



Legislation Details (With Text)

File #: 1957-2019 **Version:** 2
Type: Ordinance **Status:** Passed
File created: 7/8/2019 **In control:** Zoning Committee
On agenda: 7/29/2019 **Final action:** 7/31/2019
Title: To rezone 3445 MORSE ROAD (43231), being 6.03± acres located on the south side of Morse Road, 1,200± feet west of Sunbury Road, From: R, Rural District, To: CPD, Commercial Planned Development District (Rezoning #Z19-022) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1957-2019.Attachments, 2. ORD1957-2019.Labels

Date	Ver.	Action By	Action	Result
7/31/2019	2	CITY CLERK	Attest	
7/30/2019	2	MAYOR	Signed	
7/29/2019	2	COUNCIL PRESIDENT	Signed	
7/29/2019	1	Zoning Committee	Approved as Amended	Pass
7/29/2019	1	Zoning Committee	Amended to Emergency	Pass
7/22/2019	1	Columbus City Council	Read for the First Time	

Rezoning Application: Z19-022

APPLICANT: 3415 Morse Road LLC; c/o Jeffrey Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Automobile dealership.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0-1) on June 13, 2019.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with an automobile service center, contractors' offices, and a single-unit dwelling in the R, Rural District as a result of a recent annexation from Mifflin Township. The applicant is requesting the CPD, Commercial Planned Development District to permit an automobile dealership. The development text commits to a site plan, and includes development standards addressing setbacks, landscaping, and graphics provisions. A variance to permit the dumpster to be located to the side of the building is included in this request. The site is located within the boundaries of *Northeast Area Plan (2007)*, which recommends "Open Space" and "High Density Residential" land uses for this location. Although the Plan recommends "High Density Residential" for the majority of the site, staff recognizes that automotive uses currently exist on this site and directly to the east. Planning Division staff is in support of the proposed elevations and the landscape plan that provides streetscape landscaping and adequate screening for the residential property to the west.

To rezone **3445 MORSE ROAD (43231)**, being 6.03± acres located on the south side of Morse Road, 1,200± feet west of Sunbury Road, From: R, Rural District, To: CPD, Commercial Planned Development District (Rezoning #Z19-022) **and to declare an emergency.**

WHEREAS, application #Z19-022 is on file with the Department of Building and Zoning Services requesting rezoning of 6.03± acres from R, Rural District, to CPD, Commercial Planned Development District; and

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

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

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District will allow a commercial development that is compatible with the development standards of nearby commercial developments with appropriate landscaping and screening in consideration of the adjacent residential properties;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Official Zoning Map of the City of Columbus, as adopted by Ordinance #0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

3445 MORSE ROAD (43231), being 6.03± acres located on the south side of Morse Road, 1,200± feet west of Sunbury Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Mifflin, Quarter Township 2, Township 1, Range 17 West, United State Military Lands, being 6.03 acres of land, more or less, and being all of land described in deeds to S AND B DEVELOPMENT, LTD. (Auditor's Tax Parcel Numbers 190-002219, 190-003498, 190-003994, 190-004796 and 190-004417 by deeds recorded in Instrument Numbers 201407210093242, 199810200268050 and 201807060089672 (all references are to the records in the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, at a point on the southerly right-of-way line of Morse Road (C.R #17) R/W width varies, being at the northeasterly corner of the 1.713 acre tract described in said Instrument Number 201807060089672, being at a corner in the existing City of Columbus Corporation Line, as established by Ordinance 2185-01, and recorded in Instrument 200205030111358, also being the southeasterly corner of that 0.170 acre Parcel 71WD to the Franklin County Commissioners in Instrument No. 199908130206429;

Thence in a southerly direction, a distance of approximately 708 feet, along the westerly line of a 0.155 acre tract described in a deed to the City of Columbus of record in Instrument 201610280148862, the westerly line of that 12.397 acre (original) tract described in a deed to Germain Automotive Properties, LLC of record in Instrument No. 201608030101155, and being along an existing City of Columbus Corporation Line, as established by Ordinance 3048-88, and recorded in Official Record 12919, Page H17 to the southwesterly corner of said 12.397 acre tract, being on the northerly line of that 54.197 acre tract described in a deed to Limsoc, Inc. of record in Instrument No. 199908190211939;

Thence in a westerly direction, a distance of approximately 369 feet, along said northerly line, southerly lines of said S and B Development, Ltd. tracts and an existing City of Columbus Corporation Line, as established by Ordinance 246-66, and recorded in Misc. Record 140, Page 370 to a corner of that 5.662 acre tract described in a deed to Winchester Station Cooperative, Inc. of record in Deed Book 3207, Page 193;

Thence in a northerly direction, a distance of approximately 712 feet, along an easterly line of said 5.662 acre tract and an easterly line of that 2.097 acre tract described in a deed to Lawrence Petruzzi of record in Official Record 29805 Page I01, and being along an existing City of Columbus Corporation Line, as established by Ordinance 452-69, and recorded in Misc. Record 147, Page 188 to the southerly right-of-way line of said Morse Road;

Thence in an easterly direction, a distance of approximately 370 feet, along the southerly right-of-way line of said MORSE ROAD and the southerly lines of a 0.144 acre tract a 0.280 acre tract and said 0.170 acre tract, described in deeds to the Franklin County Commissioners of record in Instruments 199910120256786, 199910010247173, and 199908130206429 respectively, and being along an existing City of Columbus Corporation Line, as established by Ordinance 2185-01, and recorded in 200205030111358 to the Point of Beginning, containing 6.03 acres of land, more or less.

The above description was prepared in the office of Site Engineering, Inc. 7453 East Main Street Reynoldsburg, Ohio 43068, by Mark A. Hazel, P.S. #7039 in October 2018, from the best available County Records. This information was not derived from an actual field survey. The above description is not valid for the transfer of real property, and is not to be utilized in place of a Boundary Survey as defined by the Ohio Administrative Code in Chapter 4733-37.

To Rezone From: R, Rural District

To: CPD, Commercial Planned Development District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development District on this property.

SECTION 3. That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the CPD, Commercial Planned Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.12 of the Columbus City Codes; said plans being titled, “**CAPITAL KIA - SHEETS 1-4,**” dated July 1 , 2019, and text titled, “**DEVELOPMENT TEXT,**” dated July 8, 2019, all signed by Jeffrey Brown, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

PROPOSED DISTRICTS: CPD, Commercial Planned Development District

PROPERTY ADDRESS: 3445 Morse Road

OWNER: Sand B Development Ltd.

APPLICANT: 3415 Morse Road LLC

DATE OF TEXT: 7/8/19

APPLICATION: Z19-022

1. **INTRODUCTION:** This site is located on the south side of Morse Road east of Sundance Drive. The applicant wants to build an addition onto the existing building for a new automobile dealership.

2. **PERMITTED USES:**

Those uses permitted under Chapter 3356, C-4, Commercial District of the Columbus City Code and car wash.

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicted in the text or submitted drawings the applicable development standards are contained in Chapter 3356 C-4, Commercial District and Chapter 3372 as it applies to the Regional Commercial Overlay of the Columbus City Codes.

A. **Density, Height, Lot and/or Setback Requirements**

Parking setback shall be a minimum of 20 feet from Morse Road.

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

The revised traffic study has been submitted to the City but has not yet been accepted by the City. Based on the City's review of the traffic study, the applicant will either be required to install a traffic signal at the intersection of Morse Road and Trindel Way, or modify the pavement markings and signage at the intersection of Morse Road and Trindel Way to prohibit the northbound left and northbound through movements and, subject to review and approval of the Department of Public Service, establish an area for eastbound U-turns east of the intersection of Morse Road and Trindel Way.

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

The frontage along Morse Road shall be landscaped as shown on the submitted landscape plan.

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

The applicant has submitted building elevations as part of its zoning application. The building shall be developed in accordance with the submitted building elevations.

E. Dumpsters, Lighting, Outdoor Display Areas, and/or other Environmental Commitments

N/A

F. Graphics and Signage Commitments

All signage and graphics shall conform to Article 15 of the Columbus City Code as it applies to the appropriate C-4, Commercial District and the Regional Commercial Overlay. Any variance to the standards of the Graphics Code shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous

1. Variance

(a) 3372.807 Landscaping and Screening: To permit dumpster to be located to the side of the building instead of behind the building.

2. The applicant has submitted site, landscape, and building elevation plans titled, "Capital Kia" as part of its zoning application. The site shall be developed in accordance with the submitted plans. The plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding proposed adjustment.

3. CPD Criteria

(a) Natural Environment: The site is located on the south side of Morse Road east of Sundance Drive.

(b) Existing Land Use: Automobile service center/warehouse.

(c) Circulation: Access to the site shall be from Morse Road.

(d) Visual from the Environment: The applicant proposes to add an addition onto the existing building.

- (e) View and Visibility: Consideration has been given to the visibility and safety of the motorists and pedestrian in the layout of the site.
- (f) Proposed Development: Commercial.
- (g) Behavior Patterns: Existing development in the area has established the behavior pattern for the motorist in the area.
- (h) Emissions: No adverse effect from emissions should result from the proposed development.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**