



Legislation Text

File #: 2463-2019, **Version:** 1

Rezoning Application Z19-011

APPLICANT: Brian Gibson; 2299 Performance Way; Columbus, OH 43207.

PROPOSED USE: Industrial uses.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on July 11, 2019.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single parcel developed with heavy equipment sales and storage in the RRR, Restricted Rural Residential, M-1, Manufacturing, and L-M-2, Limited Manufacturing districts. This location is the subject of zoning code violation number 18470-08558 for establishing outdoor storage uses in the RRR district without obtaining a Certificate of Zoning Clearance. The requested M-2, Manufacturing District will allow the outdoor storage and rental or sales of heavy equipment and machinery and other less objectionable manufacturing uses. The site is within the planning area of the *South Alum Creek Neighborhood Plan* (2004), which recommends "institutional, office, and warehouse" uses for the majority of the site and "single-family residential" uses for the south eastern portion of the site. Staff supports the proposed M-2 uses despite the Plan's land use recommendation for residential uses on a portion of the site as it is consistent with the surrounding development pattern on Performance Way. The project also includes a concurrent Council variance (Ordinance #2464-2019; CV19-009) to vary required surface for parking and to reduce open storage setbacks. The Council variance also includes a site plan that provides landscaping, buffering, and screening along the southeastern portion of the parcel where it abuts residential properties.

To rezone **2299 PERFORMANCE WAY (43207)**, being 13.82± acres located on the south side of Performance Way, 2,850± feet west of Alum Creek Drive, **From:** RRR, Restricted Rural Residential District, M-1, Manufacturing District, and L-M-2, Limited Manufacturing District, **To:** M-2, Manufacturing District (Rezoning #Z19-011).

WHEREAS, application #Z19-011 is on file with the Department of Building and Zoning Services requesting rezoning of 13.82± acres from RRR, Restricted Rural Residential District, M-1, Manufacturing District, and L-M-2, Limited Manufacturing District, to M-2, Manufacturing District; and

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

WHEREAS, the Far South Columbus Area Commission recommends disapproval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change despite the *South Alum Creek Neighborhood Plan*'s land use recommendation for residential uses on a portion of the site as the proposal is consistent with the surrounding development pattern on Performance Way; 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:

2299 PERFORMANCE WAY (43207), being 13.82± acres located on the south side of Performance Way, 2,850± feet west of Alum Creek Drive, and being more particularly described as follows:

DESCRIPTION OF A 4.331 ACRE TRACT:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 1, Township 4, Range 22, Congress Lands, and being part of a 7.17 acre tract conveyed to CCG Crane Holdings, by deed of record in Instrument Number 201412050162206, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning for Reference, at a stone monument found at the southeast corner of the northwest quarter of Section 1, also being the southwest corner of DEDICATION OF CASSADY AVE., KOEBEL RD., LEWIS AVE., LAWDALE AVE., BELLEVIEW AVE., AND ALUM CREEK DR., as shown and delineated in Plat Book 28, Page 45;

Thence North 04°07'00" East, a distance of 674.92 feet, along the westerly line of said DEDICATION OF CASSADY AVE., KOEBEL RD., LEWIS AVE., LAWDALE AVE., BELLEVIEW AVE., AND ALUM CREEK DR., and the westerly right-of-way line of South Cassady Avenue (50 feet wide), to a 3/4 inch iron pin found at the easterly common corner of said 7.17 acre tract and a 6.252 acre tract conveyed to Regina B. Westbrook, by deed of record in Instrument Number 199803160060018, Instrument Number 200506150116142 and Instrument Number 201302140026412;

Thence North 85°21'00" West, a distance of 550.00 feet, along the line common to said 7.17 acre and 6.252 acre tracts, to an iron pin set, also being the **POINT OF TRUE BEGINNING**;

Thence North 85°21'00" West, a distance of 838.68 feet, along the line common to said 7.17 acre and 6.252 acre tracts, to a 5/8 inch rebar found, at the westerly common corner of said 7.17 acre and 6.252 acre tracts and on the easterly line of a 14.62 acre tract (Tract II) conveyed to JBE Performance, LLC, by deed of record in Instrument Number 201212100189296;

Thence North 04°18'04" East, a distance of 225.07 feet, along the line common to said 7.17 acre and 14.62 acre tracts, to a 1 inch iron pin found, at the westerly common corner of said 7.17 acre tract and a 9.489 acre tract conveyed to CCG Crane Holdings, LLC, by deed of record in Instrument Number 201106060070935;

Thence South 85°21'00" East, a distance of 837.96 feet, passing a 5/8 inch rebar found online at a distance of 358.65 feet, along the line common to said 7.17 acre and 9.489 acre tracts and a 14.678 acre tract (Tract I) conveyed to CEC Real Estate Performance, LLC, by deed of record in Instrument Number 201303010034512, to an iron pin set;

Thence South 04°07'00" West, a distance of 225.07 feet, across said 7.17 acre tract, to the **POINT OF TRUE BEGINNING**, containing 4.331 acres more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings shown hereon are based on the bearing North 04°07'00" East for the westerly right-of-way of South Cassady Avenue, based on the Ohio State Plane Coordinate System, South Zone, NAD 83 Datum (2011), taken from GPS observation.

DESCRIPTION OF A 9.489 ACRE TRACT:

Situated in the State of Ohio, County of Franklin, City of Columbus and being located in Section 1, Township 4, Range 22, Congress Lands and being all of that 5.956 acres tract, 1.674 acres of that 4.273 acres tract and 1.859 acres of that 4.658 acres tract as conveyed to P. & P. Investment Co. Inc. by deed of record in Instrument Number 200611030221611,

all references refer to records of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning for reference at a one inch (1") solid Iron pin in a monument box in the centerline of Performance Parkway at centerline station 23+35.45 at a point of curvature;

Thence, South 59 ° 16' 41" West, being along the centerline tangent of said Performance Parkway, a distance of 242.67 feet to a point;

Thence, South 30 ° 43' 19" East, leaving said centerline, a distance of 50.00 feet to an iron pin set at the northeasterly corner of that 1.507 acres tract as conveyed to Lucky Food Service, Inc. by deed of record in Official Record 3708D13, also being the southwesterly corner of that 0.787 acre tract as conveyed to the City Of Columbus by deed of record in Official Record 786A06 and the northwesterly corner of said 5.956 acres tract and being at the "True Point of Beginning" for the tract herein intended to be described:

Thence, North 59 ° 16' 41" East, being along the southerly right of way of Performance Parkway, a distance of 107.05 feet to an iron pin set, being 50.00 feet right of centerline station 22+00.00;

Thence, North 61 ° 39' 30" East, continuing along said southerly right of way, a distance of 293.81 feet to an iron pin found at the northwesterly corner of that 6.376 acres tract as conveyed to P. & P. Investment Co. Inc. by deed of record in Official Record 17005C16;

Thence, South 00 ° 03' 19" East, being along the westerly line of said 6.376 acres tract and crossing said 4.273 acres and 4.658 acres tracts, (passing an iron pin set at 834.63 feet) a distance of 1260.96 feet to an iron pin set in the northerly line of that 7.17 acres tract of land as conveyed to Jean H. Nutter by deed of record in Official Record 31602F15;

Thence, South 89 ° 57' 12" West, being along the northerly line of said 7.17 acres tract, a distance of 358.65 feet to a 3/8" rebar found at the northwesterly corner of said 7.17 acres tract, said rebar also being in the easterly line of that 16.42 acres tract as conveyed to Jack L. and Bonnie Lou Evans by deed of record in Official Record 30201J07;

Thence North 00 ° 40' 49" West, being along the easterly line of said 16.42 acres tract, a distance of 426.36 feet to a 1 1/4" iron pipe found at the northeasterly corner of said 16.42 acres tract, said iron pipe also being in the southerly line of previously mentioned 1.507 acres tract;

Thence, North 89 ° 57' 12" East, being along a portion of the southerly line of said 1.507 acres tract, a distance of 12.50 feet to a 1" iron pipe found at the southeasterly corner of said 1.507 acres tract;

Thence, North 00 ° 03' 19" West, being along the easterly line of said 1.507 acres tract, a distance of 640.75 feet to the place of beginning containing 9.489 acres of land more or less.

Subject, however, to all legal right of ways and/or easements, if any, of previous record

All iron pins set are 5/8" rebar, 30" long with a plastic cap inscribed J.R HILL P.S. 6919.

The bearings are based on the same meridian as the Centerline of Performance Parkway, in which the centerline has a bearing of North 59 ° 16' 41" East, of record in Official Record 786A06, Records Office, Franklin County, Ohio.

To Rezone From: RRR, Restricted Rural Residential District, M-1, Manufacturing District, and L-M-2, Limited Manufacturing District.

To: M-2, Manufacturing District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the M-2, Manufacturing District on

this property.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.