



# City of Columbus

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

## Legislation Text

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**File #: 0549-2005, Version: 1**

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### **Rezoning Application Z04-094**

**APPLICANT:** Germain Real Estate Company, LLC; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

**PROPOSED USE:** Automobile service facility including car wash and automobile storage.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0-1) on January 13, 2005.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant requests the L-M, Limited Manufacturing District for an automobile service center that will serve a dealership located on Morse Crossing. The zoning is necessary to add automobile service, car wash, automotive repair, and automobile storage as permitted uses to the existing L-M, Limited Manufacturing District. The limitation text includes all of the development standards applicable to the Easton development, and commits to a landscape plan. The proposed L-M, Limited Manufacturing District is consistent with the recommendations of the *Northeast Area Plan* (1994), and the zoning and development patterns of the area.

To rezone **4490 SUNBURY ROAD (43219)**, being 12.07± acres located at the northeast corner of Sunbury Road and Easton Way, **From:** L-M, Limited Manufacturing District, **To:** L-M, Limited Manufacturing District. (Rezoning # Z04-094)

**WHEREAS**, application #Z04-094 is on file with the Building Services Division of the Department of Development requesting rezoning of 12.07± 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 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 an automobile service center that will serve a dealership located on Morse Crossing. The zoning is necessary to add automobile service, car wash, automotive repair, and automobile storage as permitted uses to the existing L-M, Limited Manufacturing District. The limitation text includes all of the development standards applicable to the Easton development, and commits to a landscape plan. The proposed L-M, Limited Manufacturing District is consistent with the recommendations of the *Northeast Area Plan* (1994), and 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:

**4490 SUNBURY ROAD (43219)**, being 12.07± acres located at the northeast corner of Sunbury Road and Easton Way, and being more particularly described as follows:

**PARCEL 1**  
**5.527 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, and being part of Parcel 2 as conveyed to Morso Holding Co. by deed of record in Official Record 30846 G11, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning for Reference at a railroad spike set at the centerline intersection of Sunbury Road and Easton Way;

Thence South  $76^{\circ} 30' 33''$  East, a distance of 68.89 feet, with the centerline of Easton Way, to a point;

Thence North  $13^{\circ} 29' 27''$  East, a distance of 36.50 feet, across said Easton Way, to an iron pin set at a point on a curve in the easterly right-of-way line of Sunbury Road. Said iron pin being the TRUE POINT OF BEGINNING of the herein described tract;

Thence with the easterly right-of-way line of Sunbury Road the following courses and distances:

With the arc of said curve to the right having a central angle of  $84^{\circ} 58' 12''$ , a radius of 30.00 feet, an arc length of 44.49 feet and a chord which bears North  $34^{\circ} 01' 27''$  West, a distance of 40.52 feet, to an iron pin set at a point of tangency;

North  $07^{\circ} 07' 11''$  East, a distance of 263.28 feet, to an iron pin set;

North  $13^{\circ} 32' 45''$  East, a distance of 91.43 feet, to an iron pin set;

Thence across said Parcel 2 the following courses and distances:

South  $87^{\circ} 41' 33''$  East, a distance of 482.50 feet, to an iron pin set;

South  $02^{\circ} 18' 28''$  West, a distance of 39.92 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the left having a central angle of  $24^{\circ} 08' 21''$ , a radius of 175.00 feet, an arc length of 73.73 feet and a chord which bears South  $09^{\circ} 44' 07''$  East, a distance of 73.19 feet, to an iron pin set at a point of tangency;

South  $21^{\circ} 48' 18''$  East, a distance of 70.73 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the right having a central angle of  $24^{\circ} 06' 45''$ , a radius of 225.00 feet, an arc length of 94.69 feet and a chord which bears South  $09^{\circ} 44' 55''$  East, a distance of 93.99 feet, to an iron pin set at a point of tangency;

South  $02^{\circ} 18' 27''$  West, a distance of 100.00 feet, to an iron pin set;

With the arc of said curve to the right having a central angle of  $11^{\circ} 11' 00''$ , a radius of 425.00 feet, an arc length of 82.95 feet and a chord which bears South  $07^{\circ} 53' 57''$  West, a distance of 82.82 feet, to an iron pin set at a point of tangency;

South  $13^{\circ} 29' 26''$  West, a distance of 10.00 feet, to an iron pin set at a point of curvature;

with the arc of said curve to the left having a central angle of  $50^{\circ} 07' 28''$ , a radius of 43.00 feet, an arc length of 37.62 feet and a chord which bears South  $11^{\circ} 34' 18''$  East, a distance of 36.43 feet, to an iron pin set in the northerly right-of-way line of Easton Way;

Thence North  $76^{\circ} 30' 33''$  West, a distance of 571.78 feet, with the northerly right-of-way line of Easton Way, to the TRUE POINT OF BEGINNING. Containing 5.527 acres, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings in the above description are based on the Ohio State Plane Coordinate System - South Zone as per NAD83. Control for bearings was from coordinates of monuments Frank 64 and Frank 164, giving a bearing of South  $76^{\circ} 30' 33''$  East for the centerline of Easton Way, as established by the Franklin County Engineering Department using Global Positioning procedures and equipment.

**PARCEL 2  
3.823 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 2, Township 1, Range 17, United States Military Lands and being located all out of Parcel 2 as conveyed to Morso Holding Company of record in Official Record 30846G11 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at a railroad spike set at the intersection of Sunbury Road and Easton Way;

Thence South 76° 30' 33" East, with the centerline of said Easton Way, a distance of 9.87 feet to a point;

Thence North 13° 29' 27" East, across said Sunbury Road, a distance of 416.95 feet to a point in the easterly right-of-way line of Sunbury Road at the True Point of Beginning;

Thence with said easterly right-of-way line, the following courses:

North 13° 32' 45" East, a distance of 226.53 feet to an iron pin set;

North 18° 17' 30" East, a distance of 137.35 feet to an iron pin set at a southwesterly corner of that tract as conveyed to Germain Real Estate Company of record in Instrument Number 200105080099661;

Thence South 87° 40' 07" East with the southerly line of said Germain Real Estate Company tract, a distance of 399.54 feet to an iron pin set at a corner thereof;

Thence North 02° 18' 27" East, with an easterly line of said Germain Real Estate Company tract, a distance of 2.19 feet to an iron pin set at the southwesterly corner of that tract of land as conveyed to EJMR Construction Ltd. of record in Instrument Number 199709170095362;

Thence South 87° 41' 33" East, with the southerly line of said EJMR Construction Ltd. tract, a distance of 25.98 feet to an iron pin set at the northwesterly corner of that tract of land as conveyed to Easton Market LLC of record in Official Record 34933B09;

Thence South 02° 18' 27" West, with the westerly line of said Easton Market LLC tract a distance of 356.25 feet to an iron pin set;

Thence North 87° 41' 33" West, across said Parcel 2, a distance of 507.48 feet to the True Point of Beginning, and containing 3.823 acres of land, more or less.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per N83. Control for bearings was from coordinates of monuments FRANK 64 and FRANK 164 and determines the bearing for the centerline of Morse Road as South 86° 15' 51" East.

**PARCEL 3  
2.723 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, and being part of Parcel 2 as conveyed to Morso Holding Co. by deed of record in Official Record 30846 G11, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning for Reference at a railroad spike set at the centerline intersection of Sunbury Road and Easton Way;

Thence South 76° 30' 33" East, a distance of 640.67 feet, with the centerline of Easton Way, to a point;

Thence North 13° 29' 27" East, a distance of 36.50 feet, across said Easton Way, to an iron pin set at a point on a curve. Said iron pin being the TRUE POINT OF BEGINNING of the herein described tract;

Thence across said Parcel 2 the following courses and distances:

With the arc of said curve to the right having a central angle of 50° 07' 28", a radius of 43.00 feet, an arc length of 37.62 feet and a chord which bears North 11° 34' 18" West, a distance of 36.43 feet, to an iron pin set at a point of tangency;

North 13° 29' 26" East, a distance of 10.00 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the left having a central angle of 11° 11' 00", a radius of 425.00 feet, an arc length of 82.95 feet and a chord which bears North 07° 53' 57" East, a distance of 82.82 feet, to an iron pin set at a point of tangency;

North 02° 18' 27" East, a distance of 100.00 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the left having a central angle of 24° 06' 45", a radius of 225.00 feet, an arc length of 94.69 feet and a chord which bears North 09° 44' 55" West, a distance of 93.99 feet, to an iron pin set at a point of tangency;

North 21° 48' 18" West, a distance of 70.73 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the right having a central angle of 24° 08' 21", a radius of 175.00 feet, an arc length of 73.73 feet and a chord which bears North 09° 44' 07" West, a distance of 73.19 feet, to an iron pin set at a point of tangency;

North 02° 18' 28" East, a distance of 39.92 feet, to an iron pin set;

South 87° 41' 33" East, a distance of 136.93 feet, partly across said Parcel 2 and partly along a westerly line of the 50.706 acre tract conveyed to Easton Market, LLC by deed of record in Official Record 34933 B09;

Thence with the westerly lines of said 50.706 acre tract the following courses and distances:

South 02° 18' 27" West, a distance of 22.00 feet, to an iron pin set;

South 87° 41' 33" East, a distance of 143.07 feet, to an iron pin set;

South 02° 23' 39" West, a distance of 516.42 feet, to an iron pin set in the northerly right-of-way line of Easton Way;

Thence North 76° 30' 33" West, a distance of 220.89 feet, with the northerly right-of-way line of Easton Way, to the TRUE POINT OF BEGINNING. Containing 2.723 acres, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings in the above description are based on the Ohio State Plane Coordinate System - South Zone as per NAD83. Control for bearings was from coordinates of monuments Frank 64 and Frank 164, giving a bearing of South 76° 30' 33" East for the centerline of Easton Way, as established by the Franklin County Engineering Department using Global Positioning procedures and equipment.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

**To Rezone From:** L-M, Limited Manufacturing District,

**To:** L-M, Limited Manufacturing District.

**SECTION 2.** That a Height District of sixty (60) 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 OVERLAY TEXT DEVELOPMENT PLAN**," dated April 15, 2005, and said plan being titled, "**GERMAIN AT EASTON**," dated April 20, 2005, both signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

**LIMITATION OVERLAY TEXT  
DEVELOPMENT PLAN**

PROPOSED DISTRICT: L-M  
PROPERTY ADDRESS: 4490 Sunbury Road  
OWNER: Germain Real Estate Company, LLC  
APPLICANT: same as owner  
DATE OF TEXT: 4/15/05  
APPLICATION NUMBER: Z04-094

**1. INTRODUCTION:** The applicant established an automobile dealership service and car wash facility on the adjacent site to the north (Lexus). In zoning application Z03-125 the applicant established a second service/car wash facility (Mercedes). The applicant has acquired the balance of the property between the proposed Mercedes dealership and Easton Way. The new application adds automobile service/car wash and automotive maintenance and collision repair, to the permitted uses and modifies development standards which are no longer relevant since the applicant controls a larger site.

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

- a. Offices
- b. Warehousing, wholesaling, storage in bulk, distribution, assembly, packaging, and sales of products permitted in Subareas 5C (Z95 -035) all within a building the primary use of which is an office. Non-office use shall not exceed forty percent of the total square footage of that overall use.
- c. Day care centers - employee related only
- d. For pay, recreational uses
- e. Automobile services / washing facility with outdoor storage
- f. Automotive maintenance and collision repair

**3. DEVELOPMENT STANDARDS:** Except as otherwise noted above and herein, the applicable development standards of Chapter 3367, shall be applicable.

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

1. Setback from Sunbury Road and Easton Way shall be 50 feet for parking, loading and maneuvering and 100 feet for building.
2. No loading doors shall face Sunbury Road unless blocked by view from Sunbury Road by another building(s). Service bay doors may face Sunbury Road. There shall be a maximum of seven service bay doors that face Sunbury Road.

**B. Access, Loading, Parking and/or other Traffic related commitments.**

1. The total right-of-way width shall be 50 feet from the centerline of Sunbury Road. Where necessary, as determined by the Transportation Division, the property owner shall dedicate right-of-way along Sunbury Road such that the required 50 feet is provided.
2. There shall be no access to this site from Sunbury Road.

**C. Buffering, Landscaping, Open space and/or Screening commitments.**

1. The frontage along Sunbury Road and Easton Way shall be landscaped in accordance with the submitted drawing. No damaged automobile may be parked within the 100 foot building setback area. Any service bay door facing Sunbury Road shall be screened

from view with a minimum of 3 flowering crabapple trees and 6, 8 foot tall spruce trees.

2. The landscaping requirements of this section may be offset by the preservation of existing vegetation.
3. Unless otherwise specified herein, the minimum size of all trees shall be 2.5 in. caliper for deciduous 5 ft. high for evergreens, and 1.5 in. caliper for ornamentals.
4. The landscaping required in this section shall count toward satisfying the landscaping requirements of Chapter 3342 of the Columbus City Code.
5. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.
6. For any outside storage spaces, trees shall be planted adjacent to the building(s) and within islands which are located on the paved portion of the site at a ratio of 1 tree per 20 storage spaces. Interior landscaping shall be provided at a ratio of 1 shade tree per 10 parking spaces.
7. To provide additional screening and buffering from Sunbury Road, a fence shall be constructed along the western perimeter of any development. The fence shall be constructed of materials compatible with the existing fence to the north. No advertising shall be permitted on any portion of the fence.
8. As specified on the submitted drawing, a juniper hedge shall be planted along the western and southern perimeter of the site.

**D. Building design and/or Interior-Exterior treatment commitments.**

1. Building materials shall be similar to the building materials utilized on the Lexus Service facility located on the parcel to the north, including metal, masonry and/or textured, painted concrete.

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

1. All waste and refuse shall be containerized and fully screened from view by a solid wall.
2. No materials, supplies, or product shall be stored or permitted to remain on any portion or parcel outside a permitted structure except for automobile storage in association with an automobile service facility.
3. All external lighting shall be cutoff type fixtures (downlighting), and shall provide no light spillage to off-site parcels. However, buildings and landscaping may be uplit or downlit provided that landscaping lighting does not spill over into the public right-of-way. The maximum height of light poles shall not exceed twenty-eight feet.

**F. Graphics and Signage commitments.**

1. Entry features may be established within the subarea and may contain signage. Signage shall be limited to identifying the overall development not individual users. Minimum setback for entry features shall be 5 feet from right-of-way maintaining safe clear sight distances at intersections. Depending on the final form of the entry features, appropriate variances from the Columbus Zoning Code may be required.
2. All signage and graphics shall conform to Article 15 of the Columbus City Graphics Codes, as it applies to the M-2, Manufacturing District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous commitments.**

1. There shall be no handling or storage of explosive materials and no searchlights or flying (air borne) balloons. There shall be no outdoor banners or streamers.
2. There shall be no incineration of waste, trash or other materials permitted on any part of said tract nor in any building at any time located on said tract.

3. Stormwater drainage shall conform to the City of Columbus standards, and no storm water runoff shall be increased on any adjacent properties.
4. Notwithstanding the traffic limitations contained within this document, said traffic limitations, including numbers and locations of curbcuts, may be modified with the approval of the Division of Transportation.
5. The Division of Transportation is in the process of creating a parking requirement for bicycles. When the requirement is in the City code any new developments in this subarea shall comply with the bicycle parking requirements. Any development which occurs between the effective date of this zoning and the adoption of the bicycle parking requirements shall retroactively comply with the adopted bicycle parking requirements.

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