



## Legislation Details (With Text)

**File #:** 0922-2008      **Version:** 1

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

**File created:** 5/23/2008      **In control:** Zoning Committee

**On agenda:** 6/23/2008      **Final action:** 6/25/2008

**Title:** To rezone 561 & 567 LAZELLE ROAD (43081), being 4.7± acres located on the south side of Lazelle Road, 740± feet east of Sancus Boulevard, From: L-C-3, Limited Commercial District, To: L-C-4, Limited Commercial District (Rezoning # Z08-008).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0922-2008attachments.pdf, 2. ORD0922-2008.lbls.pdf, 3. City Council Data Form\_Z08-008.pdf

Date	Ver.	Action By	Action	Result
6/25/2008	1	CITY CLERK	Attest	
6/24/2008	1	MAYOR	Signed	
6/23/2008	1	Zoning Committee	Approved	Pass
6/23/2008	1	COUNCIL PRESIDENT	Signed	
6/16/2008	1	Columbus City Council	Read for the First Time	
6/9/2008	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
6/6/2008	1	Dev Reviewer	Reviewed and Approved	
6/6/2008	1	Dev Zoning Drafter	Sent for Approval	
6/6/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
6/5/2008	1	Dev Zoning Reviewer	Reviewed and Approved	
5/23/2008	1	Dev Zoning Drafter	Sent for Approval	

### Rezoning Application Z08-008

**APPLICANT:** Mark R. Ciminello; 5444 Medallion Drive East; Westerville, OH 43082.

**PROPOSED USE:** Limited commercial development including garden center / landscape nursery.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on April 10, 2008.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The proposed text limits the applicant to landscaping sales and a nursery and C-1 and C-2 Commercial District uses only. The proposed text is based off the L-C-3 limitation text that was approved in 1984. Since the 1984 rezoning to the L-C-3, Limited Commercial District, nurseries were removed from the C-3 District as permitted uses and the properties surrounding this site have developed with the nursery being already present. The applicant has agreed to install a buffer if he builds a building within 240 feet of the south property line. The requested L-C-4, Limited Commercial District is consistent with the zoning and development patterns of the area.

To rezone **561 & 567 LAZELLE ROAD (43081)**, being 4.7± acres located on the south side of Lazelle Road, 740± feet east of Sancus Boulevard, **From:** L-C-3, Limited Commercial District, **To:** L-C-4, Limited Commercial District (Rezoning # Z08-008).

**WHEREAS**, application #Z08-008 is on file with the Building Services Division of the Department of Development requesting rezoning of 4.7± acres From: L-C-3, Limited Commercial District, To: L-C-4, Limited Commercial 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 proposed text limits the applicant to landscaping sales and a nursery and C-1 and C-2 Commercial District uses only. proposed text is based off the L-C-3 limitation text that was approved in 1984. Since the 1984 rezoning to the L-C-3, Limited Commercial District, nurseries were removed from the C-3 District as permitted uses and the properties surrounding this site have developed with the nursery being already present. The applicant has agreed to install a buffer if he builds a building within 240 feet of the south property line. The requested L-C-4, Limited Commercial District is consistent with the zoning and development patterns of the area, 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:

**561 & 567 LAZELLE ROAD (43081)**, being 4.7± acres located on the south side of Lazelle Road, 740± feet east of Sancus Boulevard, and being more particularly described as follows:

Legal Description

Real property in the City of Columbus, County of Franklin, State of Ohio, and is described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, formerly Township of Sharon, being in Section 1, Township 2, Range 18, United States Military Land, also being a part of Lot Number Ten (10) of the Smith and Jenkins Tract (so-called) and being 5.00 acres of land, more or less, said 5.00 acre tract of land being part of that 20.00 acre tract and that 17 acre 131 rod tract of land described in a deed to Metzger Brothers Company, Inc. (an Ohio Corporation) of record in Deed Book 2925, Page 302, Recorder's Office, Franklin County, Ohio; said 5.00 acre tract of land being more particularly described as follows:

Beginning at the Northeasterly corner of said 20.00 acre tract, the centerline of Lazelle Road, a Northerly line of Franklin County;

Thence South with the Easterly line of said 20.00 acre tract, and the Easterly line of said 17 acre 131 rod tract of land, a distance of 726.00 feet to a point;

Thence West, parallel with said Lazelle Road, a Northerly line of said Franklin County, the Northerly line of said 20.00 acre tract, a distance of 300.00 feet to a point;

Thence North parallel with and 300.00 feet Westerly from (as measured at right angles) the Easterly line of said 20.00 acre tract, the Easterly line of said 17 acre 131 rod tract of land, a distance of 726.00 feet to a point in the centerline of said Lazelle Road, the Northerly line of said 20.00 acre tract, a Northerly line of said Franklin County;

Thence East with the centerline of said Lazelle Road, the Northerly line of said 20.00 acre tract, a Northerly line of said Franklin County, a distance of 300.00 feet the point of beginning and containing 5.00 acres of land more or less.

**EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PREMISES:**

Situated in the County of Franklin in the state of Ohio and in the City of Columbus, formerly Township of Sharon and bounded and described as follows:

Being in Section 1, Township 2, Range 18, United States Military Land, also being a part of Lot Number (10) of the Smith and

Jenkins Tract (so-called) and being 0.275 acres out of a 5.00 acre tract of land, more or less, said 5.00 acre tract of land being part of that 20.00 acre tract and that 17 acre 131 rod tract of land described in a Deed to Metzger Brothers Company, Inc (an Ohio Corporation) of record in Deed Book 2925, page 302, Recorder's Office, Franklin County, Ohio; said 0.275 acre tract of land being more particularly described as follows:

Beginning at the Northeasterly corner of said 20.00 acre tract, the centerline of Lazelle Road, a Northerly line of Franklin County;

Thence South with the Easterly line of said 20.00 acre tract, and the Easterly line of said 17 acre 131 rod tract of land, a distance of 40.00 feet to a point;

Thence West, parallel with said Lazelle Road, a Northerly line of said Franklin County, the Northerly line of said 20.00 acre tract, a distance of 300.00 feet to a point;

Thence North parallel with and 300.00 feet Westerly from (as measured at right angles) the Easterly line of said 20.00 acre tract, the Easterly line of said 17 acre 131 rod tract of land, a distance of 40.00 feet to a point in the centerline of said Lazelle Road, the Northerly line of said 20.00 acre tract, a Northerly line of said Franklin County;

Thence East with the centerline of said Lazelle Road, the Northerly line of said 20.00 acre tract, a Northerly line of said Franklin County, a distance of 300.00 feet the point of beginning and containing 0.275 acres of land more or less.

610-166663-00

**To Rezone From:** L-C-3, Limited Commercial District,

**To:** L-C-4, Limited Commercial District

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-C-4, Limited Commercial District on this property.

**SECTION 3.** That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved L-C-4, Limited Commercial District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes; said text being titled, "**LIMITATION TEXT OVERLAY**," signed by Mark R. Ciminello, Applicant, dated January 28, 2008, and reading as follows:

LIMITATION TEXT OVERLAY

PROPOSED DISTRICT: L-C-4, Limited Commercial District  
PROPERTY ADDRESS: 567and 561 Lazelle Road  
OWNER: Mark R. and Joseph A. Ciminello  
APPLICANT: Mark R. and Joseph A. Ciminello  
DATE OF TEXT: 1/28/08  
APPLICATION NUMBER: Z08-008

1. **INTRODUCTION** The site contains approximately 4.726 acres located south of Lazelle Road and East of Sancus Boulevard. The applicant intends to rezone the site for C-4, Regional Scale Commercial Development uses. In order to exclude all other offensive uses that are permitted in the C-4, Regional Scale Commercial Development, it is necessary that this limitation text be applied to the zoning application.
2. **PERMITTED USES** The permitted uses shall be limited to a Garden Center, Landscaping and any retail sales accessory to such permitted uses along with all C-1 and C-2 uses.
3. **DEVELOPMENT STANDARDS:** In all other respects, the property shall be used and developed in accordance with the provisions of the Columbus Zoning Code applicable to the C-4 Regional Scale Commercial Development.
  - 3.a In the event that any additional structure is built within 240 feet of the southern property line an evergreen screen will be planted. The evergreens will be planted a minimum of 6 feet O.C. and will form a 75 percent opaque screen.

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

