



# City of Columbus

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

## Legislation Text

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**File #: 0877-2016, Version: 2**

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### **Rezoning Application Z15-060**

**APPLICANT:** SBA Towers IX, LLC; c/o Stephen V. Cheatham, Atty.; Buckley King; 600 Superior Avenue East; Suite 1400; Cleveland, OH 44114.

**PROPOSED USE:** Monopole telecommunications antenna.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on February 11, 2016.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This site is zoned in the L-C-3, Limited Commercial District, and is an undeveloped portion of a parcel that is developed with a shopping center. The current L-C-3 district permits the proposed use, but contains a height restriction that limits the height of all structures to 35 feet. The requested L-C-3, Limited Commercial District will remove this restriction to permit the construction of a 110-foot monopole telecommunications antenna. The site lies within the planning area of *The Far North Area Plan* (2014), which recommends community commercial uses for this location. The request is compatible with the adjacent commercial developments.

To rezone **541 LAZELLE ROAD (43081)**, being 0.04± acres located 297± feet south of Lazelle Road, and 674± feet east of Sancus Boulevard, From: L-C-3, Limited Commercial District, To: L-C-3, Limited Commercial District (Rezoning # Z15-060) **and to declare an emergency.**

**WHEREAS**, application No. Z15-060 is on file with the Department of Building and Zoning Services requesting rezoning of 0.04± acres from : L-C-3, Limited Commercial District, to : L-C-3, 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 requested L- C-3, Limited Commercial District, is consistent with the adjacent commercial developments and with the land use recommendation of *The Far North Area Plan*; 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 begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; 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:

**541 LAZELLE ROAD (43081)**, being 0.04± acres located 297± feet south of Lazelle Road, and 674± feet east of Sancus Boulevard, and being more particularly described as follows:

This is a description for New Par, dba Verizon Wireless, of a 0.040 acre Land Space, all out of that 3.838 acre tract of land owned by Lazelle Columbus Partners LP of record in Instrument 201510230150873, all references to records being on file in the Office of the Recorder, Franklin County, Ohio.

Situated in Farm Lot 10, Quarter 1, Township 2 North, Range 18 West, United States Military Lands, County of Franklin, State of Ohio, and being a 0.040 acre Land Space, all out of that 3.838 acre tract of land owned by Lazelle Columbus Partners LP of record in Instrument 201510230150873, said 0.040 acre Land Space being more particularly described as follows:

The **Point of Reference** being an iron pin found marking the northeast corner of said 3.838 acre tract, being the southeast corner of a ten foot wide parcel of land conveyed for right of way purposes to the City of Columbus in Official Record 28998 G20, being in the west line of a 4.73 acres tract conveyed to Mark R. & Joseph A. Ciminello in Official Record 4556 I20;

Thence from said **Point of Reference**, South 3°48'48" West, along the east line of said 3.838 acre tract, the west line of said 4.73 acre Ciminello tract, a distance of 404.76 feet to a point at the southeasterly corner of said 3.838 acre tract, being a northeasterly corner of the 3.522 acre residual of a 7.360 tract of land owned by 2WDLZ LLC, of record in Instrument 201507020089574;

Thence North 43°26'09" West, along a southerly line of said 3.838 acre tract, being a northerly line of said 3.522 acre residual, a distance of 107.92 feet to an iron pin set at a corner of said 3.838 and 3.522 acre tracts, and being the **True Place of Beginning** of the herein described 0.040 acre Land Space;

Thence North 03°48'48" East, along a line of said 3.838 acre tract, and said 3.522 acre residual, a distance of 35.00 feet to an iron pin set at a corner of said 3.838 acre tract, and said 3.522 acre residual;

Thence South 86°40'52" East, into said 3.838 acre tract, a distance of 50.00 feet to an iron pin set;

Thence South 03°48'48" West, a distance of 35.43 feet to an iron pin set;

Thence North 86°11'12" West, a distance of 50.00 feet to the True Place of Beginning. Containing 0.040 acres of land (1,761 square feet).

For the purpose of this description, a bearing of South 3°48'48" West was used on the easterly line of that 3.838 acre tract of land owned by Lazelle Columbus Partners LP of record in Instrument 201510230150873. Said bearing being determined by GPS observations and values as provided by the Government of the United States of America, through the Department of National Geodetic Survey.

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

**To:** L-C-3, Limited Commercial District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-C-3, Limited Commercial District on this property.

**SECTION 3.** That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the L-M, Limited Manufacturing District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said plans being titled, "ENLARGED SITE PLAN- SHEET C-1," "FENCE DETAILS - SHEET C-4," and "SITE ELEVATION - SHEET ANT-1," signed by John J.

Zimmerman, Professional Engineer, dated March 2, 2016, and text titled, "**LIMITATION TEXT**," signed by Kevin Gallagher, Agent for the Applicant, dated March 24, 2016, and the text reading as follows:

**LIMITATION TEXT**

**Proposed Zoning District: L-C-3, Limited Commercial District**

**Property Address: 541 Lazelle Road (43081)**

**Property Owner: The Robert Weiler Company**

**Applicant: SBA Towers IX, LLC**

**Application Number: Z15-060**

**Date: 3/24/16**

**INTRODUCTION:** Applicant SBA Towers IX, LLC seeks to rezone 541 Lazelle Road, Westerville, for those uses permitted under Chapter 3355 C-3, Limited Commercial District of the Columbus City Code. In order to exclude all other offensive uses that are permitted in the C-3, Commercial District, it is necessary that this limitation text be applied to the zoning application. The purpose of this rezoning and development is the construction of a wireless communications facility, as permitted in a C-3 district and meeting a public necessity. Because of the height restriction in the underlying L-C-3, Commercial District, Applicant SBA Towers IX, LLC respectfully requests that a new L-C-3, Commercial District, be zoned for the construction of its wireless communications facility. Applicant SBA Towers IX, LLC confirms that it intends to, and will, comply with all provisions of the Columbus City Code applicable to wireless communications facilities, as permitted in an L-C-3, Commercial District.

Applicant SBA Towers IX, LLC, in compliance with the provisions of the Columbus City Code applicable to wireless communications facilities, as permitted in an L-C-3, Commercial District, shall proceed to have its Application Number Z15-060 prosecuted in due course before the City of Columbus Department of Building and Zoning Services. Should the proposed AR-12 District which has been applied for in Application Number Z16-002 not be formally adopted and not be in force and effect before the building permit for this monopole cell tower and its associated support structures is issued, the Application Number Z15-060 shall comply with all provisions of the Columbus City Code applicable to wireless communications facilities, as permitted in an L-C-3, Commercial District.

In the event, however, that the proposed AR-12 District which has been applied for in Application Number Z16-002 is formally adopted and is in force and effect before the building permit for this monopole cell tower and its associated support structures is issued, then Applicant SBA Towers IX, LLC shall seek a setback variance, if necessary, to Section 3353.05(D) of the Columbus City Code, which mandates, among other things, that the base of monopole telecommunication antenna sites and their associated support structures be set back 200 percent of the total height of the antenna from all residentially zoned districts.

**PERMITTED USES:** The permitted uses shall be those permitted under C-3, Commercial District as set forth in Chapter 3355 of the Columbus City Zoning Code excepting the following uses: postal substation, private school, radio or television studio or telephone exchange together with concealed electric substation necessary for such use, assembly hall, business college, electric substation, funeral parlor, millinery, off-premise graphics, and trade school.

**DEVELOPMENT STANDARDS:** Except as otherwise noted, the applicable development standards of Chapter 3355, C-3, Community Scale Commercial Development of the Columbus City Code shall apply.

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

1. Density: Not Applicable.
2. Lot and/or Setback Commitment: See attached Location Plan.

B. Access, Loading, Parking and/or Other Traffic-Related Commitment: Not Applicable.

C. Buffering, Landscaping, Open Space and/or Screening Commitments: The antenna compound shall be screened in accordance with the Fence Detail Plan. In addition, landscaping required by Section 3353.05(D)(2) will be adhered to, and shall be depicted on the final site compliance plan.

D. Building Design and/or Interior-Exterior Treatment Commitments: See Attached Site Elevation.

E. Outdoor Display Areas and/or Other Environmental Commitments: Not Applicable.

F. Graphics and Signage Commitments: All signage and graphics shall conform to Article 15 of the City of Columbus Graphics Code as it applies to C-3, Commercial District. All signage shall be of monument style signage.

G. Miscellaneous: The development of a wireless telecommunications facility will be permitted, including a monopole tower of a height not to exceed 110 feet and associated support structures and facilities, as depicted on the Plans titled "Enlarged Site Plan- Sheet C-1," "Fence Details - Sheet C-4," and "Site Elevation - Sheet ANT-1."

The wireless telecommunications facility shall be developed in accordance with the plans noted above. The plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his or her 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 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.**