



## Legislation Details (With Text)

**File #:** 0130-2005      **Version:** 2

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

**File created:** 1/14/2005      **In control:** Zoning Committee

**On agenda:** 2/28/2005      **Final action:** 3/2/2005

**Title:** To rezone 6980 TUSSING ROAD (43068), being 2.78± acres located on the north side of Tussing Road, 236± feet east of Arrowsmith Drive, From: R, Rural District, To: L-M, Limited Manufacturing District and to declare an emergency. (Z04-083).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 0130-2005 Staff Rpt.pdf, 2. ORD 0130-2005 zone.pdf, 3. ORD 0130-2005 gis.pdf, 4. ORD 0130-2005 area plan.pdf, 5. ORD 0130-2005 disclosure.pdf, 6. ORD 0130-2005 labels.pdf, 7. Z04-083 Data Form.pdf

Date	Ver.	Action By	Action	Result
3/2/2005	2	MAYOR	Signed	
3/2/2005	2	CITY CLERK	Attest	
2/28/2005	1	Zoning Committee	Approved as Amended	Pass
2/28/2005	2	Zoning Committee	Amended to Emergency	Pass
2/28/2005	2	COUNCIL PRESIDENT	Signed	
2/2/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
2/1/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
1/31/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
1/31/2005	1	Dev Zoning Drafter	Sent for Approval	
1/14/2005	1	Dev Zoning Drafter	Sent for Approval	

**REZONING APPLICATION:** Z04-083

**APPLICANT:** Feelines Homes, Ltd.; c/o David Perry, Agent; The David Perry Company; 145 East Rich Street; Columbus, OH 43215.

**PROPOSED USE:** Carwash and office/warehouse development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on December 9, 2004.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant's request for the L-M, Limited Manufacturing District for office/warehouse use is consistent with *Brice-Tussing Plan* (1990) land use recommendations and staff can support the proposed carwash because it will be developed with M-2, Manufacturing District setback and landscaping standards. The limitation text permits less objectionable manufacturing uses and a carwash, and includes customary development standards that address traffic, buffering and screening, and lighting and graphics controls.

To rezone **6980 TUSSING ROAD (43068)**, being 2.78± acres located on the north side of Tussing Road, 236± feet east of Arrowsmith Drive, **From:** R, Rural District, **To:** L-M, Limited Manufacturing District **and to declare an emergency.** (Z04-083).

**WHEREAS**, application #Z04-083 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.78± acres from R, Rural District to L-M, Limited Manufacturing District, and

**WHEREAS**, the Development Commission recommends approval of said zoning change; 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 allow for the closure of this property which is contingent upon zoning and must close on or before Friday, March 4, 2005 for the immediate preservation of the public peace, property, health and safety; and**

**WHEREAS**, the City Departments recommend approval because the applicant's request for the L-M, Limited Manufacturing District for office/warehouse use is consistent with *Brice-Tussing Plan* (1990) land use recommendations and staff can support the proposed carwash because it will be developed with M-2, Manufacturing District setback and landscaping standards. The limitation text permits less objectionable manufacturing uses and a carwash, and includes customary development standards that address traffic, buffering and screening, and lighting and graphics controls; 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:

**6980 TUSSING ROAD (43068)**, being 2.78± acres located on the north side of Tussing Road, 236± feet east of Arrowsmith Drive, and being more particularly described as follows:

**LEGAL DESCRIPTION for 2.7708 Acres, Z04-083, 6980 Tussing Road**

Situated in the State of Ohio, County of Franklin, and City of Columbus and being located in the southeast quarter of Section 24, Township 12, Range 21, Refugee Lands, and being more particularly described as follows:

Beginning for reference at the Franklin County Geodetic Survey Monument #2216, found in the centerline of Tussing Road (80 feet in width) at the Franklin County/Fairfield County Line;

Thence North 86° 28' 29" West a distance of 400.00 feet along the section line in the center of Tussing Road to a point, said point being located South 86° 28' 29" East a distance of 2311.28 feet from Franklin County Geodetic Survey Monument #2215;

Thence North 3° 45' 41" East a distance of 50.00 feet to an iron pin set, passing an iron pin found at 30.00 feet and an iron pin found at 40.00 feet, said iron pin set being the True Point of Beginning of the herein described Tract 2;

Thence continuing North 3° 45' 41" East along the east line of a 1.801 acre tract conveyed to Trojan Enterprises, Inc., as recorded in Instrument No. 199807240185971, Franklin County Recorder's Office, a distance of 603.50 feet to an iron pin found;

Thence South 86° 28' 29" East a distance of 200.00 feet to the northwest corner of the 3.00 acre parcel conveyed to Michael L. and Hope W. Boren in O.R. 32338, D-14, to an iron pin found;

Thence South 3° 45' 41" West along the west line of the said 3.00 acre Boren parcel a distance of 603.50 feet to an iron pin found marking the right-of-way of Tussing Road;

Thence North 86° 28' 29" West a distance of 200.00 feet along the right-of-way line of Tussing Road to the Point of Beginning, containing 2.7708 acres, more or less, subject to all rights-of-way, easements, and restrictions of record.

The Basis of Bearing of the forgoing Tracts is the centerline of Tussing Road as being South 86° 28' 29" East, as shown in Plat Book 55, Page 7, entitled "Dedication of Americana Parkway & Tussing Road & Easements", Recorder's Office, Franklin County, Ohio.

**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 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-M, Limited Manufacturing District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes; said limitation text being titled, "**DEVELOPMENT TEXT, L-M, LIMITED MANUFACTURING, 2.8± ACRES**," dated January 7, 2005, and signed by David Perry, agent for the applicant and Donald Plank, attorney for the applicant, and the text reading as follows:

**DEVELOPMENT TEXT, L-M, LIMITED MANUFACTURING, 2.8± ACRES**

**EXISTING DISTRICT:** R, Rural

**PROPOSED DISTRICT:** L-M, Limited Manufacturing

**PROPERTY ADDRESS:** 6980 Tussing Road, Columbus, OH 43068

**OWNER:** Feelines Homes, Ltd. c/o Dave Perry, Agent for Property Owner, The David Perry Co., 145 East Rich Street, Columbus, OH 43215 and Donald Plank, Esq., Attorney for Property Owner, Plank & Brahm 145 East Rich Street, Columbus, OH 43215

**APPLICANT:** Feelines Homes, Ltd. c/o Dave Perry, Agent for Applicant, The David Perry Co., 145 East Rich Street, Columbus, OH 43215 and Donald Plank, Esq., Plank & Brahm, 145 East Rich Street Columbus, OH 43215

**DATE OF TEXT:** January 7, 2005

**APPLICATION NUMBER:** Z04-083

**INTRODUCTION:**

The site is 2.8± acres located on the north side of Tussing Road, 250 +/- feet east of the intersection of Tussing Road and Arrowsmith Drive. Existing zoning is R, Rural from annexation. Applicant proposes to rezone the property to permit the Less Objectionable Uses of the M, Manufacturing District and a car wash, as permitted in the M, Manufacturing District.

**1. PERMITTED USES:**

- a. The following uses of Section 3363.01: car wash, dwelling unit for resident security person.
- b. All uses of Sections 3363.02 - 3363.08, inclusive.

**2. DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards shall be as specified in the M, Manufacturing District, except if a car wash is developed, in which case provisions of Chapter 3357, Highway Oriented Commercial Development, as applicable to a car wash, shall apply to the car wash development.

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

1. The Tussing Road pavement and parking setback shall be fifty (50) feet, as measured from the property line established after right of way conveyance (See B. 2) to the City of Columbus.
2. The Tussing Road building setback line shall be fifty (50) feet, in accordance with the designation of Tussing Road as a 4-2 Arterial.

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

1. Vehicular access point(s) and on-site vehicular circulation shall be subject to the approval of the Division of Transportation.
2. Tussing Road is identified as a 4-2 Arterial on the Columbus Thoroughfare Plan (1994). Right of way totaling fifty (50) feet from centerline shall be conveyed to the City of Columbus prior to the issuance of a Certificate of Zoning Clearance for any development permitted by the L-M zoning.

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

1. Street trees shall be provided along Tussing Road at the rate of one (1) tree per 40 lineal feet of Tussing Road frontage. Street trees shall be selected from tree species approved by the City Forester. Tree spacing shall be approximately equal, but shall be adjusted as needed for driveway access and sight distance.
2. In addition to street trees (C.1.), landscaping, mounding and/or a low wall shall be provided in the setback to provide headlight screening to a height of 36 inches parallel to Tussing Road.
3. All trees and landscaping shall be well maintained. Weather permitting, dead items shall be replaced within three (3) months.
4. The minimum size of trees at the time of planting shall be as follows: Deciduous - 2 ½ inch caliper, Ornamental - 1 ½ inch caliper, Evergreen - 5 - 6 feet tall. The minimum size of shrubs shall be 2 gallon. Caliper shall be measured 6" above grade.

**D. Building Design and/or Interior-Exterior Treatment Commitments.**

N/A

**E. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments.**

1. All parking lot or ground mounted lighting shall use fully shielded cut-off 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. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to insure aesthetic compatibility
3. Parking lot lighting shall not exceed a height of 18 feet.
4. Building mounted area lighting shall utilize fully shielded cut-off style fixtures and be designed in such a way to minimize any offsite light spillage.
5. All new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.

**F. Graphics and Signage Commitments**

1. All graphics shall conform to Article 15 of the Columbus City Code, as it applies to the M, Manufacturing District except that all graphics for a car wash shall be reviewed under applicable provisions of Article 15 as it applies to the C-5, Commercial District. Any variance to the applicable requirements of the M, Manufacturing or C-5, Commercial District standards, as applicable, shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous**

1. The Board of Zoning Adjustment shall be the body to hear any and all variance requests to site development standards, unless included in a council variance application, including any and all specific site development standards contained in this ordinance, other than as may be under the jurisdiction of the Columbus Graphics Commission.
2. Parkland Dedication Ordinance fees at the rate of \$400/acre shall be paid prior to or in conjunction with a request for a Certificate of Zoning Clearance for all or the fractional portion of the site, as applicable.

**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.**