



## Legislation Details (With Text)

**File #:** 0361-2017      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 2/7/2017      **In control:** Zoning Committee

**On agenda:** 2/27/2017      **Final action:**

**Title:** To rezone 5960 EAST LIVINGSTON AVENUE (43232), being 6.9± acres on the north side of East Livingston Avenue, 162± feet east of McNaughten Road, From: C-1, Commercial District and R-1, Residential District, To: L-M, Limited Manufacturing District (Rezoning # Z16-067).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0361-2016\_Attachments, 2. ORD0361-2017\_Labels

Date	Ver.	Action By	Action	Result
3/2/2017	2	MAYOR	Signed	
3/2/2017	2	CITY CLERK	Attest	
2/27/2017	2	COUNCIL PRESIDENT	Signed	
2/27/2017	1	Zoning Committee	Waive the 2nd Reading	Pass
2/27/2017	1	Zoning Committee	Amended as submitted to the Clerk	Pass
2/27/2017	1	Zoning Committee	Approved as Amended	Pass

### Rezoning Application: Z16-067

**APPLICANT:** Columbus Storage Developers, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 423 411 East Town Street, 2nd Floor 1; Columbus, OH 43215, and Donald Plank, Atty.; 423 411 East Town Street, 2nd Floor 2; Columbus, OH 43215.

**PROPOSED USE:** Self-storage facility.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (7-0) on January 12, 2017.

**FAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped and zoned in the C-1, Commercial, and R-1, Residential districts, and lies within the Regional Commercial Overlay (RCO). The requested L-M, Limited Manufacturing District will permit a self-storage facility with related truck rental and packing supply sales. The limitation text proposes only self-storage and related accessory uses, and commits to increased setbacks, access restrictions, tree preservation, a site plan, and signage that will be compliant with RCO standards. The site is within the planning area of the *Livingston East Area Plan* (2009), which recommends "Mixed Use" for this location, which includes office and multi-unit residential development. While not consistent with the Plan recommendation, the Planning Division supports the proposed self-storage facility because a retail use has been developed on part of the C-1 district since the Plan was adopted, which limits the site's potential use for office. Furthermore, self-storage will serve as a use that will have minimal negative impacts on the nearby residential development, and the stream corridor will be preserved. The applicant has also incorporated graphics provisions to ensure that the Regional Commercial Overlay development pattern

along East Livingston Avenue will be continued.

To rezone **5960 EAST LIVINGSTON AVENUE (43232)**, being 6.9± acres on the north side of East Livingston Avenue, 162± feet east of McNaughten Road, From: C-1, Commercial District and R-1, Residential District, To: L-M, Limited Manufacturing District (Rezoning # Z16-067).

**WHEREAS**, application # Z16-067 is on file with the Department of Building and Zoning Services requesting rezoning of 6.9± acres from C-1, Commercial District and R-1, Residential District, to L-M, Limited Manufacturing District; and

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

**WHEREAS**, the Far East 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 contains appropriate development standards in consideration of adjacent residential uses. While not consistent with the land use recommendations of the *Livingston East Area Plan*, the proposed self-storage facility will have minimal impact on these residential uses and the stream corridor will be preserved. The applicant has also incorporated graphics provisions to ensure that the Regional Commercial Overlay development pattern along East Livingston Avenue will be continued; 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:

**5960 EAST LIVINGSTON AVENUE (43232)**, being 6.9± acres on the north side of East Livingston Avenue, 162± feet east of McNaughten Road, and being more particularly described as follows:

**Exhibit “A” - 6.886 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Half Section 21, Section 14, Township 12, Range 21, Refugee Lands, and being part of a 12.04 acre tract conveyed to Woodland Plaza, Ltd. in Instrument Number 200511070235220, all records being of the Recorder’s Office, Franklin County, Ohio and being more particularly bounded and described as follows:

**COMMENCING** at a Mag Nail Set at the southwest corner of Lot 124 as delineated on Idlewild Manor, as recorded in PB 15, PG 18, also the southwest corner of a 0.055 acre tract conveyed to the City of Columbus, Ohio in DB 2851 PG3, and being on the east line of said 12.04 acre tract, and being on the east line of a 0.508 acre tract conveyed to the City of Columbus, Ohio in DB 2847 PG687;

Thence along part of the east line of said 0.508 and 12.04 acre tracts, and the west line of said 0.055 acre tract and part of the west line of said Lot 124, North 04 degrees 19 minutes 45 seconds East, 20.00 feet to a found 5/8” rebar capped “Vance-PS”, also being the northeast corner of the said 0.508 acre tract, and being the **TRUE POINT OF BEGINNING** of the parcel herein intended to be described;

Thence along the north line of said 0.508 acre tract and northerly right-of-way of Livingston Avenue, North 85 degrees 41 minutes 36 seconds West, 165.66 feet to an iron pin set, also being the southeast corner of a 1.333 acre tract conveyed to McNaughten DG, LLC in Instrument Number 201605090057468;

Thence along the east line of said 1.333 acre tract, North 04 degrees 16 minutes 42 seconds East, 250.75 feet to an iron pin set at the northeast corner of said 1.333 acre tract;

Thence along the north line of said 1.333 acre tract, North 85 degrees 41 minutes 09 seconds West, 295.95 feet to an iron pin set at the northwest corner of said 1.333 acre tract, and the easterly right of way line of McNaughten Road, as shown on the improvement plans known as "D-3119" on file with the department of public service, design and construction division, being 40.00' easterly of the centerline of said road;

Thence across part of said 12.04 acre tract the following seven (7) courses:

1. along part of the east line of said McNaughten Road, along the arc of a curve to the left having a radius of 540.00 feet, a central angle of 10 degrees 36 minutes 37 seconds, an arc length of 71.42 feet, North 26 degrees 22 minutes 33 seconds West, 71.37 feet to a set iron pin;
2. continuing along part of the said easterly line, North 22 degrees 47 minutes 38 seconds West, 336.32 feet to a set iron pin;
3. leaving said easterly line, North 85 degrees 20 minutes 47 seconds East, 70.05 feet to a set iron pin;
4. North 81 degrees 42 minutes 52 seconds East, 130.86 feet to a set iron pin;
5. South 85 degrees 34 minutes 34 seconds East, 112.02 feet to a set iron pin;
6. North 56 degrees 09 minutes 59 seconds East, 227.67 feet to a set iron pin;
7. South 84 degrees 54 minutes 17 seconds East, 163.70 feet to a set iron pin on the east line of said 12.04 acre tract and the west line of Lot 179 of said Idlewild Manor;

Thence along the east line of said 12.04 acre tract, and along the west line of two unnamed alleys, Radekin Road, part of Lot 179 and Lot 124, and all of Lot 178 and Lot 125, all as delineated on said Idlewild Manor, South 04 degrees 19 minutes 45 seconds West, 789.12 feet to the **TRUE POINT OF BEGINNING, CONTAINING 6.886 ACRES (299,975 Sq. Ft.)**.

Subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

Iron pins set are 5/8" inch solid iron pins, 30" in length with a yellow plastic cap inscribed "EP FERRIS SURVEYOR 8342".

Basis of bearings is North 04 degrees 19 minutes 45 seconds East on the east line of said 12.04 acre tract. This description is based on a field survey by E.P. Ferris & Associates, Inc. in November, 2016.

**To Rezone From:** C-1, Commercial District and 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 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 plan being titled, "**A+ SELF STORAGE, 5960 E. LIVINGSTON AVENUE,**" and said text titled "**DEVELOPMENT TEXT,**" both dated February 1, 2017, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

**DEVELOPMENT TEXT**

**EXISTING DISTRICT:** C-1, Commercial and R-1, Residential

**PROPOSED DISTRICT:** L-M, Limited Manufacturing

**PROPERTY ADDRESS:** 5960 E. Livingston Avenue, Columbus, OH 43232

**APPLICANT:** Columbus Storage Developers, LLC c/o Dave Perry, David Perry Company., Inc., ~~423~~ **411** E. Town Street, FL 2, Columbus, OH 43215 and Donald Plank, Plank Law Firm, ~~423~~ **411** E. Town Street, FL 2, Columbus, OH 43215

**OWNER:** Woodland Plaza, Ltd. c/o Nicholas L. Vollman, 3016 Maryland Avenue, Columbus, OH 43209

**DATE OF TEXT:** February 1, 2017

**APPLICATION NUMBER:** Z16-067

## **INTRODUCTION:**

The site is 6.9 +/- acres on the north side of E. Livingston Avenue, 175' +/- east of McNaughten Road, and on the east side of McNaughten Road, 285' +/- north of E. Livingston Avenue. Applicant proposes to develop the site with a self storage facility, as depicted on the site plan titled "A+ Self Storage, 5960 E. Livingston Avenue", dated February 1, 2017, hereafter "Site Plan".

**1. PERMITTED USES:** The only permitted use of the property shall be self storage, and related accessory uses, as permitted by Section 3363.02 - Warehouse, storage and sales establishment, of the Zoning Code.

**2. DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards of Chapter 3363, M, Manufacturing District, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards of the Columbus City Code shall apply.

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

1. The minimum McNaughten Road and E. Livingston Avenue building setback shall be 50' and 130', respectively.
2. The minimum McNaughten Road and E. Livingston Avenue parking setback shall be 50' and 40', respectively.
3. There shall be a 25' east property line building and pavement setback.

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

1. There shall be a single vehicular access point located on E. Livingston Avenue, as depicted on the Site Plan. The access point shall also provide vehicular access to the retail use on PID: 550-296146, adjacent to the west of the self-storage site.
2. Right of way along E. Livingston Avenue and McNaughten Road totaling 60 feet and 50 feet from centerline, respectively, shall be deeded to the City of Columbus prior to approval of the final Site Compliance Plan.

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

1. Existing trees in the west 45' of the McNaughten Road 50' building and parking setback shall be preserved. Dead or dying plant material may be removed as well as plant material that is a hazard to the adjacent storage building. **If required by applicable utility companies, utilities may be placed in the 45' tree preservation setback. Removal of trees in the 45' tree setback shall be the minimum necessary for the placement of the applicable utility.**
2. Existing trees in the east twenty (20) feet of the east 25' building and parking setback shall be maintained to a point even with the south line of the self storage office. Dead or dying plant material may be removed as well as plant material that is a hazard to the adjacent storage building. **The 25' building and parking setback corresponds to an existing easement to the City of Columbus for sanitary sewer and storm water. If the City of Columbus, or contractor(s) acting on behalf of the City of Columbus, excavates the easement area, in whole or in part, the property owner shall have no responsibility to replace trees removed by the excavation and/or grading.**

3. Four (4) street trees shall be provided on the E. Livingston Avenue frontage, on the property, at 40 +/- feet on center, approximately as depicted on the Site Plan.

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

There shall be no doors of any kind on the east side of the storage building adjacent to the east property line nor on the west side of the storage building adjacent to McNaughten Road, also noted as Building A and Building G, respectively, on the Site Plan, other than as may be required for compliance with applicable building or fire codes.

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

N/A

**F. Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the M, Manufacturing District, and the Livingston East Area Regional Commercial Overlay (RCO). Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. The plan titled “A+ Self Storage, 5960 E. Livingston Avenue”, dated February 1, 2017, and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, is the development plan for the site. Site development and building construction may be phased. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment shall be reviewed and may be approved by the Director of the Building and Zoning Services Department 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 earliest period allowed by law.