



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0153-2005, Version: 3

Rezoning Application # Z04-054

APPLICANT: Service Master; c/o Michael T. Shannon, Atty.; 500 South Front Street, Suite 1200; Columbus, Ohio 43215.

PROPOSED USE: Landscaping business and retail nursery.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on September 9, 2004.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The *Southeast Area Plan* (2000) recommendation for the site is for hamlet/open space residential uses. The requested CPD, Commercial Planned Development District will allow a retail nursery and landscaping business. The subject site has recently been annexed into the City of Columbus, and the applicant is seeking a comparable zoning from the SCPD, Select Commercial Planned District designation that it held in Madison Township. In addition, because the structures and certain development standards on the site already exist, this rezoning is being filed to address any pre-existing, non-conforming development standards. Recent rezoning requests for Traditional Neighborhood Development across Ebright Road have been approved. The requested CPD, Commercial Planned Development District is inconsistent with the zoning and development patterns of the area.

To rezone **5221 EBRIGHT ROAD (43110)**, being 2.63± acres located on the west side of Ebright Road, 180± feet north of US 33, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District **and to declare an emergency.** (Rezoning # Z04-054).

WHEREAS, application #Z04-054 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.63± acres from R, Rural District to CPD, Commercial Planned Development 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 due to the fact that the Applicant will suffer a substantial financial hardship without emergency passage due to the contractual obligation for the sale of the property for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, the City Departments recommend disapproval of said zoning change because the *Southeast Area Plan* (2000) recommendation for the site is for hamlet/open space residential uses. The requested CPD, Commercial Planned Development District will allow a retail nursery and landscaping business. The subject site has recently been annexed into the City of Columbus, and the applicant is seeking a comparable zoning from the SCPD, Select Commercial Planned District designation that it held in Madison Township. In addition, because the structures and certain development standards on the site already exist, this rezoning is being filed to address any pre-existing, non-conforming development standards. Recent rezoning requests for Traditional Neighborhood Development across Ebright Road have been approved. The requested CPD, Commercial Planned Development District is inconsistent 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:

5221 EBRIGHT ROAD (43110), being 2.63± acres located on the west side of Ebright Road, 180± feet north of US 33., and being more particularly described as follows:

DESCRIPTION OF 2.630 ACRE TRACT
EAST OF US ROUTE 33
WEST OF EBRIGHT ROAD
SOUTH OF WINCHESTER PIKE

Situated in the State of Ohio, County of Franklin, Township of Madison, in the northwest quarter of Secion 15, Township 11, Range 21, Congress Lands, being 2.630 acres of land as conveyed to Barefoot Grass Lawn Services, Inc. in Official Record Volume 33781 E11 (all references refer to records in the Franklin County Recorder's Office, Ohio) and being more fully described as follows:

Beginning for reference at an existing Franklin County Monument No. 5563 at the southeast property corner of said Barefoot Grass Lawn Services, Inc. in the centerline intersection of Ebright Road and Bachman Road also being the northeast property corner of Stephen H. Eichhorn (IN 199811170294533);

Thence North 87°45'38" West a distance of 30.00 feet, along the southerly property line of said Barefoot Grass Lawn Services, Inc., to a point on the westerly right of way of said Ebright Road being the Point of Beginning;

Thence North 87°45'38" West a distance of 302.60 feet, along the southerly property line of said Barefoot Grass Lawn Service and northerly property line of said Eichhorn, to a point in the northeasterly right of way U.S. Route 33;

Thence North 48°28'28" West a distance of 395.86 feet, along the northeasterly right of way of said U.S. Route 33, to a point at a southwesterly property corner of M.G. Abbott, Inc. (IN 200007270148923) and northwesterly property corner of said Barefoot Grass Lawn Services, Inc.;

Thence South 87°46'30" East a distance of 611.23 feet, along the northerly property line of said Barefoot Grass Lawn Service, Inc. and southerly property line of said M.G. Abbott, Inc., to a point in the westerly right of way of said Ebright Road;

Thence South 2°45'00" West a distance of 250.83 feet, along the westerly right of way of said Ebright Road, to the Point of Beginning containing 2.630 acres more or less.

This legal description for rezoning purposes was derived from previous deeds of record and not an actual field survey.

HOCKADEN AND ASSOCIATES, INC.
Consulting Engineers and Surveyors

To Rezone From: R, Rural District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development 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 CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**ZONING CLEARANCE PLAN FOR 5221 EBRIGHT ROAD,**" and text titled, "**DEVELOPMENT TEXT,**" both signed by Michael T. Shannon, Attorney for the Applicant, dated September 9, 2004, and the text reading as follows:

DEVELOPMENT TEXT
CPD, COMMERCIAL PLANNED DEVELOPMENT
2.63± ACRES

PROPOSED DISTRICT: CPD, Commercial Planned Development

EXISTING DISTRICT: R, Rural

PROPERTY ADDRESS: 5221 Ebright Road, Columbus, Ohio

OWNER: Barefoot Grass Lawn Service, Inc. (Tru Green), c/o Crabbe, Brown & James, LLP, Michael T. Shannon, Esq., 500 South Front Street, Suite 1200, Columbus, Ohio 43215; Mshannon@cbjlawyers.com

APPLICANT: Service Master, c/o Crabbe, Brown & James, LLP, Michael T. Shannon, Esq., 500 South Front Street, Suite 1200, Columbus, Ohio 43215; Mshannon@cbjlawyers.com

DATE OF TEXT: September 9, 2004

APPLICATION NUMBER: Z04-054

1. INTRODUCTION:

The subject property ("Site") is located along Ebright Road north of Route 33, on Columbus's far southeast side. The Site was recently approved for annexation by the Franklin County Commissioners on or about May 25, 2004. As situated in Madison Township, the Site is zoned S-CPD, Select Commercial Planned Development. The Applicant is seeking a comparable zoning pursuant to Columbus City Code §3310.09. In addition, because the structures and certain development standards on the Site already exist, this rezoning is being filed to address any pre-existing, non-conforming development standards which should be "grandfathered." The use, as existing, is a nursery/landscaping business.

The Site is surrounded as follows: (1) to the north by property located in Madison Township and likewise zoned S-CPD; (2) bound by Ebright Road to the east; (3) to the south by property located in Madison Township and zoned SO, Suburban Office; and (4) bound by U.S. Route 33 to the west.

2. PERMITTED USES: All uses permitted in the C-4, Commercial District (C.C.C. §3355.02), except as prohibited and restricted below.

3. PROHIBITED USES: All uses permitted under the C-5 Commercial District (§3361.02); bars, cabarets and nightclubs; blood and organ banks; bowling centers; check cashing and loans; community foot pantry; drive-in motion picture theaters; hospitals; linen and uniform supply; missions/temporary shelters; pawn brokers; performing arts, spectator sports and related industries; supermarkets; warehouse clubs and super centers.

4. DEVELOPMENT STANDARDS: Unless otherwise indicated, the applicable development standards shall be those contained in Chapter 3355 (C-4, Commercial) of the Columbus City Code.

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

N/A.

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

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Transportation Division.

2. Access to and from the Site will be by Ebright Road, as currently situated.

3. All required parking areas shall be paved.

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

1. The existing landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced with like material within six (6) months or the next available planting season, whichever occurs first. The size of the new material shall equal the size of the original material when it was installed.

2. Minimum size of all trees at installation shall be 2-1/2 inch caliper for deciduous, five (5) feet in height for evergreen, and 1-1/2 inch caliper for ornamental.

3. The existing green space along Ebright Road, abutting the customer parking area, shall be maintained.

4. Mature trees existing on site shall be preserved.

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

1. Currently existing on site are three structures: 1) an 8,100 sq. ft. office/workshop; 2) 8,700 sq. ft. greenhouse; and 3) 4,000 sq. ft. pole barn.

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

1. All external outdoor lighting shall be cut-off fixtures (down lighting) and shall be consistent in design and color with each other. Any new lighting shall be a maximum of eighteen (18) feet; shall be down-lighting, and shall be of the same or uniform color.

2. The outside display area shall contain only those items normally and customarily sold by a nursery/landscaping business, and other seasonal items and products related thereto.

F. Parkland Dedication Requirements.

N/A.

G. Graphics and Signage Commitments.

1. All signage shall conform to Chapters 3375 through 3383 of the Columbus City Code as they apply to the CPD, Commercial Planned Development District. Any variance to the sign requirements shall be submitted to the Columbus Graphic Commission.

H. Other CPD requirements:

A. Natural Environment: The natural environment of this Site is flat field land, with structures relative to the pre-existing nursery/landscaping business; two previously-existing structures (single-family home and barn) have been demolished.

B. Existing Land Use: The Site is currently developed as a nursery/landscaping business, as permitted under the Township's S-CPD District prior to recent annexation to the City of Columbus.

C. Transportation and Circulation:

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Transportation Division.

2. Access to and from the Site will be by Ebright Road, as currently situated.

3. All required parking areas shall be paved.

D. Visual Form of the Environment: This Site is located with frontage on U.S. 33 and Ebright Road. The immediate area is flat farmland with commercial buildings developed in close proximity to U.S. 33.

E. View and Visibility: The Site fronts on Ebright Road, and is visible from Route 33.

F. Proposed Development: Nursery/landscaping business, including greenhouse and incidental retail sales. This rezoning is intended to facilitate the existing, non-conforming use which results from annexation of the Site from Madison Township into the City of Columbus.

G. Behavior Patterns: Access to the Site will be by vehicular traffic accessing the Site via Ebright Road.

H. Emissions: Development for this Site shall conform to the City of Columbus requirements, as further controlled by the development standards of this development text. There will be no objectionable emissions.

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.