



Legislation Details (With Text)

File #: 0955-2005 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 5/18/2005 **In control:** Zoning Committee

On agenda: 7/18/2005 **Final action:** 7/20/2005

Title: To rezone 3642 AGLER ROAD (43219), being 7.2± acres located on the north side of Agler Road, 340± feet west of Stelzer Road, From: L-C-4, Limited Commercial District, To: L-C-4, Limited Commercial District (Z04-096).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 0955-2005 exhibits.pdf, 2. ORD 0955-2005 Labels.pdf, 3. Z04-096 Data Form.pdf

Date	Ver.	Action By	Action	Result
7/20/2005	2	MAYOR	Signed	
7/20/2005	2	ACTING CITY CLERK	Attest	
7/18/2005	1	Zoning Committee	Approved as Amended	Pass
7/18/2005	2	Zoning Committee	Amended as submitted to the Clerk	Pass
7/18/2005	2	COUNCIL PRESIDENT	Signed	
7/11/2005	1	Columbus City Council	Read for the First Time	
7/5/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
7/5/2005	1	Dev Zoning Drafter	Sent for Approval	
7/5/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
7/5/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
7/1/2005	1	Dev Zoning Drafter	Sent for Approval	

REZONING APPLICATION: Z04-096

APPLICANT: Bradford Schools, Inc.; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Trade school.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 12, 2005.

NORTHEAST AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant's request for the L-C-4, Limited Commercial District to add "trade school" to land-uses permitted on the subject site is consistent with the *Northeast Area Plan* (1994). The proposed limitation text revises permitted land-uses to add trade school and makes minor changes to current development standards to modify traffic commitments, limit the height of lighting to 18-feet, screen loading zones from off-site view to a minimum height of six-feet and restrict ground sign type and height.

To rezone **3642 AGLER ROAD (43219)**, being 7.2± acres located on the north side of Agler Road, 340± feet west of Stelzer Road, **From:** L-C-4, Limited Commercial District, **To:** L-C-4, Limited Commercial District (Z04-096).

WHEREAS, application #Z04-096 is on file with the Building Services Division of the Department of Development requesting rezoning of 7.2± acres from L-C-4, Limited Commercial District to L-C-4, Limited Commercial District, and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Northeast Area Commission recommends disapproval of said zoning change; and

WHEREAS, the City Departments recommend approval of this rezoning proposal because the applicant's request for the L-C-4, Limited Commercial District to add "trade school" to land-uses permitted on the subject site is consistent with the *Northeast Area Plan* (1994). The proposed limitation text revises permitted land-uses to add trade school and makes minor changes to current development standards to modify traffic commitments, limit the height of lighting to 18-feet, screen loading zones from off-site view to a minimum height of six-feet and restrict ground sign type and height; 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:

3642 AGLER ROAD (43219), being 7.2± acres located on the north side of Agler Road, 340± feet west of Stelzer Road, and being more particularly described as follows:

SIX LEGAL DESCRIPTIONS, TOTAL OF 7.2± ACRES, CURRENTLY ZONED L-C-4, LIMITED COMMERCIAL

DESCRIPTION ONE: 3.491± ACRES:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 2, Township 1, Range 17, United States Military Lands, being all of a 3.486 acre tract of land deeded to Northside Church of God, Inc. in Deed Book 3792, Page 735, said 3.491 acres being more particularly bounded and described as follows:

Beginning for reference at a Franklin County Engineer Survey Monument found (FCGS 6620) in the centerline of Agler Road (variable width), said monument being **N 86° 24' 58" W** a distance of **604.19 feet** from a Franklin County Engineer Survey Monument found (FCGS 2264) at the centerline intersection of said Agler Road and Stelzer Road;

Thence **S 86° 24' 58" E** along the centerline of said Agler Road a distance of **6.95 feet** to a point;

Thence **N 03° 26' 48" E** leaving said centerline a distance of **35.00 feet** to a ¾" iron pin set ("Advanced 7661" cap) in the northerly right-of-way of said Agler Road, the southwest corner of said 3.486 acre tract, said iron pin being the **TRUE PLACE OF BEGINNING** for the tract herein to be described;

Thence **N 03° 26' 48" E** along the westerly line of said 3.486 acre tract and along the easterly line of "Asherton Woods" as shown and delineated in Plat Book 102, Page 94, and the easterly line of Reserve "B" in the Plat of "Lifestyle Boulevard and Stelzer Road Dedication and Easements Part 1" as shown and delineated in Plat Book 96, Page 78 a distance of **952.60 feet** (passing iron pins found at 15.00 feet and 900.43 feet) to a ¾" iron pin set ("Advanced 7661" cap) at the northeast corner of said Reserve "B", the southwest corner of Reserve "A" of said Plat Book 96, Page 78, and on a curve in the southerly right-of-way of Lifestyle Boulevard as shown and delineated in said Plat Book 96, Page 78;

Thence **S 86° 09' 31" E** along the northerly line of said 3.486 acre tract, the southerly line of said Reserve "A" a distance of **224.32 feet** to a ¾" iron pin set ("Advanced 7661" cap) in the westerly line of a 1.00 acre tract deeded to Synergy Capital Company LTD in Instrument #199909150233876;

Thence **S 03° 05' 22" W** along the easterly line of said 3.486 acre tract, a portion of the westerly line of said 1.00 acre tract, the westerly line of a 1.073 acre tract deeded to Synergy Capital Company LTD in Instrument #199905140123044, the westerly line of a 0.927 acre tract deeded to Winston W White in Official Record Volume 10310 H05, the westerly line of a 0.666 acre tract deeded to

Jerry L Jones et al in Instrument #200307310239014, and a portion of the westerly line of a 1.334 acre tract deeded to John E. Cook & Susan A Demers in Deed Book 3759, Page 821 a distance of **499.46 feet** to a $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap) at an angle point;

Thence **S 03° 51' 58" W** along a portion of the westerly line of said 1.334 acre tract and a portion of the westerly line of a 0.906 acre tract deeded to Clinton L & Charlene F Roese in Instrument #200108150189286 a distance of **93.28 feet** to a $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap) at a southeast corner of said 3.486 acre tract, the northeast corner of a 1.381 acre tract deeded to Synergy Capital Company LTD in Instrument #199905140123044;

Thence **N 86° 23' 03" W** along the northerly line of said 1.381 acre tract, a southerly line of said 3.486 acre tract a distance of **176.64 feet** to a $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap) at the northwest corner of said 1.381 acre tract;

Thence **S 03° 26' 30" W** along the westerly line of said 1.381 acre tract, an easterly line of said 3.486 acre tract a distance of **358.96 feet** to a $\frac{3}{4}$ " iron pin set ("Advanced 7661" cap) in the northerly right-of-way of said Agler Road, a southeast corner of said 3.486 acre tract;

Thence **N 86° 24' 58" W** along the northerly right-of-way of said Agler Road a distance of **50.14 feet** to the **TRUE PLACE OF BEGINNING** for the tract herein to be described containing **3.491 acres**, more or less, as calculated by the above courses. Subject, however, to all legal highways, easements, and restrictions of record. The above description was prepared by Douglas R. Hock, P.S. #7661 on December 10, 2003.

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio. The **Basis of Bearings** used in this description are based upon the NAD83 Ohio State Plane Coordinate System, South Zone which determines the bearing between found Franklin County Engineer Survey Monument (FCGS 6621) and said Franklin County Engineer Survey Monument (FCGS 2264) as **N 03° 31' 40" E** for the centerline of said Stelzer Road.

ADVANCED CIVIL DESIGN, INC., Douglas R. Hock, Ohio P.S. #7661.

DESCRIPTION TWO: 0.996± ACRES:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 2, Township 1, Range 17, United States Military Lands, being all of that 1.000 acre tract of land as conveyed to Synergy Capital Company, Ltd. by deed of record in Instrument Number 199909150233876, said 0.996 acre tract being more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 6621 at an angle point in the centerline of Stelzer Road, said monument being **N 03° 31' 40" E** a distance of **1076.02 feet** from Franklin County Geodetic Survey Monument 2264 at the centerline intersection of said Stelzer Road and Agler Road;

Thence **S 03° 31' 40" W**, with the centerline of said Stelzer Road, a distance of **23.54 feet** to a P.K. nail set at a point marking the intersection of the southerly right-of-way line of Lifestyle Boulevard extended with the centerline of said Stelzer Road, as shown in the Plat of "Lifestyle Boulevard and Stelzer Road Dedication and Easements Part 1" of record in Plat Book 96, Pages 78 and 79, being the **True Point of Beginning** for the tract herein to be described;

Thence **S 03° 31' 40" W**, continuing with the centerline of said Stelzer Road, a distance of **116.08 feet** to a P.K. nail set at the northeasterly corner of that 1.038 acre tract as conveyed to Synergy Capital Company, Ltd. by deed of record in Instrument Number 199905140123044;

Thence **N 86° 33' 19" W**, with the northerly line of said 1.038 acre tract, (passing an iron pin found at 29.91 feet) a distance of **373.94 feet** to an iron pin found in the easterly line of that 3.486 acre tract as conveyed to Northside Church of God, Inc. by deed of record in Deed Book 3792, Page 735, being the northwesterly corner of said 1.038 acre tract;

Thence **N 03° 05' 22" E**, with the easterly line of said 3.468 acre tract, a distance of **50.97 feet** to an iron pin set at the southeasterly corner of Reserve "A" of said "Lifestyle Boulevard", being the northeasterly corner of said 3.486 acre tract;

Thence **N 03° 56' 28" E**, with the easterly line of said Reserve "A", a distance of **65.01 feet** to an iron pin set in the southerly right-of-way line of said Lifestyle Boulevard;

Thence **S 86° 34' 13" E**, with the southerly line of said Lifestyle Boulevard and across said Stelzer Road, (passing an iron pin found at 349.32 feet) a distance of **373.86 feet** to the **True Point of Beginning**, and containing **0.996 acres**, more or less, as calculated by

the above courses. Subject, however, to all legal highways, easements, and restrictions of record. The above description was prepared by Clark E. White, P.S. #7868 on March 11, 2004.

All iron pins set are 3/4" diameter, 30" long with plastic cap inscribed "Advanced 7661".

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio. The **Basis of Bearings** used in this description are based upon the NAD83 Ohio State Plane Coordinate System, South Zone which determines the bearing between found Franklin County Geodetic Survey Monument 6621 and said Franklin County Geodetic Survey Monument 8858 as **N 03° 52' 47" E** for the centerline of said Stelzer Road.

ADVANCED CIVIL DESIGN, INC., Clark E. White, Ohio P.S. #7868.

DESCRIPTION THREE: 1.038± ACRES:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 2, Township 1, Range 17, United States Military Lands, being all of that 1.038 acre tract of land as conveyed to Synergy Capital Company, Ltd. by deed of record in Instrument Number 199905140123044, said 1.038 acre tract being more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 6621 at an angle point in the centerline of Stelzer Road, said monument being **N 03° 31' 40" E** a distance of **1076.02 feet** from Franklin County Geodetic Survey Monument 2264 at the centerline intersection of said Stelzer Road and Agler Road;

Thence **S 03° 31' 40" W**, with the centerline of said Stelzer Road, a distance of **139.62 feet** to a P.K. nail set at the southeasterly corner of that 1.00 acre tract as conveyed to Synergy Capital Company, Ltd. by deed of record in Instrument Number 199909150233876, being the **True Point of Beginning** for the tract herein to be described;

Thence **S 03° 31' 40" W**, continuing with the centerline of said Stelzer Road, a distance of **121.11 feet** to a P.K. nail set at the northeasterly corner of that 0.927 acre tract as conveyed to Winston W. White by deed of record in Official Record 10310H05;

Thence **N 86° 32' 22" W**, with the northerly line of said 0.927 acre tract, (passing an iron pin found at 25.38 feet) a distance of **373.01 feet** to an iron pin set in the easterly line of that 3.486 acre tract as conveyed to Northside Church of God, Inc. by deed of record in Deed Book 3792, Page 735, being the northwesterly corner of said 0.927 acre tract;

Thence **N 03° 05' 22" E**, with the easterly line of said 3.468 acre tract, a distance of **121.01 feet** to an iron pin found at the southwesterly corner of said 1.00 acre tract;

Thence **S 86° 33' 19" E**, with the southerly line of said 1.00 acre tract, (passing an iron pin found at 344.02 feet) a distance of **373.94 feet** to the **True Point of Beginning**, and containing **1.038 acres**, more or less, as calculated by the above courses. Subject, however, to all legal highways, easements, and restrictions of record. The above description was prepared by Clark E. White, P.S. #7868 on March 11, 2004.

All iron pins set are 3/4" diameter, 30" long with plastic cap inscribed "Advanced 7661".

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio. The **Basis of Bearings** used in this description are based upon the NAD83 Ohio State Plane Coordinate System, South Zone which determines the bearing between found Franklin County Geodetic Survey Monument 6621 and said Franklin County Geodetic Survey Monument 8858 as **N 03° 52' 47" E** for the centerline of said Stelzer Road.

ADVANCED CIVIL DESIGN, INC., Clark E. White, Ohio P.S. #7868.

DESCRIPTION FOUR: 0.225± ACRES:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 2, Township 1, Range 17, United States Military Lands, and being all of Reserve "A" of that plat entitled "Lifestyle Boulevard and Stelzer Road Dedication and Easements Part 1" of record in Plat Book 96, Page 78, said 0.225 acres being more particularly bounded and described as follows:

Beginning at an iron pin set in the southerly right-of-way line of Lifestyle Boulevard, being the northeasterly corner of said Reserve "A", and being the northwesterly corner of that tract as conveyed to Synergy Capital Company Ltd. by deed of record in Instrument Number 199909150233876;

Thence **S 03° 56' 28" W**, with the westerly line of said Synergy tract, being the easterly line of said Reserve "A", a distance of **65.01 feet** to an iron pin set at the southeasterly corner of said Reserve "A", being the northeasterly corner of that 3.486 acre tract as conveyed to Northside Church of God by deed of record in Deed Book 3792, Page 735;

Thence **N 86° 09' 31" W**, with the southerly line of said Reserve "A", being the northerly line of said 3.486 acre tract, a distance of **224.32 feet** to an iron pin set in the southerly right-of-way line of said Lifestyle Boulevard, being the southwesterly corner of said Reserve "A", and being the northwesterly corner of said 3.486 acre tract;

Thence Northeasterly, with said southerly right-of-way line, with a curve to the left having a **Radius of 430.00 feet, a Delta of 1° 37' 58"**, an **Arc length of 12.25 feet** and a chord which bears **N 64° 13' 59" E** a distance of **12.25 feet** to an iron pin set at a point of reverse curvature;

Thence Northeasterly, continuing with said northerly right-of-way line, with a curve to the right having a **Radius of 428.22 feet, a Delta of 30° 00' 48"**, an **Arc length of 224.31 feet** and a chord which bears **N 78° 25' 24" E** a distance of **221.76 feet** to the **PLACE OF BEGINNING**, containing **0.225 acres**, more or less, as calculated by the above courses. Subject, however, to all legal highways, easements, and restrictions of record. The above description was prepared by Douglas R. Hock, P.S. #7661 on February 17, 2004.

All iron pins set are 3/4" diameter, 30" long with plastic cap inscribed "Advanced 7661".

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio. The **Basis of Bearings** used in this description are based upon the NAD83 Ohio State Plane Coordinate System, South Zone which determines the bearing between found Franklin County Engineer Survey Monument (FCGS 6621) and said Franklin County Engineer Survey Monument (FCGS 2264) as **N 03° 31' 40" E** for the centerline of said Stelzer Road.

ADVANCED CIVIL DESIGN, INC., Douglas R. Hock, Ohio P.S. #7661.

DESCRIPTION FIVE: 0.073± ACRES:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 2, Township 1, Range 17, United States Military Lands, and being part of Reserve "B" of that plat entitled "Lifestyle Boulevard and Stelzer Road Dedication and Easements Part 1" of record in Plat Book 96, Page 78, said 0.073 acres being more particularly bounded and described as follows:

Beginning at an iron pin set in the southerly right-of-way line of Lifestyle Boulevard, being the northeasterly corner of said Reserve "B", and being the northwesterly corner of that 3.486 acre tract as conveyed to Northside Church of God by deed of record in Deed Book 3792, Page 735;

Thence **S 03° 26' 48" W**, with the westerly line of said 3.486 acre tract, being the easterly line of said Reserve "B", a distance of **52.21 feet** to an iron pin set at the southeasterly corner of said Reserve "B", being the northeasterly corner of lot 21 of that subdivision entitled "Asherton Woods" of record in Plat Book 102, Page 94;

Thence **N 86° 25' 16" W**, with the southerly line of said Reserve "B", being the northerly line of said lot 21, a distance of **118.54 feet** to an iron pin set in the easterly right-of-way line of Ashpoint Street of said "Asherton Woods";

Thence Northeasterly, with said easterly right-of-way line, with a curve to the right having a **Radius of 20.00 feet, a Delta of 54° 33' 07"**, an **Arc length of 19.04 feet** and a chord which bears **N 52° 44' 33" E** a distance of **18.33 feet** to an iron pin set in the southerly right-of-way line of said Lifestyle Boulevard, at a point of reverse curvature;

Thence Northeasterly, with said southerly right-of-way line, with a curve to the left having a **Radius of 430.00 feet, a Delta of 14° 58' 10"**, an **Arc length of 112.34 feet** and a chord which bears **N 72° 32' 03" E** a distance of **112.02 feet** to the **PLACE OF BEGINNING**, containing **0.073 acres**, more or less, as calculated by the above courses. Subject, however, to all legal highways, easements, and restrictions of record. The above description was prepared by Douglas R. Hock, P.S. #7661 on February 17, 2004.

All iron pins set are 3/4" diameter, 30" long with plastic cap inscribed "Advanced 7661".

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio. The **Basis of Bearings** used in this description are based upon the NAD83 Ohio State Plane Coordinate System, South Zone which determines the bearing between found Franklin County Engineer Survey Monument (FCGS 6621) and said Franklin County Engineer Survey Monument (FCGS 2264) as **N 03° 31' 40" E** for the centerline of said Stelzer Road.

ADVANCED CIVIL DESIGN, INC., Douglas R. Hock, Ohio P.S. #7661.

DESCRIPTION SIX: 1.4423± ACRES:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 2, Township 1, Range 17, United States Military Lands and being all of that Parcel 3 as conveyed to David S. Guttridge, Trustee of Benchmark Land Trust, by deed of record in Official Record 16546G03, all references being to records of the Recorder's Office, Franklin County, Ohio, and being described as follows:

Beginning for reference at Franklin County Geodetic Survey Monument No. 2264 at the centerline intersection of Stelzer Road and Agler Road;

Thence North 86 degrees 25' 16" West, along the centerline of said Agler Road, a distance of 373.88 feet to a P.K. Nail set at the southeasterly corner of that 0.140 acre tract as conveyed to the Franklin County Commissioners by deed of record in Official Record 7596F05;

Thence North 03 degrees 52' 57" East, along the easterly line of said 0.140 acre tract, a distance of 35.00 feet to an iron pin set in the northerly right-of-way line of said Agler Road, being the northeasterly corner of said 0.140 acre tract;

Thence North 86 degrees 25' 16" West, along said northerly right-of-way line, being the northerly line of said 0.140 acre tract, a distance of 173.64 feet to an iron pin set at a southeasterly corner of that tract as conveyed to the Northside Church of God, Inc. by deed of record in Deed Book 3792, Page 735;

Thence North 03 degrees 26' 48" East, along an easterly line of said Northside Church of God, Inc. tract, a distance of 358.99 feet to an iron pin set at a southeasterly corner of said Northside Church of God, Inc. tract;

Thence South 86 degrees 25' 16" East, along a southerly line of said Northside Church tract, a distance of 176.37 feet to an iron pin set in the westerly line of that tract as conveyed to Clinton L. Roesse by deed of record in Official Record 12751H14;

Thence South 03 degrees 52' 57" West, along the westerly line of said Roesse tract and the westerly line of that 1.809 acre tract as conveyed to Virginia M. Baker by deed of record in Official Record 12339A03, a distance of 358.99 feet to the True Point of Beginning and containing 1.442 acres of land, more or less.

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

Bearings for this description are based on the Ohio State Plane Coordinate System as per NAD83. Control for bearings was from coordinates of Monuments 7778 and 8858 having a bearing of South 03 degrees 57' 06" West, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

EXCEPTING THEREFROM:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 1, Range 17, United States Military Lands, and being part of that 1.442 acre tract conveyed to Synergy Capital Company, Ltd. Of record in Instrument Number 199905140123044, all references are to the Recorder's Office, Franklin County, Ohio and described as follows:

Beginning at Franklin County Engineers Monument FCGA 2264 found, marking the centerline intersection of Stelzer Road with Agler Road;

Thence North 86 degrees 25' 16" West, with the centerline of Agler Road, a distance of 373.88 feet to a southeasterly corner of that 0.140 acre tract conveyed to Franklin County Commissioners of record in Official Record 7596F05, being South 86 degrees 25' 16" East, 230.32 feet from Franklin County Engineers Monument FCGS 6620;

Thence North 03 degrees 31' 40" East, with easterly line of said 0.140 acre tract, a distance of 35.00 feet to the northeasterly corner of said 0.140 acre tract and the southeasterly corner of said 1.442 acre tract, being the True Point of Beginning;

Thence North 86 degrees 25' 16" West, with the southerly line of said 1.442 acre tract and the northerly line of said 0.140 acre tract, a distance of 173.64 feet to the southwesterly corner of said 1.442 acre tract, the northwesterly corner of said 0.140 acre tract, and the

southeasterly corner of that 3.256 acre tract conveyed to Northside Church of God, Inc. of record in Deed Book 3792, Page 735;

Thence North 03 degrees 26' 16" East, with the westerly line of said 1.442 acre tract and the easterly line of said 3.256 acre tract, a distance of 15.00 to an iron pin set;

Thence South 86 degrees 25' 16" East, across said 1.442 acre tract, a distance of 173.76 feet to an iron pin set in an easterly line of said 1.442 acre tract and the westerly line of that original 3.000 acre tract conveyed to Virginia M. Baker of record in Official Record 12339A03;

Thence South 03 degrees 52' 57" west, with said easterly line and said westerly line, a distanced of 15.00 feet to the True Point of Beginning, containing 0.060 acre, more or less, out of Auditor's Parcel No. 010-012075.

Subject to any rights-of-way, easements and restrictions of record.

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

This description was prepared under the supervision of Jeffrey A. Miller, P.S., Ohio Registered Surveyor No. 7211, of EMH&T, Inc. and is based on existing records and actual field survey.

Bearings are based on the Ohio State Plan Coordinate System, NAD 83, South Zone (1986 Adjustment). Control for bearings is from Franklin County Engineers Monuments FCGS 2264 and 2265, having a bearing of North 03 degrees 33' 01" East.

To Rezone From: L-C-4, Limited Commercial District,

To: L-C-4, Limited Commercial District.

SECTION 2. That a Height District of Thirty-five (35) feet is hereby established on the L-C-4, Limited Commercial 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-C-4, Limited Commercial District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes; said text titled, "**LIMITATION TEXT**," signed on May 16, 2005 by Jeffrey L. Brown, attorney for the applicant, and the text reading as follows:

LIMITATION TEXT

PROPOSED DISTRICT: L-C-4

PROPERTY ADDRESS: 3642 Agler Road

OWNER: Gamma Columbus II, LLC

APPLICANT: Bradford Schools, Inc.

DATE OF TEXT: 5/16/05

APPLICATION NUMBER: Z04-096

INTRODUCTION: The current zoning is L-C-4 and the zoning application modifies the uses to reflect the current zoning classification and permits a trade school, as defined below, on the subject site. The applicant has established an educational facility to the north and wants to expand its facility.

1. PERMITTED USES: The only uses permitted are those uses described in Columbus City Code Sections 3351.03 (C-1), 3353.03 (C-2), 3355.03(C-3) (B) and permitting the following C-4, Commercial uses as specified in Section 3356.03:

- a. Cafes, Delicatessens and Restaurant (2,000 square feet or less)
- b. Florists

- c. Rooftop telecommunications - (screened from view)
- d. Administrative and Support Services
- e. HMO Medical Center (Urgent Care)
- f. Kidney Dialysis Center
- g. Physical, Occupational & Speech Therapist and Audiologist
- h. Human Resources and Executive Search Consulting Services
- i. Management Consulting, Public Opinion Polling and Research Services
- j. Educational Facility, Business, Computer, Management and Training Facilities
- k. Educational Facility, Professional, Secretarial, Technical and Trade Library
- l. Public Park and Recreation Center
- m. School (as defined in C.C. 3303)
- n. College
- o. Trade School- an institution of higher learning that provides vocational, technical, or professional instruction, with a focus on teaching skilled occupations, except that no truck driver or heavy equipment operator training, or construction trades (including welding) training or automotive service and repair training shall be permitted.
- p. Dwelling units may be located on the first floor; if a council variance request is approved for that use.

2. DEVELOPMENT STANDARDS: Unless otherwise indicated in the text the applicable development standards are contained in Chapter 3356 (C-4, Commercial) of the Columbus City Code.

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

- 1. The setback along Agler Road shall be twenty-five feet for parking and maneuvering. The setback from the internal east, west and south property lines of the subject site shall be 10 feet for parking and maneuvering and twenty-five (25) feet for buildings.
- 2. No building shall be closer than fifty (50) feet from Agler Road.
- 3. Setback from widened Stelzer Road shall be seventy-five (75) feet for all buildings and thirty (30) feet for parking/maneuvering areas.

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

- 1. Prior to obtaining a zoning clearance the property owner shall dedicate at no cost to the City of Columbus fifty (50) feet and ~~sixty (60) feet~~ from the centerline of Agler Road and Stelzer Road, respectively, as additional right-of-way; **and shall dedicate forty-two (42) feet of right-of-way from the centerline of Stelzer Road and grant an eighteen (18) foot wide highway easement along its Stelzer Road frontage, for a total of sixty (60) feet (combined right-of-way and easement).**
- 2. If required by the county or the city depending on who has jurisdiction, a left turn lane shall be installed on Stelzer Road at its intersection with the proposed public street north of Sub-area 2 (as designated in Case Z97-127).
- 3. The subject site shall have a right-in/right-out curb-cut to Agler Road; a right-in/right-out curb-cut to Stelzer Road and a full access curb-cut to Lifestyle Boulevard. These access points may be modified with the approval of the County Engineer.
- 4. At the time of development the applicant shall pay the County Engineer \$25,000 for the proposed traffic signal at the intersection of Lifestyle Boulevard and Stelzer Road.

C. Buffering, Landscaping, Open space and/or Scening commitments.

- 1. Within the parking and maneuvering setback area along Agler Road, and Stelzer Road, one tree for every thirty (30) feet of frontage shall be planted. Trees may be groupd or evenlypaced aong Agler Rd and Stelzer Road.
- 2. All parking lots adjacent to Agler Road, or Stelzer Roshall have headlight screening of minimum thirty (30) inches height parallel to such road frontage as measured from the elevation of the nearest section of the adjacent parking area.
- 3. Loading areas shall be screened by wood fence and/or wall built of similar materials as used in the building from off-site views to a minimum height of six (6) feet. In addition there shall be landscaping installed along the perimeter of the site which meets the screening requirement of Section C.4 of this text to block the loading areas from off-site view from the adjacent single family zoned ground.

4. If an adjacent property is zoned single family residential at the time of development, then the developer shall install within the parking setback area a row of evergreen trees fifteen feet on center along the entire length of the single family property line adjacent to that portion of the subject site being developed. Said evergreen trees shall be a minimum height of five (5) feet at installation.

5. Landscaping shall be maintained in a healthy condition and dead material shall be replaced with new landscaping which meets the size requirements contained in the text within six (6) months weather permitting. The property owner shall maintain the balance of the undeveloped site by keeping the grass mowed on a regular basis.

6. Minimum tree sizes at installation: deciduous 2 ½ inch caliper; ornamental 1 ½ inch caliper and evergreens five (5) feet. Tree caliper is measured 6 inches from the ground.

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

1. The building elevation of any building ~~facing residentially zoned property~~ shall not contain any exposed concrete block **or split face block**. ~~The restriction shall not prohibit the use of split face block in said building elevation as long as the split face block does not appear on a public street facing elevation.~~ Bricks, glass, and EFIS may be used as building materials.

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

1. Dumpsters shall be screened on three sides by a solid fence, wall, building and/or landscaping to a minimum height of six (6) feet with the fourth side being a gate.

2. No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside a permitted structure or opaque enclosure (except a garden center).

3. All external outdoor lighting shall be cut-off fixtures (down-lighting) except that the building and landscaping may be up-lighted, provided that landscape lighting does not spill over into the public right-of-way.

4. All external outdoor lighting fixtures in the sub-area shall be from the same or a similar manufacturer's type to insure aesthetic compatibility.

5. Parking lot lighting shall be no higher than eighteen (18) feet.

F. Graphics and Signage commitments

1. All signage and graphics shall conform to Article 15 of the Columbus City Graphic Code as it applies to the C-4 zoning district. Any variance to the sign requirements or a graphics plan shall be submitted to the Columbus Graphics Commission.

2. An on-site ground sign shall be a monument style sign with a maximum height of ten (10) feet.

G. Miscellaneous commitments

1. The developer shall install a sidewalk along the north side of Agler Road. A sidewalk shall be installed along the west side of Stelzer Road unless the sidewalk is included in the Stelzer Road improvement plan. The developer shall install a sidewalk along the south side of Lifestyle Boulevard.

2. At the time of submission for a certificate of zoning clearance the developer shall comply with the City's Parkland dedication ordinance by contributing cash on the basis of \$400/acre.

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