



Legislation Text

File #: 2047-2005, Version: 3

Rezoning Application Z05-034

APPLICANT: Top Seed Properties, LLC; c/o Timothy S. Rankin and Robert E. Boyd III, Attys.; Onda, LaBuhn & Rankin Co., LPA; 266 North Fourth Street; Columbus, OH 43215.

PROPOSED USE: Landscaping contractor.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0 6-0) on August 13, 2005.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-M, Limited Manufacturing District will allow a landscaping contractor's business along with limited commercial development. The proposed limitation text incorporates applicable Northland Development Standards, and contains use restrictions and development standards including a 30-foot buffer area adjacent to residential districts. The proposed L-M, Limited Manufacturing District is compatible with the surrounding development.

To rezone **4706 WESTERVILLE ROAD (43231)**, being 2.69± acres located on the east side Westerville Road, 277± feet north of Westerville Woods Drive, **From:** R-1, Residential District **To:** L-M, Limited Manufacturing District (Rezoning # Z05-034).

WHEREAS, application #Z05-034 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.69± acres from R-1, Residential District, to L-M, Limited Manufacturing 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 requested L-M, Limited Manufacturing District will allow a landscaping contractor's business along with limited commercial development. The proposed limitation text incorporates applicable Northland Development Standards, and contains use restrictions and development standards including a 30-foot buffer area adjacent to residential districts. The proposed L-M, Limited Manufacturing District is compatible with the surrounding development, 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:

4706 WESTERVILLE ROAD (43231), being 2.69± acres located on the east side Westerville Road, 277± feet north of Westerville Woods Drive, and being more particularly described as follows:

Situated in the State Of Ohio, County of Franklin, and in the City of Columbus:

Being more particularly described as part of Lot No. 7, Quarter Township 3, Township 2, Range 17, U.S.M. Lands and being a tract off the central part of a 3.59 acre tract deeded to Clement F. and Grace L. Kunkler, under date of September 11, 1951, and recorded Vol. 1639, Page 366, Franklin County, and described as follows:

For the purpose of locating the point of beginning, start at the point in the

center-line of the Westerville Road at the southwest corner of the above 3.59 acre tract: thence N. 30 degrees E. with the centerline of Westerville Road 154.76' to the point of beginning, in the center-line of said Westerville Road; from the point of beginning so located;

Course 1. Thence N. 30 degrees 00' E. with the center-line of said Westerville Road A distance of 93.30' to a point on said center-line;

Course 2. Thence S. 86 degrees 18.6' E. along the present north boundary of Grantor's property, passing an iron pipe at 33.4' on the east line of Westerville Road, a distance of 435.21' to an iron pipe on the east line of Grantor's property;

Course 3. Thence S. 4 degrees 11.4' W. with grantors east line a distance of 86' to an iron pipe, on the east line of Grantor's property;

Course 4. Thence N. 86 degrees 18.6' W. passing an iron pipe at 441.88' on the east line of Westerville Road, a distance of 475.28' to the point of beginning.

Containing an area of 0.899 acre, more or less, but subject to the half width of Westerville Road, being 0.065 acre.

Subject to easements, covenants and conditions of record.

And also

Situated in the State of Ohio, County of Franklin, and in the Township of Blendon:

Being more particularly described as Lot No. 7, Quarter Township 3, Township 2, Range 17, U.S.M. Lands and being a tract out of the northwest corner of a forty (40) acre tract dedeed to Maurice J. Gross under date of June 23, 1939, and being more particularly described as follows:

Beginning at a point in the center of the Westerville Road at the northwest corner of the above mentioned forty acre tract; thence with the north line of said tract, S. 86 degrees 04' E. 389.6 ft. to an iron pin, passing an iron pin on line in the east line of Westerville Road at 33.39 ft., thence S. 4 degrees 27' West 348.53 feet to a locust corner post; thence N. 82 degrees 49' West 542.25 feet, thence with the centerline of Westerville Road, along the west line of said forty acres tract, N. 30 degrees 00' E. 353.82 feet to the place of beginning, containing 3.59 acres.

Excepting therefrom the following:

Being part of Lot No. 7, ¼ Twp. 3, Twp. 2, R. 17 U.S.M. Lands, and being a tract off the north side of a 3.59 acre tract dedeed to Clement F. and Grace L. Kunkler under date of September 11, 1951, and being more particularly described as follows:

Beginning at a point in the center of the Westerville Road at the northwest corner of the above mentioned 3.59 acre tract; thence with the north line of said tract S. 86 degrees 04' E. 389.6 ft. to an iron pin, passing an iron pin on line in the east line of Westerville Road at 33.39 ft.; thence S. 4 degrees 27' W. with the east line of said 3.59 acre tract 95 feet to an iron pin in the east line of said 3.59 acre tract; thence N. 86 degrees 04' W. parallel with the first course (the north line of said tract) 435.3 feet to a point in the center-line of Westerville Road, and in the west line of said 3.59 acre tract, passing an iron pin on the east line of Westerville Road at 401.9 ft.; thence with the center-line of Westerville Road along the west line of said 3.59 acre tract N. 30 degrees 00' E. 105.76 feet to the place of beginning; containing an area of 0.900 acres more or less.

The above and foregoing description was taken from a survey of said premises made by one Virgil A. Eberly, Registered Surveyor No. 3566, State Of Ohio, on August 15, 1953.

Also excepting therefrom the following:

Being Part Of Lot No. 7, ¼ Twp. 3, Twp. 2, R. 17 U.S.M. Lands, and being a tract off the central part of a 3.59 acre tract deed to Clement F. and Grace L. Kunkler, under date of September 11, 1951, and Recorded Vol. 1639, Page 366, Franklin County, and described as follows:

For the purpose of locating the point of beginning, start at the point in the centerline of the Westerville Road at the southwest corner of the above 3.59 acre tract; thence N. 30 degrees E. with the centerline of Westerville Road 154.76' to the point of beginning, in the centerline of said Westerville Road; from the point of beginning so located;

Course 1. Thence N. 30 degrees 00' E. with the centerline of said Westerville Road a distance of 93.30' to a point on said centerline;

Course 2. Thence S. 86 degrees 18.6' E. along the present north boundary of Grantors' property, passing an iron pipe at 33.4' on the east line of Westerville Road, a distance of 435.21' to an iron pipe on the east line of Grantors' property;

Course 3. Thence S. 4 degrees 11.4' W. with Grantors east line a distance of 86' to an iron pipe, on the east line of Grantors' property;

Course 4. Thence N. 86 degrees 18.6' W. passing an iron pipe at 441.88' on the east line of Westerville Road, a distance of 475.28' to the point of beginning.

Containing an area of 0.899 acre, more or less, but subject to the half width of Westerville Road, being 0.065 acre.

Parcel numbers: 600-148988 and 600-148987
Address: 4706 Westerville Road, Columbus, Ohio 43231

To Rezone From: from R-1, Residential 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 text being titled "**LIMITATION TEXT**," dated **April 5, 2006**, and said plan being titled, "**BUFFERING PLAN**," dated **November 7, 2005**, both signed by Robert E. Boyd III, Attorney for the Applicant, ~~dated November 7, 2005~~, and the text reading as follows:

LIMITATION TEXT
L-M, Limited Manufacturing District
2.69 ± Acres

Existing Zoning: R-1, Single Family Residential
Proposed Zoning: L-M, Limited Manufacturing District
Property Address: 4706 Westerville Road, Columbus, OH 43231

Property Owner: Top Seed Properties, LLC
c/o Travis Thomas
4706 Westerville Road
Columbus, OH 43231

Application: Top Seed Properties, LLC
c/o Timothy S. Rankin
Robert E. Boyd III
ONDA, LaBUHN & RANKIN CO., LPA
266 North Fourth Street, Suite 100
Columbus, Ohio 43215

Date of Text: ~~November 7, 2005~~ April 5, 2006

Applicant No.: Z05-034

INTRODUCTION:

The site consists of two (2) separate parcels containing 1.79 ± acres and .9 acres respectively for a total of 2.69 ± acres located on the east side of Westerville Road approximately 300' north of the intersection of Westerville Woods Drive. The current R-1 zoning was from annexation. Applicant requests to rezone the site to the L-M District for development consistent with abutting L-C-2 and M-1 zoning and development across Westerville Road rather than developing the 2.69 acres site as a residential site as abuts the property to the east, southeast and north. This request of the applicant is sought to allow the 2.69 acres to be used as an office, parking and equipment storage area for a landscaping and lawn maintenance contractor's business.

1.A. **PERMITTED USES:** Property to be used as an office, parking and equipment storage area for landscaping and lawn maintenance contractor business as permitted by Sections 3363.01 and 3363.02(a) of the Columbus Zoning Code, except uses contained in 3363.01B(2), C and D. All uses permitted by Sections 3351.03 and 3353.03 of the Columbus Zoning Code. Garden, Landscaping and Nursery Centers and Sales and Lawn and Garden Equipment and Supplies Stores as permitted by Section 3356.03(c) of the Columbus Zoning Code.

1.B. **PROHIBITED USES:** Prohibited uses for any and all portions of this site shall be those uses contained in Sections 3363.03 through 3363.175 of Columbus Zoning Code. No open storage shall be permitted, excepting therefrom open storage of vehicles, trailers and landscaping equipment used in the business.

2. **DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards shall be as specified in the M-Manufacturing District.

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

1. There shall be a thirty-foot buffer/no build zone as shown on the Buffering Plan along the north, east and south property lines. The Buffering Plan is submitted herewith, hereinafter "the Plan". The Plan is hereby incorporated by reference and made a part of this rezoning. The existing storage building and access thereto located at the northeast corner of the site may encroach into the buffer zone, but no new structures shall be permitted within it.

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

1. Dedication of additional right-of-way along Westerville Road is to be per the Columbus Thoroughfare Plan. This right-of-way dedication will occur at the time of Zoning Clearance.
2. The site shall be limited to one access point from Westerville Road. The access point and on-site vehicular circulation shall be subject to the approval of the Division of Transportation.

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

1. The setback area along Westerville Road shall be landscaped upon the dedication of the required additional right-of-way to

the City. Landscaping in this area shall include 1 tree for each 40 foot of frontage. Trees shall be at least 10 feet from the right-of-way, and may be grouped or spaced. To the extent parking areas are adjacent to residentially zoned properties; headlights of cars shall be screened from adjacent residential property per City of Columbus Zoning Code. Such screening may be accomplished by the use of landscaping, landscaped mounding, fencing or combination thereof.

2. There shall be a 30 foot landscape buffer along the north, east and southeast (except adjacent to the existing storage building) boundaries of the site, as shown on the Plan, and shall include the following requirements:

- (a) Screening shall be installed and maintained in a neat and orderly manner.
- (b) Screening shall be reasonably uniform in height and opacity along its entire length.
- (c) Screening shall consist of live plants, species that have year-round dense foliage (primarily white pine) to adequately screen adjoining residential properties.

(d) There shall be a six (6) foot privacy fence installed along the north perimeter of the buffer extending two hundred fifty (250) feet from the northeast corner of the property to the west. The plant screening shall be planted on the exterior of said privacy fence.

3. The site area covered by paved area or structures shall not exceed 80% of the site. Whenever possible, existing trees will be preserved on this site. If it is not possible to preserve existing trees, then new tree planting on a one for one basis for replacement of existing trees, as depicted on The Plan, shall be planted.

4. Landscaping Standards shall be met:

- (a) Minimum deciduous tree caliper shall be two and one-half (2.5) inches, ornamental tree caliper shall be one and one-half (1.5) inches. Tree trunk diameters shall be measured at six (6) inches from grade. Evergreen trees shall be at least five (5) feet high.
- (c) All shrubs, trees, grass, ground covers, and other plantings shall be well-maintained, properly weeded, mulched, and kept free of trash and other unsightly material and debris. Plant material which does not survive shall be replaced within three (3) months, or the next appropriate planting season if a three month period expires during inappropriate planting times, such as winter.

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

1. Existing buildings are to remain at this time. New buildings and structures may be constructed on the site in accordance with this Limitation Text, the Buffering Plan, and the applicable development standards of the M-Manufacturing district.

2. Any future buildings constructed on the site shall incorporate the following design elements which are intended to make it compatible with its setting in a residential area:

- (a) A roof style used in residential construction, such as gable, hip, gambrel, or similar roof style.

3. Applicant will commit to park trucks and equipment 80' +/- 10' south of the northerly property line or south of the spruce tree line, whichever is greater and movement of trucks will take place after the buffering is completed, in accordance with this Limitation Text, the Buffering Plan, and the applicable development standards of the M-Manufacturing district, and no later than 1 year from the passage of the ordinance.

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

1. Lighting Standards shall meet the following requirements:

- (a) Light standards shall not exceed 28 feet in height except lights located within 100 feet of a residentially used or zoned property shall not exceed 18 feet in height.
- (b) All external outdoor lighting fixtures shall be from the same or similar type and color to insure aesthetic compatibility.

- (c) Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
- (d) Lighting shall not exceed .1 foot-candle along the property line of a residentially used or zoned property.

F. Graphics and Signage Commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-2, Commercial District and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous.

- 1. A parkland dedication fee of Four Hundred Dollars (\$400.00) per acre will be paid prior to zoning clearance approval.
- 2. There shall be no outside speakers or outside paging systems.
- 3. The landscaping and setbacks shall be subject to the submitted Buffering Plan. The Plan may be slightly adjusted to reflect topographical or other site data developed at the time of development or when plans are completed. Any slight adjustment to The Plan shall be reviewed and may be approved by the Director of the Department of Development or his 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