



# Franklin County Planning Commission

Michael J. Dorrian Building  
369 South High Street  
1st Floor, Commissioners Hearing Room  
Columbus, OH 43215

Wednesday, October 9, 2024  
1:30 p.m.

1. Call roll for board members
2. Introduction of staff
3. Approval of minutes from the August 22, 2024 meeting
4. New Business:

**i. Administrative Matter – ZON-24-01 – Raimere Fitzpatrick**

<b>Owner/Applicant:</b>	Etsepatos Zenebe
<b>Township:</b>	Mifflin Township
<b>Site:</b>	3601 Agler Road (PID #191-003292)
<b>Acreage:</b>	0.754-acres
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Requesting to rezone from the Rural (R) District within the Smart Growth Overlay to the Suburban Office and Institutional (SO) District remaining in the Smart Growth Overlay (SGO).

\*Swear in witnesses as needed

**ii. Administrative Matter – ZON-24-02 – Raimere Fitzpatrick**

<b>Owner:</b>	Columbus Regional Airport Authority
<b>Applicant:</b>	Airport Business Center
<b>Township:</b>	Mifflin Township
<b>Location:</b>	Johnstown Road (PID # 190-001635, 190-001636, 190-001637, 190-001638, 190-001768, 190-001769, 190-001770, 190-001939, 190 - 000402, 190 -001771, 190 -001772, 190 -001773, & 190 -001774)
<b>Acreage:</b>	2.36-acres
<b>Utilities:</b>	Public water and sewer
<b>Request:</b>	Requesting to rezone from the Rural (R) District to the Limited Industrial (LI) District.

\*Swear in witnesses as needed

5. Adjournment of Meeting to November 13, 2024



## **MINUTES OF THE FRANKLIN COUNTY PLANNING COMMISSION**

**Thursday, August 22, 2024**

The Franklin County Planning Commission convened at the Michael J. Dorrian Building, 369 South High Street, in the Commissioners' Hearing Room, Columbus, Ohio, 43215, on Thursday, August 10, 2024.

Present were:

Chet Chaney, Acting Chairperson  
Ashley Hoye  
Tim Guyton  
Chelsea Barnett  
Roxyanne Burrus  
Annie Ryznar

Franklin County Economic Development and Planning Department:

Raimere Fitzpatrick, Planning Administrator  
Tamara Ennist, Planning Administrator  
Austin Workman, Planner

Franklin County Prosecuting Attorney's Office:

Jeanine Hummer, First Assistant Prosecuting Attorney and Chief Counsel  
Adria Fields, Assistant Prosecuting Attorney

Other attendees:

Brittany Razek, Franklin County Clerk  
Melissa Kohler, Franklin County Deputy Clerk  
Emma Engel, Franklin County Intern  
Alan Anthenat, Applicant

Acting Chair Chaney opened the hearing.

The first order of business was roll call of the Planning Commission members. The next order of business was the introduction of staff. The next order of business was approval of the minutes from the June 12, 2024 meeting. A motion was made by Mr. Guyton, seconded by Mr. Hoye, to approve the minutes from the July 10, 2024 meeting. The motion passed by a vote of five yeases, zero nos, and one abstention. Mr Fitzpatrick was then sworn in.

**NEW BUSINESS:**

The next order of business was to hear Case No. 784-FP. The Applicants are Alan Anthenat and Jill Harvilchuck. The site is located in Jackson Township on Zuber Road. It is 55.64 acres in size and served by private water and wastewater. The Applicants were requesting a final plat approval for the subdivision to create nine lots, two reserves, and public rights-of-way. Staff recommended approval of the final plat. At the end of the presentation, Mr. Fitzpatrick raised a motion, made by Mr. Guyton and seconded by Ms.

Burrus, to admit the presentation into the record. The motion passed by a vote of six yeases, zero nos, and zero abstentions. A motion was then made by Ms. Burrus, seconded by Ms. Ryznar, to approve Case No. 784-FP. The motion passed by a vote of six yeases, zero nos, and zero abstentions. A discussion was held between members of the Commission and Ms. Hummer regarding tabling versus postponing applications. Chairman Chaney appointed Ms. Burrus and Ms. Ryznar to work with staff and the Prosecutor's Office to go over the bylaws and update them regarding tabling versus postponing.

There being no further business to come before the Planning Commission, Chairman Chaney made a motion to adjourn the meeting. The motion passed by a vote of six yeases, zero nos, and zero abstention.

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Signature

The minutes of the August 22, 2024, Franklin County Planning Commission were approved this 9<sup>th</sup> day of October 2024.



## ***STAFF REPORT***

Planning Commission  
October 9, 2024

### **Case: ZON-24-01**

Prepared by: Raimere Fitzpatrick

<b>Owner/Applicant:</b>	<b>Etsepatos Zenebe</b>
<b>Township:</b>	<b>Mifflin Township</b>
<b>Site:</b>	<b>3601 Agler Road (PID #191-003292)</b>
<b>Acreage:</b>	<b>0.754-acres</b>
<b>Utilities:</b>	<b>Private water and wastewater</b>
<b>Request:</b>	<b>Requesting to rezone from the Rural (R) District within the Smart Growth Overlay to the Suburban Office and Institutional (SO) District remaining in the Smart Growth Overlay (SGO).</b>

### **Summary**

The applicant is requesting a rezoning of the underlying zoning of the property from the Rural (R) District to the Suburban Office and Institutional (SO) District within the Smart Growth Overlay (SGO). The applicant intends to convert the existing residence into office spaces. The request is generally consistent with the recommendations of the adopted Clinton-Mifflin Land Use Plan Future Land Use Map. Staff recommends the Franklin County Planning Commission make a ***recommendation to the Rural Zoning Commission of approval with conditions*** as outlined in this staff report.

### **Request**

The applicant is requesting to change the underlying zoning of the property from the Rural (R) District in the Smart Growth Overlay (SGO) to the Suburban Office and Institutional (SO) district with the intention of converting the residence into professional business offices; the Smart Growth Overlay (SGO) will remain. Future office use of the site would be served by the existing well and septic system. If approved, the site will be able to be used for any uses permitted in the Suburban Office and Institutional district provided development standards of the underlying Suburban Office and Institutional District (SO) and Smart Growth Overlay (SGO) District are satisfied.

### **History**

The property is developed with a single-family residence constructed in 1950. According to the Franklin County Assessor's data, the structure has a footprint of approximately 1,613 SF with eight (8) rooms, including four (4) bedrooms, and 1.5 bathrooms. Access to the site is from an existing driveway on Agler Road, which is a City of Columbus owned and maintained roadway. The Smart Growth Overlay, adopted into the Franklin County Zoning Resolution (FCZR) on August 9, 2011, was applied to this and other adjacent residential properties that are subject to County zoning, along Agler Road, west of Stelzer Road. The applicant purchased the property in 2021.

### **Surrounding Land Use/Zoning**

Adjacent properties to the north and west of the site are in the City of Columbus. Those to the north are zoned multi-family PUD and developed with urban density single-family residential land uses. The property to the west is zoned Manufacturing and is currently vacant. The properties to the east and south are in Mifflin Township within Franklin County's Rural (R) zoning district with a Smart Growth Overlay (SGO) and developed with single-family residential land uses.

### **Comprehensive Plan**

The site is located within the boundaries of the Clinton-Mifflin Land Use Plan (2009) and is in the Leonard Park sub-planning area of the Plan. The Plan's Future Land Use Map recommends commercial land uses at the intersection of Stelzer and Agler Roads with light industrial and office uses continuing westward on Agler Road to the end the sub-planning area. This western boundary is also the municipal boundary of the City of Columbus. The site is located at the westernmost edge of the area identified in the sub-area for future light industrial and office uses.

The Plan's recommendation for appropriate County zoning districts to enable these uses include the Suburban Office and Institutional (SO), Limited Industrial (LI) and Restricted Industrial (RI) districts. The proposed rezoning to the Suburban Office and Institutional (SO) district is consistent with the Plan's land use recommendation for the site and is the most compatible zone to locate between existing residential and future manufacturing land uses.

The Plan does not address the timing of whether existing Rural (R) zoned parcels could be developed independently or if the residential parcels should be consolidated into a single unified development for light industrial and/or office uses.

### **Technical Agency Review:**

Franklin County Engineer's Office

The Franklin County Engineer's Office indicated that there was not enough information provided to conduct a full review of the proposal as submitted. Any site development will need to comply with the Franklin County Stormwater Drainage Manual.

*Note: The applicant provided a survey map with their submission that included boundary line descriptions, location of the residence and driveway, location of well and septic system, and adjacent Agler Road right-of-way. A development plan is not required to be submitted with a conventional rezoning application. Submission of a commercial zoning compliance application with site plan will be required for review and approval prior to initiation of any allowed use in the proposed zoning district.*

City of Columbus Office of Traffic Management

The City of Columbus Department of Traffic Management (DOTM) has asked for clarification on the operation of the site in terms of anticipated trips and number of vehicles. Vehicles will be required to enter and exit the site in a forward manner. DOTM indicated the driveway will require additional pavement for vehicular maneuvering.

The applicant has indicated an anticipated 8 vehicles per day would be at the site which would generate an estimated 16 average daily trips.

### **Staff Review**

Per Section 716.021, Action by the Franklin County Planning Commission, Staff Review:

*The staff of the Franklin County Planning Commission together with the Franklin County Engineer, the Franklin County Board of Health and other appropriate agencies or bodies shall present to the Franklin County Planning Commission a written report including all apparent facts, implications and conclusions concerning the proposed change or amendment.*

### **Suburban Office and Institutional District (FCZR Section 322)**

The Suburban Office and Institutional District is intended to encourage the development of office and institutional uses in outlying suburban areas. The District is intended for offices and institutions that may locate independently or in small clusters and where buildings or groups of buildings may be surrounded by landscaped open areas adjacent to but separated from the concentrations of people and traffic from retail, wholesale and industrial areas in the community. The area surrounding the property is primarily residential with a concentration of industrial type land uses located in City of Columbus Manufacturing zoning to its west and south (see City of Columbus Zoning Maps included as

an attachment). The property is approximately 0.1 mile west of Agler Road and concentrations of retail areas are located approximately 1.5 miles north of the intersection of Agler and Stelzer Roads. The Clinton-Mifflin Land Use Plan recommends commercial redevelopment of Rural (R) zoned properties at the Agler/Stelzer Road intersection.

The proposed rezoning to the Suburban Office and Institutional (SO) district will permit land uses that are consistent with the land use recommendations of the adopted Clinton-Mifflin Land Use Plan. The Plan does not specify whether future redevelopment of the existing residential parcels should be consolidated to create a single unified development site or allow the independent redevelopment of individual properties. The rezoning of this individual property in support of office uses will provide a land use transition or buffer between future manufacturing uses on the west and existing rural residential uses to the east of the site. While, currently, the applicant intends to utilize the existing residence for office spaces, a zoning change would allow future construction of a more conventional office structure on the site.

#### Permitted Uses in the Suburban Office and Institutional (SO) District

The Suburban Office and Institutional district allow uses such as business services/offices, travel agencies, insurance brokers, medical and health services, legal services, museums and galleries, and engineering, personnel, and management services. The applicant has identified business services/offices as their intended use of the site under the proposed zoning. A complete list of permitted land uses is included as an attachment to this report. The North American Industry Classification System (NAICS) Standard Identification Code (SIC) defines land uses included under the definition of business services as follows:

*This major group includes establishments primarily engaged in rendering services, not elsewhere classified, to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services. Establishments primarily engaged in providing engineering, accounting, research, management, and related services are classified in Major Group 87. Establishments which provide specialized services closely allied to activities covered in other divisions are classified in such divisions.*

#### Suburban Office and Institution (SO) Development Standards (FCZR Section 322.04)

The following is a summary of the development standards in the proposed district:

- *Minimum Lot Size*- No minimum, however, lot size shall be adequate to provide the yard space required. The property is 0.754 acres.
- *Minimum Lot Width*- No minimum however all lots shall abut a street and have adequate width to provide the yard space required. The property abuts Agler Road, which is owned and maintained by the City of Columbus.
- *Minimum Side Yard*-
  - Adjacent to a residential or planned commercial district, one-fourth the sum of the height of the structure and the length of the wall most nearly parallel to the side lot line. In no case shall the setback be less than 15 feet. The structure is approximately +/- 24 feet in height with a side wall length of 28.25 feet requiring a 13.06 feet setback requirement.
    - The existing structure is currently 15 feet from the eastern property line against the existing residential zone.
  - Adjacent to other commercial districts, the side yard shall be at least 10 feet unless fireproof walls of adjacent buildings are attached, in which case no side yard is required.
    - The structure is approximately 14.5 feet from the western property line abutting a Manufacturing zoned property located in the boundaries of the City of Columbus.
- *Minimum Rear Yard*- Adjacent to a Residential or Planned Residential Districts: One-fourth the sum of the height of the structure and the length of the wall.
  - The property has a rear yard setback of +/-233 feet.

- *Front Green Belt*- A landscaped area of at least 15 feet shall be provided between the street right-of-way line and any structure or paved area. The property has adequate space to provide required green belt and landscaping. Existing vegetation and lawn may be counted toward satisfying this requirement during the subsequent zoning compliance review.
- *Minimum Front Building Setback*- All buildings shall be setback a distance measured from the street centerline to the building a distance equal to the width of the existing right of way. The structure is setback +/- 108 feet from the Agler Road centerline where 100 feet is required.
- *Minimum Landscaped Open Space*- 15 percent of the lot area.
- *Maximum Building Height*- 40 feet. The structure is approximately +/- 24 feet in height.
- *Screening of Exterior Storage*- As required by Section 521- Screening and Buffering.

The site and existing structure will meet the minimum dimensional standards of the proposed zoning district.

#### Smart Growth Overlay (SGO) Overview and Requirements (FCZR Section 670)

The purpose of the Smart Growth Overlay (SGO) is to apply architectural and siting for commercial development to create an enhanced pedestrian experience along corridors that typically include a mix of pedestrian and vehicle-oriented development patterns.

- Agler Road is not currently pedestrian oriented and does not have sidewalks. The requirements of the Overlay are in addition to those in the underlying zone district.

Within the Overlay, new non-residential structures are required to be sited within 25 +/- 2 feet from the property line and be designed with offsetting vertical visual elements. Forty (40)-percent of the building's primary frontage between 2 feet and 10 feet is required to be clear window glass.

- Because the residential use and structure is existing and currently exempt from the standards of the Smart Growth Overlay (SGO), approval of the requested rezone will make the structure non-conforming with respect to the Overlay standards.
- Per Section 670.066, Non-Conforming Structures a non-conforming structure is not subject to the standards and requirements of the Overlay district.

Section 531.021, Schedule of Parking Spaces requires one (1) parking space per 300 square feet of office space. The net area of the residence is approximately 1,037 square feet excluding the 576 square foot garage. The site would be required to provide four (4) parking spaces ( $1,037/300 = 3.47$ , or 4 when rounded up to the highest whole number). The Smart Growth Overlay permits a 65 percent reduction in the required number of parking. As a result, 3 spaces are required ( $4 \text{ spaces required by Section } 531.021 * 0.65 \text{ per SGO allowances} = 2.6$ , or 3 when rounded to the highest whole number).

- The existing two (2) car garage may be used to provide two (2) of the required spaces.
- An additional accessible space will be required. No loading space is required for structures with less than 3,000 gross square feet.

The applicant intends on using the existing driveway and bump out area to meet parking requirements. The Overlay requires parking areas to be located behind the principal structure (Section 670.0812). The applicant will be required to extend the driveway and construct a parking facility to the rear of the structure unless a variance request is approved by the Franklin County Board of Zoning Appeals. Parking will be required to be screened in accordance with Section 521.17, Screening of Parking Areas.

Section 670.088, Landscaping and Screening requires one (1) shade tree per each 50 feet of roadway frontage or fraction thereof.

- A total of two (2) shade trees will be required to be planted in the front yard to meet this requirement.
- The applicant will also be required to provide screening against the eastern residential property in the form of a fence or evergreen trees. Screening will be required to maintain a minimum opacity of 75 percent and permanently obstruct the view to a height of six (6) feet.

The property will not meet design standards of the Smart Growth Overlay (SGO) relating to building siting or architectural features on the street frontage facade. Redevelopment of the site with a new structure or expansion of the existing structure will require compliance with the design standards of the Overlay.

### **Staff Recommendation**

Per Section 716.022 of the Franklin County Zoning Resolution, The Franklin County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Rural Zoning Commission. Such recommendation shall be considered at the public hearing held by the county Rural Zoning Commission on such proposed amendment.

The request is generally consistent with the recommendations of the adopted Clinton-Mifflin Land Use Plan Future Land Use Map. Based on the future land use recommendations of the Plan, Staff believes that the proposed rezoning advances the general health, safety and welfare of the public by encouraging appropriate use and development of the land affected and the overall development of the surrounding area.

Based on Staff's review, Staff recommends the Planning Commission make a **recommendation to the Rural Zoning Commission of approval with conditions** of the proposed rezoning from the underlying Rural (R) District with the Smart Growth Overlay (SGO) District to the Suburban Office and Institution (SO) District with the Smart Growth Overlay (SGO) remaining. The conditions of approval are as follows:

1. The applicant must apply for and receive a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department prior to initiation of any business office use. Zoning Compliance shall be applied for within 30 days of approval of the rezone by the Franklin County Board of Commissioners.
2. Commercial Zoning Compliance site plan shall include screening within a six (6) foot buffer along the eastern property boundary against the residential zoned property in accordance with Section 670.088 of the FCZR.
3. Vehicular parking shall meet the screening requirements of Section 670.088(g) of the Smart Growth Overlay.
4. The applicant must obtain a commercial building permit for a change of use from the State of Ohio Department of Development within 90 days of approval of a commercial zoning compliance.
5. The applicant shall provide evidence that the residential use of the structure has been abandoned within 90 days of approval of the requested rezone by the Franklin County Board of Commissioners



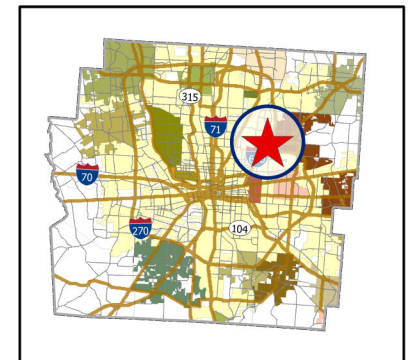


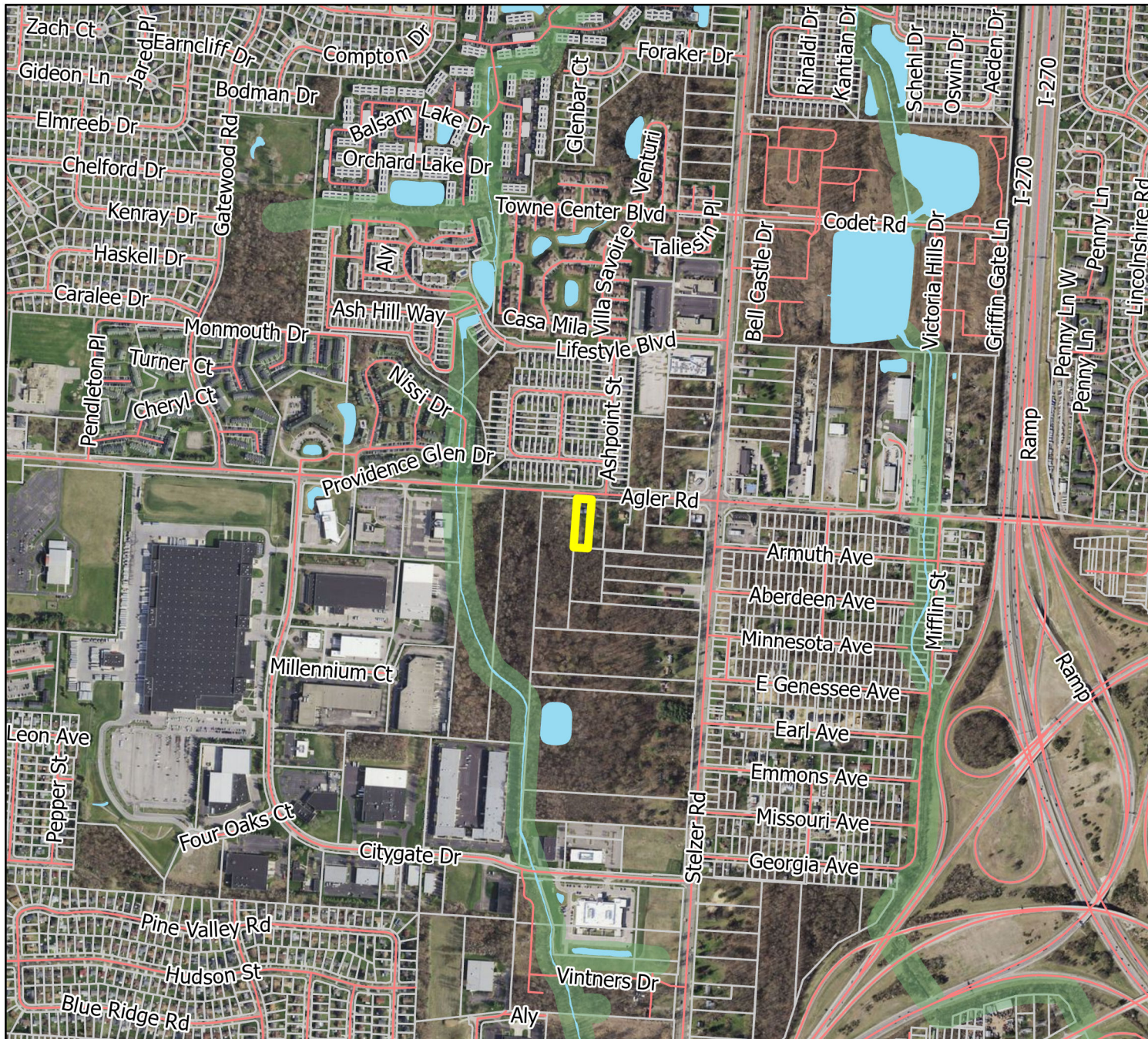
## ZON-24-01

Requesting to rezone from the Rural (R) District within the Smart Growth Overlay to the Suburban Office and Institutional (SO) District remaining in the Smart Growth Overlay (SGO).

Acres: 0.754-acres  
Township: Mifflin

-  Parcels
-  3601 Agler Road










**ZON-24-01**

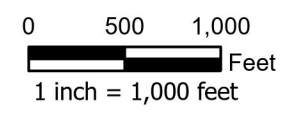
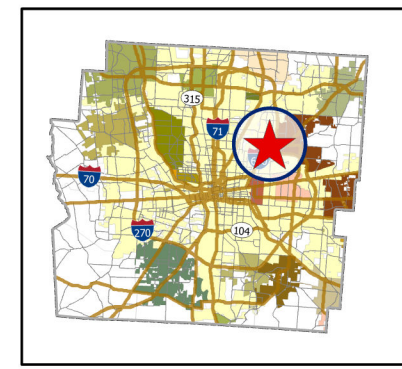
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Requesting to rezone from the Rural (R) District within the Smart Growth Overlay to the Suburban Office and Institutional (SO) District remaining in the Smart Growth Overlay (SGO).

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Acres: 0.754-acres  
Township: Mifflin

-  Streets
-  Parcels
-  3601 Agler Road
-  Waterbodies
-  Stream Buffers



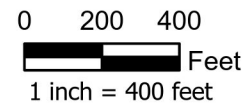


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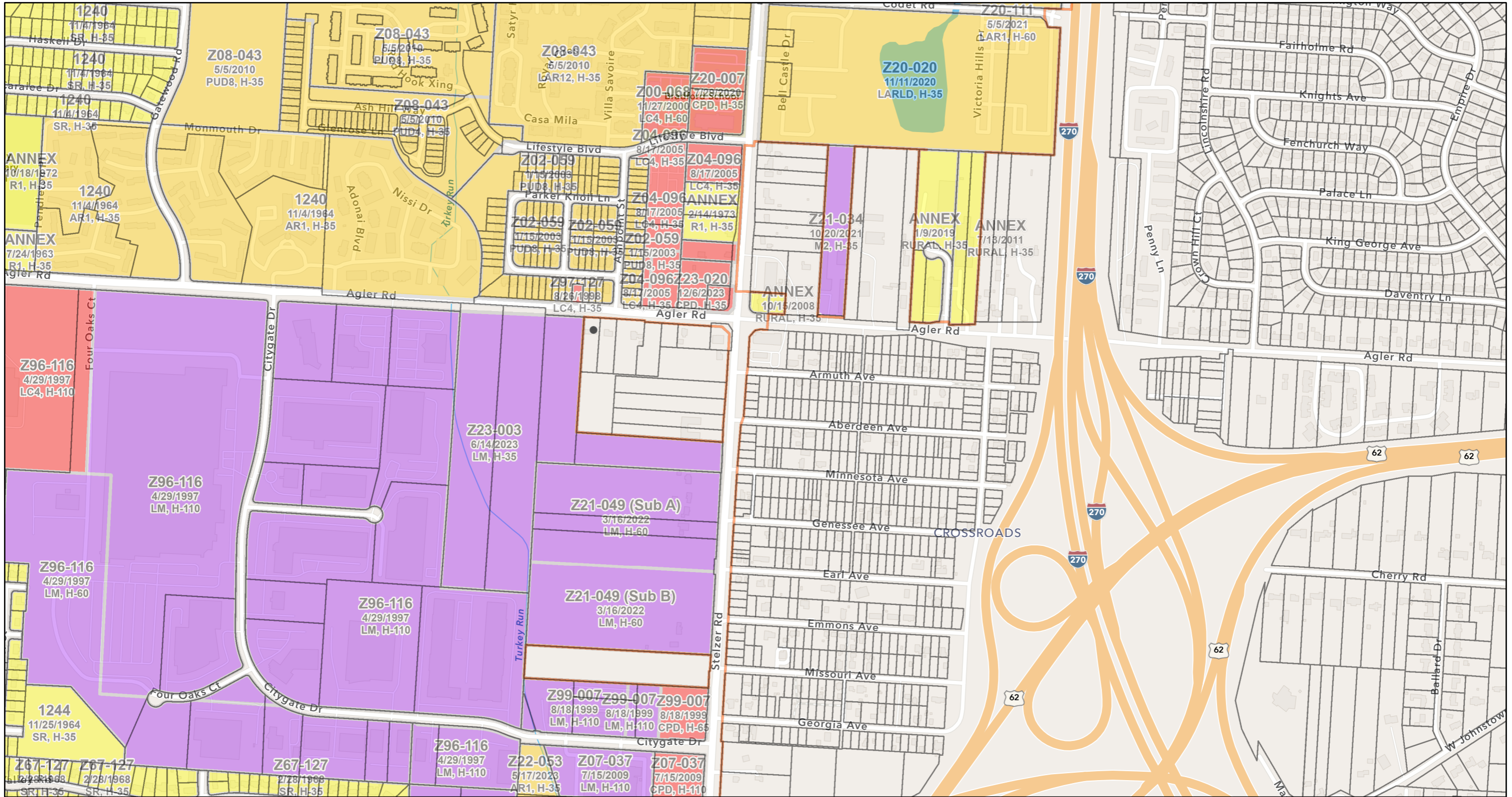
Requesting to rezone from the Rural (R) District within the Smart Growth Overlay to the Suburban Office and Institutional (SO) District remaining in the Smart Growth Overlay (SGO).

Acres: 0.754-acres  
Township: Mifflin

- Streets
- 3601 Agler Road
- Zoning Overlay Districts -**
- ▨ Excavation and Quarry
- ▨ Farm Village
- ▨ OSCAR
- ▨ Oil and Gas
- ▨ Smart Growth Overlay
- Zoning - County**
- Community Service
- Neighborhood Commercial
- Rural
- Select Commercial Planned District
- Suburban Office and Institutional
- Urban Residential
- Groveport Planned Industrial Park



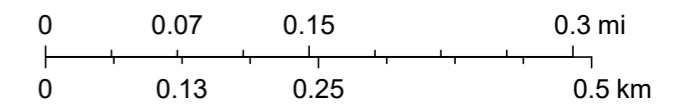
# Columbus Zoning Map



9/30/2024, 8:40:30 AM

1:9,028

- Corporate Boundary
- Parcels
- Commercial
- Residential
- Manufacturing
- Multi-Unit Residential
- Base Zoning



City of Columbus GIS, Esri Community Maps Contributors, Franklin County Auditor, West Virginia GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Franklin County Board of Commissioners

# ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

## Application for Rezoning Page 1

**RECEIVED**  
JUL 05 2024  
Franklin County Planning Department  
Franklin County, OH



### Property Information

Site Address: 3601 AGLER ROAD, COLUMBUS, OH

Parcel ID(s): 191-003292-00

Total Acreage: 0.754 ACERS

Township: MIFFLIN TWP

### Property Description

Acres to be rezoned: 0.754 ACERS

Current Land Use: RESIDENTIAL

Surrounding Land Uses:

North: COMMERCIAL

South: COMMERCIAL

East: RESIDENTIAL

West: COMMERCIAL

### Rezoning Request

Current Zoning: RESIDENTIAL

Proposed Zoning: COMMERCIAL ~~BUSINESS SERVICES OFFICES~~ **Suburban Office (SO) District**

Proposed Land Use: COMMERCIAL **Business Services/offices**

Purpose for Request: The location and structure of the property are more suited for commercial activities, given its proximity to other businesses and high traffic areas.

This conversion will allow for the optimal use of the property, aligning with the strategic development goals of the area.

The conversion of the residential property at 3601 AGLER RD to commercial office represents a strategic decision that will support economic development, enhances service availability. I kindly request the zoning authority to consider this request favorably.

Thank you for your attention to this matter. I am available to discuss this request further and provide any additional information that may be required.

### Staff Use Only

Case #

**ZON-24-01**

Date Filed: 07/05/2024

Fee Paid: \$1000

Receipt # 24-02914

Received By: Austin W.

Technical Review Date: 08/27/2024

Big Darby Panel Date:

Planning Commission Date: 09/11/24

Rural Zoning Commission Date: 09/19/2024

Commissioners Date: 10/8/2024

### Checklist

- Fee Payment (checks only)
- Completed Application
- Notarized Affidavit
- Legal description of property
- Location/Area map
- Water/Wastewater Information
- Development Plan (if a planned district request)

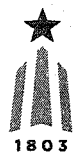
### Water & Wastewater

#### Water Supply

- Public (Central)
- Private (On-site)
- Other

#### Wastewater Treatment

- Public (Central)
- Private (On-site)
- Other

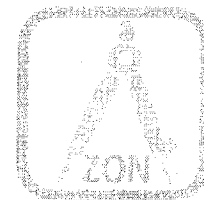


Franklin County  
Board of Commissioners

# ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

## Application for Rezoning Page 2



### Property Owner Information

Name: ETSEPATOS ZENEBE

Address: 3601 AGLER ROAD, COLUMBUS, OHIO, 43219

Phone # 310 904 8821

Fax # NA

Email: ETSEPATOSZ@YAHOO.COM

### Applicant Information

Same as property owner

Name: ETSEPATOS ZENEBE

Address: 3601 AGLER ROAD, COLUMBUS, OHIO, 43219

Phone # 310 904 8821

Fax # NA

Email: ETSEPATOSZ@YAHOO.COM

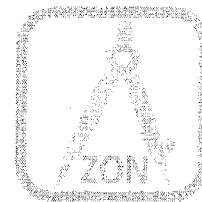


Franklin County  
Board of Commissioners

# ECONOMIC DEVELOPMENT & PLANNING

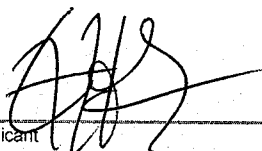
Economic Development & Planning Department  
James Schimmer, Director

## Application for Rezoning Page 3




### Signatures

To the best of my/our knowledge and belief, information and materials submitted as a part of this Rezoning application are correct, complete and accurate. The Franklin County Technical Review Committee members are hereby granted permission to enter the property for inspection and review purposes. I/we understand that delays or tablings may impact the hearing schedule.

  
\_\_\_\_\_  
Applicant

06/17/24  
Date

  
\_\_\_\_\_  
Property Owner (Signature must be notarized)

06/17/24  
Date

\_\_\_\_\_  
Property Owner (Signature must be notarized)

\_\_\_\_\_  
Date

**OHIO JURAT**  
§147-551

State of Ohio  
County of Franklin } ss.

Sworn to or affirmed and subscribed before me by

Etsepatos Zenebe

Name of Person Making Jurat

this date of

06/17/24

Date



Affix Seal Here

Kevin Daniel Stamper  
Signature of Notary Public Administering Jurat

Notary Public  
Title or Rank

02/17/27  
Commission Expiration Date

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Application for Rezoning

Document Date: 06/17/24 Number of Pages: 03

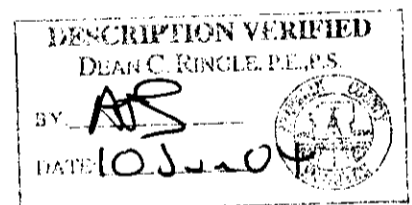
Signer(s) Other Than Named Above: N/A

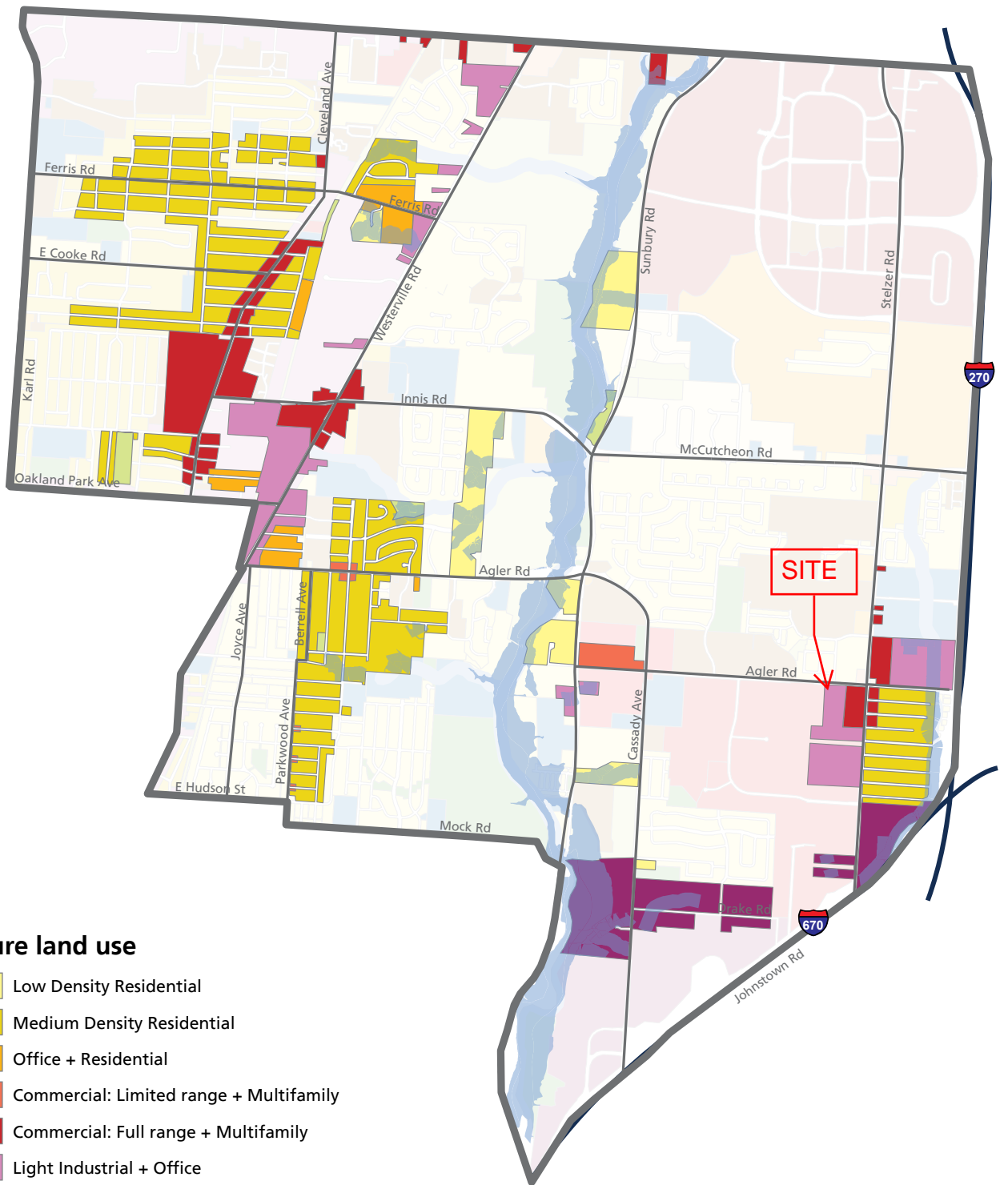


Situated in the State of Ohio, County of Franklin, Township of Mifflin, Third Quarter of Township 1, Range 17, United States Military Lands, and being a part of a 2 acre tract deeded to Harold Frost in Deed Book 1092, page 448, Recorder's Office, Franklin County, Ohio, and part of a 2 acre tract deeded to Harold R. and Mildred M. Frost, in Deed Book 1195, page 315, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing at a nail at the intersection of the center line of Agler Road with the centerline of Stelzer Road; thence North 85 deg. 54 min. West along the centerline of said Agler Road, a distance of 942.60 feet to a nail at the northwesterly corner of said 2 acre tract (Deed Book 1092, page 448), said last described nail represents the northeasterly corner of A. and R. Beach 5 acre tract (7-7-59), and the true point of beginning; thence South 4 deg. 14 min. West along the Easterly line of said 5 acre tract and along the westerly line of said 2 acre tract (Deed Book 1195, page 448), and along the westerly line of said 2 acre tract (Deed Book 1195, page 315), a distance of 368.24 feet to a nail at the Southwesterly corner of said 2 acre tract (Deed Book 1195, page 315); thence South 85 deg. 54 min. East along the southerly line of said 2 acre tract (Deed Book 1195, page 315), a distance of 100.00 feet to an iron pin; thence North 4 deg. 14 min. East across said 2 acre tracts a distance of 368.34 feet to a nail in the centerline of Agler Road, and in the northerly line of said 2 acre tract (Deed Book 1092, page 448), passing an iron pin on the line at 343.34 feet; thence North 35 deg. 54 min. West along the centerline of said Agler Road and along the northerly line of said 2 acre tract (Deed Book 1092, page 448), a distance of 100.00 feet to the place of beginning, containing 0.846 acres, subject however to all legal highways.

0-58-B  
All of  
(191)  
3292






**Future land use**


- Low Density Residential
- Medium Density Residential
- Office + Residential
- Commercial: Limited range + Multifamily
- Commercial: Full range + Multifamily
- Light Industrial + Office
- Light Industrial + Office: Airport Related
- Open Space
- Stream buffer

# Land use map

 **Low density residential**


Allowed land uses: Single family homes only

Density: Minimum of one unit per acre, maximum of 5 ¼ units per acre

 **Medium density residential**

Allowed land uses: Single-family, two-family and townhomes

Density: Minimum of 4 units per acre, maximum of 12 units per acre

 **Office + Residential**


Allowed land uses: Offices, single- and multi-family housing. Uses may mix within the same building.

Density: For buildings without offices, minimum residential density of 4 units per acre. For all buildings, maximum residential density of 24 units per acre

 **Commercial: Limited range + Multifamily**


Allowed land uses: Edited range of retail uses, mostly neighborhood-scale, plus offices and multi-family housing and townhomes.

Density: Maximum residential density of 24 units per acre


 **Commercial: Full range + Multifamily**

Allowed land uses: Full range of retail and office uses, plus multi-family housing and townhomes.

Density: Maximum residential density of 24 units per acre

 **Light Industrial + Office**


Allowed land uses: Range of uses from office, industrial, storage and warehousing. Near the airport, any airport-related use.

 **Light Industrial + Office: Airport related**

Allowed land uses: Range of uses from office, industrial, storage and warehousing. Near the airport, any airport-related use.

 **Open Space**








Intended for nature or recreation with minimal buildings.

 **Stream buffer**

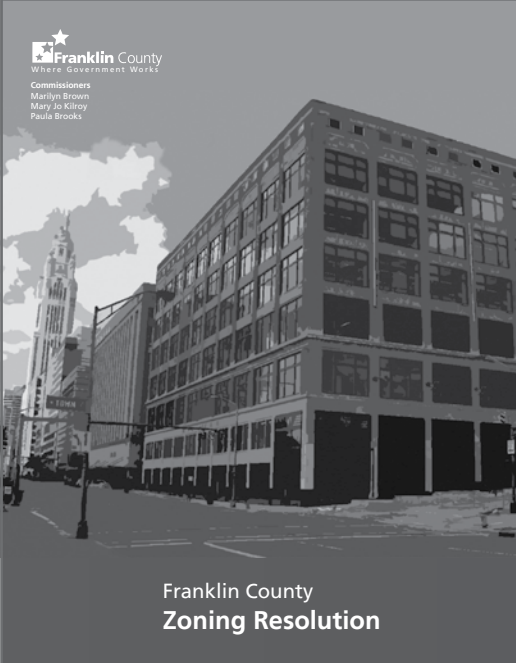
Environmentally-sensitive area that includes streamways and 100-year floodplain.

Allowed land uses: No construction, parking lots, dredging or filling. Permissible uses are passive and active recreation, trails. If a stream buffer area is permanently protected, development density may be transferred elsewhere on the same property or an immediately-adjacent property.

# Corresponding zoning districts

Land Use Category	Zoning Districts											
	Residential						Commerical				Industrial	
	R-24	R-12	R-8	R-4	R-2	R-1	CS	CC	NC	SO	LI	RI
 Low Density Residential				•	•	•						
 Medium Density Residential		•	•									
 Office + Residential	•	•	•						•			
 Commercial Limited range + Multifamily	•								•	•		
 Commercial Full range + Multifamily	•						•	•	•	•		
 Light Industrial + Office										•	•	•
 Light Industrial + Office: Airport related										•	•	•

• Any use listed in this zoning district is permitted in the land use category



**Franklin County**  
Where Government Works  
 Commissioners  
 Marilyn Brown  
 Mary Jo Kinoy  
 Paula Brooks

Franklin County  
Zoning Resolution

### Key to zoning districts

**Residential**

- R-24: Multifamily apartment
- R-12: Urban residential
- R-8: Restricted urban residential
- R-4: Suburban residential
- R-2: Limited suburban residential
- R-1: Restricted suburban residential

**Commercial**

- CS: Community Service
- CC: Community Commercial
- NC: Neighborhood Commercial
- SO: Suburban Office

**Industrial**

- LI: Limited Industrial
- RI: Restricted Industrial



## ***STAFF REPORT***

Planning Commission  
October 9, 2024

### **Case: ZON-24-02**

Prepared by: Raimere Fitzpatrick

<b>Owner:</b>	Columbus Regional Airport Authority
<b>Applicant:</b>	Airport Business Center
<b>Township:</b>	Mifflin Township
<b>Location:</b>	Johnstown Road (PID # 190-001635, 190-001636, 190-001637, 190-001638, 190-001768, 190-001769, 190-001770, 190-001939, 190 - 000402, 190 -001771, 190 -001772, 190 -001773, & 190 -001774)
<b>Acreage:</b>	2.36-acres
<b>Utilities:</b>	Public water and sewer
<b>Request:</b>	Requesting to rezone from the Rural (R) District to the Limited Industrial (LI) District.

### **Summary**

The applicant is requesting a rezoning from the Rural (R) District to the Limited Industrial (LI) District. The site is currently vacant and surrounded by the Limited Industrial (LI) and Commercial Service (CS) zones in Mifflin Township and the Manufacturing zone in the City of Columbus. Staff recommends the Franklin County Planning Commission make a ***recommendation to the Rural Zoning Commission of approval with conditions*** as outlined in this staff report.

### **History**

The subject site is located on the north side of Johnstown Road, 0.32 miles southwest of the intersection of Johnstown and Stelzer Roads in Mifflin Township. The parcels subject to the rezone request were platted in 1924 as part of the Maple Lawn Addition. The lots are vacant and there are no records of development occurring after their creation. The applicant purchased the properties in 1995.

### **Request**

The applicant is requesting to rezone the property from the Rural (R) District to the Limited Industrial (LI) District. No future development details have been provided to date. If approved, the site will be able to be used for any uses permitted in the Limited Industrial (LI) District provided development standards are satisfied.

### **Surrounding Land Use/Zoning**

The site is bound by Interstate 670 on the north with a property zoned Manufacturing in the City of Columbus located further north of the highway. The site is also bound on the east by a vacant property in the County's Community Service (CS) District, on the south by a vehicle repair and storage use in the County's Limited Industrial (LI) District, and on the west by vacant properties in the Limited Industrial (LI) District.

### **Comprehensive Plan**

The site is not included in the boundaries of any comprehensive plan.

## **Staff Review**

Per Section 716.021, Action by the Franklin County Planning Commission, Staff Review:

*The staff of the Franklin County Planning Commission together with the Franklin County Engineer, the Franklin County Board of Health and other appropriate agencies or bodies shall present to the Franklin County Planning Commission a written report including all apparent facts, implications and conclusions concerning the proposed change or amendment.*

## **Limited Industrial District**

The Limited Industrial (LI) District is intended to encourage the concentration of a broad range of individual commercial establishments which constitute an area of general commercial activity. A Limited Industrial (LI) District should be centrally located and accessible to the population served. It will normally be developed at the intersection of thoroughfares at distances one or more miles apart.

## **Permitted Uses**

The Limited Industrial (LI) District is provided for a broad range of industrial activities which are more intense than those permitted in the Restricted Industrial District. Outdoor storage, general warehouse-related truck traffic, service vehicles and equipment may occur in this district. Although the Limited Industrial District (LI) permits a wide range of industrial uses, the district does not permit several of the more intense uses permitted in the General Industrial (GI) District.

The Limited Industrial (LI) District allows for all uses permitted in the Restricted Industrial (RI) District which generally require a minimum of services and facilities and generate little industrial traffic. They typically operate within an enclosed structure and have little or no adverse effect on adjacent land by producing noise, odor, dust, smoke, glare or hazard which includes uses such as residential building contractors, garment manufacturing, wholesale goods and supplies, furniture stores, bakeries and food processing. In addition to the above uses, the Limited Industrial District permits uses such as general contractors, heavy construction contractors, special trade contractors, beverage industries, furniture manufacturing, sheet metal work, machine shops, trucking and warehousing, and wholesale trade of durable and non-durable goods.

## **Development Standards**

- *Minimum Lot Size*- No minimum however lot size shall be adequate to provide the yard space required.
- *Minimum Lot Width*- No minimum however all lots shall abut a street and have adequate width to provide the yard space required.
- *Minimum Side Yard*- Adjacent to another commercial District, the side yard shall be at least ten (10) feet unless fireproof walls of adjacent buildings are attached, in which case no side yard is required.
- *Minimum Rear Yard*- One-third the sum of the height and length of the wall most nearly parallel to the rear lot line, or fifteen (15) feet, whichever is less.
- *Front Green Belt*- A landscaped area of at least 15 feet shall be provided between the street right-of-way line and any structure or paved area.
- *Minimum Front Building Setback*- Structures must be setback 70 feet from the centerline of Johnstown Road .
- *Minimum Landscaped Open Space*- Twenty percent (20 %) of the lot area for industrial lots less than ten (10) acres.
- *Maximum Building Height*- 100 feet
- *Screening of Exterior Storage*- As required by Section 521- Screening and Buffering

The site can meet the development standards prescribed by the proposed Limited Industrial (LI) District. A Zoning Compliance application and site plan will confirm conformance of a future development plan with these standards.

**Technical Agency Review:**

No technical review agencies had any comments on the application.

**Staff Review**

The proposed rezoning to the Limited Industrial District will allow land uses that are compatible with existing zoning Districts on adjacent and nearby properties.

The proposed rezoning advances the general health, safety and welfare of the public as the proposal encourages the appropriate use and development of the property or the overall development of the surrounding area.

**Recommendation**

Per Section 716.022 of the Franklin County Zoning Resolution, the Franklin County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Rural Zoning Commission. Such recommendation shall be considered at the public hearing held by the county Rural Zoning Commission on such proposed amendment.

Staff believes that the proposed rezoning advances the general health, safety and welfare of the public by encouraging appropriate use and development of the land affected and the overall development of the surrounding area.

Based on Staff's review, Staff recommends the Planning Commission make a **recommendation to the Rural Zoning Commission of approval** of the proposed rezoning.

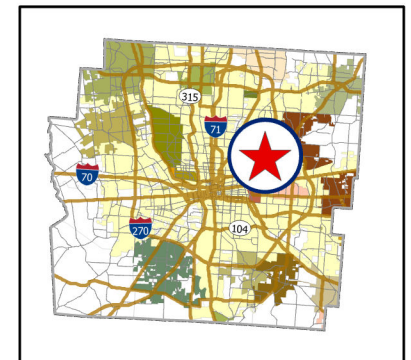


## ZON-24-02

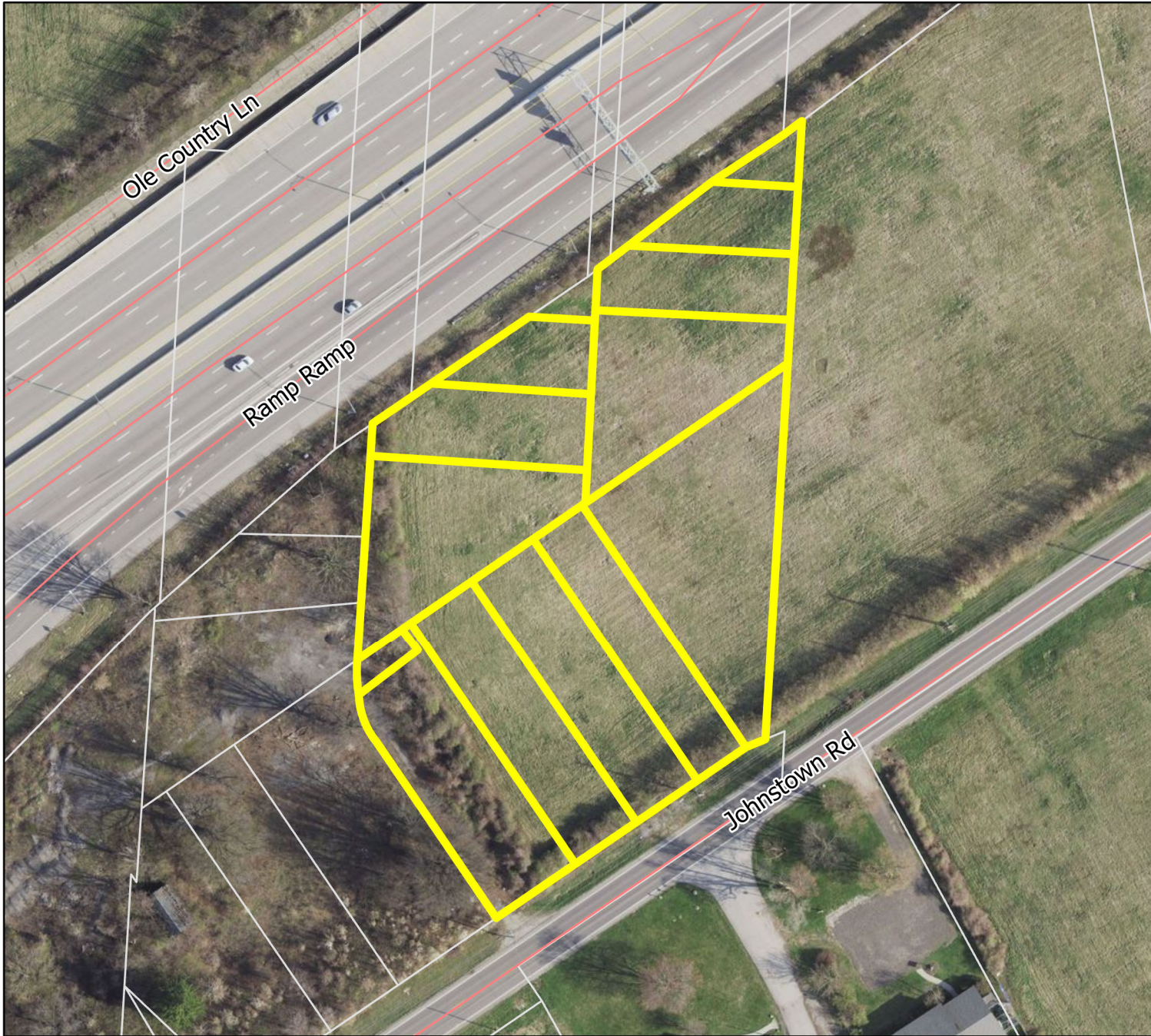
Requesting to rezone from the Rural (R) District to the Limited Industrial (LI) District.

Acres: 2.36-acres  
Township: Mifflin

- Streets
- Parcels
- 0 Johnstown Road
- Waterbodies
- Stream Buffers





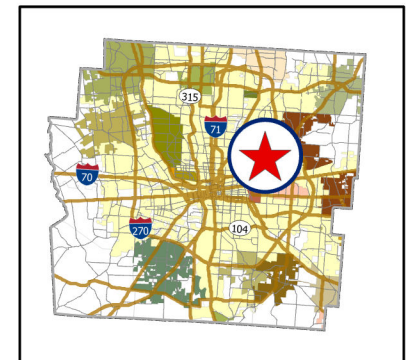


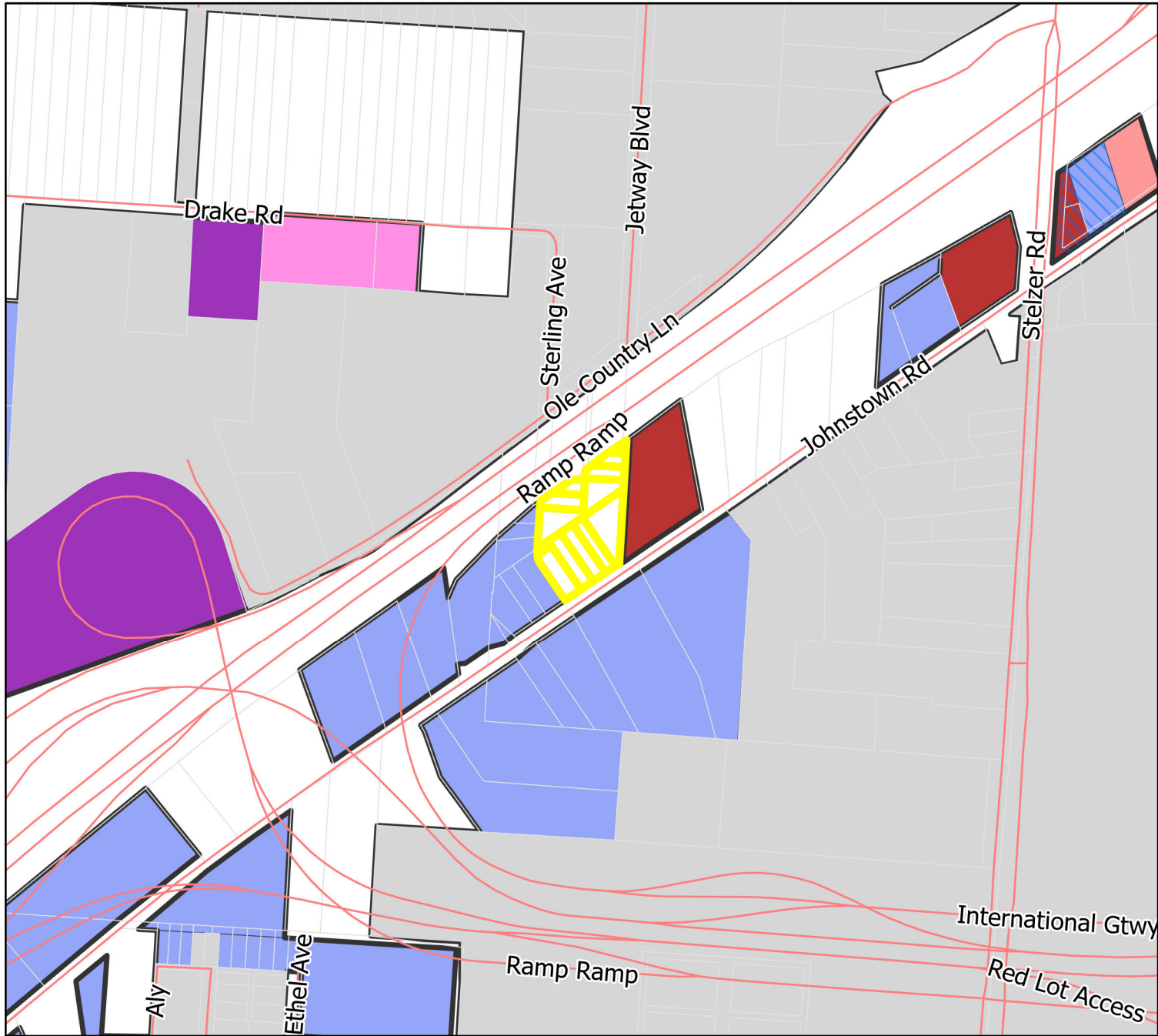
## ZON-24-02

Requesting to rezone from the Rural (R) District to the Limited Industrial (LI) District.

Acres: 2.36-acres  
Township: Mifflin

- Streets
- ▭ Parcels
- ▭ 0 Johnstown Road



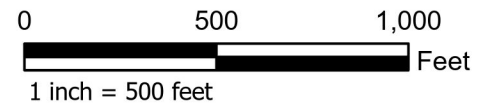
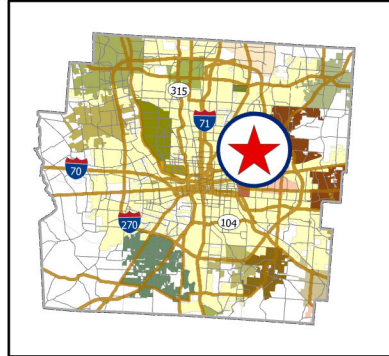


# ZON-24-02

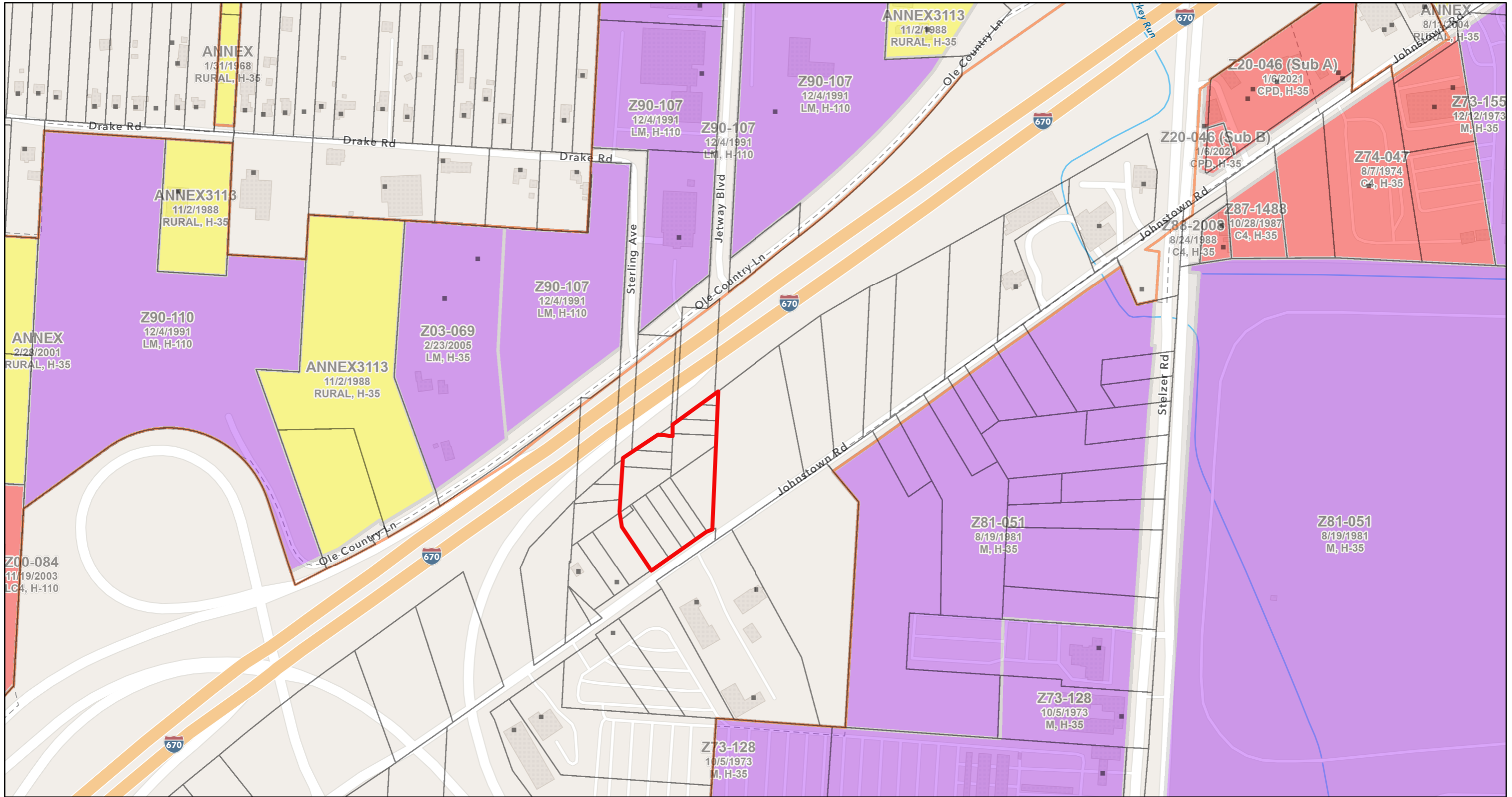
Requesting to rezone from the Rural (R) District to the Limited Industrial (LI) District.

Acres: 2.36-acres  
Township: Mifflin

- Streets
- 0 Johnstown Road
- Zoning Overlay Districts -**
- Excavation and Quarry
- Farm Village
- OSCAR
- Oil and Gas
- Smart Growth Overlay
- Zoning - County**
- Community Service
- Limited Industrial
- Planned Industrial Park
- Rural
- Select Commercial Planned District
- Suburban Office and Institutional
- Groveport Planned Industrial Park



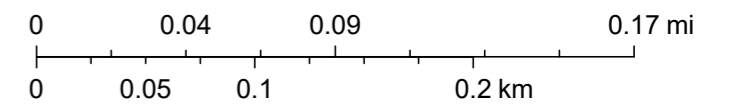
# Columbus Zoning Map



10/1/2024, 12:05:04 PM

1:4,514

- Corporate Boundary
- Parcels
- Manufacturing
- Residential
- Commercial
- Addresses
- Base Zoning



City of Columbus GIS, Esri Community Maps Contributors, Franklin County Auditor, West Virginia GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Franklin County  
Board of Commissioners

# ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

## Application for Rezoning Page 1



### Property Information

Site Address: **JOHNSTOWN ROAD**

Parcel ID(s): 190-001635, 190-001636, 190-001637, 190-001638, 190-001768, 190-001769, 190-001770, 190-001939, 190-000402, 190-001771, 190-001772, 190-001773, & 190-001774

Total Acreage: <b>VARIOUS</b>	Township: <b>MIFFLIN</b>
----------------------------------	-----------------------------

### Property Description

Acres to be rezoned: **2.36 +/-**

Current Land Use: **VACANT LAND**

Surrounding Land Uses:

North	<b>I 670 HIGHWAY</b>
South	<b>PORT COLUMBUS AIRPORT</b>
East	<b>VACANT LAND</b>
West	<b>VACANT LAND</b>

### Rezoning Request

Current Zoning: **AGRICULTURAL**

Proposed Zoning: **LIGHT INDUSTRIAL (LI)**

Proposed Land Use: **NOT DEFINED AT PRESENT**

Purpose for Request: **FOR EASE OF MARKETABILITY**

### Staff Use Only

Case #  
**ZON-24-02**

Date Filed: **8/26/24**

Fee Paid: **\$1100.00**

Receipt # **24-03292**

Received By: **RF**

Technical Review Date: **9/24/24**

Big Darby Panel Date:

Planning Commission Date: **10/9/24**

Rural Zoning Commission Date: **10/17/24**

Commissioners Date: **11/12/24**

### Checklist

- Fee Payment (checks only)
- Completed Application
- Notarized Affidavit
- Legal description of property
- Location/Area map
- Water/Wastewater Information
- Development Plan (if a planned district request)

### Water & Wastewater

#### Water Supply

- Public (Central)
- Private (On-site)
- Other

#### Wastewater Treatment

- Public (Central)
- Private (On-site)
- Other



Franklin County  
Board of Commissioners

## ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

# Application for Rezoning

Page 2



### Property Owner Information

Name: COLUMBUS MUNICIPAL AIRPORT AUTHORITY

Address: 0 JOHNSTOWN ROAD

Phone #

Fax #

Email:

### Applicant Information

Same as property owner

Name: AIRPORT BUSINESS CENTER

Address: 2746 JOHNSTOWN ROAD, COLUMBUS OH 43219

Phone # 614 537 0261

Fax #

Email: ugonwoke@aol.com



Franklin County  
Board of Commissioners

# ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

## Application for Rezoning Page 3



### Signatures

To the best of my/our knowledge and belief, information and materials submitted as a part of this Rezoning application are correct, complete and accurate. The Franklin County Technical Review Committee members are hereby granted permission to enter the property for inspection and review purposes. I/we understand that delays or tablings may impact the hearing schedule.

[Signature]  
Applicant

6-21-24  
Date

[Signature]  
Property Owner (Signature must be notarized)  
Sworn to (or affirmed) before me & signed  
in my presence by [Signature]  
this 21<sup>st</sup> day of June 2024  
State of Ohio Franklin County



6-21-24  
Date

**ANDREW KIKTA**  
Notary Public, State of Ohio  
My Commission Expires  
July 31, 2028

Property Owner (Signature must be notarized)

Date



Franklin County  
Board of Commissioners

## **ECONOMIC DEVELOPMENT & PLANNING**

Economic Development & Planning Department  
James Schimmer, Director

# Application for **Rezoning** Page 4



### **Rezoning/Text Amendment Application**

#### General Application Requirements

Any applicant who requests a zoning change is solely responsible for filing all materials required by the application in its entirety. Please consult with the Economic Development and Planning Department to obtain a copy of pertinent development standards prior to filing a rezoning request.

#### **The following items are required with each application:**

1. The completed application form.
2. The notarized affidavit with current property owner signature.
3. Legal description of the property. Current property survey to include acreage, all bearings and distances, and referencing an established beginning point.
4. Location/Area map. Engineering base maps to scale (example: 1"=100') are required. You can obtain this information from the Franklin County Auditor's website, <https://www.franklincountyauditor.com/>
5. All information that pertains to sanitary services and water supply must be provided. If services are to be provided by a private or public entity, a letter must be provided verifying that the services exist and that the applicant will have access to such services. If an on-lot septic system and/or well are proposed, information from the Franklin County Board of Health (or appropriate agency) must be provided.
6. Any additional information or exhibits deemed necessary for proper consideration of the application.

Note: When a planned district is requested, a development plan must be prepared by a registered architect, engineer, surveyor or landscape architect. The development plan must include all information identified in the Franklin County Zoning Resolution for the applicable planned zoning district being requested. This plan is to demonstrate the engineering feasibility of the proposed project. The Rural Zoning Commission makes no exceptions to these requirements. All other issues in the performance standards must be addressed, even if they do not appear to pertain to your particular site.

An incomplete application will not be placed on an agenda until it is determined to be complete, having all relevant issues addressed in plan or text form.



**DESCRIPTION OF PROPOSED REZONING**

Situated in the State of Ohio, County of Franklin, Township of Mifflin, located in part of Quarter Township 3, Township 1, Range 17 of the United States Military District, being portions of the "MAPLE LAWN ADDITION" of record in Plat Book 16, Page 51, as described in the deeds to Columbus Municipal Airport Authority, recorded in Official Records 28034-G06, 28700-G11, 28700-G15 & Instrument No. 200712310221206 (record references being to those of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning at the intersection of the northerly right-of-way line of Johnstown Road and the centerline of vacated Sterling Street;

thence northerly with said centerline of Sterling Street, the following three (3) courses and distances:

- 1). North 34°31'45" West, 146.55 feet to a point of curvature;
- 2). North 15°36'51" West, 52.14 feet along the arc of a curve to the right (Delta=37°49'48", Radius=78.97 feet), a chord distance of 51.20 feet; And,
- 3). North 3°18'03" East, 164.23 feet to the southerly limited access right-of-way line of Interstate Route I-670;

thence northeasterly along said southerly limited access right-of-way line of Interstate Route I-670, the following two (2) courses and distances:

- 1). North 50°59'47" East, 33.81 feet to the intersection with the easterly right-of-way line of said Sterling Street; And,
- 2). North 54°47'40" East, 92.73 feet to the intersection with the southerly line of Lot 134 of said Addition;

thence easterly along said southerly line of Lot 134, South 86°41'55" East, 50.63 feet to the centerline of a vacated 16 foot alley;

thence northerly along said centerline of a vacated 16 foot driveway, North 3°17'58" East, 40.29 feet returning to the southerly limited access right-of-way line of Interstate Route I-670;

thence northeasterly along said southerly limited access right-of-way line of Interstate Route I-670, North 54°47'40" East, 169.56 feet to the intersection with the centerline of vacated Floway Drive (25 feet in width);

thence southerly with said centerline of vacated Floway Drive, South 3°18'48" West, 419.86 feet returning to aforesaid northerly right-of-way line of Johnstown Road;

thence southwesterly along said northerly right-of-way line of Johnstown Road (being a line 35.00 feet northerly of, as measured perpendicular to and parallel with, the centerline of said Road), South 55°33'57" West, 220.42 feet returning to the 'Point of Beginning,' containing 2.392 acres of land, more or less, as described in August of 2024, for zoning purposes only, by Carl E. Turner Jr., Registered Professional Surveyor No. 6702.

Subject, however, to all legal rights-of-way of previous record.

Bearings are referenced to Grid North of the Ohio State Plane Coordinate System (South Zone).

Terra Surveying Services, LLC

Carl E. Turner Jr.  
Professional Surveyor No. 6702  
**19 August 2024**



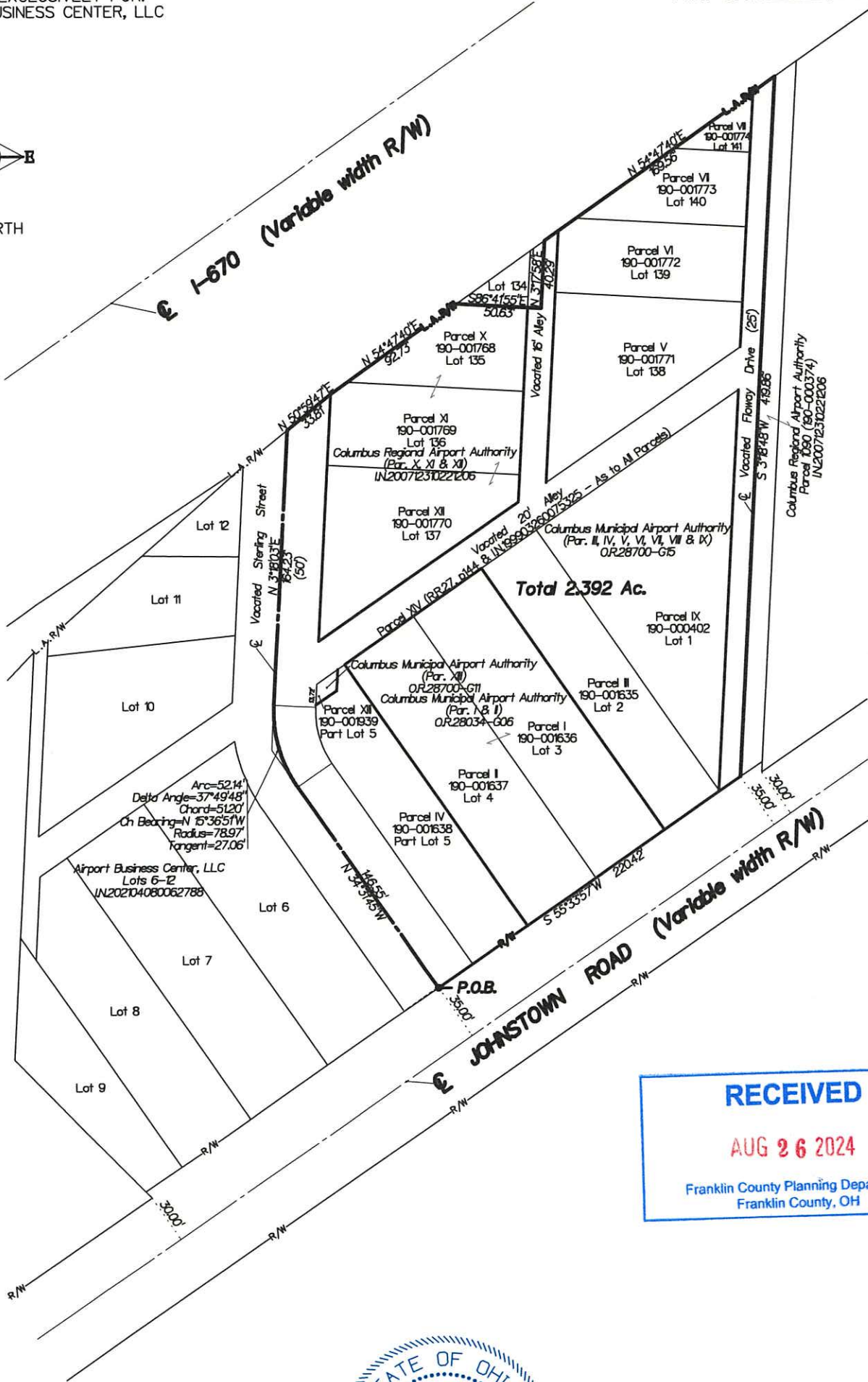
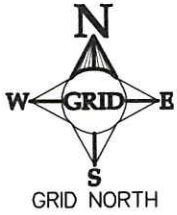
\*End of Description\*



TITLE:  
**PROPOSED REZONING OF PORTIONS OF THE  
"MAPLE LAWN ADDITION"  
MIFFLIN TOWNSHIP, FRANKLIN COUNTY, OHIO**

PREPARED EXCLUSIVELY FOR:  
AIRPORT BUSINESS CENTER, LLC

PLAT BOOK 16, PAGE 51

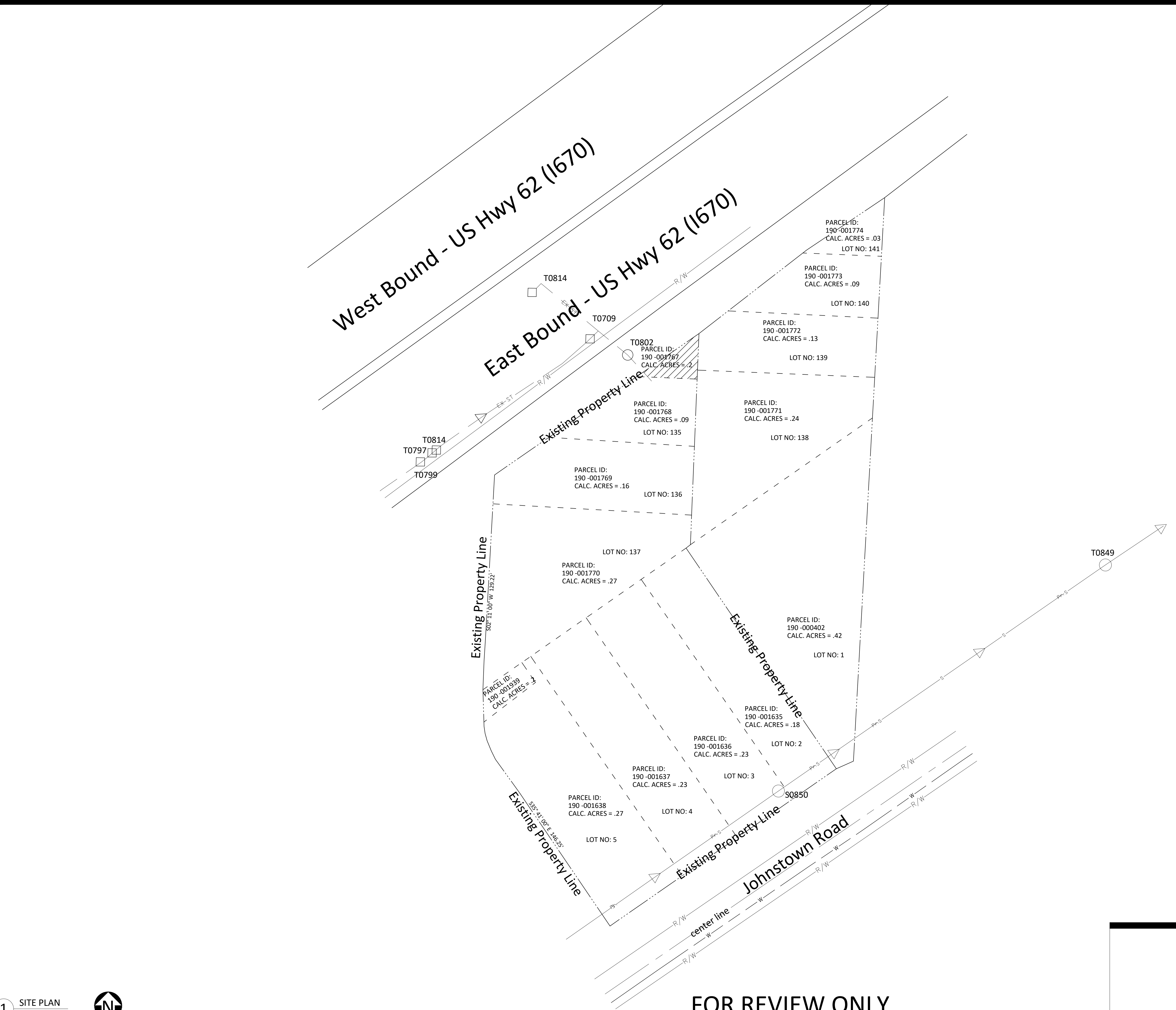


**RECEIVED**  
**AUG 26 2024**  
Franklin County Planning Department  
Franklin County, OH

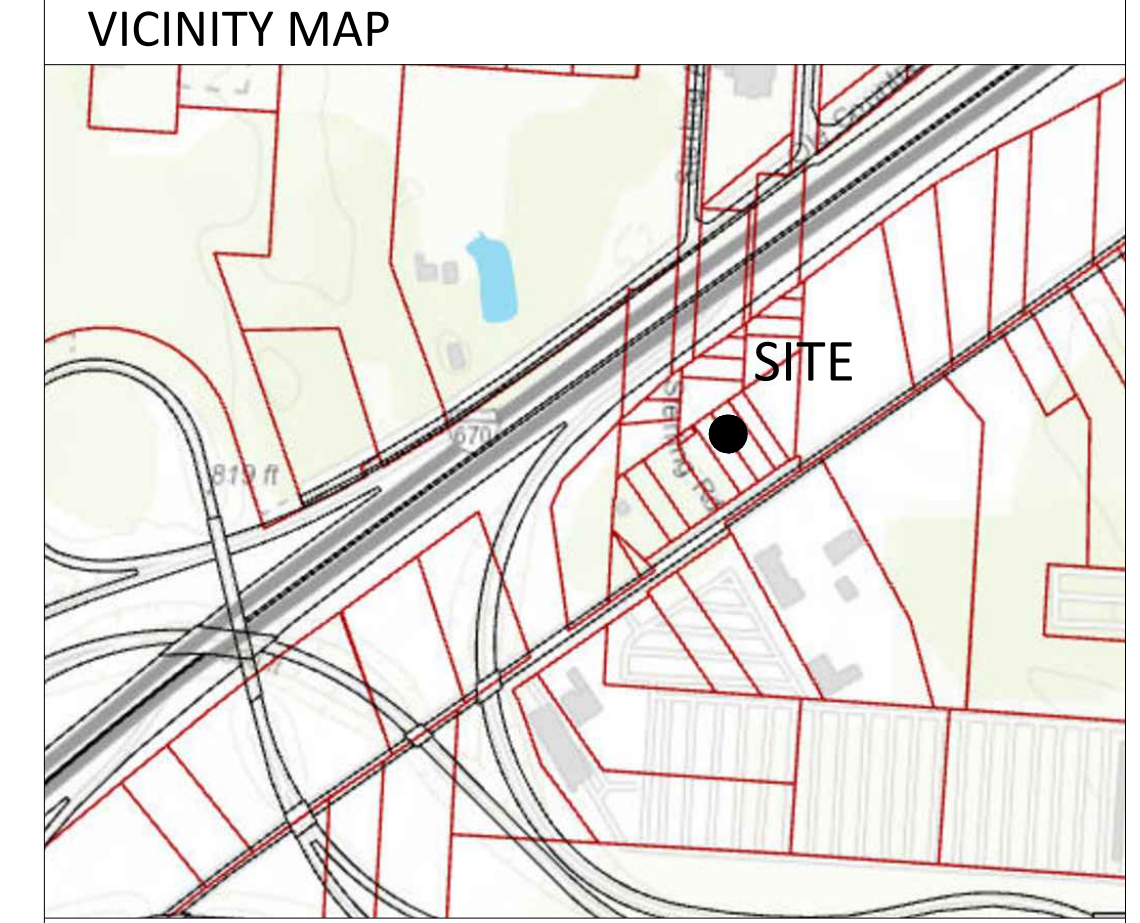
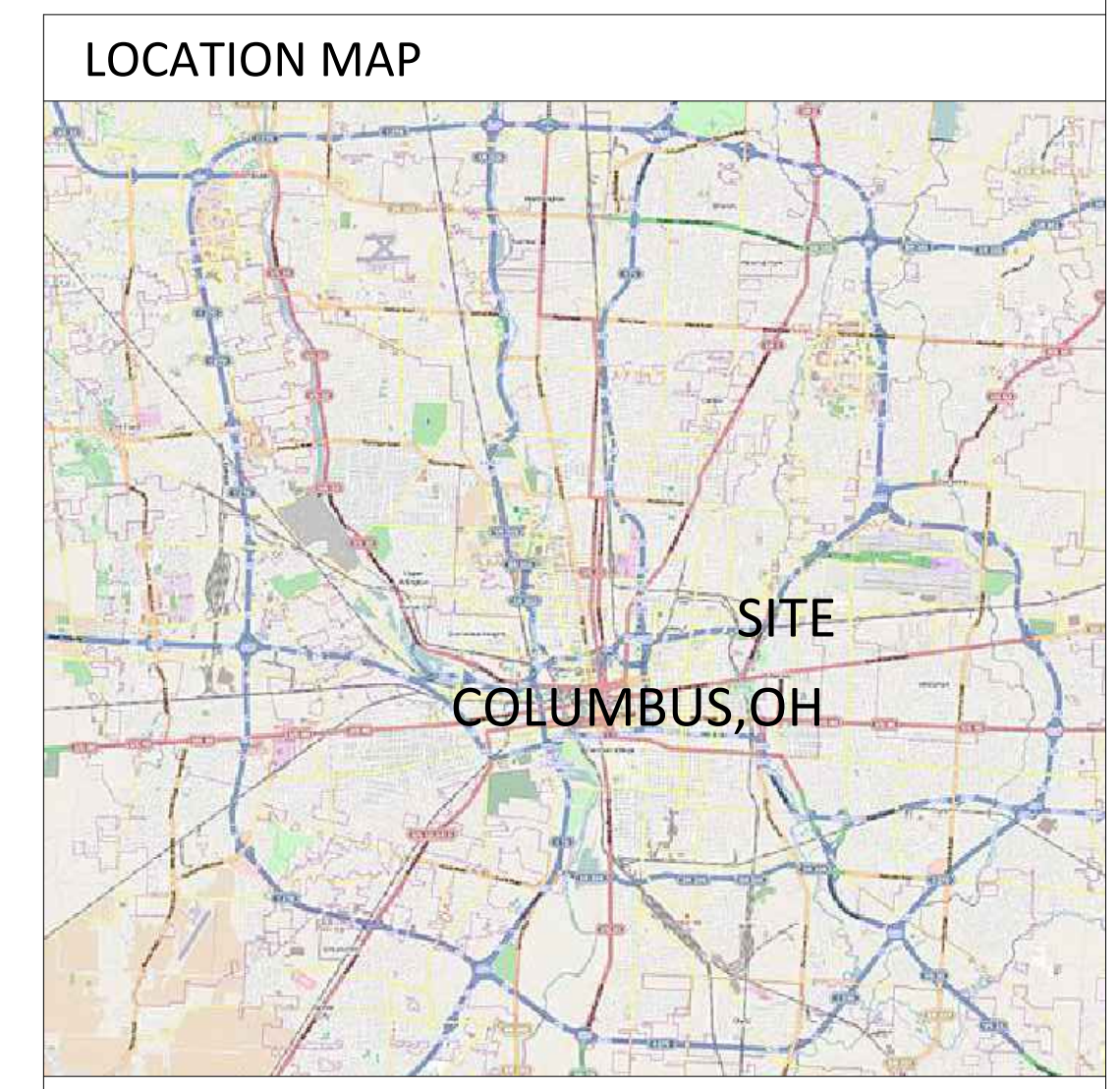
**SURVEYOR'S STATEMENT:**  
We Hereby Declare that the attached plat was prepared for zoning purposes only.



NOT AN AUTHORIZED DOCUMENT  
WITHOUT BLUE SURVEYOR'S SEAL.



- LEGEND**
- EXISTING TREES
  - PROPOSED TREES
  - PROPOSED SANITARY
  - EXISTING STORM LINE
  - EXISTING WATER LINE



**ZONING AND CODE INFORMATION**

PARCEL NUMBER:	190-001635-38, 190-
ZONING CLASS / LAND USE:	AGRICULTURAL (EXEMPT)
SIZE OF SITE:	MULTIPLE PARCELS - SEE SITE PLAN
LEGAL DESCRIPTION:	JOHNSTOWN ROAD COLUMBUS OH
EXISTING USE GROUP:	VACANT LAND
NEW USE GROUP:	REZONING FROM AGRIC. TO COMM.
OCCUPANT LOAD:	TBD
BUILDING CODE USED:	OBC 2024
CONSTRUCTION CLASSIFICATION:	NOT APPLICABLE
SPRINKLER:	NOT APPLICABLE
NUMBER OF FLOORS:	NOT APPLICABLE
AREA OF BUILDING:	NOT APPLICABLE
AREA TO BE ADDITION:	NOT APPLICABLE
PROPERTY CLASS:	AGRICULTURAL (EXEMPT)
TAX DISTRICT:	190 - MIFFLIN TOWNSHIP
SCHOOL DISTRICT:	2503 - COLUMBUS CSD
NEIGHBORHOOD:	X5300



FOR REVIEW ONLY

VICTOR NDUAGUDA P.E. 2320 BRISUM WAY HILLIARD, OH 43056 TEL: 614 849 8701 vnduaguba@sbcglobal.net	PROJECT NAME		JOHNSTOWN RD, COLUMBUS OH	
	TITLE		Existing Site Plan	
	PROJ #	1606-B	DRAWN BY	AUTHOR
	DRAWING #	A002	DATE	06-06-2024

**KRISTEN ATHA**  
Director

September 13, 2024

Ugo Nwoke  
Consultant  
Columbus, Ohio

RE: Water Availability for Parcel 190-001641 & 190-001635

Dear Mr. Nwoke:

This letter is to verify the existence of a 8" water main in Johnstown Rd that would service these parcels.

The maximum tap size allowed for parcel 190-001641 & 190-001635 is a 1" tap.

Taps larger than 1" will require the parcel to be annexed into the City of Columbus.

Sincerely,



Jen Martens, P.E.  
Water Distribution Engineering  
Division of Water





Agreement Number: **2022-05**

## **PRIVATE SEWER AGREEMENT**

This Private Sewer Agreement (“Agreement”) is made and entered into by and between the Board of Commissioners, Franklin County, Ohio, on behalf of the Franklin County Department of Sanitary Engineering (“County”) and **Airport Business Center LLC** of 308 Windcraft Drive, Westerville, Ohio 43081 (“Owner”):

WHEREAS, the Owner has made application to the County for permission to construct, at Owner’s sole cost and expense, a private sanitary sewer line, as defined by the Private Sanitary Sewers Policy Statement dated November 2009 (the “County Private Sanitary Sewer Policy”); and,

WHEREAS, the Owner has engaged a Professional Engineer to prepare and submit plans for six (6) manholes and approximately 890 linear feet of 8-inch gravity sanitary sewer which will traverse the Mifflin Township right-of-way along Johnstown Road and to tie into an existing City of Columbus sanitary sewer main (CC-19313) located in the right-of-way on the south side of Johnstown Road (the “Sewer”); and,

WHEREAS, the County and the City of Columbus have reviewed and accepted the design plan and determined the additional wastewater contribution from the development will not be detrimental to the capacity of the existing collection system; and,

WHEREAS, Owner has read and acknowledges it understands all provisions and requirements of the County Private Sanitary Sewer Policy and the terms and conditions of this Agreement; and,

WHEREAS, the County Private Sanitary Sewer Policy authorizes this Agreement and establishes the conditions under which private sanitary sewers may be constructed, in addition to any specific terms and conditions contained in this Agreement; and,

WHEREAS, Owner shall not begin construction of the Sewer until this Agreement is executed, and any easements are executed and recorded;

NOW THEREFORE, the parties agree as follows:

The County hereby grants Owner permission to construct a private sanitary sewer discharging into the City of Columbus sanitary sewer system, such Sewer to be designed and constructed in accordance with City of Columbus Standard Drawings and Specifications currently in effect for construction of sanitary sewers and in accordance with plans designated as Urban Express Sanitary Sewer Improvement Plan, Mifflin Township, Franklin County Ohio, dated April 2022, prepared by Civil & Environmental Consultants, Inc.. As consideration for the County’s grant of permission to construct said Sewer, Owner agrees that the Sewer shall be constructed at Owner’s sole cost and expense, and Owner further agrees as follows:

- 1) That the design, construction, operation, maintenance, possible eventual dedication, and all other matters arising as a result of the design and construction of said Sewer shall be carried out in full



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accordance with the provisions of County Private Sanitary Sewer Policy, which is hereby incorporated by reference and made a part of this Agreement as if fully rewritten herein, and the terms and conditions of this Agreement. In the event of any conflict between the County Private Sanitary Sewer Policy and this Agreement, the terms of this Agreement shall prevail.

- 2) Unless and until such time as the Sewer is accepted by the County after a request by Owner to dedicate the Sewer to the County, or such time as the County assumes ownership of the Sewer, as outlined in this Agreement, the maintenance and repair of the Sewer shall be the sole and exclusive obligation of the Owner at Owner's sole cost.
- 3) Service Laterals for Abutting Property
  - a) Service laterals for any abutting property within the service area of the County may be connected to the Sewer if, in the opinion of the Sanitary Engineer, the connection is in the best interest of the County. Prior to connecting the service lateral to the Sewer, written permission must be obtained from the Owner of the Sewer. The Owner of the Sewer, in consideration for allowing an abutting property owner to connect a service lateral, may charge a fee for permission to connect to the Sewer based on frontage benefited, and shall not exceed the proportionate value of the total cost to construct the Sewer. The permission for the connection, including capacity and permit fees, shall be submitted to the Sanitary Engineer prior to the sewer permit being issued.
  - b) In the event that the Owner of the Sewer and the owner of the abutting property cannot agree as to the amount of the fee contemplated under section 2 (a), above, the amount of the fee shall be determined by the Sanitary Engineer. The amount, as determined by the Sanitary Engineer, shall be based upon the project costs statement and any other factors deemed necessary. The amount as so determined shall be binding upon both parties.
  - c) In the event that the Owner of the Sewer cannot be located at such time, or if for any other reason, permission to make the connection cannot be secured from the Owner, the Sanitary Engineer may then issue the necessary permits for a connection and may collect a connection fee as described above.
  - d) Upon completion of the Sewer, the Owner shall submit a project cost statement containing the entire cost of the sewer. Completion shall mean installation of all pipe, manholes, structures and other features of the Sewer, restoration of all disturbed ground, and the Sewer has passed all required tests. The project cost statement shall include the allowable design and construction costs incurred by the Owner. The project cost statement must be submitted before the Sewer is approved for use.
  - e) In the event that the Owner of the Sewer does not submit the cost statement herein required, any sum of money submitted to the Sanitary Engineer pursuant to Section 2(a), above, shall be deposited in the County Treasury and there held, subject to the demand of the Owner, or his heirs or assigns, for a period of six (6) years after the date of collection. At the expiration of six (6) years if such sum has not been claimed by the Owner, or his heirs or assigns, it shall then and thereafter be the property of the County and shall be credited to the sewer fund of the Sanitary Engineer.
- 4) That the permission granted herein does not include the right to construct any portion of the Sewer under any part of a public street, alley, right-of-way or other public place or property without proper



documentation, such as an easement or encroachment permit, approved and accepted by the applicable governmental entity.

- 5) Maintenance and Inspection Deposits.
- a) Upon application to construct the Sewer the Owner shall deposit with the Sanitary Engineer a maintenance deposit to cover the cost of maintenance/repairs performed by County Sanitary Engineering maintenance personnel while the Sewer remains under private ownership. The maintenance deposit may take the form of a cash deposit, an escrow agreement acceptable to the County, or any other form acceptable to the County. Any maintenance and inspection deposit funds not charged to the maintenance deposit account will be refunded to the Owner upon final dedication of the Sewer to the County, if such dedication occurs. The maintenance deposit shall be calculated as follows:
    - i. Minimum deposit of one dollar and twenty-five cents (\$1.25) per lineal feet of pipe plus fifty dollars (\$50.00) per manhole.
    - ii. Maximum deposit of five thousand dollars (\$5,000.00).
  - b) Inspection of the Sewer shall be provided by the Sanitary Engineer, or a contractor selected by the Sanitary Engineer. The cost of inspection will be eight dollars and forty cents (\$8.40) per lineal feet of pipe plus \$350.00 per manhole. The Owner shall pay all inspection costs.
  - c) The Owner, prior to commencing construction of the Sewer, shall deposit with the County, sums of money to pay the cost of work to be done by the County, and to ensure submission of cost statement(s) as follows:
    1. \$1,412.50 for Maintenance Deposit
    2. \$9,576.00 for Inspection of Improvement
    3. **\$10,988.50 TOTAL**
  - d) In the event the actual cost of any of the work to be performed by the County exceeds the sum deposited, the Owner shall, upon demand, immediately pay the County the difference between the sums so deposited and the actual cost of the work.
  - e) In the event the cost of the work performed by the County is less than the sum deposited, the County shall refund to the Owner the difference between the sums so deposited and the actual cost of the work.
- 6) Owner shall not transfer or assign any or all of the Owner's rights or obligations under this Agreement without the prior written consent of the Sanitary Engineer. Nor shall Owner make any modifications to the Sewer without the advance written consent of the Sanitary Engineer. Any such modifications shall be at the sole cost and expense of Owner.
- 7) Owner may request to dedicate the Sewer to the County, subject to acceptance by the County at its sole discretion, following which the County shall be responsible for all maintenance and repair. Such request to dedicate shall occur no sooner than one (1) year following the date on which the Sewer passes final inspections, nor later than five (5) years following the date on which the Sewer passes



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final inspections (the "Five Year Period"). Owner's request to dedicate the Sewer to the County is subject to the following:

- a) A request to dedicate the Sewer shall only be made after all possible connections to the Sewer have been completed.
- b) Prior to requesting the County to accept a dedication of the Sewer, the Owner shall, at its sole expense, perform a video inspection of the interior of the pipe and note the distance to all wyes/laterals and appurtenant structures in relation to a manhole. Additionally, a visual inspection of all manholes, castings, and surface areas over the trench of the installation shall be performed. The Owner shall then, at its own expense, make all necessary repairs. If the Owner cannot be located or if the Owner is unable to perform this work, the County may have the work completed and charged against the maintenance deposit or against Parcel Numbers 190-001639-00, 190-001640-00, 190-001641-00, 190-001643-00, 190-001644-00, 160-001645-00, 190-002522-00, 190-000171-00, and 190-000017-00, more commonly called Airport Business LLC.
- c) If the Owner fails to request to dedicate the Sewer to the County within the Five-Year Period because all the possible connections have not been made, or for any other reasonable explanation, an extension of one additional five (5) year period may be granted by the County, but only upon the basis of a written application submitted to the Director of the Department of Sanitary Engineering prior to the expiration of the Five-Year Period.
- d) Upon request by the Owner to dedicate the Sewer to the County, County may, at its sole discretion, accept or decline to accept the dedication of the Sewer. County's acceptance of the dedication of the Sewer shall only be affective upon written acceptance delivered to the Owner. Upon acceptance of the Sewer, County shall assume full ownership, rights, and obligations of the Sewer. The rights and obligations shall include, without limitation, reasonable access easements across Owner's Parcel, and necessary and reasonable maintenance easements to allow for maintenance of the Sewer.
- e) Notwithstanding any other provision of this Agreement, if at any time after the Sewer passes final inspections the County determines that it is in the County's best interest to assume ownership, operation, and maintenance of the Sewer, the County may assume ownership of the Sewer, including all lines and appurtenances thereto. If the County determines it is in its best interest to assume ownership, operation and maintenance of the Sewer, then the Sewer, together with all rights and obligations of the Owner shall then and thereafter become the responsibility of the County. The rights and obligations shall include, without limitation, reasonable access easements across Owner's Parcel, and necessary and reasonable maintenance easements to allow for maintenance of the Sewer. Owner shall execute in favor of the County any easements necessary for maintenance of the Sewer at no cost to the County. The County shall inform Owner of its decision to assume ownership, operation, and maintenance of the Sewer by providing written notice to Owner, and such transfer shall be effective thirty (30) days following receipt of notice by Owner. In the event that the County, in its sole discretion, decides to assume ownership of the Sewer as described in this paragraph, the Sewer shall be dedicated to the County at no cost to the County. By execution of this Agreement, Owner expressly waives, releases, and discharges County from any and all



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claims for just compensation resulting from the County's assumption of ownership of the Sewer or the acceptance of any easements in favor of the County for the purposes of maintaining the Sewer.

- f) Acceptance by the County of any easement for the Sewer shall not obligate the County to accept dedication of the Sewer upon any subsequent request by the Owner.
  - g) In the event that the Sewer is not dedicated to the County and the County does not assume ownership of the Sewer, Owner shall remain the owner of the Sewer and shall be responsible for all maintenance, operation, and repair of the Sewer at Owner's sole cost. Owner shall maintain the Sewer in good working order and shall make any and all repairs found necessary by the County Sanitary Engineer or the City of Columbus at Owner's sole expense.
- 8) Owner shall cause a copy of this Private Sewer Agreement to be filed in the Franklin County Recorder's Office into the chain of title to provide public notice to subsequent owners.
- 9) The Sewer may be extended by the County, or the County may authorize others to extend the Sewer to serve property within the service of the County; provided, such extension shall not be inconsistent with the capacity limitations of the Sewer as originally built.
- 10) Owner shall save harmless and indemnify the County, and all of its agents, employees, and representatives from and against any and all claims, damages, losses, suits, and actions of whatever nature, including attorney's fees, arising, or resulting from the design, installation, construction, reconstruction, operation, maintenance, repair, replacement, or removal of the Sewer, or use of the Sewer easement, therefore. It is not the intent of this paragraph that the Owner save harmless and indemnify for culpable intentional or negligent acts of the County or its agents, employees, or representatives.





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IN WITNESS WHEREOF, the Board of Commissioners, Franklin County, Ohio and Airport Business Center LLC have executed this Agreement on the date(s) indicated beside their respective signatures.

**BOARD OF COMMISSIONERS,  
FRANKLIN COUNTY, OHIO**

**AIRPORT BUSINESS CENTER LLC**

John O'Grady, President

01/23/2023

Date

Kevin L. Boyce

01/23/2023

Date

Erica C. Crawley

Date

8/19/2022 | 7:20 AM PDT

Keith Atieh  
Manager

Date

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

G. GARY TYACK  
PROSECUTING ATTORNEY  
FRANKLIN COUNTY, OHIO

STEPHEN A. RENNER  
DIRECTOR, DEPARTMENT OF SANITARY ENGINEERING  
FRANKLIN COUNTY, OHIO

*Jesse Armstrong* 8/19/2022 | 10:27 AM EDT

Assistant Prosecuting Attorney Date

*Stephen A. Renner* 8/19/2022 | 10:26 AM EDT

Date