



Legislation Details (With Text)

File #: 1267-2023 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/21/2023 **In control:** Zoning Committee

On agenda: 5/15/2023 **Final action:** 5/18/2023

Title: To rezone 3573 AGLER RD. (43219), being 28.38± acres located on the south side of Agler Road, 875± feet west of Stelzer Road, From: L-M, Limited Manufacturing District, To: L-M, Limited Manufacturing District (Rezoning #Z23-003).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1267-2023_Attachments, 2. ORD1267-2023_Labels

Date	Ver.	Action By	Action	Result
5/18/2023	1	CITY CLERK	Attest	
5/17/2023	1	MAYOR	Signed	
5/15/2023	1	COUNCIL PRESIDENT	Signed	
5/15/2023	1	Zoning Committee	Waive the 2nd Reading	Pass
5/15/2023	1	Zoning Committee	Approved	Pass

Rezoning Application: Z22-003

APPLICANT: Keith Massa; Schottenstein Property Group; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Limited manufacturing and commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0-1) on April 13, 2023.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 28.38± acre site consists of four undeveloped parcels zoned in the L-M, Limited Manufacturing District by Ordinance #1342-2022 (Z21-087) in 2022. The existing L-M district included a commitment to develop the site in accordance with a submitted site plan. The applicant has revised the proposed layout of the buildings and landscaping commitments necessitating a new L-M district. The site is subject to the I-670 Graphics Control overlay and is located within the boundaries of the both the *Port Columbus Joint Economic Development Strategy* (2008), which recommends “Office” land uses, and the *Northeast Area Plan* (2007), which recommends “Office-Light Industrial” land uses for this location. The limitation text proposes all commercial and less objectionable manufacturing uses with adult entertainment uses and medical marijuana dispensaries prohibited, and includes development standards addressing site access and lot coverage. Also included are commitments to develop the site in accordance with the submitted site plans, landscaping plans and building elevations. The requested L-M, Limited Manufacturing District will allow limited manufacturing and commercial development consistent with the land use recommendations of both the *Northeast Area Plan* and the *Port Columbus Joint Economic Development Strategy*, and incorporates landscaping and screening as recommended by the *Northeast Area Plan*’s design guidelines. Ordinance

#1268-2023 (CV23-006) is included as a concurrent Council variance request to permit maneuvering and parking spaces to be divided by parcel lines, and to permit parking spaces and loading spaces to be located on different parcels than the uses they serve, all due to the inability to combine parcels from different taxing districts.

To rezone **3573 AGLER RD. (43219)**, being 28.38± acres located on the south side of Agler Road, 875± feet west of Stelzer Road, **From:** L-M, Limited Manufacturing District, **To:** L-M, Limited Manufacturing District (Rezoning #Z23-003).

WHEREAS, application #Z23-003 is on file with the Department of Building and Zoning Services requesting rezoning of 28.36± 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 limited manufacturing and commercial development that is consistent with the land use recommendations of both the *Northeast Area Plan* and the *Port Columbus Joint Economic Development Strategy*, and incorporates street trees and landscaping provisions as recommended by the *Northeast Area Plan* design guidelines; 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 # 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

3573 AGLER RD. (43219), being 28.38± acres located on the south side of Agler Road, 875± feet west of Stelzer Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, in the City of Columbus and Township of Mifflin, and being in Quarter Township 3, Township 1, Range 17, United States Military Lands, being a part of a 10.186 acre parcel as conveyed to TRUSTEES AGLER RD PARCEL #2 LLC in Instrument Number 201008230108138, a part of a 10.321 acre parcel as conveyed to TRUSTEES AGLER RD PARCEL #2 LLC in Instrument Number 201008230108139, a part of a 5.000 acre parcel as conveyed to TRUSTEES AGLER RD PARCEL #3 LLC in Instrument Number 201008190106494, and the remainder of 4.07 acre parcel as conveyed to NIAM STELZER ROAD LLC in Instrument Number 201704190052755, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

COMMENCING on the easterly line of said 5.000 acre tract being (60 feet from centerline of Agler Road), said point being the TRUE POINT OF BEGINNING;

Thence along the easterly line of said 5.000 acre tract, South 04°03'29" West, 678.00 feet to a point on the northwesterly corner of the remainder of said 4.07 acre tract;

Thence along the northerly line of the remainder of said 4.07 acre tract, South 85°53'31"E, 881.77 feet to a point on the northeasterly corner of the remainder of said 4.07 acre tract and on the westerly right of way line of Stelzer Road;

Thence along the easterly line of the remainder of said 4.07 acre tract and the westerly right of way line of Stelzer Road, South 02°45'58" West, 110.83 feet to a point on the easterly line of the remainder of said 4.07 acre tract and on the westerly right of way line of Stelzer Road;

Thence continuing along the easterly line of the remainder of said 4.07 acre tract and the westerly right of way line of

Stelzer Road, South 04°04'48" West, 77.20 feet to a point on the southeasterly corner of the remainder of said 4.07 acre tract and the westerly right of way line of Stelzer Road;

Thence along the southerly line of the remainder of said 4.07 acre tract, North 85°53'31" West, 1119.94 feet to a point on the southwesterly corner of said 5.000 acre tract and the easterly line of said 10.321 acre tract;

Thence along the easterly line of said 10.321 acre tract, South 04°07'19" West, 790.75 feet to a point on the southeasterly corner of said 10.321 acre tract;

Thence along the southerly line of said 10.321 acre tract and said 10.186 acre tract, North 85°46'05" West, 530.05 feet to a point on the southwesterly corner of said 10.186 acre tract;

Thence along the westerly line of said 10.186 acre tract, North 04°44'26" East, 1655.70 feet to a point on the westerly line of said 10.186 acre tract;

Thence 60 feet from and parallel to the centerline of Agler Road and across said 10.186 acre tract, said 10.321 acre tract, and said 5.000 acre tract, South 85°53'32" East, 746.90 feet to a point on the northeasterly corner of the remainder of said 5.000 acre tract, said point being the TRUE POINT OF BEGINNING, containing 28.30± acres, more or less.

To Rezone From: L-M, Limited Manufacturing 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 changes on the said original zoning map in the office of the Department of Building and Zoning Services 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 site plans titled, "**SITEPLAN FOR AGELER/STELZER DEVELOPMENT SHEETS 1-2**," said landscape plans titled, "**LANDSCAPE PLAN SHEETS 1-2**," said building elevations titled, "**BUILDING ELEVATIONS SHEETS 1-2**," and said text titled, "**LIMITATION TEXT**," all dated April 7, 2023, and signed by Eric Zartman, Attorney for the Applicant, and said text reading as follows:

LIMITATION TEXT

Application No.: Z23-003

Location: 3573 Agler Road

Existing District: L-M

Requested District: L-M

Proposal: To develop site for warehouse, distribution, and office use.

Applicant(s): Schottenstein Property Group c/o Keith Massa

Attorney/Agent: David Hodge, Underhill and Hodge

Property Owner(s): Niam Stelzer Road LLC, Trustees Agler Rd. Parcel #2 LLC, and Trustees Agler Rd. Parcel #3 LLC

Date of Text: April 7, 2023

I. Introduction:

Applicant requests to rezone the site located at 3573 Agler Road from L-M to L-M to permit the development of two buildings which will provide approximately 239,400 square feet of warehouse, distribution, and office uses. This project reduces the intensity of a project recently approved by Ord. 1342-2022 (Z21-087) which rezoned the site from AR-12,

Apartment Residential, SR, Suburban Residential, R-1, Residential, and R, Rural districts to the L-M, Limited Manufacturing district. This project proposes approximately 46,180 less square footage than previously approved, one less building, elimination of access to Stelzer Road, less building coverage, and more green space. This rezoning is necessary to amend the previously committed site plan.

The 28.38 +/- acre property is located on the south side of Agler Road and approximately 900 feet west of Stelzer Road. North of the site are single-unit dwellings in the PUD-8, Planned Unit Development District, an apartment complex in the AR-1, Apartment Residential District, and a gas utility building in the L-C-4, Limited Commercial District. To the east are single unit dwellings and a church in the Rural District in Mifflin Township. To the east across Stelzer Road are undeveloped platted lots in the Urban Residential District in Mifflin Township. To the west and south is office/warehouse development in the L-M, Limited Manufacturing District, and undeveloped land recently zoned to the L-M, Limited Manufacturing District.

The site is situated within the boundary of the Northeast Area Commission. The site is subject to the I-670 Graphics Control overlay and is located within the boundaries of the Port Columbus Joint Economic Development Strategy (2008), which recommends “Office” land uses for this location. The site is also located within the boundaries of the Northeast Area Plan (2007), which recommends “Office-Light Industrial” land uses for this location.

II. Permitted Uses:

1. Those uses permitted in Chapter 3363, M-Manufacturing District of the Columbus City Code, unless otherwise prohibited herein.
2. The following uses are prohibited: Underground storage including liquid fuels, petroleum products, petroleum, and volatile oils; Insecticides, fungicides, disinfectants and related industrial and household chemical compounds (blending only); Ohio medical marijuana control program dispensaries.
3. More objectionable uses in Sections 3363.09 through 3363.16 are prohibited
4. Adult entertainment establishment and adult store uses are prohibited.

III. Development Standards:

Unless otherwise indicated in this text or Zoning Exhibit, the applicable development standards are contained in Chapter 3363, M-Manufacturing District of the Columbus City Code.

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

1. The parcels with the same taxing district shall be combined.
2. Lot coverage for structures and paved areas shall not exceed eighty-five percent (85%) of the total lot area.

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

1. The site shall be limited to one full-access point on Agler Road, subject to the review and approval of the Department of Public Service.
2. Parking areas shall generally conform to the areas depicted on the site plan. However, specific locations may be modified so long as parking spaces remain on the side and rear of the buildings.

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

The site shall provide buffering, landscaping, open space, and screening in general conformance with the submitted

Landscape Plan.

D. Building Design and/or Exterior Treatment Commitments:

Exterior building design and treatments shall be in general conformance with the submitted Elevations.

E. Lighting and/or other Environmental Commitments:

N/A

F. Graphics and/or Signage Commitments

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the M, Manufacturing District. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments:

1. The site shall be developed in general conformance with the submitted Site Plan attached hereto as "Site Plan." The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed, including building footprint and parking areas. 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 a designee, upon submission of the appropriate data regarding the proposed adjustment.
2. The site shall provide buffering, landscaping, open space, and screening in general conformance with the submitted landscape plan titled "Landscape Plan." The plan may be 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 a designee, upon submission of the appropriate data regarding the proposed adjustment.
3. The buildings shall be designed in general conformance with the submitted elevations titled "Elevations." The elevations may be 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 a designee, upon submission of the appropriate data regarding the proposed adjustment.
4. This application is filed in companion with Council Variance Application CV23-006.

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