



## Legislation Details (With Text)

**File #:** 1973-2015      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 7/10/2015      **In control:** Zoning Committee

**On agenda:** 9/21/2015      **Final action:** 9/23/2015

**Title:** To rezone 4085 WESTERVILLE ROAD (43224), being 1.47± acres located on the west side of Westerville Road, 310± feet north of Saville Row, From: L-M, Limited Manufacturing District, To: L-M, Limited Manufacturing District and to declare an emergency (Rezoning # Z15-028).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1973-2015.Attachments, 2. Notice Of Public Hearing - Council Mtg20150921

Date	Ver.	Action By	Action	Result
9/23/2015	2	CITY CLERK	Attest	
9/22/2015	2	MAYOR	Signed	
9/21/2015	2	COUNCIL PRESIDENT	Signed	
9/21/2015	1	Zoning Committee	Amended to Emergency	Pass
9/21/2015	1	Zoning Committee	Approved as Amended	Pass

### Rezoning Application Z15-028

**APPLICANT:** Connie J. Klema; 145 East Rich Street, 2<sup>nd</sup> Floor; Columbus, Ohio 43215.

**PROPOSED USE:** Expand list of permitted commercial uses.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on July 9, 2015.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The proposed L-M, Limited Manufacturing District, would permit additional uses for an existing commercial warehouse development. The site is located within the boundaries of the *Northeast Area Plan* (2007), which recommends residential uses for this location. In consideration of the nearby residential development, the limitation text includes use restrictions, setbacks, street trees and screening, as well as limits on lighting and outdoor display areas. While inconsistent with the land use recommendation of the *Northeast Area Plan*, Staff notes that residential redevelopment of this industrial site is unlikely.

To rezone **4085 WESTERVILLE ROAD (43224)**, being 1.47± acres located on the west side of Westerville Road, 310± feet north of Saville Row, From: L-M, Limited Manufacturing District, To: L-M, Limited Manufacturing District **and to declare an emergency** (Rezoning # Z15-028).

**WHEREAS**, application #Z15-028 is on file with the Department of Building and Zoning Services requesting rezoning

of 1.47± acres from L-M, Limited Manufacturing District, to L-M, Limited Manufacturing District; and

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

**WHEREAS**, the Northeast Area Commission recommends disapproval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the request, while inconsistent with the recommendations of the *Northeast Area Plan*, will not add incompatible uses to an existing commercial warehouse development; 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:

**4085 WESTERVILLE ROAD (43224)**, being 1.47± acres located on the west side of Westerville Road, 310± feet north of Saville Row, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lot 83 of "HYDE PARK PLAT No. 1" Subdivision, recorded in Plat Book 39, Page 68 (record references to those of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning in the westerly right-of-way line of Westerville Road (State Route 3), at the southeasterly corner of said Lot 83;

thence northwesterly along the southerly line of said Lot 83, North 63°08'30" West, 264.95 feet to the southerly corner common to Lots 11 and 83 of said Subdivision;

thence northerly along the line common to Lots 11, 12, 13 and 83 of said Subdivision, North 29°55'00" East, 174.64 feet to the northwesterly corner of said Lot 83;

thence easterly along the northerly line of said Lot 83, South 86°02'05" East, 294.63 feet to the northeasterly corner of said Lot 83, being in said westerly right-of-way line of Westerville Road;

thence southwesterly along said westerly right-of-way line of Westerville Road, being a line 50.00 feet northwesterly of (as measured perpendicular to and parallel with) the centerline of said Road, and being the easterly line of said Lot 83, South 29°59'06" West, 289.44 feet to the 'Point of Beginning,' containing 1.41 acres of land, more or less, as described in June of 2015, by Carl E. Turner Jr., Registered Surveyor No. S-6702, from existing records for zoning purposes only.

**To Rezone From:** L-M, Limited Manufacturing 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, “**LIMITATION TEXT**,” dated September 3, 2015, and signed by Connie J. Klema, Agent for the Applicant, and the text reading as follows:

### **LIMITATION TEXT**

**PROPOSED DISTRICT: L-M**

**PROPERTY ADDRESS: 4085 Westerville Road, Columbus 43224**

**OWNER: Green Thumb Real Estate Investments LLC**

**APPLICANT: Green Thumb Real Estate Investments LLC**

**ATTORNEY: Connie J. Klema, Attorney**

**DATE OF TEXT: September 3, 2015**

**APPLICATION NUMBER: Z15-028**

**1. INTRODUCTION:** In 1985 this site was zoned to L-M, Limited Manufacturing District allowing plumbing and heating warehousing and offices with no outside storage. In 2001, this site was again zoned to L-M to include offices as permitted in Chapter 3363 M, Manufacturing and a garden, lawn, tractor sales and service facility. The current zoning request is to maintain the L-M, Limited Manufacturing District with additional uses permitted in the Manufacturing District.

**2. PERMITTED USES:** The uses permitted shall be:

C-1 3351.03: (B) Bicycle shop

C-2 3353.03: (A)(B)(C)(D)(E) Office uses; (G) Adult and Child Day Care Centers

C-3356.03: (B) Caterers, household and personal goods maintenance and repair, reupholster and furniture repair, (C) automotive maintenance and repair, garden and lawn tractor sales and services, car detailing, carpet and upholstery cleaning services; Exterminating and Pest Control Services, Janitorial Services

M 3363.02: (b) Warehouse or storage in bulk for clothing, cotton, dry goods, feed, furniture, machinery, metals, pipe, rubber, shop supplies, soil stabilizer, and wool.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated the applicable development standards are contained in Chapter 3363, M, Manufacturing of the Columbus City Code.

**A. Setbacks**

1. The parking setback from Westerville Road shall be ten (10) feet.
2. The rear building setback shall be thirty (30) feet.

**B. Access**

There shall be one access point from Westerville Road

**C. Buffering/Trees/Screening** (If currently planted, this requires maintenance & replacement if dead)

1. Street trees shall be planted/maintained within the parking setback along Westerville Road at a ratio of one tree per forty (40) feet of frontage.
2. The developer shall install/maintain a row of evergreen trees along the rear and south property lines twenty (20) feet on center.
3. A six (6) foot high board on board fence along the western property line and a six (6) foot high chain link fence with opaque slats will be maintained along the southern property line.

**D. Building Design**

The buildings may be constructed of prefabricated metal and shall include architectural entryway features that face toward Westerville Road.

**E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.**

1. Light poles shall not exceed 18 feet in height.

2. Wiring within the subject site shall be underground, unless a utility company providing service through or over the property prohibits underground installation.
3. Outdoor display shall be confined to porch areas in front of the buildings and outdoor storage/display areas shall be located between the two buildings. No outside storage of inoperable equipment or parts other than in the on-site dumpster is permitted.

F. Graphics and Signage commitments:

The owner shall comply with the Graphics Code, Article 15, Title 33 of Columbus City Code, as it applies to the M, Manufacturing District and any variance to those requirements shall be submitted to the Columbus Graphics Commission for consideration.

**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.**