



Legislation Text

File #: 1170-2008, Version: 3

Rezoning Application Z08-027

APPLICANT: Whirlpool Corporation; c/o Christopher N. Slagle, Atty.; 100 South Third Street; Columbus, OH 43215.

PROPOSED USE: Industrial development.

DEVELOPMENT COMMISSION RECOMMENDATION: ~~To be received~~ **Approval (6-0)** on July 10, 2008.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-M, Limited Manufacturing District will permit industrial development with appropriate development standards. The 191.5± acre site is zoned L-M, Limited Manufacturing, and R, Rural Districts. Part of the site is subject of a boundary adjustment with Obetz. A two-acre tract at the southeast corner of the site was zoned to the L-M District in May 2008 (Z07-063). The requested L-M, Limited Manufacturing District will rezone the portion of the site from Obetz, change transportation commitments of the larger L-M District (Z96-038), and consolidate all of the zoning districts of the proposed development into one L-M District. The site is located within the planning area of the *South Central Accord* (2004), which recommends industrial uses for this location. The proposed L-M, Limited Manufacturing District is consistent with the zoning and development patterns of the area, and with the land use recommendations of the *South Central Accord*.

To rezone **1900 LONDON-GROVEPORT ROAD (43137)**, being 191.5± acres located at the northwest corner of Shook and London-Groveport Roads, **From:** R, Rural, and L-M, Limited Manufacturing Districts, **To:** L-M, Limited Manufacturing District **and to declare an emergency** (Rezoning # Z08-027).

WHEREAS, application #Z08-027 is on file with the Building Services Division of the Department of Development requesting rezoning of 191.5± acres from R, Rural and L-M, Limited Manufacturing Districts, to L-M, Limited Manufacturing District; and

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

WHEREAS, the City Departments recommend approval of said zoning change because the requested L-M, Limited Manufacturing District will permit industrial development with appropriate development standards, and will consolidate all of the zoning districts of the proposed development into one L-M District. The site is located within the planning area of the *South Central Accord* (2004), which recommends industrial uses for this location. The proposed L-M, Limited Manufacturing District is consistent with the zoning and development patterns of the area, and with the land use recommendations of the *South Central Accord*, 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:

1900 LONDON-GROVEPORT ROAD (43137), being 191.5± acres located at the northwest corner of Shook and London-Groveport Roads, and being more particularly described as follows:

Tract One
87.152 acres

Situated in the State of Ohio, County of Franklin, Hamilton Township, City of Columbus, and Village of Obetz, in the northwest and southwest quarter of Section 36, Township 4, Range 22, Congress Lands and being an 87.152 acre lot split containing 68.709 acres out of a 156.253 acre tract deeded to Pizzuti Land LLC in Instrument Numbers 200611210233257 and 200611210233258 and 16.444 acres out of a 33.215 acre tract deeded to Pizzuti Land LLC in Instrument Number 200710160180944 and all of a 2.00 acre tract deeded to Pizzuti Land LLC in Instrument Number 200707160123440 of the Recorder's Office, Franklin County, Ohio, (all deed and plat references made being to said recorder's office, unless otherwise noted), being more particularly described as follows:

Beginning at an aluminum disk stamped "FCGS 9930" in a concrete monument (set over a found stone), on the centerline intersection of Shook Road (60 feet wide) and London-Groveport Road, State Route 317, formerly known as State Route 665 (width varies), said point being in the southeast corner of said 2.00 acre tract, said point also being the true **POINT OF BEGINNING (P.O.B.)** of the herein described 87.152 acre tract;

Thence along the centerline of said London-Groveport Road, **North 85 Degrees 50 Minutes 57 Degrees Seconds West, 264.00 feet**, to a magnail found on said centerline, said point being on the southwest corner of said 2.00 acre tract;

Thence leaving said centerline along the westerly line of said 2.00 acre tract, and passing a 5/8" rebar found with a cap stamped "BRH GROUP", a distance of 40.00 feet, **North 03 Degrees 37 Minutes 38 Degrees Seconds East, a total distance of 60.00 feet**, to a 5/8" rebar found with a cap stamped "BRH GROUP" on the westerly line of said 2.00 acre tract, said point being on the northerly right-of-way line of said London-Groveport Road, said point also being at the northeasterly corner of a 0.178 acre tract deeded to the City of Columbus as recorded in Instrument Number 200009010176507;

The following four (4) courses follow along a 0.178 acre tract deeded to the City of Columbus in Instrument Number 200009010176507:

Thence along said northerly right-of-way line and also along the northerly line of said 0.178 acre tract, **North 85 Degrees 50 Minutes 57 Seconds West, 539.90 feet**, to a point on said right-of-way line, said point being on the northwesterly corner of said 0.178 acre tract;

Thence leaving said right-of-way line and also along a southerly line of said 0.178 acre tract, **South 82 Degrees 30 Minutes 02 Seconds East, 171.20 feet**, to a point;

Thence along said southerly line, **South 80 Degrees 08 Minutes 19 Seconds East, 100.50 feet** to a concrete monument found north 0.09 feet, west 0.26 feet on the southerly line of said 0.178 acre tract;

Thence along said southerly line and passing a 1/2" rebar found at a distance of 228.90 feet, **South 85 Degrees 50 Minutes 57 Seconds East, a total distance of 269.17 feet**, to a 5/8" rebar found with a cap stamped "BRH GROUP" on the westerly line of said 2.00 acre tract, said point being at the southeasterly corner of said 0.178 acre tract;

Thence along the westerly line of said 2.00 acre tract, **South 03 Degrees 37 Minutes 38 Seconds West, 40.00 feet**, to a magnail found on the centerline of said London-Groveport Road, said point being at the southwesterly corner of said 2.00 acre tract;

Thence along the centerline of said London-Groveport Road, **North 85 Degrees 50 Minutes 57 Seconds West, 1383.74 feet**, to a 5/8" rebar set on the centerline of said London-Groveport Road;

The following three (3) courses cross said 156.253 acre tract:

Thence leaving said centerline, **North 03 Degrees 55 Minutes 26 Seconds East, 637.01 feet**, to a 5/8" rebar set;

Thence **South 85 Degrees 58 Minutes 35 Seconds East, 604.39 feet**, to a 5/8" rebar set;

Thence **North 03 Degrees 37 Minutes 38 Seconds East**, and crossing said 33.215 acre tract, **2428.00 feet** to a 5/8" rebar set;

The following seven (7) courses cross said 33.215 acre tract:

Thence **North 72 Degrees 48 Minutes 40 Seconds East, 352.85 feet**, to 5/8" rebar set on a point of curvature;

Thence along a curve to the left 138.03 feet, having a central angle of 22 Degrees 43 Minutes 33 Seconds, a radius of 348.00 feet and a chord bearing **North 61 Degrees 26 Minutes 54 Seconds East, 137.13 feet**, to a 5/8" rebar set on a point of tangency;

Thence **North 50 Degrees 05 Minutes 07 Seconds East, 357.02 feet** to a 5/8" rebar set on a point of curvature;

Thence along a curve to the right 220.65 feet, having a central angle of 43 Degrees 53 Minutes 50 Seconds, a radius of 288.00 feet and a chord bearing **North 72 Degrees 02 Minutes 03 Seconds East, 215.29 feet**, to a 5/8" rebar set on a point of tangency;

Thence **South 86 Degrees 01 Minutes 02 Seconds East, 69.46 feet** to a 5/8" rebar set;

Thence **South 57 Degrees 08 Minutes 30 Seconds East, 46.36 feet** to a 5/8" rebar set on the westerly right-of-way line of said Shook Road;

Thence **South 86 Degrees 04 Minutes 18 Seconds East, 30.00 feet** to a magnail set on the centerline of said Shook Road, said point being on the easterly line of said 33.215 acre tract, said point also being on the North-South half section line of said section 36;

Thence along said North-South half section line and along the centerline of said Shook Road and also along the easterly line of said 33.215 acre tract, **South 03 Degrees 55 Minutes 42 Seconds West, 910.11 feet** to an aluminum disk stamped "FCGS 9927" in a concrete monument on said centerline, said point being on the East-West half section line of said section 36, said point also being at the southeasterly corner of said 33.215 acre tract, said point also being at the northeasterly corner of a 1.609 acre tract deeded to the City of Columbus as recorded in Instrument Number 200009010176507;

Thence leaving said centerline and along the southerly line of said 33.215 acre tract, and also along the East-West half section line of said section 36, and also along the northerly line of said 1.609 acre tract, **North 85 Degrees 59 Minutes 38 Seconds West, 30.00 feet**, to a 5/8" rebar found with a cap stamped "BRH GROUP" on the westerly right-of-way line of said Shook Road, said point being at the northwesterly corner of said 1.609 acre tract, said point also being at the northeasterly corner of said 156.253 acre tract, said point also being on the southerly line of said 33.215 acre tract, said point being on the East-West half section line of said section 36;

Thence along said westerly right-of-way line and also along the westerly line of said 1.609 acre tract and also along the easterly line of said 156.253 acre tract, **South 03 Degrees 37 Minutes 38 Seconds West, 2336.06 feet**, to a 5/8" rebar found with a cap stamped "BRH GROUP" on said westerly right-of-way line, said point being at a southeasterly corner of said 156.253 acre tract, said point also being at the southwest corner of said 1.609 acre tract, said point also being on the northerly line of said 2.00 acre tract;

Thence leaving said right-of-way line and along said northerly and southerly lines, **South 85 Degrees 50 Minutes 57 Seconds East, 30.00 feet**, to a magnail found on said centerline, said point also being at the northeasterly corner of said 2.00 acre tract, said point also being at the southeasterly corner of said 1.609 acre tract;

Thence along said centerline and along said easterly line of said 2.00 acre tract, **South 03 Degrees 37 Minutes 38 Seconds West, 330.00 feet**, to the **TRUE POINT OF BEGINNING (P.O.B.)**, containing 87.152 acres. Being 2.00 acres out of Parcel Number 495-234996, also being 16.444 acre out of Parcel Number 152-001916, and also being 68.709 acres out of Parcel Number 495-234526.

Anthony J. Robinson, Ohio Surveyor No. 8120, of BRH Group, Inc., Worthington Ohio, prepared the above description from actual field surveys performed in January 2004, also in July and August of 2006, and in March 2007. All iron pins set are 5/8"x30" rebar with a yellow plastic cap stamped "BRH GROUP". Basis of bearings are based on the same meridians as the Ohio State Plane coordinate system, South zone, NAD83, 86 adjusted, monuments used along the centerline of Shook Road: FCGS 9930 and FCGS 9927, centerline bearing and distance = North 03 Degrees 37 Minutes 38 Seconds East.

Tract Two 87.544 acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being in the Southwest Quarter of Section 36, Township 4, Range 22, Congress Land, and being a 87.544 acre lot split out of a 156.253 acre tract deeded to Pizzuti Land LLC in Instrument Numbers 200611210233257 and 200611210233258, of the Recorder's Office, Franklin County, Ohio, (all deed and plat references made being to said Recorder's Office, unless otherwise noted), being more particularly described as follows:

Beginning for a **POINT OF COMMENCEMENT (P.O.C.)** at an aluminum disk stamped "FCGS 9930" on a concrete monument

(set over a found stone), on the centerline intersection of Shook Road (60 feet wide) and London-Groveport Road, State Route 317, formerly known as State Route 665 (width varies), said point also being at the southeast corner of a 2.00 acre tract deeded to Pizzuti Land LLC as recorded in Instrument Number 200707160123440;

Thence along the centerline of said London-Groveport Road and along the southerly line of said 2.00 acre tract and also along the southerly line of said 156.253 acre tract, **North 85 Degrees 50 Minutes 57 Seconds West, 1647.74 feet**, to a 5/8" rebar set on said centerline, said point being the **TRUE POINT OF BEGINNING (P.O.B.)** for the 87.544 acre lot split herein described;

Thence continuing along the centerline of said London-Groveport Road, **North 85 Degrees 50 Minutes 57 Seconds West, 153.82 feet** to a magnail set on said centerline;

Thence leaving said centerline of London-Groveport Road, **North 04 Degrees 09 Minutes 03 Seconds East 30.01 feet** to a 5/8" rebar set;

Thence **North 75 Degrees 02 Minutes 57 Seconds West 132.40 feet** to a magnail set;

Thence **North 82 Degrees 38 Minutes 57 Seconds West 605.00 feet** to a 5/8" rebar set, said point being on the easterly line of land deeded to The Ohio Department of Highways, Canal Parcel as stated on FRA-2352.6062;

The following two (2) courses follow along the easterly line of said Ohio Department of Highways, Canal Parcel land:

Thence **North 23 Degrees 09 Minutes 51 Seconds East 20.47 feet** to a 5/8" rebar set to an angle point on said easterly line;

Thence **North 14 Degrees 18 Minutes 53 Seconds East 120.70 feet** to a 5/8" rebar set at a northeasterly corner of said Ohio Department of Highways, Canal Parcel;

The following two (2) courses follow along the northerly line of said Ohio Department of Highways, Canal Parcel:

Thence **North 43 Degrees 51 Minutes 43 Seconds West 34.76 feet** to point, referenced by a bent or disturbed concrete monument found, 0.31 feet north and 0.29 feet west, at an angle point on said northerly line;

Thence **North 85 Degrees 50 Minutes 57 Seconds West, 57.12 feet** to a 5/8" rebar set at a northwesterly corner of said Ohio Department of Highways, Canal Parcel;

Thence along the westerly line of said Ohio Department of Highways, Canal Parcel, **South 13 Degrees 50 Minutes 08 Seconds West, 129.98 feet** to a 5/8" rebar set at an angle point on said westerly line;

Thence continuing along the westerly line of said Ohio Department of Highways, Canal Parcel, **South 22 Degrees 06 Minutes 01 Seconds West, 128.11 feet** to a magnail set on the centerline of said London-Groveport Road;

Thence along the centerline of said London-Groveport Road, **North 85 Degrees 50 Minutes 57 Seconds West, 16.55 feet** to a magnail set on said centerline of London-Groveport Road;

Thence continuing along the centerline of said London-Groveport Road, **North 86 Degrees 26 Minutes 57 Seconds West, 23.30 feet** to a magnail set on a point of a non-tangent curve on the easterly line of Northfolk & Westerly Railway Company line as established by the transfer from Maria Minor to the Scioto Valley Railway Company by Deed Book 210, Page 196;

Thence along the easterly right-of-way line of said Northfolk and Western Railway Company land, and also along the arc of a curve to the left 404.70 feet, having a central angle of 09 Degrees 54 Minutes 03 Seconds, a radius of 2342.00 feet, and a chord bearing **North 09 Degrees 10 Minutes 10 Seconds East 404.20 feet** to a 5/8" rebar set at a point of tangency on the easterly right-of-way line of said railroad lands;

Thence continuing along the easterly right-of-way line of said Norfolk and Western Railway Company land, **North 04 Degrees 13 Minutes 09 Seconds East 2257.00 feet** to a point on said easterly right-of-way line, said point being at the southwesterly corner of a 41.402 acre tract land deeded to Industrial CT Owner LLC in Instrument Number 200701250014803, referenced by a wood post 0.69 feet north and 1.00 feet west, and a 3/4" iron pipe with a cap stamped "FRANKLIN" found 0.19 feet south, 1.36 feet west;

Thence along the southerly line of said 41.402 acre tract and along the southerly line of a 57.283 acre tract deeded James E. Dill Trust as recorded in Instrument Number 200202210046773, and also along a half section line of Section 36, **South 85 Degrees 59 Minutes 38 Seconds East 1589.43 feet** to a 5/8" rebar set on said lines;

The following three (3) courses cross said 156.253 acre tract:

Thence **South 03 Degrees 37 Minutes 38 Seconds West, 2025.16 feet** to a 5/8" rebar set;

Thence **North 85 Degrees 58 Minutes 35 Seconds West, 604.39 feet** to a 5/8" rebar set;

Thence **South 03 Degrees 55 Minutes 26 Seconds West, 637.01 feet** to the **TRUE POINT OF BEGINNING (POB)**, containing 87.544 acres, and subject to all legal easements, restrictions, and right-of-way of record.

Andrew G. Planet, Ohio Surveyor No. 7802, of BRH Group, Inc., Worthington Ohio, prepared the above description from actual field surveys performed in January 2004, also in July and August of 2006, and in March 2007. All iron pins set are 5/8"x30" rebar with a yellow plastic cap stamped "BRH GROUP". Basis of bearings are based on the same meridians as the Ohio State Plane Coordinate System, South Zone, NAD83, 86 adjusted, monuments used along the centerline of Shook Road: FCGS 9930 and FCGS 9927, Centerline Bearing and Distance = North 03 Degrees 37 Minutes 38 Seconds East.

Tract Three 16.771 acres

Situated in the State of Ohio, County of Franklin, Hamilton Township, Village of Obetz, and being in the northwest quarter of Section 36, Township 4, Range 22, Congress Lands, and being a 16.771 acre lot split out of a 58.760 acre tract (Record) deeded to James E. Dill, Jac T. Dill, and Philemon J. Dill, Jr., Tenants in Common in instrument numbers 199705210004226 and 199709260103004; and also deeded to James E. Dill, as trustee of the James E. Dill Trust Created under Declaration of Trust Dated February 17, 2002 (1/3 undivided interest) in Instrument Number 200202210046773, and also deeded to Jac T. Dill, as Trustee of the Jac T. Dill Trust created under declaration of Trust dated July 13, 2006 (1/3 undivided interest) in instrument number 200607200141989 of the Recorder's Office, Franklin County, Ohio, (all deed and plat references made being to said Recorder's Office, unless otherwise noted), being more particularly described as follows:

Beginning at a **POINT OF COMMENCEMENT (P.O.C.)** at an aluminum disk stamped "FCGS 9927" in a concrete monument (set over a found stone), found in the centerline of Shook Road (60 foot wide), said point being at the centerline intersection of the east-west half section line and the north-south half section line of said Section 36, said point also being at the southeast corner of said 58.760 acre tract, said point also being at the northeasterly corner of a 1.609 acre tract deeded to the City of Columbus as recorded in Instrument Number 200009010176507;

Thence leaving said centerline and along said east-west half section line of said Section 36, and along the southerly line of said 58.760 acre tract and also along the northerly line of a 156.253 acre tract deeded to Pizzuti Land LLC in Instrument Numbers 200611210233257 and 200611210233258, and also passing a 5/8" rebar found with a cap stamped "BRH GROUP", at a distance of 30.00 feet, **North 85 Degrees 59 Minutes 38 Seconds West, a total distance of 1040.02 feet** to a 5/8" rebar set on said lines, said point also being the **TRUE POINT OF BEGINNING (P.O.B.)** of the 16.771 acre lot split herein described;

Thence continuing along said east-west half section line of said Section 36 and said northerly and southerly lines, **North 85 Degrees 59 Minutes 38 Seconds West, 1128.07 feet** to a 5/8" rebar set on said lines, said point being at a southeasterly corner of a 41.402 acre tract deeded to Industrial CT Owner LLC as recorded in Instrument Number 200701250014803;

The following five (5) courses run along the northerly line of said 58.760 acre tract deeded to James E. Dill, Jac T. Dill, and Philemon J. Dill, Jr., and also along the southerly line of said 41.402 acre tract:

Thence **North 30 Degrees 49 Minutes 50 Seconds East, 167.01 feet** to a 5/8" rebar set at an angle point in said northerly and southerly lines;

Thence **North 41 Degrees 47 Minutes 15 Seconds East, 105.11 feet** to a 5/8" rebar set an angle point in said northerly and southerly line;

Thence **North 01 Degrees 55 Minutes 28 Seconds East, 145.70 feet** to a 5/8" rebar set an angle point in said northerly and southerly lines;

Thence **South 75 Degrees 33 Minutes 18 Seconds East, 106.30 feet** to a 5/8" rebar set an angle point in said northerly and southerly lines;

Thence **South 26 Degrees 44 Minutes 27 Seconds East, 48.00 feet** to a 5/8" rebar set an angle point in said northerly and southerly lines;

Thence continuing along said northerly line of said 58.760 acre tract, and also along the southerly line of said 41.402 acre tract, and also running along the southerly line of a 34.838 acre tract deeded to Pizzuti/Creekside Land Holdings LLC in Instrument Number 200407300176834 and passing a 5/8" rebar found capped "HLG ENGR. & SURVEYING" at the southeast corner of said 41.402 acre tract at a distance of 201.84 feet, **North 68 Degrees 56 Minutes 18 Seconds East, a total distance of 669.44 feet** to a 5/8" rebar found capped "HLG ENGR. & SURVEYING" at an angle point in the northerly line of said 58.760 acre tract, which point also being in the southerly line of said 34.838 acre tract;

Thence continuing along the northerly line of said 58.760 acre tract, and also along the southerly line of said 34.838 acre tract, **North 75 Degrees 24 Minutes 22 Seconds East, 465.71 feet** a 5/8" rebar found capped "HLG ENGR. & SURVEYING" on said northerly and southerly line;

Thence crossing said 58.760 acre tract, **North 75 Degrees 24 Minutes 22 Seconds East, 194.83 feet** to a 5/8" rebar set on a point of curvature;

Thence continuing across said 58.760 acre tract along a curve to the left 187.04 feet, and having a central angle of 33 Degrees 29 Minutes 24 Seconds, a radius of 320.00 feet, a chord bearing of **North 58 Degrees 39 Minutes 40 Seconds East, 184.39 feet** to a 5/8" rebar set on a point of tangency;

Thence continuing across said 58.760 acre tract, **North 41 Degrees 54 Minutes 58 Seconds East, 150.95 feet** to a 3/4" pipe found with a cap stamped "POMEROY" at the southwest corner of a 2.500 acre tract deeded to David S. and Victoria L. Woods in Official Record 34334 page F15;

Thence along the southerly line of said 2.500 acre tract and passing over a 3/4" pipe found with a cap stamped "POMEROY" at 398.23 feet, **South 86 Degrees 01 Minutes 02 Seconds East, a total distance of 427.56 feet** to a magnail set on the centerline of said Shook Road, said point being on the north-south half section line of said Section 36;

Thence along said centerline and along the north-south half section line of said Section 36, **South 03 Degrees 55 Minutes 42 Seconds West, 127.36 feet**, to a magnail set on said lines,

The following eight (8) courses cross said 58.760 acre tract:

Thence leaving said centerline, **North 86 Degrees 04 Minutes 18 Seconds West, 30.00 feet**, to a 5/8" rebar set on the westerly right-of-way line of said Shook Road;

Thence leaving said right-of-way line, **North 57 Degrees 08 Minutes 30 Seconds West, 46.36 feet** to a 5/8" rebar set;

Thence **North 86 Degrees 01 Minutes 02 Seconds West, 69.46 feet** to a 5/8" rebar set on a point of curvature;

Thence along a curve to the left 220.65 feet, having a central angle of 43 degrees 53 Minutes 50 Seconds, a radius of 288.00 feet, and a chord bearing **South 72 Degrees 02 Minutes 03 Seconds West, 215.29 feet** to a 5/8" rebar set on a point of tangency;

Thence **South 50 Degrees 05 Minutes 07 Seconds West, 357.02 feet** to a 5/8" rebar set on a point of curvature;

Thence along a curve to the right 138.03 feet, having a central angle of 22 Degrees 43 Minutes 33 Seconds, a radius of 348.00 feet, and a chord bearing **South 61 Degrees 26 Minutes 54 Seconds West, 137.13 feet** to a 5/8" rebar set on a point of tangency;

Thence **South 72 Degrees 48 Minutes 40 Seconds West, 352.85 feet** to a 5/8" rebar set;

Thence **South 03 Degrees 37 Minutes 38 Seconds West, 402.84 feet** to the **TRUE POINT OF BEGINNING (P.O.B.)**, containing 16.771 acres, and subject to all legal easements, restrictions, and right-of-way of record.

Andrew G. Planet, Ohio Surveyor No. 7802, of BRH Group, Inc., Worthington Ohio, prepared the above description from actual field surveys performed in January 2004, July 2006, August 2006, and March 2007. All iron pins set are 5/8"x30" rebar with a yellow plastic cap stamped "BRH GROUP". Basis of bearings are based on the same meridians as the Ohio State Plane Coordinate System, South Zone, NAD83, 86 adjusted, monuments used along the centerline of Shook Road: FCGS 9930 and FCGS 9927, Centerline Bearing and Distance = North 03 Degrees 37 Minutes 38 Seconds East 2666.15 feet.

To Rezone From: from R, Rural, and L-M, Limited Manufacturing Districts,

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 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-M, Limited Manufacturing District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes; said text being titled "**LIMITATION OVERLAY TEXT**," **said plan being titled "EXHIBIT A,"** **both** signed by Christopher N. Slagle, Attorney for the Applicant, dated July 21, 2008, and the text reading as follows:

LIMITATION OVERLAY TEXT

Proposed Zoning District:	Limited Manufacturing
Property Address:	1900 London-Groveport Road
Property Owner:	Pizzuti Land LLC
Applicant:	Whirlpool Corporation
Date:	July 21, 2008

I. Introduction: Applicant Whirlpool Corporation seeks to rezone several parcels, totaling 191 acres, within the boundaries of its new Regional Distribution Center located at 1900 London-Groveport Road for those uses permitted under Chapter 3363 M, Manufacturing of the Columbus City Code. The Limitation Text provides application limitations for the development area and its multiple parcels and for the purpose of developing Whirlpool's new Regional Distribution Center near Rickenbacker Airport. The applicable Limitation Text and sections currently present for two parcels included in this development area.

The development of this parcel falls under the development standards of the South Central Accord, which recommends industrial development.

II. Permitted Uses: Those uses permitted by Chapter 3363 M, Manufacturing of the Columbus City Code, including industrial development.

III. Development Standards: Unless otherwise indicated, the applicable development standards are contained in Chapter 3363 M, Manufacturing of the Columbus City Code.

- 1) Height:** A height district of thirty-five (35) feet is hereby established on the L-M, Limited Manufacturing District on this property.
- 2) Density, Height, Lot, and /or Setback Commitments:** Standards are per the underlying zoning classification

contained in Chapter 3363 M, Manufacturing of the Columbus City Code.

3) Access, Loading, Parking and/or other Traffic Related Commitments: Access, loading, parking and/or other traffic related commitments shall be per the limitations set forth below:

- a) ~~As to the City of Columbus owned portion of Shook Road, Developer agrees to widen to two (2) lanes and/or repair or replace, per City of Columbus standards~~ **As to the City of Columbus owned portion of Shook Road (from State Route 317 north to the City of Columbus boundary) Developer agrees to widen to a minimum of twenty-two (22) feet across and overlay three (3) inches.**

Upon development of the land known as the Rickenbacker West Industrial Park and provided the total square footage of structures (excluding fencing) on the site meets or exceeds two (2) million square feet, Developer agrees to overlay an additional three (3) inches.

- b) At Shook Road and the north site access, build a 314 ft (including a diverging taper) northbound left turn lane.
- c) At Shook Road and the north site access, build a 285 ft (including a diverging taper) southbound right turn lane.
- d) As to the roadway intersection at Rohr Road and Alum Creek Drive, Developer agrees to work with Franklin County to help improve the intersection at a future date.
- e) As to **the intersection of** State Route 317 and Shook Road, Developer agrees to make the following improvements upon development of the land the land known as the Rickenbacker West Industrial Park and provided the total square footage of structures (excluding fencing) on the site meets or exceeds two (2) million square feet:
 - i. At State Route 317 and Shook Road, build a 514 ft (including a diverging taper) southbound right turn lane.
 - ii. At State Route 317 and Shook Road, build a 506 ft (including a diverging taper) eastbound left turn lane.
 - iii. **At State Route 317 and Shook Road, build a 345 foot (including diverging taper) westbound left turn lane.**

4) Buffering, Landscaping, Open Space, and / or Screening Commitments: Buffering and landscaping shall be per the limitations set forth below:

- a) Buffering and landscaping along the parcel's eastern boundary (Shook Rd) and southern boundary (London-Groveport Rd) will provide limited vegetative buffering and landscaping screening. Owner agrees to plant deciduous and non-deciduous trees at regular, evenly-spaced intervals. Single **deciduous** trees shall be placed at evenly spaced intervals of one (1) every fifty (50) feet. ~~Deciduous~~ **Evergreen trees shall be clusters clustered shall be placed at every one hundred (100) feet, planted** ten (10) feet on center. Non-deciduous trees shall be a minimum of five (5) feet tall at installation. Deciduous trees shall be a minimum of two (2) inch caliper at installation.
- b) Deciduous trees should be limited to Maples, Elms, Honeylocust, Tilia, London Plane and/or Ginkgoes.
- c) A mounded and planted buffer will be provided on the subject site along the northern edge of the property bordering 6173 Shook Road (currently designated as parcel 150-002640). This area is more specifically depicted by Exhibit A and is comprised of the area between the northern entrance road to the site and the parcel to the north. The mound and plantings are intended to serve as a visual screen and sound buffer for the existing residence.

The buffer will extend from the former canal bed at the southwestern corner of 6173 Shook Road to the right-of-way line excluding any required **City of Columbus** vision clearance area. The width of the buffer as depicted varies from approximately 50' to 100'. The buffer area will include the following:

- i. ~~A 3' to 4' continuous mound to be installed concurrent with development of the property. The face of the mound shall not be located closer than 15' to the residential property line. The mound will~~

be designed and graded so that water will not be trapped between the mound and the residential property. **Following the execution of an easement between Developer and the northern adjacent residential property owner providing Developer with approximately a twelve (12) foot wide access easement onto property owner's land, a continuous mound, approximately eight (8) feet in height, will be installed concurrent with development of the property to assist in buffering and shielding the northern adjacent residential property owner from the development site. The mound will be designed and graded so that water will not be trapped between the mound and the residential property.**

If an easement is not granted as described above, a six (6) foot high continuous mound is to be installed concurrent with development of the property. The mound will be designed and graded so that water will not be trapped between the mound and the residential property.

- ii. The area between the top of the mound and the residential property shall be landscaped with evergreen trees. ~~Six evergreen trees, of 5' to 8' in height, and six additional evergreen trees, of 3' to 5' in height, shall be planted per 100 lineal feet of mound. Trees should not be planted in rows.~~ **-the variety of which shall be Norway Spruce. Six evergreen trees, of five (5) feet to eight (8) feet in height when planted, and six (6) additional evergreen trees, of three (3) feet to five (5) feet in height when planted, shall be planted per one-hundred (100) lineal feet of mound along the total length of the mound. Trees should not be planted in rows.**
- iii. A combination of evergreen and deciduous shrubs **will be planted** at a rate of two per evergreen tree.
- iv. The evergreen trees shall be limited to a mix of six species: White Fir, Norway Spruce, Black Hills Spruce, Douglas Fir, White Spruce, and Colorado Green Spruce.
- v. No deciduous trees shall be planted between the top of the mound and the residential area.
- vi. The entire mound shall be seeded.
- vii. **Additional mounding, buffering, and landscaping included herein between the northern access road to subject site and northern adjacent residential property shall continue for so long as said property is zoned or used residentially.**

Any change from residential use on the property to the north (currently designated as parcel 150-002640) will result in that property owner maintaining any and all parts of the mounding, buffering, and landscaping contained on said owner's property.

- d) **An additional buffer shall be located along the southern side of the main access road. Continuous mounding, buffering, and landscaping shall assist in serving to screen the northern adjacent residential property owner from the development site.**
 - i. **A four (4) to six (6) foot continuous mound is to be installed at the north east portion of the subject site on the southern side of the main access road**
 - ii. **Trees included along said buffer shall be deciduous and a minimum of two (2) inch caliper at installation. Deciduous trees will be planted along the entire mound at even intervals, twenty-five (25) feet on center. Deciduous trees should be limited to Maples, Elms, Honeylocust, Linden, London Plane, and/or Ginkgoes.**
 - iii. **Additional landscaping may be added by Developer as needed to enhance the aesthetic and screening quality of said buffer.**

- ~~d)~~e) **All trees and landscaping shall be reasonably maintained. Dead items shall be replaced within six (6) months or the next planting season, whichever occurs first.**

- 5) **Graphics 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.
- a) **Developer agrees that the main entrance sign to said development will be located at the south side of the main access road with Shook Road in a location where practicable and in context with existing easements and right-of-way. No graphics or entrance signs will be placed at the northern side of the main access road with Shook Road for so long as the northern adjacent property is zoned or used residentially.**
- 6) **Miscellaneous Items:**
- a) Bike racks will be provided.

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.**