



## Legislation Details (With Text)

**File #:** 3060-2018      **Version:** 2

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

**File created:** 10/31/2018      **In control:** Zoning Committee

**On agenda:** 11/19/2018      **Final action:** 11/21/2018

**Title:** To rezone 5240 WALCUTT COURT (43228), being 22.78± acres located at the terminus of Walcutt Court, 750± feet west of Walcutt Road, From: R, Rural District and L-M-2, Limited Manufacturing District, To: L-M, Limited Manufacturing District (Rezoning #Z18-040) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3060-2018.Attachments.pdf, 2. ORD3060-2018.Labels.pdf

Date	Ver.	Action By	Action	Result
11/21/2018	2	ACTING CITY CLERK	Attest	
11/20/2018	2	MAYOR	Signed	
11/19/2018	2	COUNCIL PRESIDENT	Signed	
11/19/2018	1	Zoning Committee	Amended to Emergency	Pass
11/19/2018	1	Zoning Committee	Approved	Pass

### Rezoning Application Z18-040

**APPLICANT:** Marous Brothers Construction; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

**PROPOSED USE:** Manufacturing uses.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on September 13, 2018.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a heavy equipment sales / service facility in the L-M-2, Limited Manufacturing District, and one undeveloped parcel in the R, Rural District. The requested L-M, Limited Manufacturing District will permit the expansion of the current facility and proposes less objectionable uses as categorized in the M, Manufacturing District. The site is within the planning area of the *Trabue/Roberts Area Plan* (2011), which recommends light industrial uses at this location. The requested L-M, district is appropriate as the proposed manufacturing uses are compatible with the recommendation of the Plan, comparable to those on adjacent properties, and do not add incompatible land uses to the area. The project also includes a concurrent Council variance (Ordinance #3061-2018; CV18-055) to allow gravel surfaces for driveways, aisles, and circulation areas, and to reduce the parking and exterior storage setbacks. The Council variance also includes a site plan that addresses landscaping and buffering along Hilliard Rome Road East to the west and Trabue Road to the north, as well as along the abutting properties to the north.

To rezone **5240 WALCUTT COURT (43228)**, being 22.78± acres located at the terminus of Walcutt Court, 750± feet

west of Walcutt Road, **From:** R, Rural District and L-M-2, Limited Manufacturing District, **To:** L-M, Limited Manufacturing District (Rezoning #Z18-040) **and to declare an emergency.**

**WHEREAS**, application #Z18-040 is on file with the Department of Building and Zoning Services requesting rezoning of 22.78± acres from R, Rural District and L-M-2, Limited Manufacturing 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, district is appropriate as the proposed manufacturing uses are compatible with the recommendation of the *Trabue/Roberts Area Plan*, comparable to those on adjacent properties, and do not add incompatible land uses to the area;

**WHEREAS, OhioCAT (Caterpillar brand heavy equipment dealership) has a pending site compliance plan and building permit. I'm requesting emergency amendment to allow both the SCP and BP to be issued prior to the 30 day effective date: 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:

**5240 WALCUTT COURT (43228)**, being 22.78± acres located at the terminus of Walcutt Court, 750± feet west of Walcutt Road, and being more particularly described as follows:

PARCEL NUMBER: 570-210824

SITUATED IN THE COUNTY OF FRANKLIN, IN THE STATE OF OHIO AND IN THE CITY OF COLUMBUS:

BEING LOT NUMBER ONE (1) OF COL-WEST INDUSTRIAL PARK, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 67, PAGE 82, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, AND BEING 20.31 ACRES.

AND

PARCEL NUMBER: 245-287914

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN AND IN THE CITY OF COLUMBUS

SITUATED IN VIRGINIA MILITARY SURVEY 7065, FRANKLIN COUNTY, CITY OF COLUMBUS, OHIO.

BEING THE WESTERLY PORTION OF LANDS AS TRANSFERRED TO CHRISTINE PAINTER, ET AL., BY CERTIFICATE OF TRANSFER AS SHOWN OF RECORD IN DEED VOLUME 1716, PAGE 52, FRANKLIN COUNTY, OHIO, RECORDS; AND THE SOUTHERLY PORTION OF SAID WESTERLY PORTION BEING ALSO PART OF LOT 6, PLAT B, AS SET OFF TO JOSEPH GROOMS FROM THE THOMAS O'HARRA ESTATE IN THE MATTER OF THE PETITION FOR PARTITION OF ANN MILLER, ET AL., VS. JAMES O'HARRA, ET AL., AS RECORDED IN COMPLETE RECORD 80, PAGE 196, ETC., COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO AND THE NORTHERLY PORTION THEREOF BEING PART OF THE 3.35 ACRE TRACT COMPOSED TO

THOMAS E. PAINTER BY DEEDS FILED OCTOBER 5, 1943, RECORDED IN DEED BOOK 1210, PAGE 349 AND DEED BOOK 1234, PAGE 220, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, SAID WESTERLY PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A P.K. PIN LOCATED IN THE INTERSECTION OF THE CENTERLINE OF TRABUE ROAD AND ROME-HILLIARDS ROAD, ALSO BEING THE NORTHWEST CORNER OF SAID CHRISTINE PAINTER, ET AL. LANDS; THENCE NORTH 84° 08' EAST ALONG THE CENTERLINE OF SAID TRABUE ROAD, A DISTANCE OF 283.00 FEET TO A P.K. SPIKE IN THE CENTERLINE OF SAID TRABUE ROAD; THENCE SOUTH 15° 47' WEST, A DISTANCE OF 322.95 FEET TO AN IRON PIN IN THE SOUTH LINE OF SAID CHRISTINE PAINTER, ET AL. LANDS AND LOCATED IN THE SOUTHWEST CORNER OF 11.174 ACRE TRACT OFF THE EAST END OF SAID CHRISTINE PAINTER, ET AL. LANDS, PASSING AN IRON PIN ON LINE AT 32.28 FEET; (SAID 11.174 ACRE TRACT HAVING BEEN CONVEYED BY SAID CHRISTINE PAINTER, ET AL. TO SARAH BELLE HENDERSON, BY DEEDS RECORDED IN DEED BOOK 1949, PAGE 327 AND DEED BOOK 1949, PAGE 330, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO); THENCE SOUTH 89° 54' WEST A DISTANCE OF 273.50 FEET TO A P.K. PIN IN THE CENTERLINE OF SAID ROME-HILLIARDS ROAD, BEING THE SOUTHWEST CORNER OF SAID CHRISTINE PAINTER, ET AL. LANDS, PASSING AN IRON PIN AT 247.50 FEET; THENCE NORTH 15° 47' EAST ALONG THE CENTERLINE ON ROME-HILLIARDS ROAD, 293.25 FEET TO THE PLACE OF BEGINNING; CONTAINING 2.47 ACRES OF LAND, MORE OR LESS.

**To Rezone From:** R, Rural District and L-M-2, 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 Building and Zoning Services be, and is hereby authorized and directed to make the said changes on the said original zoning map and shall register a copy of the approved 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 text being titled "**DEVELOPMENT TEXT**," dated October 25, 2018, 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:** L-M-2 Limited Manufacturing and R, Rural

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

**PROPERTY ADDRESS:** 5240 Walcutt Court, Columbus, OH 43228

**PID:** 570-210824, 245-287914

**APPLICANT:** Marous Brothers Construction c/o Dave Perry, David Perry Company., Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

**OWNER:** OMCO Building, LLC c/o Dave Perry, David Perry Company., Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

**DATE OF TEXT:** October 25, 2018

**APPLICATION NUMBER:** Z18-040

#### **INTRODUCTION:**

The site is 22.78 +/- acres at the west terminus of Walcutt Court and the southeast corner of Trabue Road and Hilliard Rome Road East. Over 20 acres of the site is presently zoned L-M-2 and is part of the Col-West Industrial Park. Property Owner has purchased an additional parcel located at the southeast corner of Trabue Road and Hilliard Rome Road East.

The additional property is zoned R, Rural. The 22.78 acres is presently in two tax parcels (570-210824, 245-287914). The tax parcels are in different tax districts due to when they were annexed to the City of Columbus and can't be combined. The common property line of the two parcels shall be ignored for purposes of site development. Application CV18-055 is submitted in conjunction with this application in order to accommodate the necessary variances.

**1. PERMITTED USES:** All uses of the M, Manufacturing District, Sections 3363.02 - 3363.08, inclusive, Less Objectionable Uses.

**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 building setback shall be fifty (50) feet from the north, south and west property lines of PID: 570-210824, as platted. There shall be no required building setback along the common property line of PID's: 570-210824, 245-287914, other than as platted.

2. The minimum parking setback shall be 25 feet along Trabue Road, 20 feet along the north interior property line (PID: 570-210824), 10 feet along the east property lines (PID: 570-210824 and 245-287914), 25 feet along the south property line (PID: 570-210824) and 25 feet along the west property line (PID: 570-210824), respectively, unless modified by variance. There shall be no required parking setback along the common property line of PID's: 570-210824, 245-287914, which cannot be combined due to different tax districts. See also CV18-055.

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

There shall be no direct vehicular access to Hilliard Rome Road East and Trabue Road other than as may be required for emergency services.

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

Street trees shall be planted at minimum 40 feet on center in or adjacent to the Trabue Road and Hilliard Rome Road East right of way of PID 245-287914.

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

N/A

**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. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous.**

The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code for PID 245-287914. No fee is required for PID 570-210824.

**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.**