



Legislation Text

File #: 1954-2020, **Version:** 2

Rezoning Application: Z20-018

APPLICANT: Agler Joint Venture, LLC; c/o Michael Shannon, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Warehouse, distribution, and office uses.

DEVELOPMENT COMMISSION RECOMMENDATION: Disapproval (5-0) on July 9, 2020.

NORTHEAST AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The 17.82± acre site consists of seven undeveloped parcels zoned in the R, Rural, R-1 Residential, C-3, Commercial, L-C-5, Limited Commercial, and P-1, Private Parking districts. The applicant requests the L-M, Limited Manufacturing District to permit warehouse, distribution, and office uses at this location. The limitation text establishes appropriate use restrictions and supplemental development standards that address building and parking setbacks, traffic access, buffering and landscaping, and open space. Additionally, the limitation text contains commitments to develop the site in accordance with the submitted site plan, building elevations, and landscape plan. The site is within the planning boundaries of the *Northeast Area Plan* (2007), which recommends mixed-use neighborhood center land uses and the “Agler Cassady Mixed-Use Center” at this location. Planning Division staff views the proposed use as being potentially supportable with revisions to the site design that improves how the corner is addressed. Staff has requested that the applicant receive additional input from the Northeast Area Commission on the proposed site design to further evaluate before making a determination, as the Area Plan was developed jointly with the Commission. Since the Northeast Area Commission has not been meeting regularly during the COVID-19 pandemic, staff is unable to recommend approval until further information is provided by the Commission and the applicant.

To rezone **3101 AGLER RD. (43218)**, 17.82± acres located on the south side of Agler Road between Sunbury Road and North Cassady Avenue, From: R, Rural District, R-1, Residential District, C-3, Commercial District, L-C-5, Limited Commercial District, and P-1, Private Parking District, To: L-M, Limited Manufacturing District (Rezoning #Z20-018).

WHEREAS, application #Z20-018 is on file with the Department of Building and Zoning Services requesting rezoning of 17.82± acres from R, Rural District, R-1, Residential District, C-3, Commercial District, L-C-5, Limited Commercial District, and P-1, Private Parking District, to L-M, Limited Manufacturing District; and

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

WHEREAS, the Northeast Area Commission recommends disapproval of said zoning change; and

WHEREAS, the City Departments recommend disapproval of said zoning change because the requested L-M, Limited Manufacturing District is inconsistent with the *Northeast Area Plan*'s land use recommendation for this location. The applicant had also not provided the information from the Northeast Area Commission requested by the Planning Division in order to consider deviation from the Plan recommendation; 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:

3101 AGLER RD. (43218), 17.82± acres located on the south side of Agler Road between Sunbury Road and North Cassidy Avenue, and being more particularly described as follows:

DESCRIPTION OF 17.820 ACRES:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Quarter Township 3, Township 1, Range 17 United States Military Lands and being part of a 1 acre tract of land, known as parcel 2, being part of a 6.11 acre tract of land, known as parcel 3, being part of an original 4.136 acre tract of land, known as parcel 4, being part of a tract of land, known as parcel 6, being part of a 0.325 acre tract of land, known as parcel 5, and being part of an original 5.136 acre tract of land, conveyed to S.V. Inc., of record in Instrument Number 200601300018152, and being part of an original 3 acre tract of land, conveyed to SV, Inc., of record in Instrument Number 200610260215188, all references to record being on file in the Office of the Recorder, Franklin County, Ohio, said 17.820 acres being more fully described herein;

BEGINNING FOR REFERENCE at the northwest corner of said 1 acre tract and being at the centerline intersection of Sunbury Road and Agler Road;

Thence, South 86°41'12" East, a distance of 27.48 feet, with the north line of said 1 acre tract, and said centerline of Agler Road, to a point;

Thence, South 03°18'48" West, a distance of 25.00 feet, to the Right-of-Way intersection of said Sunbury Road and said Agler Road and being the **TRUE POINT OF BEGINNING**;

Thence, South 86°40'39" East, a distance of 1438.47 feet, through said 1 acre tract, through said 6.11 acre tract, through said 4.136 acre tract, through said parcel 6, and with the south Right-of-Way line of said Agler Road, to the Right-of-Way line of said Agler Road where it intersects the west Right-of-Way line of North Cassidy Avenue;

Thence, South 02°47'48" West, a distance of 225.00 feet, through said parcel 6, through said 0.325 acre tract, and with the west Right-of-Way line of said North Cassidy Avenue, to the north line of a 40 foot strip of land, conveyed to the City of Columbus, of record in Deed Book 3707, Page 233;

Thence, North 86°39'27" West, a distance of 15.00 feet, with the north line of said 40 foot strip of land, and the west Right-of-Way line of said North Cassidy Avenue, to the northwest corner of said 40 foot strip of land;

Thence, South 02°47'51" West, a distance of 150.37 feet, with the west line of said 40 foot strip of land, through said 4.136 acre tract, through said 5.136 acre tract, and with the west Right-of-Way line of said North Cassidy Road, to the southwest corner of said 40 foot strip of land;

Thence, South 87°12'12" East, a distance of 15.00 feet, with the south line of said 40 foot strip of land and with the west Right-of-Way line of said North Cassidy Avenue, to a point;

Thence, South 02°47'48" West, a distance of 175.52 feet, through said 5.136 acre tract and with the west Right-of-Way line of said North Cassidy Avenue, to the south line of said 5.136 acre tract, and the north line of an 11.458 acre tract of land, conveyed to Thomas D Phillips III, of record in Official Record Volume 27296, Page H09;

Thence, North 86°43'13" West, a distance of 967.30 feet, with the south line of said 5.136 acre tract and with the north

line of said 11.458 acre tract, to the southwest corner of said 5.136 acre tract and at the southeast corner of said 3 acre tract;

Thence, North 86°43'17" West, a distance of 418.87 feet, with the south line of said 3 acre tract, with the north line of said 11.458 acre tract, with the north line of a 0.888 acre tract of land, conveyed to William L Hinson, of record in Instrument Number 201301180010298, and with the north line of a 0.644 acre tract of land, conveyed to City of Columbus, of record in Deed Book 3481, Page 376, to the southeast corner of a 0.196 acre tract of land, conveyed to the Franklin County Commissioners, of record in Instrument Number 200803310048247, and on the east Right-of-Way line of said Sunbury Road;

Thence, North 02°05'21" West, a distance of 284.27 feet, through said 3 acre tract, with the east line of said 0.196 acre tract, and with the east Right-of-Way line of said Sunbury Road, to the northeast corner of said 0.196 acre tract, on the south line of said 4.136 acre tract, and on the Right-of-Way line of said Sunbury Road;

Thence, North 86°41'12" West, a distance of 5.02 feet, with the north line of said 0.196 acre tract, the south line of said 4.136 acre tract, and with the east Right-of-Way line of said Sunbury Road, to a point;

Thence, North 02°06'12" West, a distance of 269.98 feet, through said 4.136 acre tract, through said 6.11 acre tract, through said 1 acre tract, and with the east Right-of-Way of said Sunbury Road, to the **TRUE POINT OF BEGINNING**, containing 17.820 acres, subject to all easements and documents of record.

For the purpose of this description the basis of bearing is based on an assumed bearing of South 86°40'39" East for the centerline of Agler Road, based on documents of record. No actual field survey was performed.

To Rezone From: R, Rural District, R-1, Residential District, C-3, Commercial District, L-C-5, Limited Commercial District, and P-1, Private Parking 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 change 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 plans titled "**SITE PLAN - EXHIBIT A,**" dated **November 3, 2020**, and "**CONCEPTUAL ELEVATIONS - EXHIBIT B SHEETS 1 & 2,**" dated **August 21, 2020**, and "**CONCEPTUAL LANDSCAPE PLAN - EXHIBIT C,**" dated **November 3, 2020**, and text titled, "**LIMITATION TEXT,**" all dated August 21, 2020, and all signed by Michael Shannon, Attorney for the Applicant, and the text reading as follows:

LIMITATION TEXT

Application No.: Z20-018

Location: 3101 AGLER ROAD (43218)

Parcel IDs: 010-108654, 010-137519, 445-287497, 010-137521, 010-137520, 010-103721, 010-137514

Existing Zoning: R, R-1, C-3, L-C-5, & P-1 districts

Requested Zoning: L-M, Limited Manufacturing District

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

Applicant(s): Agler Joint Venture, LLC 8400 Industrial Parkway, Columbus, Ohio 43214

Attorney/Agent: Michael Shannon, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

Property Owner(s): SV Inc., 4777 Aberdeen Avenue, Dublin, Ohio 43054

Date of Text: August 21, 2020

I. INTRODUCTION: Applicant requests to rezone the site located at 3101 Agler Road to L-M to permit the development of a 240,000 square foot facility with warehouse, distribution, and office uses. The 17.820 +/- acre property is located at the south-west corner of Agler Road and Cassady Avenue.

The site is situated within the boundary of the Northeast Area Commission. The site is also within the boundary of the *Northeast Area Plan* (2007).

II. PERMITTED USES: Those uses permitted in Sections 3363.02 through 3363.08 (less objectionable manufacturing uses) and Section 3363.175 (telecommunication antennas) of the Columbus City Zoning Code and office uses.

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 minimum building setback from Agler Road shall be 40 feet.
2. The minimum building setback from Cassady Avenue shall be 50 feet.
3. The minimum parking setback shall be 25 feet.

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

1. The site shall have one full-access point on Agler Road and one full-access point on Cassady Avenue.
2. Right-of-way dedication of 40' from centerline along the Agler Road frontage and 50' from centerline along the Cassady Avenue frontage shall be dedicated to the appropriate jurisdiction. Any areas of highway easement along the Agler Road frontage shall be dedicated as right-of-way.
3. The developer shall be responsible to make the existing thru lane section of Agler Road from the intersection at Cassady Avenue to the west parcel line of the development, and excluding that section of Agler Road which is adjacent to the dedicated open space in limitation text section III.C, to be 12' (where it isn't already) with a 4' paved shoulder. The limits of this widening are for the south side of the road, however, a full-width overlay in same section of the road is required as part of this improvement. These roadway improvements shall be constructed or bonded prior to the development receiving approval of a driveway permit for the proposed Agler Road driveway.
4. Upon redevelopment of the property to the south (parcel number 010-122683) and upon availability of a cross-access easement to access North Cassady Avenue via the property to the south, the access point to North Cassady Avenue will need to be relocated as approved by the City of Columbus, Department of Public Service.
5. The developer commits to provide a sidewalk utility easement on North Cassady Avenue as required by the City of Columbus, Department of Public Service.

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

1. The site shall preserve 4.3+/- acres of open spaces on the west end, as depicted on the submitted Site Plan.
2. The site's perimeter landscaping shall substantially conform to the Landscape Plan.
3. The south perimeter shall maintain a four-foot earthen mound landscaped with 39 pine trees and additional plantings as

specified in the Landscape Plan. Certain areas of this earthen mound may be reduced where necessary due to engineering and/or excavation concerns. Dead landscape features shall be replaced in kind.

D. Building Design and/or Exterior Treatment Commitments: The building shall be designed in substantial conformity with the submitted Conceptual 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: The site shall be developed in general conformance with the submitted Site Plan attached hereto as Exhibit A, Conceptual Elevations as Exhibit B, and the Landscape Plan as Exhibit C. 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.

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