

**REZONING APPLICATION**

**Department of Building & Zoning Services**  
Scott Messer, Director  
757 Carolyn Avenue, Columbus, Ohio 43224-3218  
Phone: 614-645-7433 www.columbus.gov

OFFICE USE ONLY

Application #: 217-044 Date Received: 10/24/17  
Application Accepted By: TD Fee: \$13,760  
Assigned Planner: Kelsey Priebe; 614-645-1341; krpriebe@columbus.gov

**LOCATION AND ZONING REQUEST:**

Certified Address (for Zoning Purposes) 6500 Tussing Road Zip 43068  
Is this application being annexed into the City of Columbus  Yes  No (select one)  
*If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.*  
Parcel Number for Certified Address 010-007362; 010-200001; and 010-238624  
 Check here if listing additional parcel numbers on a separate page.  
Current Zoning District(s) CPD Requested Zoning District(s) L-M  
Area Commission Area Commission or Civic Association: Far East Area Commission  
Proposed Use or reason for rezoning request: Re-development of site to construction four warehouse / flex space buildings and two commercial outlots (continue on separate page if necessary)  
Proposed Height District: 60 Acreage 34+/-  
[Columbus City Code Section 3309.14]

**APPLICANT:**

Name Benderson Development Co. LLC  
Address 570 Delaware Avenue City/State Buffalo, New York Zip 14202  
Phone # 716-878-9626 Fax # \_\_\_\_\_ Email JMB@benderson.com

**PROPERTY OWNER(S):**

Name 93 OHRPT LLC  
Address 570 Delaware Avenue City/State Buffalo, New York Zip 14202  
Phone # 716-878-9626 Fax # \_\_\_\_\_ Email JMB@benderson.com  
 Check here if listing additional property owners on a separate page

**ATTORNEY / AGENT** (CHECK ONE IF APPLICABLE)  Attorney  Agent

Name Jill S. Tangeman, Esq.  
Address 52 East Gay Street City/State Columbus, OH Zip 43215  
Phone # 614-464-5608 Fax # 614-719-4638 Email: jstangeman@vorys.com

**SIGNATURES** (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE [Signature]  
PROPERTY OWNER SIGNATURE [Signature] See attached for owner signature.  
ATTORNEY / AGENT SIGNATURE [Signature]

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.  
Applications must be submitted by appointment. Call 614-645-4522 to schedule.  
Please make all checks payable to the Columbus City Treasurer

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Proposed Height District: 60 Acreage 41.4 +/- 34 +/-  
[Columbus City Code Section 3309.14]

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Phone: 614-645-7433 www.columbus.gov

**AFFIDAVIT**

(See instruction sheet)

APPLICATION # 217-044

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jill S. Tangeman, Esq.  
of (1) MAILING ADDRESS 52 East Gay Street, Columbus, OH 43215

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) CERTIFIED ADDRESS FOR ZONING PURPOSES 6500 Tussing Road  
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 10/24/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) 93 OHRPT LLC  
570 Delaware Avenue, Buffalo, NY 14202

Check here if listing additional property owners on a separate page.

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

Benderson Development Co. LLC  
c/o Jim Boglioli #716-878-9626

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5) Far East Area Commission  
696 Cedar Run Drive, Blacklick, OH 43004

and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

SIGNATURE OF AFFIANT

(8) Jill Tangeman

Sworn to before me and signed in my presence this 23rd day of October, in the year 2017

SIGNATURE OF NOTARY PUBLIC

(8) Michelle L. Parmenter

My Commission Expires:

Notary Seal Here



**MICHELLE L. PARMENTER**  
Notary Public, State of Ohio  
My Commission Expires  
10-16-2022

This Affidavit expires six (6) months after date of notarization.

Jill Tangeman, Esq.  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
Columbus, Ohio 43215

93 OHRPT LLC  
Or Current Occupant  
7978 Cooper Creek Blvd.  
Suite 100  
University Park, Florida 34201-2141

JMJ and JJJ LLC  
Or Current Occupant  
P.O. Box 3564  
Rancho Santa Fe, California 92067

JMJ and JJJ LLC  
c/o G Made Inc.  
Or Current Occupant  
2738 N. Main St., Suite A  
Findlay, OH 45840-4035

Zivko Kuzarevski  
Or Current Occupant  
8400 Creek Hollow Road  
Blacklick, Ohio 43004-8695

Coughlin Investments Ltd.  
Or Current Occupant  
P.O. Box 1474  
Pataskala, Ohio 43062-1474

Randall Benderson, David H. Baldauf,  
Nathan Benderson & Ronald Benderson, Tr.  
Or Current Occupant  
570 Delaware Avenue  
Buffalo, NY 14202-1206

GFS Merger III LLC  
Or Current Occupant  
330-50<sup>th</sup> St. SW  
Grand Rapids, Michigan 49501

GFS Merger III LLC  
c/o Gordon Food Service  
Or Current Occupant  
P.O. Box 2992  
Grand Rapids, Michigan 49501-2992

Impala Capital LLC  
Or Current Occupant  
P.O. Box 110962  
Campbell, California 95011-0962

Burger King Corporation  
Or Current Occupant  
P.O. Box 460189  
Houston, Texas 77056-8189

Pingree 2000 Real Estate Holdings LLC  
Or Current Occupant  
600 Corporate Park Drive  
Saint Louis, Missouri 63105-4211

United Dairy Farmers Inc.  
Or Current Occupant  
3955 Montgomery Road  
Cincinnati, Ohio 45212-3733

Robinson Investments Ltd.  
Or Current Occupant  
811 N. Main Street  
Bellefontaine, Ohio 43311-2300

Tussing & Brice Duchess LLC  
Or Current Occupant  
447 James Parkway  
Heath, Ohio 43056-1098

Realty Income Corp.  
Or Current Resident  
220 W. Crest Street  
Escondido, California 92025

Realty Income Corp.  
Or Current Resident  
c/o Attention Portfolio Mang. 1744  
11995 El Camino Real, Suite 101  
San Diego, California 92130-2565

Galileo Apollo I Sub LLC  
Or Current Occupant  
P.O. Box 4900 Dept. 124  
Scottsdale, Arizona 85261-4900

MSK Ohio Tussing Road LLC  
Or Current Occupant  
180 N. Stetson Avenue, Suite 4500  
Chicago, Illinois 60601

**REZONING APPLICATION**

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

**PROJECT DISCLOSURE STATEMENT**

Parties having a 5% or more interest in the project that is the subject of this application.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION # 217-044

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Jill S. Tangeman, Esq.  
of (COMPLETE ADDRESS) 52 East Gay Street, Columbus, OH 43215

deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

Name of business or individual  
Business or individual's address  
Address of corporate headquarters  
City, State, Zip  
Number of Columbus based employees  
Contact name and number

<p>1. 93 OHRPT LLC 570 Delaware Avenue, Buffalo, NY 14202 0 Columbus Employees c/o Jim Boglioli #716-878-9626</p>	<p>2.</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

*Jill Tangeman*

Subscribed to me in my presence and before me this 23 day of October, in the year 2017

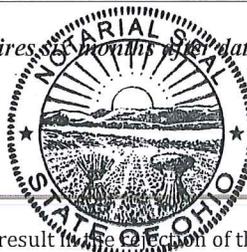
SIGNATURE OF NOTARY PUBLIC

*Michelle L. Parmenter*

My Commission Expires:

This Project Disclosure Statement expires 12 months from date of notarization.

Notary Seal Here



**MICHELLE L. PARMENTER**  
Notary Public, State of Ohio  
My Commission Expires  
10-16-2022

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# City of Columbus Zoning Plat



## ZONING NUMBER

The Zoning Number Contained on This Form  
is Herein Certified to Obtain Zoning, Rezoning,  
and Variances, and is NOT to be Used for  
the Securing of Building & Utility Permits

Parcel ID: 010200001, 010007362, 010238624

Zoning Number: 6500

Street Name: TUSSING RD

Lot Number: N/A

Subdivision: N/A

Requested By: BENDERSON DEVELOPMENT COMPANY (JAMES BOGLIOLI)

Issued By: *Regina Amarian*

Date: 9/29/2017



FRANK D. WILLIAMS, ADMINISTRATOR  
DIVISION OF INFRASTRUCTURE MANAGEMENT  
COLUMBUS, OHIO

SCALE: 1 inch = 400 feet

GIS FILE NUMBER: 103495

217-044

**34 ACRE TRACT  
REZONING DESCRIPTION**

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Half Section 41, Section 24, Township 12, Range 21 of the Refugee Lands, being a part of that 50.431 acre tract as conveyed to 93 OHRPT, LLC, by deed of record in Instrument Number 201709010121349, and a part of that 11.148 acre tract as conveyed to the Benderson 85-1 Trust by deed of record in Instrument Number 200101020000531 , (all records of the Recorder's Office, Franklin County, Ohio);

**Beginning** at a northeasterly corner of said 50.431 acre tract;

Thence South 03°58'55" West, a distance of 1416.5 feet, along the easterly lines of said 50.431 acre and 11.148 acre tracts to a point;

Thence North 86°01'05" West, a distance of 1066.0 feet, across said 50.431 acre and 11.148 acre tracts, parallel to the centerline of Tussing Road, to a point;

Thence North 03°58'55" East, a distance of 1266.4 feet, across said 50.431 acre tract to a point in the existing southerly right-of-way line of Interstate 70;

Thence North 49°24'55" East, a distance of 159.3 feet, along the existing southerly right-of-way line of Interstate 70, and along a northerly line of said 50.431 acre tract to a point;

Thence South 88°19'25" East, a distance of 953.3 feet, along the existing southerly right-of-way line of Interstate 70, and along a northerly line of said 50.431 acre tract to the **Point of Beginning**, containing 34.00 acres.

This description is not based on an actual field survey, is for rezoning purposes only, and is not to be used for the transfer of real property.

The bearings shown hereon are based on the bearing of South 03°58'55" West, for the easterly line of said 50.431 acre tract as recorded in Instrument Number 201709010121349.



**Stantec Consulting Services Inc.**

*Tim A. Baker* 10-23-17

Tim A. Baker                      Date  
Professional Surveyor No. S-7818



## LIMITATION TEXT

**Property Location:** 6500 Tussing Road, Columbus, Ohio 43068  
**Parcel No.:** 010-007362; 010-200001; and 010-238624  
**Owner:** 93 OHRPT LLC  
**Applicant:** Benderson Development Company LLC  
**Proposed District:** L-M - Limited Manufacturing  
**Date of Text:** October 23, 2017  
**Application No.:** Z17- 044

### **I. INTRODUCTION**

The subject property consists of 34 +/- acres (the "Site") located north of Tussing Road, south of I-70 and east of Brice Road. The property to the west and south of the Site is zoned CPD. The property to the east of the Site is zoned M-2.

The applicant proposes to rezone the Site to L-M to allow for the construction of four warehouse / flex space buildings.

### **II. PERMITTED USES**

A. All uses in the C-1 zoning district (Chapter 3351), C-2 zoning district (Chapter 3353) and C-3 zoning district (Chapter 3355) shall be permitted.

B. All uses in the C-4 zoning district (Chapter 3356) shall be permitted except the following shall be prohibited:

- i. adult bookstore;
- ii. adult motion picture theater;
- iii. adult-only entertainment

C. All uses in the M-Manufacturing zoning district (Chapter 3363) shall be permitted.

### **III. DEVELOPMENT STANDARDS:**

#### A. Setbacks.

- 1. The building and parking setback along Tussing Road shall be twenty-five (25) feet.

#### B. Access and Traffic Standards.

- 1. The Site will utilize the three existing curb cuts on Tussing Road for access.

#### C. Buffering and Screening Commitments.

- 1. Two retention basins will be constructed along the east boundary of the site as shown on the site plan attached hereto as Exhibit A (the "Site Plan").

D. Graphics.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code. Any variances to the above requirements will be submitted to the Columbus Graphics Commission for consideration.

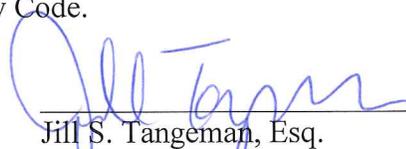
E. Dumpsters, Lighting, Outdoor Display Areas.

1. Pole lighting shall not exceed 25 feet in height.

F. Miscellaneous.

1. The developer shall comply with the park land dedication ordinance by contributing money to the City's Recreation and Parks Department.
2. The site shall be developed in general conformance with the submitted Site Plan attached hereto as Exhibit A. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

The undersigned, being the owner and the applicant or other authorized representative, does hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by the above restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that she fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Code.



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Jill S. Tangeman, Esq.

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street

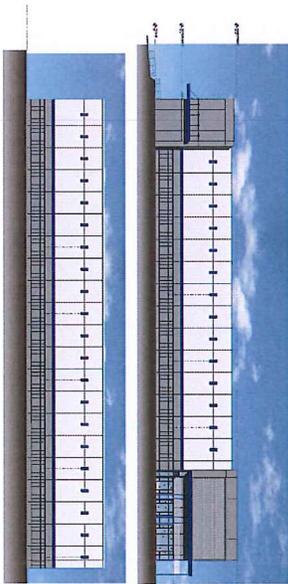
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Phone: 614-464-5608

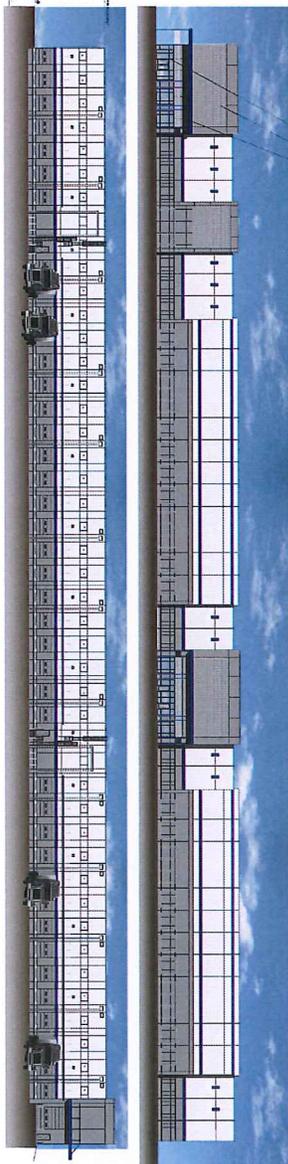
Fax: 614-719-4638

Email: [jstangeman@vorys.com](mailto:jstangeman@vorys.com)





TO BUILD

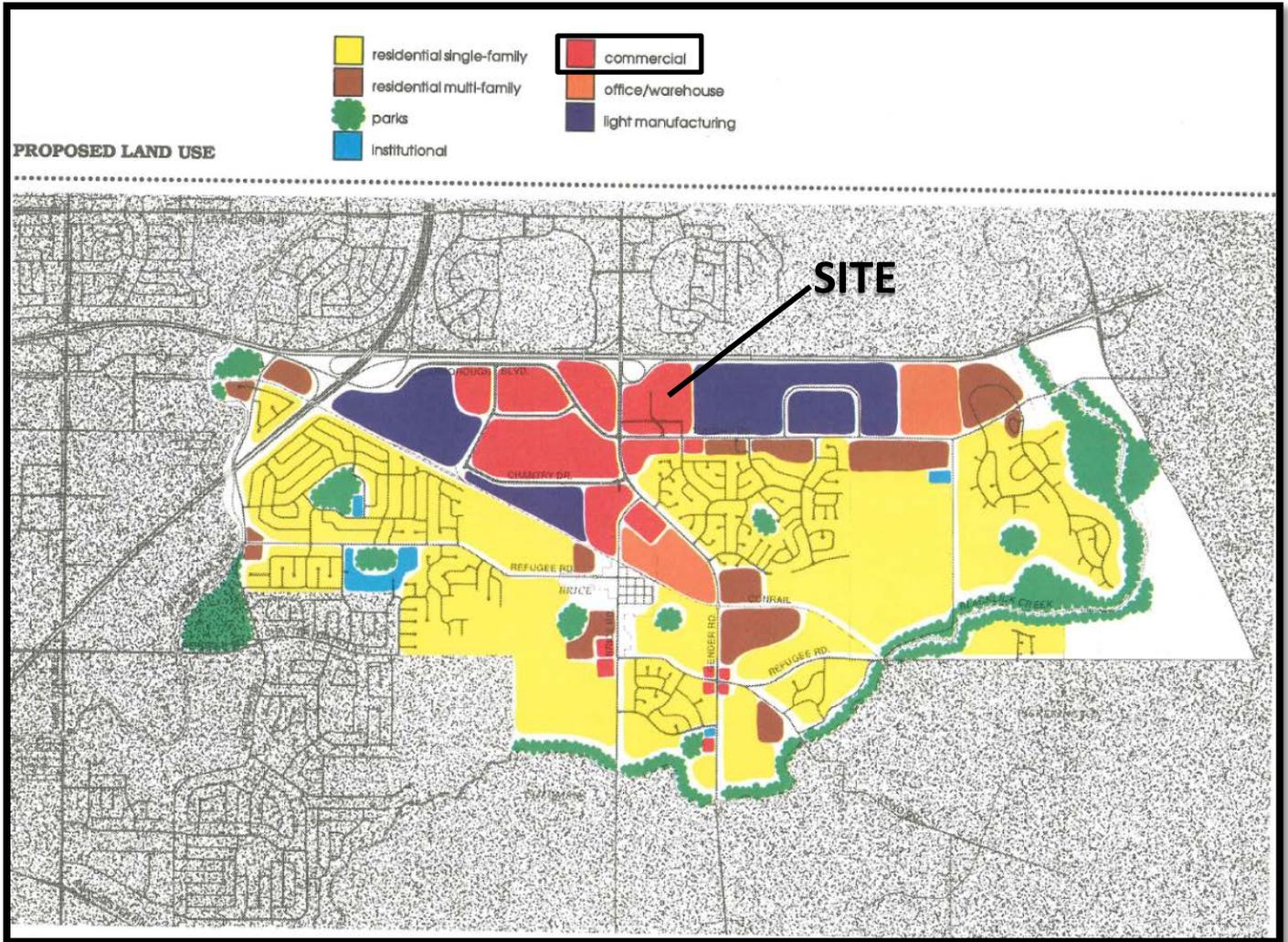


TO BUILD

ALUMINUM TERRAZZO  
 FINISHED WITH PRECAST PANELS  
 STEEL CANOPY



Brice-Tussing Plan (1990)



Z17-044  
6500 Tussing Road  
Approximately 34 acres  
From CPD to L-M



Z17-044  
6500 Tussing Road  
Approximately 34 acres  
From CPD to L-M