



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0448-2021, **Version:** 2

Rezoning Application: Z20-070

APPLICANT: PFK Company II, LLC et al; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Limited industrial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-1) on January 14, 2021.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is partially developed with a dwelling and agricultural buildings, is primarily used for farming, and is zoned in the CPD, Commercial Planned Development, C-2, Commercial, ARLD and AR-12, Apartment Residential, R-2F, Residential, and SR, Suburban Residential districts. The requested L-M-2, Limited Manufacturing District will allow the site to be developed with a data center/server facility with ancillary warehouse, storage, and office uses. The limitation text proposes computer data center/server uses, with ancillary warehouse, storage, and office uses, and includes provisions for setbacks, building height limitations, access, buffering and landscaping, tree preservation and open space, and lighting controls. A site plan depicting setbacks, access points, development areas, and open space and tree preservation areas is included as a text commitment. The site is located within the boundaries of the *South Central Accord* (1997), which recommends, “Low-Density Residential,” “High-Density Residential,” and “Commercial” land uses at this location, and includes adoption of *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). Although the proposed industrial use is inconsistent with the Plan’s recommendation for residential and commercial uses, Planning Division staff recognizes that the Plan recommendations are based on the existing zoning. In addition, C2P2 recommendations state that the protection and expansion of employment-related uses is a priority throughout the City. Furthermore, staff finds the data center/server use to have a lesser impact on the neighborhood compared to other industrial or commercial uses, and supports the site design as it provides significant buffering from adjacent residential uses to the north, and preserves considerable open space which is also consistent with C2P2 recommendations. Staff also has reviewed conceptual building elevations and finds them consistent with C2P2 Design Guidelines.

To rezone **5076 S. HIGH ST. (43207)**, being 496.07± acres located at the southeast corner of South High Street and Rathmell Road, **From:** CPD, Commercial Planned Development, C-2, Commercial, ARLD and AR-12, Apartment Residential, R-2F, Residential, and SR, Suburban Residential districts, **To:** L-M-2, Limited Manufacturing District (Rezoning #Z20-070).

WHEREAS, application #Z20-070 is on file with the Department of Building and Zoning Services requesting rezoning of 496.07± acres from CPD, Commercial Planned Development, C-2, Commercial, ARLD and AR-12, Apartment Residential, R-2F, Residential, and SR, Suburban Residential districts, to L-M-2, Limited 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 because the requested L-M-2, Limited Manufacturing District for an industrial development, although deviating from land use recommendations of the *South Central Accord* for residential and commercial development, will expand employment-related uses, is a lesser impact on the neighborhood compared to other industrial or commercial uses, and provides site design with significant buffering from adjacent residential uses and preservation of considerable open space, which are consistent with *Columbus Citywide Planning Policies*; 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:

5076 S. HIGH ST. (43207), being 496.07± acres located at the southeast corner of South High Street and Rathmell Road, and being more particularly described as follows:

**ZONING DESCRIPTION
496.07 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Sections 28 and 33, Township 4, Range 22, Congress Lands, and being all of the remainder of that original 503.819 acre tract conveyed to Tamarack Enterprises II, L.P. by deeds of record in Instrument Number 200108080182912, Instrument Number 200107230167042, Instrument Number 200107230167043, Instrument Number 200107230167044, Instrument Number 200107230167045, and Instrument Number 200107230167046 and PFK Company II, LLC by deed of record in Instrument Number 200403030046559, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of South High Street (U.S. Route 23) and Rathmell Road;

Thence South 06° 42' 34" East, with the centerline of said South High Street, a distance of 40.64 feet to the TRUE POINT OF BEGINNING;

Thence South 86° 30' 22" East, crossing said South High Street and with the old southerly right-of-way line extended of said Rathmell Road, a distance of 54.87 feet to the northwesterly corner of that 0.2228 acre tract conveyed to the City of Columbus by deed of record in Official Record 13735J08;

Thence with the perimeter of said 0.2228 acre tract, the following courses and distances:

South 06° 42' 34" East, a distance of 202.84 feet to a point;

North 01° 25' 14" East, a distance of 84.85 feet to a point;

North 06° 42' 34" West, a distance of 73.72 feet to a point;

North 60° 57' 50" East, a distance of 41.44 feet to a point;

South 86° 30' 22" East, a distance of 283.20 feet to a point;

North 76° 47' 41" East, a distance of 52.20 feet to a point;

South 86° 30' 22" East, a distance of 50.00 feet to a point; and

North 03° 29' 38" East, a distance of 5.00 feet to the southerly right-of-way line of said Rathmell Road;

Thence South 86° 30' 22" East, with said southerly right-of-way line, a distance of 1702.94 feet to a point in the westerly line of that 0.353 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200303180078597;

Thence South 03° 55' 26" West, with the westerly line of said 0.353 acre tract and the westerly line of that subdivision entitled "Hartman Ponds Section 1", of record in Plat Book 105, Page 24 and that subdivision entitled "Hartman Ponds Section 2" of record in Plat Book 110, Page 65, a distance of 1303.34 feet to a point;

Thence South 87° 00' 41" East, with the southerly line of said "Hartman Ponds Section 1" and said "Hartman Ponds Section 2" and partially with the southerly line of that subdivision entitled "Sweetwater", of record in Plat Book 125, Page 81, a distance of 1305.51 feet to a point;

Thence South 87° 00' 14" East, partially with the southerly line of said "Sweetwater" and with the southerly line of the remainder of that original 8.00 acre tract conveyed to Columbus and Southern Ohio Electric Company by deed of record in Deed Book 2786, Page 558, a distance of 656.32 feet to the westerly right-of-way line of Parsons Avenue;

Thence with said westerly right-of-way line, the following courses and distances:

South 04° 17' 37" West, a distance of 1339.64 feet to a point;

South 04° 20' 46" West, a distance of 2710.84 feet to a point; and

South 04° 02' 59" West, a distance of 1611.77 feet to the northerly line of the remainder of that 173.806 acre tract conveyed to Scioto Downs, Inc. by deed of record in Instrument Number 200308080251644;

Thence North 85° 53' 59" West, with said northerly line, a distance of 2799.62 feet to the centerline of said South High Street;

Thence North 07° 07' 36" West, with said centerline, a distance of 3837.32 feet to a point;

Thence North 06° 42' 34" West, continuing with said centerline, a distance of 3197.19 feet to the TRUE POINT OF BEGINNING, containing 496.07 acres, more or less.

This description was prepared from record information for zoning purposes only, and is NOT to be used for the transfer of real property.

To Rezone From: CPD, Commercial Planned Development, C-2, Commercial, ARLD and AR-12, Apartment Residential, R-2F, Residential, and SR, Suburban Residential districts.

To: L-M-2, Limited Manufacturing District.

SECTION 2. That a Height District of one hundred-ten (110) 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 being titled, "**PROPOSED ZONING EXHIBIT FOR 5076 SOUTH HIGH STREET,**" and "**SCREENING EXHIBIT,**" dated February 12, 2021, and text titled, "**LIMITATION TEXT,**" dated ~~February 18~~ **March 15,** 2021, all signed by Jeffrey L. Brown, Attorney for Applicant, and the text reading as follows:

LIMITATION TEXT

Property Location: 5076 South High Street

Parcel No.: 510-180711

Owner: Tamarack Enterprises II, L.P./ PFK Company II, LLC

Applicant: Tamarack Enterprises II, L.P./ PFK Company II, LLC

Proposed District: L-M - Limited Manufacturing

Date of Text: ~~February 18~~ March 15, 2021

Application No.: Z20-070

I. INTRODUCTION

The subject property consists of 496.07+/- acres (the "Site") located along South High Street south of Rathmell Road. To the north across Rathmell Road is property zoned CPD and C-2 in the City of Columbus. To the northeast is Hartman Ponds / Sweetwater subdivisions zoned PUD 6. To the east across Parsons Avenue is undeveloped land zoned R-Residential and L-M Limited Manufacturing. To the south is Scioto Downs zoned CPD. To the west across South High Street is property zoned M-2 Manufacturing.

The applicant proposes to rezone the Site to L-M-2 to allow for the construction of industrial uses.

II. PERMITTED USES

The permitted use shall be data center and accessory uses, including but not limited to office space, warehousing for data center and accessory use equipment and materials only, storage in bulk and other buildings ancillary to the data center use in accordance with the L-M-2 district regulations.

III. DEVELOPMENT STANDARDS

Unless otherwise indicated in this text or on the Site Plan, the applicable development standards are contained in Chapter 3367, M-2 Manufacturing District of the Columbus City Code.

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

1. The minimum building and parking setback from South High Street shall be 50 feet from edge of right of way.
2. The minimum building and parking setback from Rathmell Road shall be 150 feet from edge of right of way.
3. The minimum building and parking setback from Parsons Avenue shall be 50 feet from edge of right of way.
4. The minimum parking and building setback from the east and north property lines adjacent to Hartman Ponds / Sweetwater residential subdivisions shall be 225 feet.
5. The minimum parking and building setback from the south property line adjacent to Scioto Downs shall be 50 feet.
6. Height district shall be 110 feet. Notwithstanding the foregoing, no building will exceed 80 feet within 100 feet of the setbacks for South High Street, Parsons Avenue, Rathmell Road and Hartman Ponds / Sweetwater residential subdivisions as identified in A(1), (2), (3) and (4) above. For each additional fifty feet from the setbacks, the building can increase an additional ten feet in height. The foregoing 80-foot limitation shall not apply to equipment or architectural features such as mechanical housing, a roof stairway entrance, a ventilating fan, a steeple, a spire, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar improvement not structurally essential to the building.
7. The first data center building will be constructed south of the pond.

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

1. The Site will be served by three curb cuts: the Primary Site Drive located approximately 1,800' east of South High Street along the south side of Rathmell Road; a Construction Access Drive located approximately 1,350' east of South High Street along the south side of Rathmell Road; and a Secondary Drive for Emergency Site Access along the west side of Parsons Avenue within 1,000' of the site's south property line as shown on the Site Plan.
2. At such time a clearing, grading or building permit application is submitted for development of the first data center building on the property, the applicant for the permit (hereinafter referred to as the "Developer") shall be obligated to construct or cause the following improvements to be constructed on or before December 31, 2024:
 - a. Widening Rathmell Road to three lanes from a point approximately 840' east of South High Street to a point approximately 2,100' east of South High Street.
 - b. 355 feet (including taper) East Bound Right Turn lane at the Primary Site Drive to Rathmell Road.
 - c. 255 feet (including taper) West Bound Left Turn Lane at the Primary Site Drive to Rathmell Road.
 - d. **Installation of a traffic signal at the Primary Site Drive to Rathmell Road.**
 - d.e. 340 feet (including taper) East Bound Left Turn Lane at the intersection of SR 317 and Parsons Avenue.
 - e.f. 285' feet (including taper) South Bound Right Turn Lane at the intersection of SR 317 and Parsons Ave.

Notwithstanding anything herein to the contrary, the foregoing improvements are not required to be constructed or completed prior to commencing construction or obtaining occupancy for any initial data center building(s) on the property. However, in accordance with standard procedures, the City of Columbus, Department of Public Service shall have the right to require proper surety for the foregoing improvements, to require necessary deposits for construction inspection for the foregoing improvements, to require completion of necessary construction agreements for the foregoing improvements and to require payment of any fees in lieu of construction prior to final site compliance plan approval. Initial building permits or certificates of occupancy for the development of the property will not be delayed as a result of the construction status of the improvements described in B.2.a. through B.2.e.f. However, the City of Columbus, Department of Public Service may require the improvements described in B.2.a. through B.2.e.f. to be completed prior to approval of a subsequent final site compliance plan for any Data Building to be constructed after December 31, 2024.

Notwithstanding the foregoing if the Developer is unable to construct or cause the construction of the improvements described in B.2.a. through B.2.e.f. by December 31, 2024 for reasons beyond the Developer's control, the Developer shall have the right to do either of the following alone or in conjunction: 1) Pay to the City of Columbus the project costs for these improvements for the City (or other public entity) to cause the improvements to be constructed as follows: For improvements B.2.d.e. = \$963,000; and For improvements B.2.e.f. = \$350,000; or 2) the right to extend the time upon the submittal of a written request to the Director of the Department of Public Service.

3. Prior to issuance of the building permit for the first data center building on the site, the Developer shall:
 - a. Pay to the City of Columbus, Department of Public Service an amount of \$282,360 ~~for the City of Columbus, Department of Public Service or Ohio Department of Transportation, as applicable to use in extending the limits of the proposed to be applied to future roadway improvements in the vicinity of the intersection of South High Street (US Route 23) & Rathmell Road, which may include a third southbound through lane at the intersection of South High Street (US Route 23) & Rathmell Road (FRA-23-4.19) to include the following elements:~~
 - i. ~~A southbound left turn lane with a length of 700 feet (inclusive of diverging taper).~~

- ~~ii. A northbound right turn lane with a length of 450 feet (inclusive of diverging taper).~~
 - ~~iii. A westbound right turn lane with a length of 680 feet (inclusive of diverging taper).~~
 - ~~iv. A westbound left turn lane with a length of 420 feet (inclusive of diverging taper).~~
- b. Make a right-of-way dedication to the City of 80 feet from the center line of South High Street along the site's South High Street frontage.
 - c. Make a right-of-way dedication to the City of 60 feet from the centerline of Rathmell Road along the site's Rathmell Road frontage.
 - d. Make a right-of-way dedication to the City of 50 feet from the centerline of Parsons Avenue along the site's Parsons Avenue frontage.

The foregoing requirements (3a-d) shall be complete in order to obtain a final site compliance plan approval for the first data center building on the property.

54. A new traffic study may be required if the use of the site were to change to a use that would be anticipated to generate a significant increase in the number of trips as compared to the number of trips that is assumed in the approved traffic study for this application.

5. Separately, the Ohio Department of Transportation has agreed to design and construct modifications extending the limits of the proposed safety improvements at the intersection of South High Street (US Route 23) & Rathmell Road (FRA-23-4.19 - PID 110380) to include the following elements:

- i. A southbound left turn lane with a length of 700 feet (inclusive of diverging taper).
- ii. A northbound right turn lane with a length of 450 feet (inclusive of diverging taper).
- iii. A westbound right turn lane with a length of 680 feet (inclusive of diverging taper).
- iv. A westbound left turn lane with a length of 420 feet (inclusive of diverging taper).

Additional costs for the design and construction has agreed to be provided by the Ohio Department of Transportation's Jobs and Commerce.

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

1. The 225 foot setback area along the east and north property lines adjacent to Hartman Ponds / Sweetwater residential subdivisions shall contain mounding and landscaping. Every 100 feet of the buffer shall include landscaping consisting of single deciduous trees spaced every 50 feet and 10 evergreen trees as depicted on the Screening Exhibit. Mounding will be 10' high, with 6:1 slopes on the side facing the residential and 4:1 side slopes on the side facing the site.

The installation of the required mounding will commence around the Hartman Ponds / Sweetwater residential subdivisions within sixty (60) days after issuance of a building permit for the first data center building or utility substation to service the site. Landscaping, will commence within the first available planting season subsequent to completion of mound construction for the first data center building.

If there are existing trees within any perimeter area described in this Section C, the mounding may be omitted and the existing trees may be utilized as the required screening so long as the existing trees meet the screening requirements set forth in Sections 3312.21 and 3321.09 of the Columbus City Code.

2. Tree Preservation: Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction to the extent that they are not required for removal for any portion of the development at any time.

3. Street Frontage Tree Preservation Areas: "Street Frontage Preservation Areas" shall be deemed to include all minimum pavement setbacks along the perimeter boundaries of the Zoning District that are adjacent to a public right-of-

way. Within the Street Frontage Preservation Areas, the developer shall preserve existing healthy and mature trees and vegetation, provided, however, that public or private utilities may be installed within 50 feet of the edge of right of way of High Street, Rathmell Road or Parsons Ave and/or may cross Street Frontage Preservation Areas (and trees may be removed as a result of such installations or crossings) provided, however, that the developer shall use good faith efforts to install utility crossings in a manner that minimizes the impact on healthy and mature trees. Trees within Street Frontage Preservation Areas may be removed if they present a danger to persons or property.

4. Service areas and loading docks shall be screened to limit visibility from off-site. The foregoing shall not apply to ancillary structures. .

5. The development will maintain 33% open space inclusive of setbacks, the Pond and Spangler Hill areas as identified on the Site Plan.

6. Street trees: Street trees shall be planted every fifty feet along the edge of the public rights of way on Rathmell Road, Parsons Avenue and South High Street except where there are conflicts with existing overhead utilities. Installation will occur at such time as construction of a building within 200 feet of the public right of way commences and after required roadway improvements are completed.

7. Phasing of Landscaping: In recognition of the significant amount of land area and the lengths of the perimeter boundaries for the subject site, the required mounding and landscaping contemplated in this Section C may be installed in phases with the exception of C1. For each phase of development, such required mounding and landscaping shall be installed when it is anticipated (as provided in plans associated with relevant permits) that buildings or paved parking areas, once constructed within that phase, will be located within 300 feet of the relevant perimeter boundary line. At a minimum for each phase, this mounding and landscaping shall be installed along the portion of the relevant perimeter boundary line between two points which are determined by extending two straight lines from the perimeter boundary line of the subject site to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. An illustration of this requirement is attached as Screening Exhibit.

D. Building Design and/or Interior-Exterior Treatment Commitments: N/A

E. Dumpsters, Lighting, Outdoor Display Areas, and/or other Environmental Commitments:

Pole lighting shall not exceed 28 feet in height. Notwithstanding the foregoing, poles within 100' of residentially zoned land shall not exceed 18 feet in height.

F. Graphics and Signage Commitments:

All signage and graphics will conform to the Columbus Graphics Code as it applies to the M-2 zoning district. Any variances needed for the applicable graphics requirements will be submitted to the Columbus Graphics Commission.

G. Miscellaneous

1. The developer shall comply with the park land dedication ordinance by contributing money to the City's Recreation and Parks Department.

2. The site shall be developed in general conformance with the submitted Site Plan attached hereto as Exhibit A. 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.