



## Legislation Text

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**File #: 0172-2023, Version: 2**

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**Rezoning Application: Z22-048**

**APPLICANT:** Colonial Landscaping; c/o Jackson B. Reynolds, III, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Landscape contractor's facility.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on December 8, 2022.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a landscape contractor's facility in the L-C-2, Limited Commercial District. The site was issued a Building Order for working without a permit, as a two-story structure was built on the rear of the property without plan approval or permits being issued. The applicant is requesting a L-M, Limited Manufacturing District to bring the landscape contractor's facility site, with outside storage, into compliance. The limitation text commits to a site plan and includes development standards addressing setbacks, site access, landscaping, lighting, and graphics commitments. A concurrent Council variance (Ordinance #0173-2023; CV22-058) has been submitted and includes variances to building and parking setbacks, height and area regulations, and storage requirements. The site is located within the boundaries of the *Northeast Area Plan* (2007), which recommends "Low Density Residential" land uses at this location. While inconsistent with this recommendation, the site plan includes landscape beds contributing to screening of the site from the Westerville Road frontage, softening the parking lot's impact from the roadway consistent with Plan's design guidelines. Staff notes the existing L-C-2 district which already permits offices for contractors, further justifying deviation from the Plan's land use recommendation.

To rezone **3730 WESTERVILLE RD. (43224)**, being 1.32± acres located on the east side of Westerville Road, 870± feet south of Walnut Creek Drive, **From:** L-C-2, Limited Commercial District, **To:** L-M, Limited Manufacturing District (Rezoning #Z22-048).

**WHEREAS**, application #Z22-048 is on file with the Department of Building and Zoning Services requesting rezoning of 1.32± acres from L-C-2, Limited Commercial District, to L-M, Limited Manufacturing District; and

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

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

**WHEREAS**, the City Departments recommend approval of said zoning change because the proposed L-M, Limited Manufacturing District will bring the existing landscape contractor's facility site with outside storage into compliance, and incorporates landscaping consistent with the *Northeast Area Plan's* design guidelines; 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:

**3730 WESTERVILLE RD. (43224)**, being 1.32± acres located on the east side of Westerville Road, 870± feet south of Walnut Creek Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus, and being more particularly described as follows:

Being a part of the Second Quarter of Township 1, Range 17, United States Military Lands, and being a part of the Moses W. and S.K. Mayes tract as the same is recorded in Deed Book 2549, Page 466, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the centerline of Westerville Road (old location) at the Southwest corner of the O.C. Rittenour tract (Deed Book 2211, Page 613) Franklin County Deed Records or the Northeast corner of the Moses W. and S.K. Mayes tract; thence along the North line of the said Mayes tract or the South line of the said O.C. Rittenour tract South 42 degrees 49' East (passing an iron pipe found at 50.84 feet) 407.7 feet to an iron pin found; thence along the Southwesterly line of the said Rittenour tract, South 21 degrees 53' East, 24.17 feet to an iron pin found; thence across the said Mayes tract, North 79 degrees 00' 30" West (passing an iron pin at 370.83 feet), 428.49 feet to a point in the centerline of Westerville Road (old location); thence along the centerline of the road, North 29 degrees 18' East 294.97 feet to the Place of Beginning, containing 1.324 acres, more or less.

**To Rezone From:** L-C-2, Limited Commercial 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 copies of the approved L-M, Limited Manufacturing District and Application among the records of the Department of Building and Zoning Services as required by Sections 3370.03 of the Columbus City Codes; said site plan being titled, "**SITE PLAN, COLONIAL LANDSCAPING COMMERCIAL DEVELOPMENT**," and said text being titled, "**LIMITATION TEXT**," both dated January 9, 2023, and signed by Jackson B. Reynolds, III, Attorney for the Applicant, and the text reading as follows:

#### **LIMITATION TEXT**

**PROPOSED DISTRICT:** L-M, Limited Manufacturing District

**PROPERTY ADDRESS:** 3730 Westerville Road

**OWNER:** A.E.M. Real Estate LLC

**APPLICANT:** Colonial Landscaping

**DATE OF TEXT:** 1/9/23

**APPLICATION NUMBER:** Z22-048

**1. INTRODUCTION:** This site was previously zoned L-C-2 in 1986. This application changes the zoning category to permit a landscape contractor operation with outside storage.

**2. PERMITTED USES:** Those uses permitted in Sections 3363.02(a) of the M, Manufacturing District and Section 3353.03 of the Office Commercial District in the Columbus City Code.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated this text or submitted site plan, the applicable

development standard of Chapter 3363 M, Manufacturing of the Columbus City Code shall apply.

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

1. The  ~~dumpster and parking~~ setbacks along the north property line shall be 5 feet **and the setbacks along the south property line shall be 14 feet (CV22-058).**

2. The **building** setback line shall be 0 feet along Westerville Road, due to the 8 foot tall fence (CV22-058).

**3. The parking setback shall be 12 feet (CV22-058).**

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

1. All circulation, curb cuts and access points shall be subject to the approval of the City's Public Service, Division of Traffic Management and the Ohio Department of Transportation.

2. The existing stone walls that are located in the right-of-way shall be removed.

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

N/A

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

**N/A The open storage of materials shall have a reduced setback of 14 feet from adjacent residentially zoned property (CV22-058).**

E. Lighting, Outdoor Display Areas, 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 classification and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments.

The Subject Site shall be developed in accordance with the site plan titled, "Colonial Landscaping Commercial Development". The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Development Department or his 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.