



Franklin County Board of Commissioners Rezoning Hearing

Judicial Services Building (Hall of Justice)
369 South High Street
1st Floor, Commissioners Hearing Room
Columbus, OH 43215

Tuesday, December 12, 2023
10:00 a.m.

1. Call roll for board members
2. Introduction of staff
3. Approval of minutes from the October 10, 2023 meeting
4. New Business:

i. ZON-23-11 – Marcus Duemmel

Owner/Applicant:	Five Star Realty
Agent:	Curtis H. Knapp, Esq., Northwest Law, LLC.
Township:	Franklin Township
Site:	1908 Brown Road (PID #140-004059)
Acreage:	1.140-acres
Utilities:	Public water and private wastewater
Zoning:	Rural District (R)
Request:	Requesting to rezone from the Rural District to the Community Commercial (CC) District.

*Swear in witnesses as needed

5. Adjournment of Meeting to January 9, 2024



MINUTES OF THE FRANKLIN COUNTY BOARD OF COMMISSIONERS REZONING HEARING

Tuesday October 10, 2023

The Franklin County Board of Commissioners convened in the Franklin County Commissioners Hearing Room, at 369 South High Street, Columbus, Ohio, 43215, on Tuesday, October 10, 2023.

Present were:

Erica C. Crawley, Commissioner
Kevin L. Boyce, Commissioner

Franklin County Economic Development and Planning Department:
Matt Brown, Planning Administrator
Marcus Duemmel, Planner

Kenneth Williams, Franklin County Administrator

Commissioner Crawley opened the hearing.

The first order of business being the roll call and the introduction of Staff. The next order of business was the approval of the minutes from the July 11, 2023 meeting. A motion was made by Commissioner Boyce, seconded by Commissioner Crawley, to approve the minutes of the July 11, 2023 Board of County Commissioners Rezoning Hearing. The motion passed by a vote of two yeases, zero nos, and zero abstentions.

NEW BUSINESS:

The next order of business was to hear County Rezoning Case No. ZON-23-08. The owner is Inland Products, Inc., and the applicant was Robert Sweet. The site is located in Franklin Township at 599 Frank Road. It is 4.9 acres in size and served by private water and sewer. The applicant was requesting to rezone from the General Industrial district to the Select Commercial Planned district to allow for the use of a convenience store and fuel sales facility. Staff recommended approval with conditions of the proposed rezoning. The conditions of approval are as follows: No. 1: The applicant must provide confirmation from the Ohio EPA that the proposed tanks will be suitably flood-proofed and protected to prevent injury to human, animal, and plant life in the time of flooding prior to the issuance of zoning compliance. No. 2: The Ohio Department of Transportation must approve the access points and any off-site improvements prior to the issuance of zoning compliance. No. 3: The applicant must apply for and receive a Certificate of Zoning Compliance and National Flood Insurance Program development permit from the Franklin County Economic Development and Planning Department. No. 4: Landscaping plants must be Ohio native varieties, and such information must be provided with the Certificate of Zoning Compliance application. No. 5: The proposed development must show compliance with the requirements of the Franklin County Stormwater Drainage Manual prior to approval of a zoning compliance. A motion was made by Commissioner Boyce, seconded by Commissioner Crawley, to approve County Rezoning Case No. ZON-23-08 with the conditions adopted by the Rural Zoning Commission. The motion passed by a vote of two yeases, zero nos, and zero abstentions.

The next order of business was to hear County Rezoning Case No. ZON-23-09. The owner/applicant is Groveport Storage TH, LLC. The site is located in Madison Township at 6435 Pontius Road. It is 4.18 acres in size and served by private water and wastewater. The applicant was requesting to rezone from the Limited Industrial district to the Select Commercial Planned district to allow for the use of a self-storage facility. Staff recommended approval with conditions. A motion was made by Commissioner Boyce, seconded by Commissioner Crawley, to approve County Rezoning Case No. ZON-23-09 with the three conditions recommended by staff. The motion passed by a vote of two yeses, zero nos, and zero abstentions.

There being no further business coming before the Franklin County Board of Commissioners, Commissioner Crawley adjourned the meeting. The hearing was adjourned at 10:34 a.m.

Signature

Minutes of the October 10, 2023, Franklin County Board of Commissioners' Rezoning Hearing were approved this 12th day of December, 2023.



STAFF REPORT

Board of County Commissioners
December 12, 2023

Case ZON-23-11

Prepared by: Marcus Duemmel

Owner:	Five Star Realty
Agent:	Curtis H. Knapp, Esq., Northwest Law LLC
Township:	Franklin Township
Site:	1908 Brown Road (PID #:140-004059)
Acreage:	1.140-acres
Utilities:	Private Water and Public Wastewater
Request:	Requesting to rezone from the Rural District to the Community Commercial (CC) District.

Summary

Requesting to rezone from the Rural (R) District to the Community Commercial (CC) district. Staff recommends **conditional approval**.

Request

The subject site is located on the east side of Brown Road, just north of the intersection with Frank Road in Franklin Township. The site is largely undeveloped but does contain a garage constructed in 1956. The site was cited for code violation to Section 531.051 of the Franklin County Zoning Resolution on June 9, 2023 for the parking of commercial vehicles in a residential district. The site is currently being used as an extension of a neighboring property to the south for the parking of semi-trucks and trailers. Trucks and trailers are parked on unimproved surfaces.

The rezoning is requested to enable “future conforming retail use”.

Surrounding Land Use/Zoning

The property to the north is zoned Rural. The property to the south is zoned Neighborhood Commercial (NC) with Smart Growth Overlay (SGO). The property to the east is zoned Limited Industrial (LI) with SGO. Properties across Brown Road are zoned Rural and part of the City of Columbus with one property zoned Rural and part of Franklin Township. The surrounding area is primarily a mix of mostly medium density residential with commercial and industrial uses located along Frank Road. Uses transition to industrial further to the south and east, particularly south of Frank Rd.

Comprehensive Plans

The Southwest Area Plan, adopted in 2009, recommends the subject property for “Community Commercial” development. Uses include low-to-medium intensity retails, office, or other commercial uses such as neighborhood shopping centers, offices with professional and businesses services, and other public and semi-public uses. It may allow mixed-use development with a residential component.

Staff finds that the proposed rezoning keeps with the Southwest Area Plan.

Staff Analysis

Existing zoning – Rural

The Rural district is intended for agricultural and residential development in areas where there is a lack of public utilities and other resources. Permitted uses include: agriculture, single-family dwelling, home occupation, school, park, religious use, adult family home and daycare.

Proposed zoning – Community Commercial District

The Community Commercial (CC) district is intended for a limited range of commercial and office activities.

Staff notes that the current outdoor storage and general warehouse-related truck traffic, service vehicles, and equipment, as defined as SIC Code 42 – Trucking and Warehousing, is not a permitted use in this district.

Technical Agency Review

Franklin County Economic Development and Planning

- The subject site's current configuration does not appear to comply with standards of the Community Commercial (CC) district for arrangement of uses and development.
- Even if rezoning is approved, the current use and development will not be legitimized until commercial zoning compliance is approved. Trucking and Warehousing is not a permitted use in the CC District.

No other technical agencies provided comment or expressed concern with the proposal.

Staff Review

The proposed rezoning keeps with the land use recommendation of the adopted comprehensive plan and the predominant area character on Brown Road north of the intersection with Frank Road.

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

Staff Recommendation

Based on Staff's analysis, Staff recommends ***conditional approval*** of the proposed rezoning. The conditions of approval are as follows:

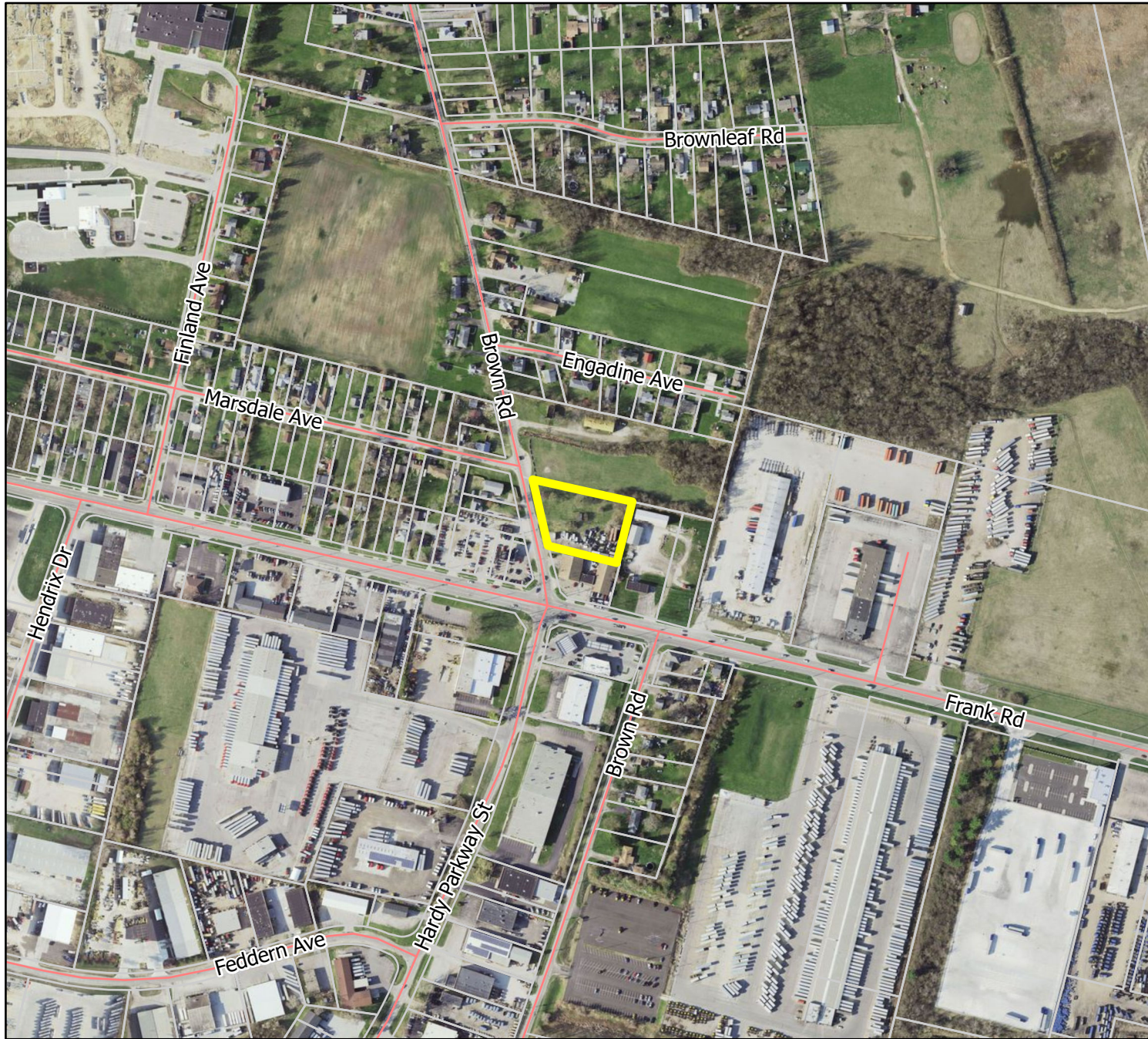
1. All development on the site must receive a Certificate of Commercial Zoning Compliance.
2. The use of the site for commercial vehicle parking and storage under SIC Code 42 must cease and all unpermitted commercial vehicles must be removed from the site.
3. Prior to the issuance of a Certificate of Commercial Zoning Compliance, the Ohio Environmental Protection Agency must approve the use of an on-site water system.

Planning Commission Recommendation

On November 8, 2023, the Franklin County Planning Commission recommended ***approval with conditions*** of the request to rezone the subject site from the Rural (R) District to the Community Commercial (CC) District with the 3 conditions recommended by Staff.

Rural Zoning Commission Action

On November 16, 2023, the Franklin County Rural Zoning Commission *approved with conditions* of the request to rezone the subject site from the Rural (R) District to the Community Commercial (CC) District with the 3 conditions recommended by Staff.

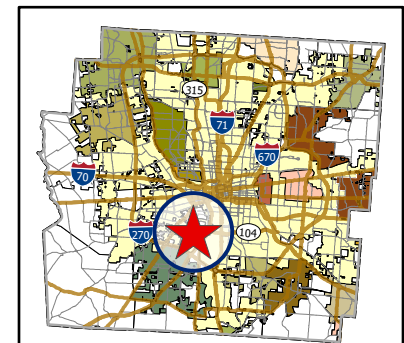


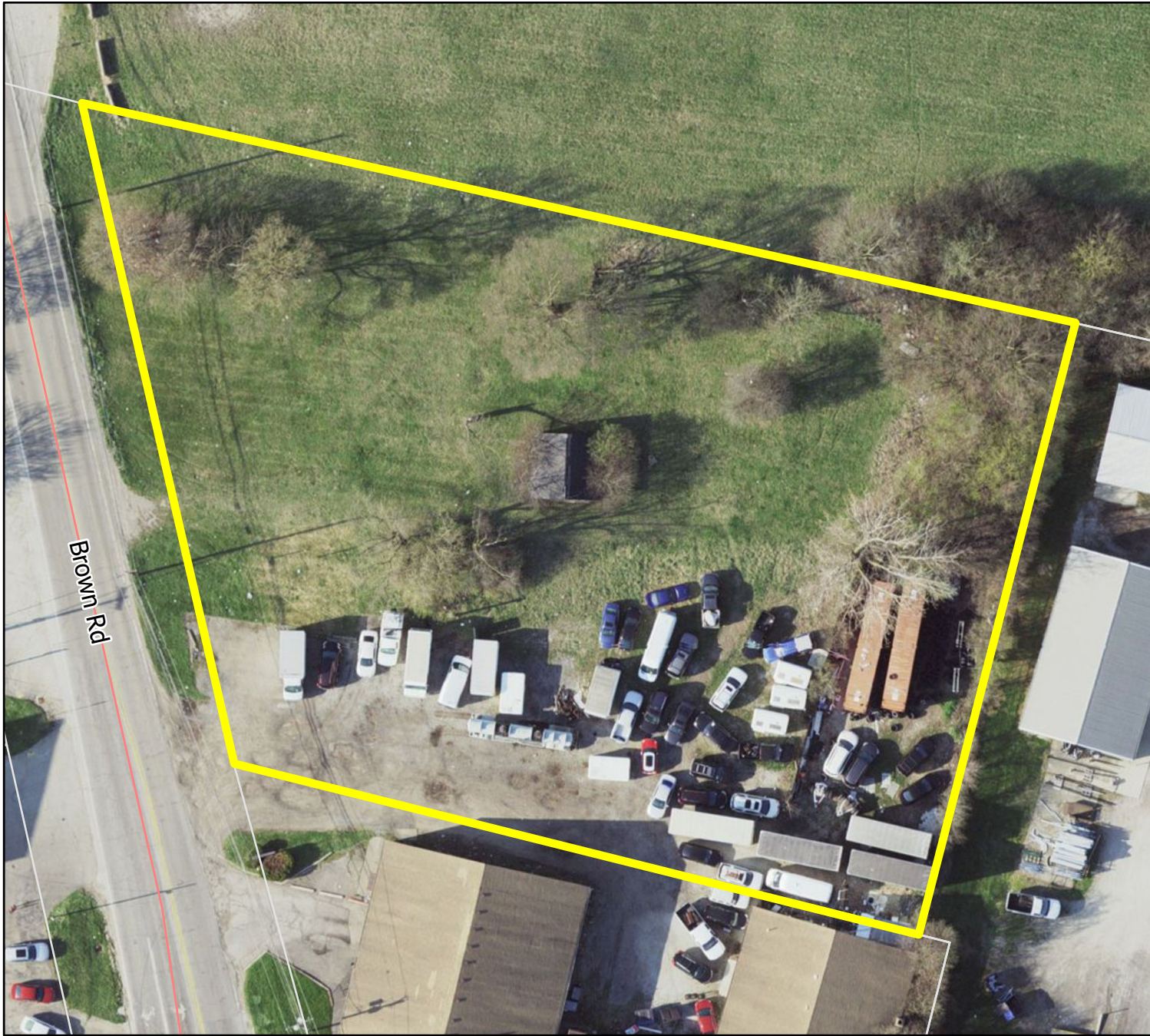
ZON-23-11

Requesting to rezone from the Rural District to the Community Commercial (CC) District.

Acres: 1.140-acres
Township: Franklin Township

- Streets
- Parcels
- 1908 Brown





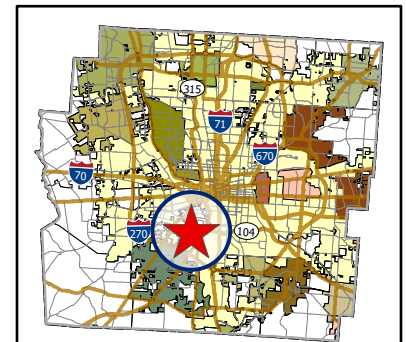


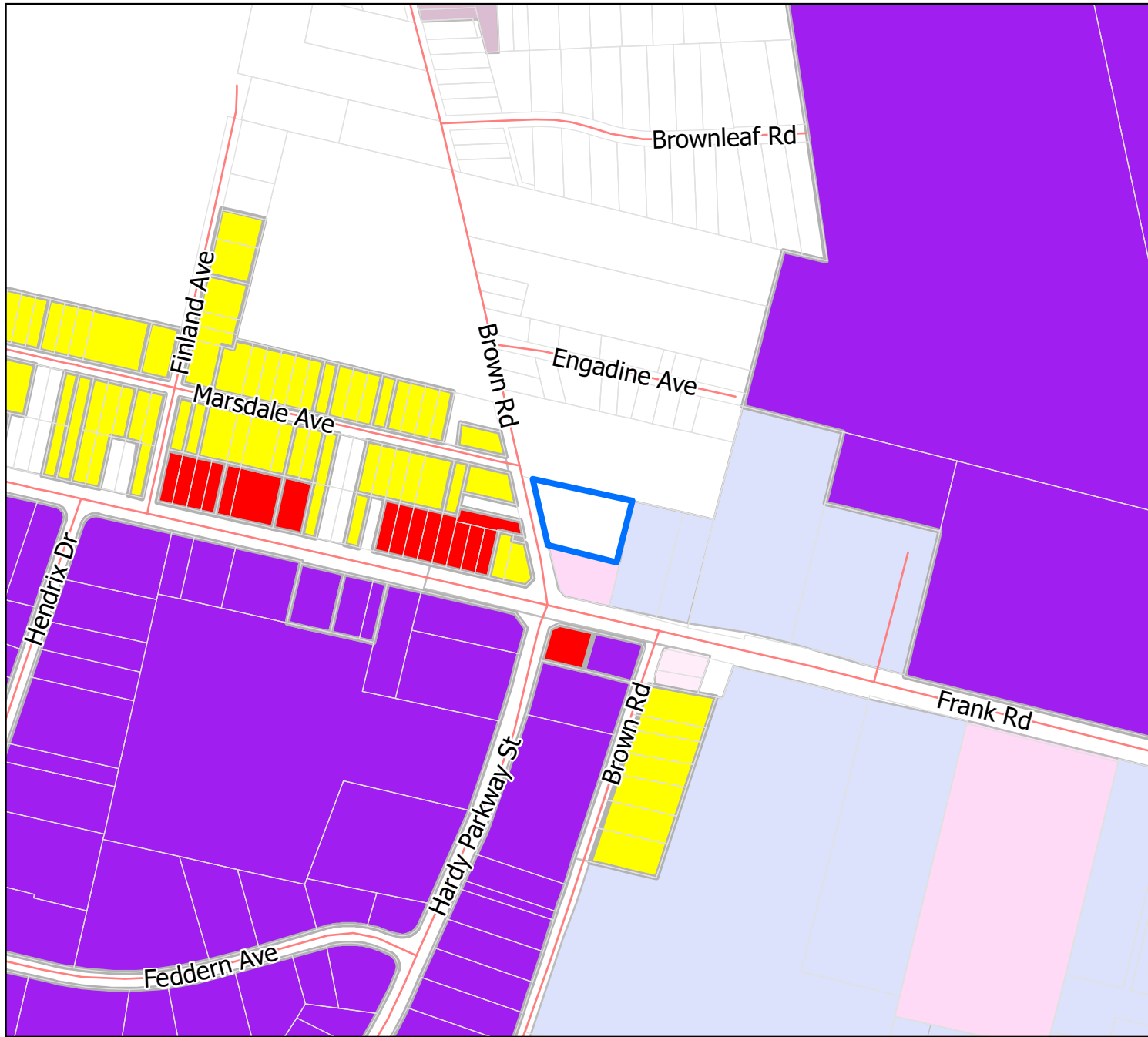
ZON-23-11

Requesting to rezone from the Rural District to the Community Commercial (CC) District.

Acres: 1.140-acres
Township: Franklin Township

-  Streets
-  Parcels
-  1908 Brown





ZON-23-11

Requesting to rezone from the Rural District to the Community Commercial (CC) District.

Acres: 1.140-acres
Township: Franklin Township

Streets

— Streets

Parcels

□ Parcels

1908 Brown

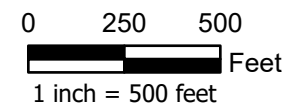
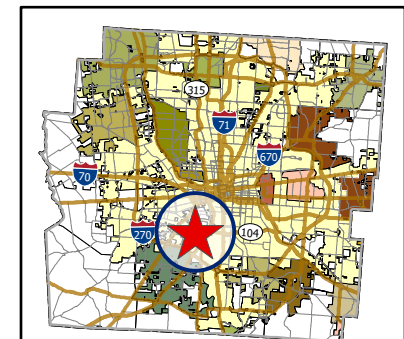
▭ 1908 Brown

Zoning - County

- Community Commercial
- Community Service
- Limited Industrial
- Neighborhood Commercial
- Restricted Industrial
- Rural
- Select Commercial Planned District
- Suburban Apartment Residential
- Suburban Office and Institutional
- Not in Jurisdiction

Columbus Base Zoning Districts

- Commercial
- Manufacturing
- Residential





Property Information

Site Address:
1908 Brown Road, Columbus, Ohio 43223

Parcel ID(s): 140-004059-00

Total Acreage: 1.41 Township: **Franklin**

Property Description

Acres to be rezoned:
1.41

Current Land Use: **Vacant**

Surrounding Land Uses:

North	Zoned residential but used for commercial purposes
South	Commercial
East	Industrial
West	Brown Road right-of-way/commercial

Rezoning Request

Current Zoning: ~~Residential~~ **Rural (R)**

Proposed Zoning: **Community Commercial**

Proposed Land Use: **Conforming retail use**

Purpose for Request: **To rezone for potential future conforming retail use**

Staff Use Only

Case #
#ZON-23-11

Date Filed: 10/17/23

Fee Paid: N/A Revised Materials

Receipt # N/A

Received By: **Kayla**

Technical Review Date: 10/24/23

Big Darby Panel Date: N/A

Planning Commission Date: 11/8/23

Rural Zoning Commission Date:
11/16/23

Commissioners Date: 12/12/23

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: Five Star Realty, an Ohio general partnership

Address:

c/o Curtis H. Knapp, Esq., Northwest Law LLC
1160 Dublin Road, Suite 500, Columbus, Ohio 43215

Phone # 614-610-4000

Fax # 866-244-1335

Email: curt@northwest.law

Applicant Information

Same as property owner

Name: Five Star Realty, an Ohio general partnership

Address:

c/o Curtis H. Knapp, Esq., Northwest Law LLC
1160 Dublin Road, Suite 500, Columbus, Ohio 43215

Phone # 614-610-4000

Fax # 866-244-1335

Email: curt@northwest.law



Franklin County Board of Commissioners

ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department
James Schimmer, Director

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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 Five Star Realty, an Ohio general partnership
By: Curtis H. Knapp, Authorized Agent

10/17/2023

Date

Property Owner (Signature must be notarized) Five Star Realty, an Ohio general partnership
By: Curtis H. Knapp, Esq., Authorized Agent

10/17/2023

Date

Property Owner (Signature must be notarized)

Date

State of Ohio :
County of Franklin : ss:

The foregoing Amended Rezoning Application was acknowledge before me this 17th day of October, 2023, by Curtis H. Knapp, Authorized Agent for Five Star Realty, an Ohio general partnership, on behalf of said partnership.



LORIA A. SPITZER
Notary Public, State of Ohio
My Commission Expires 10-12-2025

Notary Public

My commission expires _____



Franklin County
Board of Commissioners

**ECONOMIC DEVELOPMENT
& PLANNING**

Economic Development & Planning Department
James Schimmer, Director

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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.