thence along the northerly line of said 0.815 acre tract, **North 84°45'38" West, 219.94 feet** to a point, being the

northwesterly corner of a 1.469 acre tract as conveyed to Stephen M. Forquer and Amy J. Forquer by Official Record 11460, Page F19;

Thence along the westerly line of said 1.469 acre tract, **South 4°09'07" West, 403.06 feet** to a point in the southerly right-of-way of Winchester Pike;

Thence along the southerly right-of-way of said Winchester Pike, **North 47°29'41" West, 255.66 feet** to a point;

Thence **North 4°18'31" East, 744.60 feet** to an Iron Pipe Found, being the southwesterly corner of a 25.588 acre tract as conveyed to Trailway Resources LLC in Instrument Number 201909120118306;

Thence along the southerly line of said 25.588 acre tract the following two (2) courses:

South 84°55'52" East, 349.58 feet to an Iron Pipe Found;

Thence **North 87°05'14" East, 822.99 feet** to an Iron Pipe Found, being the northwesterly corner of said 40.76 acre tract;

Thence along the westerly line of said 40.76 acre tract, **South 4°20'08" West, 614.18 feet** to the **POINT OF BEGINNING**. Containing **15.900 acres**, more or less, and being subject to all easements, restrictions, and rights-of-way of record.

The bearings in the above description were based on the bearings of N 85°04'48" W, for the southerly line of Section 11 as shown of record in O.R. 20944 A15.

Subject to all valid and existing easements, restrictions and conditions of record.

Address: 5200 Winchester Pike, Columbus, OH 43110

PIN: 535-307599

Parcel 2 (Subarea B):

Situated in the State of Ohio, County of Franklin, Township of Madison, lying in Section 10, Township 11, Range 21, and being a 11.904 acre tract as conveyed to Arnold Estate Investments II LLC by Instrument Number 202110270195617, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING at a Franklin County Monument #9946 at the southeast corner of said Section 10, southwest corner of Section 11, northwest corner of Section 14, and the northeast corner of Section 15;

Thence along the southerly line of Section 10, **North 86°08'49" West, 437.03 feet** to an Iron Pipe Found, being a point in the northerly right-of-way line of Winchester Pike as conveyed to Franklin County Commissioners in Instrument Number 202112210230334;

Thence along the northerly right-of-way line of said Winchester Pike, **North 47°29'41" West, 392.72 feet** to a Pipe Found, being the southeasterly corner of a 0.815 acre tract as conveyed to Stephen M. Forquer and Amy J. Forquer by Official Record 11460, Page F19;

Thence **North 4°18'29" East, 495.31 feet** to a Pipe Found, being the northeasterly corner of said 0.815 acre tract, also being a point in the southerly line of a 15.77 acre tract as conveyed to Strait Real Estate LLC 1 LTD by Instrument Number 199705230006729;

Thence along the southerly line of said 15.77 acre tract, **South 84°45'24" East, 746.10 feet** to a point, being a point in the easterly line of said Section 10 and the westerly line of said Section 11;

Thence along the easterly line of said Section 10, **South 4°20'08" West, 722.51 feet** to the **POINT OF BEGINNING**. Containing **11.657 acres**, more or less, and being subject to all easements, restrictions, and rights-of-way of record.

The bearings in the above description were based on the bearings of N 85°04'48" W, for the southerly line of Section 11 as shown of record in O.R. 20944 A15.

Subject to all valid and existing easements, restrictions and conditions of record.

Address: 5200 Winchester Pike, Columbus, OH 43110

PIN: 535-307599

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 plans titled "**SUBAREA A LAYOUT,**" "**SUBAREA B LAYOUT,**" and "**LANDSCAPE PLAN,**" all dated July 13, 2023, signed by Thomas Hart, Attorney for the Applicant, and text titled, "**LIMITATION TEXT,**" dated July 13, 2023, and signed by Thomas Hart, Attorney for the Applicant, and the text reading as follows:

LIMITATION TEXT

Property Location: 5200 Winchester Pike, Canal Winchester, OH 43110

Parcel Nos: 535-307599 (Subarea A - 15.7587+/- acres) and 535-307600 (Subarea B - 11.655+/- acres)

Owners: Strait Real Estate LLC, 1 Ltd. and Arnold Estate Investments II LLC

Applicants: Strait Real Estate LLC, 1 Ltd. and Arnold Estate Investments II LLC

Proposed District: L-M, Limited Manufacturing with M district and office uses

Date of Text: 7-13-2023

Application No.: Z23-004

I. INTRODUCTION:

The subject property consists of 27.4137+/- acres (the "Site") located at 5200 Winchester Pike, west of Brice Road and south of Shannon Road. The property is made up of two parcels that were previously zoned Planned Industrial Park (15.7587 acres, PN 535-307599) and Rural (11.655 acres, PN 535-307600) respectively in Madison Township. Both parcels were recently annexed into the City of Columbus to facilitate utility service and expansion. The site is surrounded by farmland on the east and west sides and residential land on the north and vacant land on the south, along with several single-family residences on the south border and between the two parcels.

The applicant proposes to rezone the site to one cohesive Limited-Manufacturing district, (L-M) with two subareas. The applicants plan to combine the two existing parcels with consolidated ownership in the future. Until this parcel and ownership consolidation occurs, and/or unless it does not occur before final site plan approval, the applicants will establish cross-access and reciprocal utility easements meeting city requirements and with city approval to operate as a uniform site. Draft reciprocal easements are attached with this application, and are to be finalized upon rezoning approval and final site plan compliance. Permitted uses for both subareas include those under the Manufacturing (M) district classification, along with existing and expanded related office uses. This will allow for the continuation and expansion of

an existing lumber truss and wall systems production facility to supply the regional home building and commercial construction industries. The applicant's existing business and expansion of the current facility and its annexation to Columbus will provide job growth and revenue to the City.

So long as the business operation on the site are lumber truss and wall systems production and office facilities, the site will be developed in a manner that is generally consistent with the Zoning Compliance and Commitment Plans titled "Subareas A Layout", "Subarea B Layout" and "Landscaping Plans" attached hereto. Illustrative and Conceptual Zoning Plans are also attached to show likely development details but these Plans are subject to adjustment consistent with this governing text before they are finally approved through the final site compliance process.

II. PERMITTED USES:

- A. Uses under Sections 3363.02 through 3363.08 (less objectionable uses) and 3363.12 (more objectionable uses) under the M designation, Manufacturing and Warehousing and Office Uses in both subareas.
- B. Those more objectionable uses from Section 3363.12, shall include but may not be limited to the permitted uses of planning, millwork, sawmill and other wood component manufacturing, such as wall panel systems, trusses and joists for roofs and floor systems and assembly, outdoor storage of materials, finished wood components, and shipping from outdoor storage locations. Such uses under Section 3363.12 are conditioned upon and only permitted so long as the existing lumber manufacturing facility is in business operation.
- C. Outdoor materials storage areas as generally depicted on Zoning Compliance and Commitment Plans.
- D. And, upon re-development, permitted uses include the allowance for those uses as generally permitted in C-1, C-2, C-3 and C-4 commercial districts, *except* those uses listed below, which are specifically excluded on this site:

Animal Shelter
Bar
Blood and Organ Banks
Cabarets and Nightclubs
Check Cashing and Loans
Extended Stay Hotel
Halfway House
Mission/Temporary Shelters
Sales, Rental, Leasing of Automobiles, Motorcycles, Boats, Recreational Vehicles, Utility Trailers, Off-road vehicles and/or Trucks
Pawn Brokers
Other uses that are specifically prohibited: Adult Entertainment, Adult Store

III. DEVELOPMENT STANDARDS:

Unless otherwise indicated in this limitation text and/or on the submitted site plans and zoning exhibits, the applicable development standards contained in Chapter 3363, M-Manufacturing District with provision for related office uses and/or upon re-development, Chapter 3356, C-4, Commercial District, of the Columbus City Code shall apply. See also Concurrent CV23-010 for reduced development standards related to this development.

A. Subarea Standards

Subarea A

1. Existing Buildings and Conditions Subarea A are approved for up to 92,800 square feet of manufacturing, warehousing and related office space in the general configurations depicted on Illustrative and Conceptual Zoning Plans.

Expansion of the current buildings as shown on Illustrative and Conceptual Zoning Plans or as provided herein shall require all applicable regulatory and code compliance updates, and the approval of Final Site Compliance Plans, as well as rezoning if applicable.

2. Setbacks: Building, pavement/parking and material storage setbacks shall be as depicted on the site plan titled, "Subarea A Layout". Note: The pavement/parking setback at Winchester Pike is 0 (zero) feet for Subarea A based on right-of-way dedication requirements and existing conditions. This setback is requested for variance in the accompanying Council Variance application, CV23-010.

3. Height - Up to 35 ft with allowance for graduation of building heights.

Subarea B

1. Buildings to be constructed in Subarea B are approved for up to 108,000 square feet of manufacturing, warehousing and related office space in the general building configurations as depicted on Illustrative and Conceptual Zoning Plans. The building locations depicted on the Subarea B Layout plans may be adjusted based on site conditions and final engineering.

Expansion of the buildings or overall square footage referenced above or as provided herein shall require all applicable regulatory and code compliance updates, and the approval of Final Site Compliance Plans, as well as rezoning if applicable.

2. Building Setbacks Subarea B

a. Winchester Pike: Minimum 60 feet

3. Pavement/Parking Setbacks (landscape buffers) Subarea B

- a. West - 20 ft minimum
- b. East - 20 ft minimum
- c. South - 20 ft minimum
- d. North - 0 ft from Subarea A
- e. Winchester Pike: 25 minimum

4. Material Storage Setbacks Subarea B

- a. West - 100 ft minimum
- b. East - 100 ft minimum
- c. North - 25 ft minimum from Subarea A unless these parcels are combined.
- d. South - 100 ft minimum
- e. Winchester Pike: 30 ft minimum

6. Height - Up to 35 ft with allowance for graduation of building heights.

B. Access, Loading, Parking and/or Other Traffic Related Commitments

1. Two accesses shall be maintained via curb cuts from Winchester Pike as shown on the Site Plan for both Subareas.

2. Parking spaces shall comply with code requirements as shown on the submitted site plan(s).

3. Traffic Commitments:

a. Jurisdiction for traffic regulation for Subarea B (new facilities) lies primarily with Franklin County Engineer's Office (FCEO) as access to this portion of Winchester Pike is within County limits. Jurisdiction for traffic regulation for Subarea A (existing facilities) lies primarily with the City of Columbus. A revised Traffic Impact Study (TIS) for the site was completed and submitted to the Franklin County Engineer's Office on July 6, 2022 and shared with the City after the FCEO approved the TIS with requested revisions on July 5, 2022. Approved traffic commitments are as follows:

b. As requested by the City Division of Traffic Management and the FCEO, the width of the existing driveway access at 5200 Winchester Pike (PN 535-307599) for Subarea A will be reduced to the maximum width of 38.22 feet with the reduction of pavement along Winchester Pike. Driveway access for Subarea A is to be reconfigured per Columbus Standard Drawing 2202. The feasibility of providing a shoulder per Columbus Standard Drawing 2135 and/or leaving existing pavement to function as a shoulder will be determined during final engineering design and as approved by the City. Existing parking spaces are to be relocated from and turf grass will be added to this area as determined at final engineering approval. The reduced access and driveway reconfiguration will be made within six months of the applicants' commencing operations of the newly constructed buildings, including the new warehouse and production buildings as proposed, so that ongoing internal operations are not impacted.

c. The applicant shall be responsible for upgrading the north side of Winchester Pike to meet current FCEO standards for travel lane width and shoulder grading along the frontage of the property. The current standard is for an eleven-foot travel lane, with a five foot paved and graded shoulder. A full-width mill and overlay shall be required along with this widening. These improvements shall be constructed or bonded prior to the Applicant receiving new access approval to Winchester Pike. Alternatively, Franklin County holds the right to require a fee in lieu of this construction to be used towards regional improvements within the Winchester Pike area. If directed by the FCEO, such fee shall be based on an engineer's estimate and schematic of the widening, subject to review and approval of the FCEO. Such fee in lieu shall be requested prior to any improvements by the applicants.

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

1. Landscaping commitments are shown on the attached Landscape Plan. Buffering shall include maintaining a minimum 20 feet landscape screen on the east and south sides of Subarea B adjacent to agricultural and residential neighboring properties. (A wider tree preservation area is shown and is to be maintained along the southern property border with neighboring parcel number 181-000152-00.) Existing tree stands are to remain or be removed as indicated on the Landscape Plan. Subarea B landscaping includes the following and named species may be replaced with similar species:

a. To be installed between the sidewalk along Winchester Pike and the parking areas and buildings: Eight (8) 6 foot high Juniper shrubs; Seventeen (17) 18 inch high Dogwood shrubs; Eight (8) American Elm deciduous trees.

b. To be installed along the eastern Subarea B border with parcel number 010-262375-00; Twenty-Nine (29) evergreen trees (Canadian Hemlock).

2. The Forquer parcel (PN 180-000303-00) is screened on its eastern border with Sixteen (16) evergreen trees (Canadian Hemlock) to be installed on the western boundary of Subarea B between the new retention pond and property line.

3. An existing six (6) foot high opaque fence is to be expanded and fully inserted with wood slats to screen the eastern and southern property lines of Subarea A, in relation to the western and northern boundaries of the Forquer parcel (PN 180-000303-00) as depicted on Landscape Plan.

D. Dumpsters, Lighting, Outdoor Display Areas, and/or other Environmental Commitments

1. Trash dumpster enclosure design commitments are as follows: Six (6) foot high chain link fence with gate and slats for screening. The enclosure is built on a concrete slab with a 7 foot concrete approach apron in front of the gate. Dumpster screening may also be revised to comply with Section 3321.01, Dumpster area.

2. A second larger dumpster is designed to handle and transport wood and lumber scraps for recycling off-site as depicted on the Subarea B Layout plan sheet and is the subject of a variance request under CV23-010.

3. Lighting commitment details are to be depicted on building elevations at the time of final site plan compliance.

4. No outdoor displays shall be permitted for this lumber processing/warehouse operation and use.

E. Graphics and Signage Commitments

The applicable graphics standards shall be those contained in the City Code chapter 3377 as they apply to M, Manufacturing District. Any variances to the City Code for Graphics for wall, monument and tenant sign panel signs shall be submitted to the Columbus Graphics Commission and the applicant shall file a graphics plan application for any such signs on this parcel.

F. Miscellaneous Commitments:

1. Please refer to CV23-010 to allow more objectionable uses within 600 feet of residentially zoned property [3311.28 (b)], to allow outdoor storage of materials and finished wood components within 25 feet of residentially-zoned property as a variance to section 3363.41(a), to allow parking and maneuvering on hard-parked limestone surfaces (33121.43), to vary section 3312.27(2) to allow a parking/pavement setback of zero feet for Subarea A at Winchester Pike based on right-of-way dedication and existing conditions, to vary building setbacks under section 3363.24, and to allow variance in dumpster standards under 3321.01. A separate application for an administrative variance has been filed with the Division of Traffic Management, Department of Public Service with regard to required right-of-way dedication under section 4309.17 and based on the existing building location in Subarea A.

2. The site shall be developed in general conformance with the submitted Zoning Compliance and Commitments Plans, titled "Subareas A Layout", "Subarea B Layout" and "Landscaping Plans" attached hereto. The submitted Subareas A and B Layout plans, the building locations depicted within Subarea B and Landscaping Plans may be adjusted to reflect engineering, topographical, changes to buildings and expansions of buildings square footages as referenced in this text

based on business needs, structural designs, site conditions or other site data developed at the time of final site compliance, development and/or as engineering plans are completed. Any adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

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