



REZONING APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application #: Z11-010 / 11335-00000-00129
Date Received: 4/5/11
Application Accepted By: S. Pine Fee: \$4775
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 813 Kinnear Road, Columbus, OH Zip 43212
Is this application being annexed into the City of Columbus Yes No (circle 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 130-011852 and 420-268862
 Check here if listing additional parcel numbers on a separate page.
Current Zoning District(s) 130-011852: (LI, Limited Industrial), 420-268862 (L-M) Requested Zoning District(s) L-M and AR-2
Recognized Area Commission Area Commission or Civic Association None
Proposed Use or reason for rezoning request: AR-2: Multi-family residential; L-M: existing zoning (text modification)
(continue on separate page if necessary)
Proposed Height District: H-35 Acreage 5.79 +/- Ac
[Columbus City Code Section 3309.14]

APPLICANT:

Name Kinnear Road Redevelopment LLC c/o Dave Perry, David Perry Co., Inc.
Address 145 East Rich Street, 3rd Flr. City/State Columbus, OH Zip 43215
Phone # (614) 228-1727 Fax # (614) 228-1790 Email dave@daveperryco.net

PROPERTY OWNER(S):

Name Julia E. Pfeifer c/o Donald Plank, Plank Law Firm
Address 145 East Rich Street, 3rd Flr. City/State Columbus, OH Zip 43215
Phone # (614) 947-8600 Fax # (614) 228-1790 Email dplank@planklaw.com
 Check here if listing additional property owners on a separate page

ATTORNEY AGENT (CHECK ONE IF APPLICABLE) Attorney Agent

Name Donald Plank, Plank Law Firm
Address 145 East Rich Street, 3rd Flr. City/State Columbus, OH Zip 43215
Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com

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

APPLICANT SIGNATURE Kinnear Road Redevelopment LLC by David B. Perry, Agent
PROPERTY OWNER SIGNATURE Donald Plank attorney in property owners
ATTORNEY AGENT SIGNATURE Donald Plank

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.
For all questions regarding this form and fees please call: 614-645-4522
Please make all checks payable to the Columbus City Treasurer

Supplemental Property Owners List

Rezoning: Z11-010, 813 Kinnear Road, Columbus OH, 43212

- 1) Julia E. Pfeifer
c/o Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Fl.
Columbus, OH 43215
PID: 130-011852
(pending annexation)

- 2) Nittany Lions LTD
c/o Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Fl.
Columbus, OH 43215
PID: 420-268862



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: 130011852, 420268862

Zoning Number: 813

Street Name: KINNEAR RD

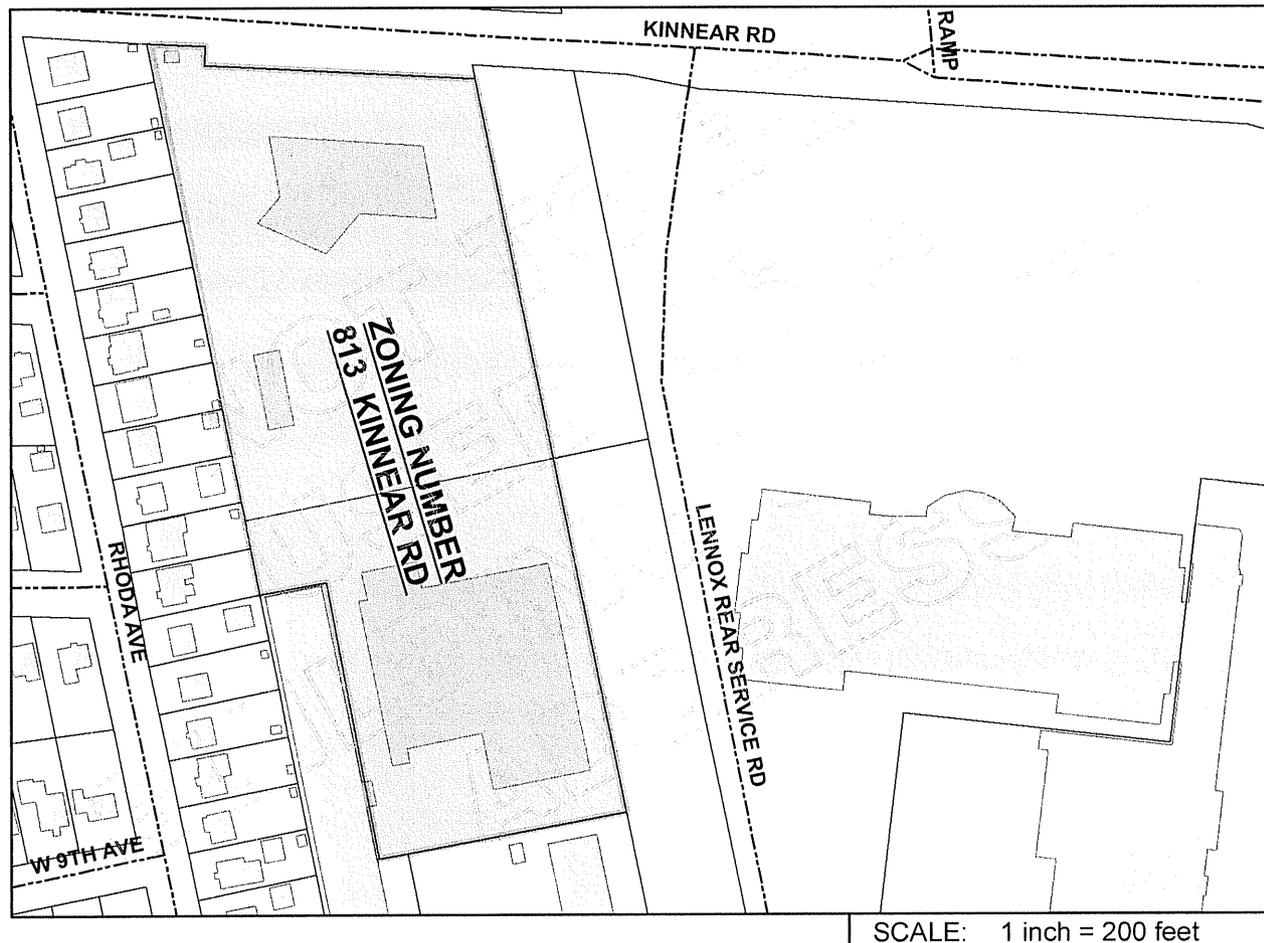
Lot Number: N/A

Subdivision: N/A

Requested By: DAVE PERRY CO (DAVE PERRY)

Issued By: *Patricia A. Austin*

Date: 4/4/2011



SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 1685



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO

211-010

Supplemental Property Owners List

Rezoning: Z11-010, 813 Kinnear Road, Columbus OH, 43212

- 1) Julia E. Pfeifer
c/o Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215

PID: 130-011852
(pending annexation)

- 2) Nittany Lions LTD
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Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215

PID: 420-268862



REZONING APPLICATION

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757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

AFFIDAVIT

(See instruction sheet)

APPLICATION # Z11-010

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David B. Perry, Agent
of (1) MAILING ADDRESS David Perry Co., Inc., 145 East Rich Street, 3rd Flr., Columbus, OH 43212

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 813 Kinnear Road, Columbus, OH 43212

for which the application for a rezoning, variance, special 415/11 permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

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

(4) Julia E. Pfeifer
c/o Donald Plank, Plank Law Firm
145 East Rich Street, 3rd FLr.
Columbus, OH 43215

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

Kinnear Road Redevelopment LLC
c/o Dave Perry, Agent, (614) 228-1727

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

(5) None

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)

SEE EXHIBIT A
SIGNATURE OF AFFIANT

(8) David B. Perry

Subscribed to me in my presence and before me this 5th day of APRIL, in the year 2011

SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

This Affidavit expires six months after date of notarization.

Notary Seal Here



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

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Exhibit A
813 Kinnear Road
Z11-010
April 5, 2011

APPLICANT:

Kinnear Road Redevelopment LLC
c/o Dave Perry
David Perry Co., Inc.
145 East Rich Street, 3rd Floor
Columbus, OH 43215

PROPERTY OWNER:

Julia E. Pfeifer
c/o Donald Plank,
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215

Nittany Lions LTD
c/o Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215

ATTORNEY FOR APPLICANT

Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215-5240

COMMUNITY GROUP/COALITION:

N/A

**SURROUNDING PROPERTY
OWNERS (125 Feet)**

CSX Transportation Inc
Tax Department
500 Water Street
Jacksonville, FL 32202

Linda M. Coubeaux
1724 Rhoda Avenue
Columbus, OH 43212

Joel and Michelle Swearingen
1744 Rhoda Avenue
Columbus, OH 43212

Diane V Goubeaux
1712 Rhoda Avenue
Columbus, OH 43212

Pauline F Smith et al
1730 Rhoda Avenue
Columbus, OH 43212

Brian and Joan Garrett
9701 Cherry Fork Road
Winchester, OH 45697

Nicholas Beeler
1718 Rhoda Avenue
Columbus, OH 43212

Kelly Geier
1738 Rhoda Avenue
Columbus, OH 43212

Hakeem Shittu
1758 Rhoda Avenue
Columbus, OH 43212

Shaun A Fontanella
1764 Rhoda Avenue
Columbus, OH 43212

Havonda A. Basich
1772 Rhoda Avenue
Columbus, OH 43212

Ty C Henkalin
1778 Rhoda Avenue
Columbus, OH 43212

James W Manning Jr.
1784 Rhoda Avenue
Columbus, OH 43212

Karen S. Slone
1790 Rhoda Avenue
Columbus, OH 43212

Stephen and Lois Kellough
1798 Rhoda Avenue
Columbus, OH 43212

Donald C Cochran TR
Lenor R Cochran TR
One Woodside Drive
Mount Vernon, OH 43050

William and Holly Waidelich
9715 Bellflower Drive
Zionsville, IN 46077

Michael R Wile
1230 W. 5th Avenue
Columbus, OH 43212

James R Adams
1824 Rhoda Avenue
Columbus, OH 43212

EMKA LLC
1830 Rhoda Avenue
Columbus, OH 43212

Keith and Gwenyth Ley
1838 Rhoda Avenue
Columbus, OH 43212

Bradley D Sauder
31 Glenbrook Road
Leola, PA 17540

Rail Products International, Inc
Magnetek-National Electric Coil
800 King Avenue
Columbus, OH 43212

Storage Equities Inc
PS Partners III Mid-Ohio
PO Box 25025
Glendale, CA 91221

Livingston Limited Inc
Management Group Inc
1515 Lake Shore Drive, # 250
Columbus, OH 43204

Lennox Town Center Limited
Developers Diversified
3300 Enterprise Boulevard
PO Box 228042
Beachwood, OH 44122

ALSO NOTIFY:

James D. Schrim, III
Kinnear Road Redevelopment LLC
500 West Wilson Bridge Road
Suite 145
Worthington, Ohio 43085

Brady Ehrhardt
Kinnear Road Redevelopment LLC
500 W. Wilson Bridge Road
Suite 145
Worthington, Ohio 43085

Andrew Wecker, Esq.
Kinnear Road Redevelopment LLC
500 W. Wilson Bridge Road
Suite 145
Worthington, OH 43085

Glen A. Dugger, Esq.
Smith and Hale LLC
37 West Broad Street, Suite 725
Columbus, OH 43215

Nittany Lions LTD
1930 Cambridge Blvd.
Columbus, OH 43212

Julia E. Pfeifer
3234 Kiess Road
Bucyrus, OH 44820

SHEET 2 of 2

April 5, 2011
Z11 - 010
813 Kinnear Road



REZONING APPLICATION

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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 # Z11-010

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank

of (COMPLETE ADDRESS) Plank Law Firm, 145 East Rich Street, 3rd Fl., 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. Julia E. Pfeifer c/o Donald Plank, Plank Law Firm 145 East Rich Street, 3rd Fl. Columbus, OH 43215 # of Columbus Based Employees: 0 Contact: Donald Plank, (614) 947-8600</p>	<p>2. Kinneer Road Redevelopment LLC c/o Donald Plank, Plank Law Firm 145 East Rich Street, 3rd Fl. Columbus, OH 43215 # of Columbus Based Employees: 0 Contact: Donald Plank, (614) 947-8600</p>
<p>3. Nittany Lions LTD 1930 Cambridge Boulevard Columbus, OH 43212 # of Columbus Based Employees: 0 Contact: Ray Tesner, (614) 739-1661</p>	<p>4. ----- -----</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 5th day of APRIL, in the year 2011

SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

This Project Disclosure Statement expires six months after date of notarization.

Notary Seal Here



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

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Please make all checks payable to the Columbus City Treasurer

**L-M, Limited Manufacturing District
813 Kinnear Road,
Columbus, OH 43212**

PROPOSED DISTRICT: L-M, Limited Manufacturing District
EXISTING DISTRICT: L-M, Limited Manufacturing (Z03-099)
ACRES: 1.22 +/- acres
PROPERTY ADDRESS: 813 Kinnear Road Columbus, OH 43212
OWNER(S): Nittany Lions LTD c/o Donald Plank,
Plank Law Firm, 145 East Rich Street, 3rd Flr.
Columbus, OH 43215
APPLICANT: Kinnear Road Redevelopment LLC c/o Dave
Perry, David Perry Co., Inc., 145 East Rich
Street, 3rd Flr., Columbus, OH 43215 and
DATE OF TEXT: April 5, 2011
APPLICATION NUMBER: Z11-010

INTRODUCTION: The subject property is located south of Kinnear Road, east of Rhoda Avenue and west of Lennox Town Center. The property (3.75 +/- acres) was rezoned in 2004 after annexation from Clinton Township (LI, Limited Industrial District) as a comparable zoning (Z03-099, Ordinance 1283-2004, passed July 19, 2004) to the City of Columbus L-M, Limited Manufacturing District (Z03-099, Ordinance 1283-2004). In conjunction with the current rezoning request to rezone from L-M to L-M, applicant is rezoning 4.57 +/- acres to the AR-2, Apartment Residential District, including part of the L-M area established by Ordinance 1283-2004, which, with Kinnear Road right of way dedication in 2004, results in the net area of the L-M district being 1.22 +/- acres. The L-M area is being rezoned solely to remove a provision of the current L-M text (Section 2. Development Standards, C. Buffering, Landscaping, Open Space and/or Screening Requirements, Sub-paragraph 2), which requires certain buffer requirements where adjacent to residential uses. At the time of the Z03-099 rezoning, the only adjacency of the site to residential uses was along the west property line of 807 Kinnear Road (PID: 420-268862). In conjunction with this application, applicant also proposes to rezone a portion of the L-M, including where presently contiguous to Clinton Township residential uses west of the current west property line of 807 Kinnear Road to the AR-2, Apartment Residential District. The intent of the buffer language was to buffer the Clinton Township residential uses, which will no longer be applicable to the L-M, 1.22 +/- acre area.

1. PERMITTED USES: Those uses permitted in C.C. 3363.01, Manufacturing Districts, C.C. 3363.02 through 3363.08, Warehouse, storage and sales establishment – Less Objectionable Uses, and 3363.175, Telecommunications Antennas. Telecommunication antennas shall be restricted to the southeast quadrant of the site. The following uses are prohibited: Adult entertainment establishment; Adult Store; Automobile and Light Truck Dealers; Automotive Sales, Leasing and Rental; Bars, Cabarets and Nightclubs; Blood and Organ Banks; Check Cashing and Loans; Community Food Pantry; Missions/Temporary Shelters; Motorcycle, Boat and Other Motor Vehicle Dealers; Motor Vehicle Accessories and Parts Dealers; Outdoor Power Equipment Sales; Pawn Brokers; Recreational Vehicle Dealers; Truck, Utility Trailer and RV (Recreational Vehicle) Sales, Rental and Leasing; Warehouse Clubs and Super Centers; Drive-in Motion Picture Theaters; Farm Equipment and Supply Stores; Garden, Landscaping and

Nursery Centers and Sales; Hospitals; Lawn and Garden Equipment and Supplies Stores; Performing Arts, Spectator Sports and Related Industries; Animal Shelter; Halfway House; Veterinarians (Unlimited practice); Coin-operated Laundries; Repossession Services; Display Advertising; Armored Car, Investigation Guard and Security Services; Astrology, Fortune Telling and Palm Reading; Butcher Shops, Fish, Meat and Seafood Markets (Unlimited size); Parking Garages; Crematory.

2. DEVELOPMENT STANDARDS: Unless otherwise indicated, the applicable development standards are contained in Chapter 3363, n, Manufacturing District of the Columbus City Code.

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

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

All circulation, curb cuts and access points shall be subject to the approval of the Public Service Department.

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

Landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced at the next planting season or within six (6) months.

D. Building Interior-Exterior Commitments. N/A

E. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments. N/A

F. Graphics and/or Signage Commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code, as it applies to the M, Manufacturing District and any variance to those requirements shall be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments.

Existing conditions are recognized as legal and non-conforming to the extent that they do not meet the standards set forth in Chapters 3363, 3312 and 3321, inclusive, of the Columbus City Code.

The undersigned, being the owner and/or applicant or owner's and/or applicant's representatives in the subject application, does hereby agree singularly and collectively for himself, his heirs, successors and assigns, to abide by above restrictions, conditions,

and commitments regarding development of the subject property and for such purpose each states that he 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.

David B. Perry, Agent for Applicant Date

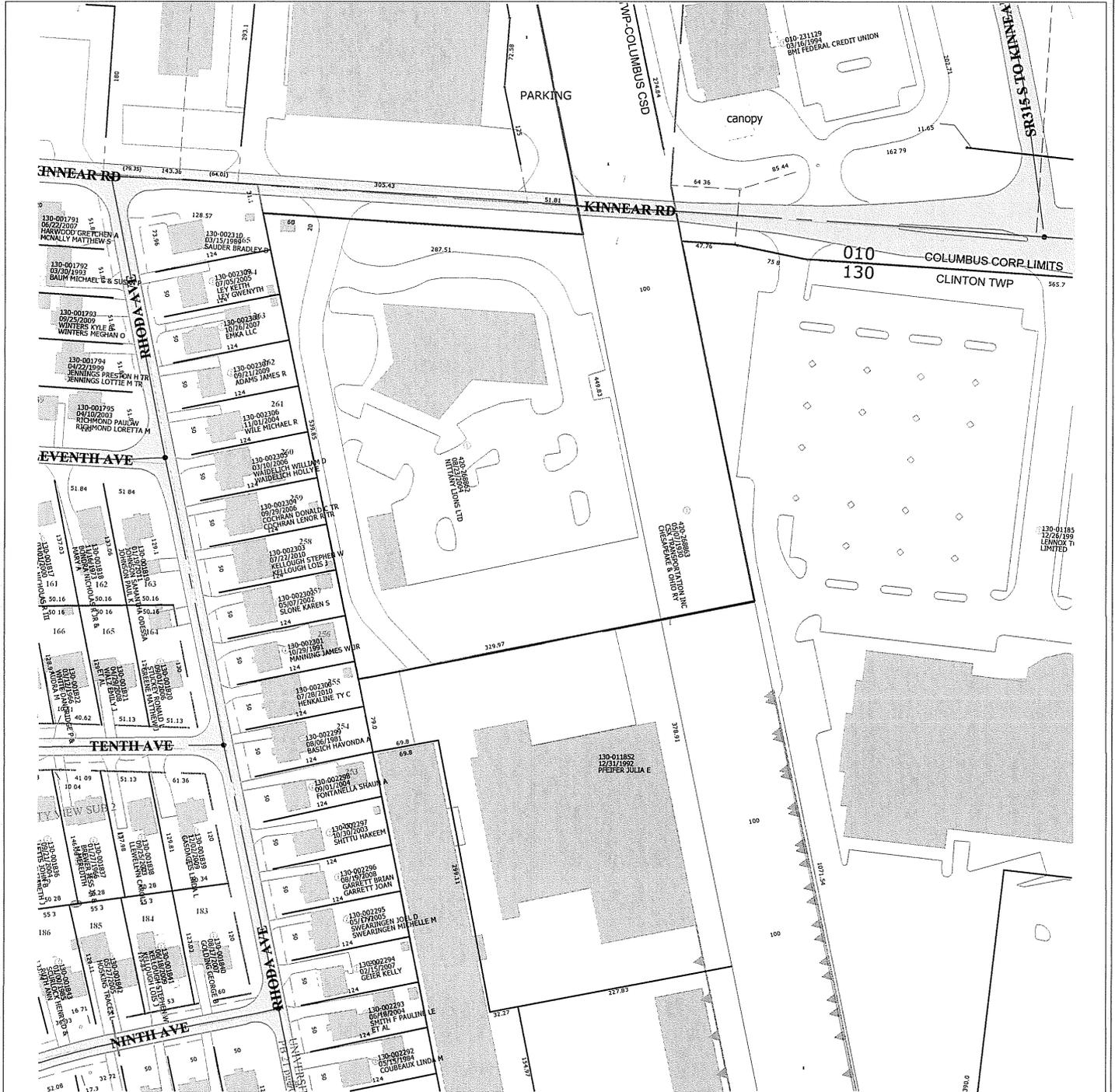
Donald Plank, Attorney for Applicant and Property Owner Date



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 4/1/11



Disclaimer

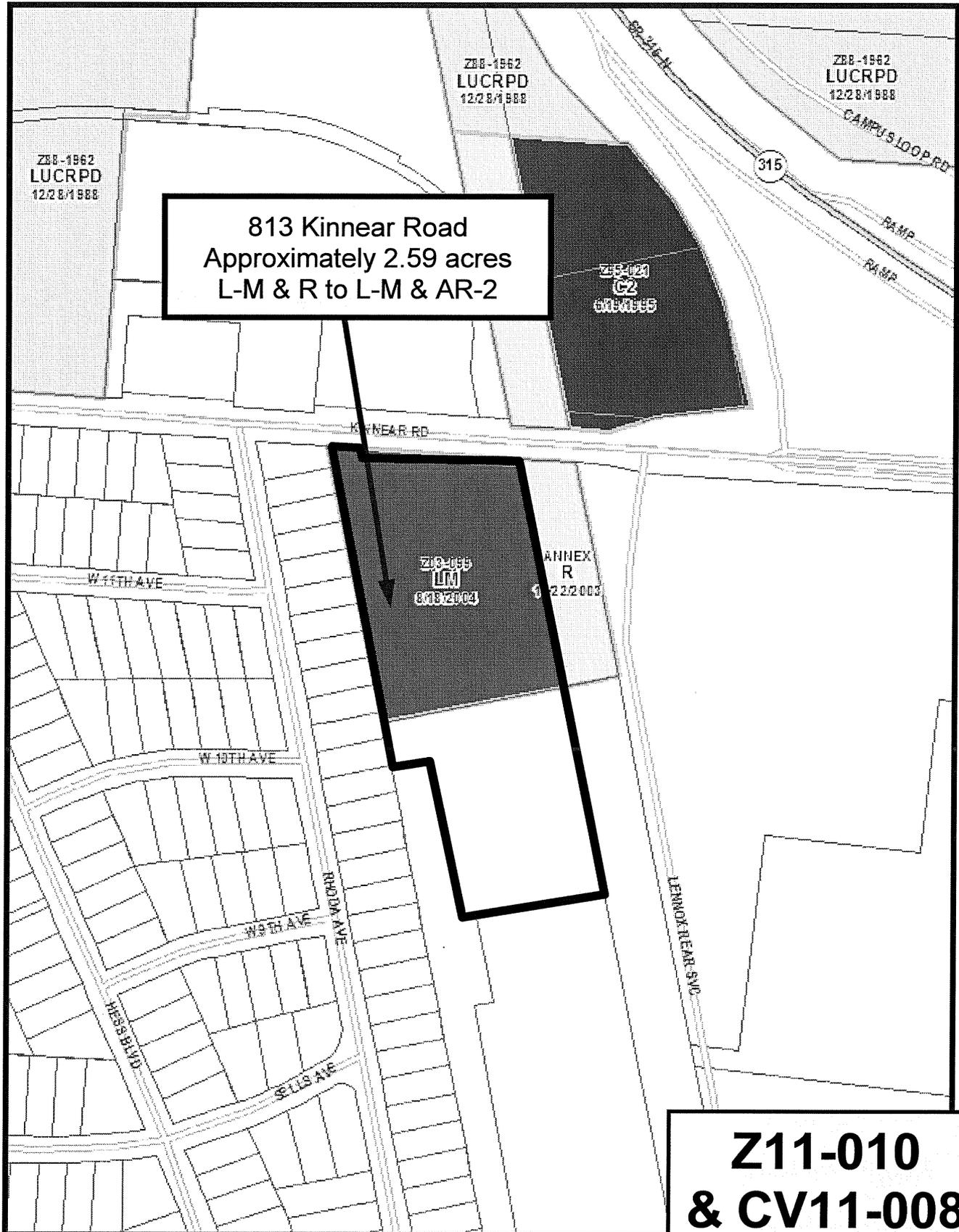
Scale = 158



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

813 Kinnear Road
Approximately 2.59 acres
L-M & R to L-M & AR-2

**Z11-010
& CV11-008**



813 Kinnear Road
Approximately 2.59 acres
L-M & R to L-M & AR-2

**Z11-010
& CV11-008**

813 Kinnear Road
Approximately 2.59 acres
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**Z11-010
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