



Legislation Text

File #: 1209-2014, **Version:** 1

Rezoning Application Z14-006

APPLICANT: William J. Ezzo and City of Columbus; c/o Barry A. Waller, Atty.; 35 East Livingston Avenue; Columbus, Ohio 43215.

PROPOSED USE: Limited industrial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 8, 2014.

SOUTH SIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-M, Limited Manufacturing District, will allow the expansion of the currently nonconforming manufacturing use of the Ezzo Sausage facility. The site is located within boundaries of the *Southside Plan* (2002), which recommends commercial for this location. Recommendations are also included which are intended to improve the appearance of the corridor and encourage new development. The request is consistent with the land use recommendations of the *Southside Plan* (2002), and the established zoning and development pattern of the area.

To rezone **1818 LOCKBOURNE ROAD (43209)**, being 4.42± acres located at the northeast corner of Lockbourne and Smith Roads, From: AR-1, Apartment Residential District, To: L-M, Limited Manufacturing District (Rezoning # Z14-006).

WHEREAS, application #Z14-006 is on file with the Department of Building and Zoning Services requesting rezoning of 4.42± acres from AR-1, Apartment Residential District, to L-M, Limited Manufacturing District; and

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

WHEREAS, the South Side Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the request is consistent with the land use recommendations of the *Southside Plan*, and the established zoning and development pattern of the area; 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:

1818 LOCKBOURNE ROAD (43209), being 4.42± acres located at the northeast corner of Lockbourne and Smith Roads, and being more particularly described as follows:

PARCEL I: (010-132190)

Situated in the County of Franklin, State of Ohio and City of Columbus described as:

Being part of a tract of land conveyed to Grant Apartments, Inc. by deed recorded in Deed Book 2267, page 294, and being that same tract shown as Parcel 2 on a plat of the "Dedication of Smith Court, Smith Road and Utility Easements," recorded in Plat Book 32, page 21, all of record in the Franklin County Recorder's Office and being more particularly described as follows:

Beginning at a point in the westerly line of said Grant Apartments, Inc. tract, said point also being the southwesterly corner of said Parcel 2, as shown on said dedication plat;

Thence N 4 degrees 00' E, with the westerly line of said Parcel 2, the westerly line of said Grant Apartments, Inc. tract a distance of 72 feet to the northwesterly corner of said Parcel 2;

Thence S 86 degrees 03' 10" E, with the northerly line of said Parcel 2, a distance of 134 feet to the northeasterly corner of said Parcel 2 and the westerly line of Smith Court (50 feet in width) as shown on said dedication plat;

Thence S 4 degrees 00' W, with the easterly line of said Parcel 2, the westerly line of said Smith Court, a distance of 72 feet to the southeasterly corner of said Parcel 2;

Thence N. 86 degrees 03' 10" W, with the southerly line of said Parcel 2, a distance of 134 feet to the place of beginning and containing 0.221 acres of land, more or less.

PARCEL II: (010-117343)

Being an 0.683 acre tract of land situated in the State of Ohio, County of Franklin, City of Columbus, being part of a tract of land conveyed to Grant Apartments, Inc., by deed recorded in Deed Book 2267, page 294, being the same tract shown as Parcel 4 on a plat of the "Dedication of Smith Court, Smith Road and Utility Easements," recorded in Plat Book 32, page 21, all of record in the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning at a point in the northeasterly corner of the said Grant Apartments, Inc. tract, the northeasterly corner of said Parcel 4, then South 4 degrees 6' 10" West, with the easterly line of the said Grant Apartments, Inc. tract, the easterly line of said Parcel 4, a distance of 135.60 feet to a point in the southeasterly corner of said Parcel 4; thence North 85 degrees 54' 55" West, with the southerly line of said Parcel 4, a distance of 219.18 feet to a point in the southwesterly corner of said Parcel 4; thence North 4 degrees 0' East, with the westerly line of said Parcel 4 and with a westerly line of said Grant Apartments, Inc. tract, a distance of 135.60 feet to a point in the northwesterly corner of said Parcel 4, a northwesterly corner of said Grant Apartments, Inc. tract; thence South 85 degrees 54' 55" East, with the northerly line of said Parcel 4, the most northerly line of said Grant Apartments, inc. tract a distance of 219.40 feet to the place of beginning and containing 0.683 acre of land, more or less.

PARCEL III: (010-89600)

Situated in the County of Franklin, State of Ohio and City of Columbus described as:

Being located in Section 39, Township 5, Range 22, Refugee Lands, and bounded and described as follows:

Beginning at a point where the northerly right-of-way line of Smith Road, (50 feet in width), intersects the easterly right-of-way line of Smith Court, (50 feet in width), as dedicated by plat of record in Plat Book 32, page 21, all references being to records of the Recorder's Office, Franklin County, Ohio;

thence along the easterly line of the said Smith Court, North 4 degrees 00' East, 132.0 feet to a point at the southwesterly corner of the Kenneth K. and Stella M. Timmons 0.444 acre tract of record in Deed Book 2422, page 416;

thence along the southerly line of said Timmons 0.444 acre tract, South 86 degrees 03' 10" East, 132.92 feet to a point at the southeasterly corner of the 0.444 acre tract;

thence South 4 degrees 06' 10" West, 132.0 feet to a point in the northerly line of the said Smith Road;

thence along the northerly line of the said Smith Road, North 86 degrees 03' 10" West, 132.68 feet to the place of beginning.

PARCEL IV: (010-89600)

Situated in the County of Franklin, State of Ohio and City of Columbus described as:

Being located in Section 39, Township 5, Range 22, Refugee Lands, and bounded and described as follows:

Beginning at a point where the northerly right-of-way line of Smith Road, (50 feet in width), intersects the westerly right-of-way line of Smith Court, (50 feet in width), as dedicated by plat of record in Plat Book 32, page 21, all references being to records of the Recorder's Office, Franklin County, Ohio;

thence along the northerly right-of-way line of the said Smith Road, North 86 degrees 03' 10" West, 134.0 feet to a point in the easterly line of a parcel conveyed to Leo Yassenoff by deed of record in Deed Book 2267, page 300;

thence along the easterly line of said Yassenoff parcel, North 4 degrees 00' East, 132.0 feet to a point at the southwesterly corner of a parcel conveyed to Leo Yassenoff by deed of record in Deed Book 2378, page 636;

thence along the southerly line of the said Yassenoff parcel, South 86 degrees 03' 10" East, 134.0 feet to an iron pin in the westerly right-of-way line of the said Smith Court; thence along the westerly right of way line of the said Smith Court, South 4 degrees 00' West, 132.0 feet to the place of beginning.

PARCEL V: (010-89601 and 010-89608)

Situated in the County of Franklin, State of Ohio and City of Columbus described as:

Being a part of a five (5) acre tract located in Section No. 39, Township 5, Range 22, Refugee Lands, which five (5) acre tract is off the West end of a 7.33 acre tract conveyed to Julius and Henrietta Fischer as the same is shown of record in Deed Book 638, page 115, Recorder's Office, Franklin County, Ohio, said part being more particularly described as follows:

Beginning at a point in the centerline of Lockbourne Road, South 4 degrees 00' West 257.60 feet from the Northwest corner of a certain 5.004 acre tract described in Deed Book 1324, page 131, Recorder's Office, Franklin County, Ohio; thence in an easterly direction South 85 degrees 54' 55" East 180.0 feet (passing an iron pin at 30.0 feet) to an iron pin; thence in a southerly direction South 4 degrees 00' West 181.55 feet more or less to the centerline of Smith Road; thence in a westerly direction along said centerline of Smith Road to the centerline of Lockbourne Road North 4 degrees 00' East 181.55 feet more or less to the place of beginning.

PARCEL VI: (010-132189)

Situated in the County of Franklin, State of Ohio and City of Columbus described as:

Being part of a tract of land conveyed to Grant Apartments, Inc., by deed recorded in Deed Book 2267, page 294, and being that same tract shown as Parcel 3 on a plat of the "Dedication of Smith Court, Smith Road and Utility Easements", recorded in Plat Book 32, page 21, all of record in the Franklin County Recorder's Office, and being more particularly

described as follows:

Beginning at a point in the Westerly line, of said Grant Apartment, Inc. tract said point also being the Southwesterly corner of said Parcel 3, as shown on said dedication plat;

Thence N. 4 deg. 00' E. with the Westerly line of said Parcel 3, the Westerly line of said Grant Apartments, Inc. tract, a distance of 82.09 feet to the Northwesterly corner of said Parcel 3, the Northwesterly corner of said Grant Apartments, Inc. tract;

Thence S. 85 deg. 54' 55" E. with the Northerly line of said Parcel 3, a Northerly line of the said Grant Apartments, Inc. tract, a distance of 98 feet to a point in the Westerly line of Parcel 4 of said dedication plat;

Thence S. 4 deg. 00' W. with an Easterly line of said Parcel 3, the Westerly line of said Parcel 4, a distance of 8 feet to a point in the Southwesterly corner of said Parcel 4;

Thence S. 85 deg. 54' 55" E, with a Northerly line of said Parcel 3, the Southerly line of said Parcel 4, a distance of 36 feet to a point in the Northeasterly corner of said Parcel 3, the Westerly line of Smith Court (50 feet in width), as shown on the said dedication plat;

Thence S. 4 deg. 00' W. with the Easterly line of said Parcel 3, the Westerly line of said Smith Court, a distance of 73.80 feet to a point in the Southeasterly corner of said Parcel 3;

Thence N. 86 deg. 03' 10" W. with the Southerly line of said Parcel 3, a distance of 134 feet to the place of beginning and containing 0.245 acres of land, more or less, subject to existing easements of record.

PARCEL VII: (010-112203)

Situated in County of Franklin, State of Ohio and City of Columbus described as:

Tract 1:

Being part of Section No. 39, Township 5, Range 22, Refugee Lands and also part, of five (5) acres off the West end of a 7.35 acre tract conveyed to Julius and Henrietta Fischer, as the same is shown of record in Deed Book 638, page 115, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the centerline of Lockbourne Road South 4 degrees 00' West 257.60 feet from the Northwest corner of a certain 5.004 acre tract described in Deed Book 1324, page 131, Recorder's Office, Franklin County, Ohio; thence in an Easterly direction South 85 degrees 54' 55" East a distance of 180.0 feet (passing an iron pin at 30.0 feet) to a point; thence in a Northerly direction North 4 degrees 00' East 65.0 feet to a point; thence in a Westerly direction North 85 degrees 54' 55" West a distance of 180.0 feet (passing an iron pin at 150.0 feet) to a point in the centerline of Lockbourne Road; thence in a Southerly direction along said centerline South 4 degrees 00' West a distance of 65.0 feet to the place of beginning.

Tract 2:

Being part of Section No. 39, Township 5, Range 22, Refugee Lands, and also part of five (5) acres off the West end of a 7.35 acre tract conveyed to Julius and Henrietta Fischer, as the same is shown of record in Deed Book 638, page 115, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a point in the centerline of Lockbourne Road South 4 degrees 00' West 192.60 feet from the Northwest corner of a certain 5.004 acre tract described in Deed Book 1324, page 131, Recorder's Office, Franklin County, Ohio; thence in an Easterly direction South 85 degrees 54' 55" East a distance of 180.0 feet (passing an iron pin at 30.0 feet) to a point; thence in a Northerly direction North 4 degrees 00' East 65.0 feet to a point; thence in a westerly direction North 85 degrees 54' 55" West a distance of 180.0 feet (passing an iron pin at 150.0 feet) to a point in the centerline of Lockbourne Road; thence in a Southerly direction along said centerline of Lockbourne Road South 4 degrees 00' West

65.0 feet to the place of beginning.

PARCEL VIII: (010-117344)

Situated in the County of Franklin, State of Ohio and City of Columbus described as:

Being an 0/444 Acre tract of land and being part of a tract of land conveyed to Grant Apartments, Inc. by deed recorded in Deed Book 2267, page 294, being the same tract shown as Parcels 5 and 6 on a plat of the "Dedication of Smith Court, Smith Road and Utility Easements", recorded in Plat Book 32, page 21, all of record in the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning at a point in the Easterly line of said Grant Apartments, Inc., tract, 157 feet Northerly from the Southeasterly corner thereof, said point also being the Southeasterly corner of Parcel 6; thence North 86 degrees 03' 10" West, with the Southerly line of said Parcel 6, a distance of 132.92 feet to a point in the Southwesterly corner of said Parcel 6, the Easterly line of Smith Court (50 feet in width) as shown on said dedication plat; thence North 4 degrees 0' East with the Easterly line of said Smith Court, the Westerly line of said Parcels 6 and 5, a distance of 145.68 feet to a point in the Northeasterly corner of said Smith Court, the Northwesterly corner of said Parcel 5; thence South 85 degrees 54' 55" East, with the Northerly line of said Parcel 5, a distance of 133.18 feet to a point in the Northeasterly corner of said Parcel 5, the Easterly line of said Grant Apartments, Inc., tract said point being also located South 4 degrees 6' 10" West a distance of 135.60 feet from the Northeasterly corner of said Grant Apartments, Inc. Tract; thence South 4 degrees 6' 10" West with the Easterly line of said Grant Apartments, Inc. The Easterly lines of said Parcels 5 and 6 a distance of 145.36 feet to the place of beginning, containing 0.444 acre of land more or less, subject to existing easements of record.

Situated in the county of Franklin in the State of Ohio, and in the City of Columbus and bounded and described as follows:

Being part of Section No. 39, Township 5, Range 22, Refugee Lands, and also part of five (5) acres off the West end of a 7.35 acre tract conveyed to Julius and Henrietta Fischer, as the same is shown of record in Deed Book 638, page 115, Recorder's Office, Franklin County, Ohio, being more particularly described as follows: Beginning at a point in the centerline of Lockbourne Road which point is the northwest corner of a certain 5.004 acre tract described Deed Book 124, page 131, Recorder's Office, Franklin County, Ohio; thence in an Easterly direction South 85 deg. 54 min. 55 sec. East a distance of 278.0 feet (passing an iron pin at 30.0 feet) to an iron pin; thence in a Southerly direction South 4 deg. 00 min. West 127.60 feet to an iron pin; thence in a Westerly direction North 85 deg. 54 min. 55 sec. West 278.0 feet (passing an iron pin 248.0 feet) to a point in the Centerline in Lockbourne Road; thence in a Northerly direction along said centerline North 4 deg. 00 min. East 127.60 feet to the place of beginning.

To Rezone From: AR-1, Apartment 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 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 titled, "**LIMITATION TEXT**," dated January 30, 2014, and signed by Barry Waller, Attorney for the Applicant, and John Turner, City of Columbus, and the text reading as follows:

LIMITATION TEXT

Proposed District: Manufacturing District

Property Address: 1818 Lockbourne Road, Columbus, Ohio 43207

Owner: City of Columbus

Applicant: City of Columbus and William J. Ezzo

Date of Text: January 30, 2014

Application No.:

1. Introduction. This site is located at 1802 Lockbourne Road, Columbus, Ohio 43207. The application consists of property currently owned by William J. Ezzo and the City of Columbus, containing a total of 9 parcels identified on Exhibit A attached hereto. Ezzo Sausage Company currently occupies the parcels owned by William J. Ezzo. The remaining parcels will be acquired by William J. Ezzo.
2. Permitted Uses. All uses listed in the M District listed in sections 3363.01 through 3363.08 of the Columbus City Code shall be permitted. Those uses listed in sections 3363.09 through 3363.13 and 3363.15 through 3363.17, as well as the following uses shall be prohibited:
 - a. Coin-operated laundries;
 - b. Rooftop communications;
 - c. Blood and organ banks;
 - d. Bars, cabarets and night clubs;
 - e. Missions/temporary shelters;
 - f. Spectator sports and related industries;
 - g. Adult bookstore, adult motion picture theater, adults only entertainment facility, production of adult materials or adult entertainment, sale of adult videos or other sexually oriented businesses;
 - h. Check cashing / pawn shops
 - i. Automotive sales, leasing and repairs.
3. Development Standards. Unless otherwise indicated the applicable development standards are contained in chapter 3363 M, manufacturing of the Columbus City Code.

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