



## Legislation Details (With Text)

**File #:** 1993-2014      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 8/26/2014      **In control:** Zoning Committee

**On agenda:** 9/22/2014      **Final action:** 9/25/2014

**Title:** To amend Ordinance #1474-88, passed June 27, 1988 (Z88-1844), for property located at 1463 NORTH CASSADY AVENUE (43219), by repealing Section 3 and replacing it with new Section 3 thereby modifying the access restrictions to allow temporary access to North Cassady Avenue (Rezoning # Z88-1844A).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1993-2014Attachments

Date	Ver.	Action By	Action	Result
9/25/2014	1	CITY CLERK	Attest	
9/24/2014	1	MAYOR	Signed	
9/22/2014	1	COUNCIL PRESIDENT	Signed	
9/22/2014	1	Zoning Committee	Approved	Pass
9/15/2014	1	Columbus City Council	Read for the First Time	

### Rezoning Amendment Z88-1844A

Ordinance #1474-88, passed June 27, 1988 (Z88-1844), rezoned 18.88± acres from the M-2, Manufacturing, R-1, Residential, and R, Rural Districts to the L-C-4, Limited Commercial District. That legislation permits commercial development having specific development standards in accordance with a registered site plan and limitation text that addressed permitted uses, access, setbacks, and other customary design commitments. This legislation will amend Ordinance #1474-88 by modifying the limitation text to allow temporary access to North Cassady Avenue until such time as a signalized access is installed north of the subject site and an access easement is granted to said signalized access. The L-C-4 Text and Plan limited the number and location of access points to North Cassady Avenue for the entire 18.88-acre tract, and since the passage of this ordinance, approximately 15.11 acres have been rezoned. Only this 3.77± acre tract remains within the original L-C-4 District, and no access from North Cassady Avenue to the site is permitted. This amendment does not alter any other requirements established by Ordinance #1474-88.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #1474-88, passed June 27, 1988 (Z88-1844), for property located at **1463 NORTH CASSADY AVENUE (43219)**, by repealing Section 3 and replacing it with new Section 3 thereby modifying the access restrictions to allow temporary access to North Cassady Avenue (Rezoning # Z88-1844A).

**WHEREAS**, Ordinance #1474-88, passed June 27, 1988 (Z88-1844), rezoned 18.88± acres located at **1463 NORTH CASSADY AVENUE (43219)** from the M-2, Manufacturing, R-1, Residential, and R, Rural Districts to the L-C-4,

Limited Commercial District; and

**WHEREAS**, that rezoning established specific development standards addressing permitted uses, access, setbacks, and other customary design commitments; and

**WHEREAS**, it is necessary to amend Ordinance #1474-88, passed June 27, 1988 (Z88-1844), to permit temporary access to North Cassady Avenue in order for a tract that is currently prohibited access to be developed; and

**WHEREAS**, all other aspects of the development text and site plan contained in Ordinance #1474-88 are unaffected by this amendment and remain in effect; and

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

**SECTION 1.** That Section 3 of Ordinance #1474-88, passed June 27, 1988 (Z88-1844), be hereby repealed and replaced with new Section 3 reading as follows:

**SECTION 3.** That the ~~Regulation Administrator of the Development Regulation Division~~ **Director of the Department of Building and Zoning Services** be, and he is hereby authorized and directed to make the said changes on the said original zoning map ~~in the office of the Development Regulation Division~~ and shall register a copy of the approved L-C-4, Limited-Commercial District and Application among the records of the ~~Development~~ **Department of Building and Zoning Services** as required by Section 3370.03 of the Columbus City Codes; said plan being titled, "PORT COLUMBUS EXECUTIVE PARK L-C-4 ZONING PLAN," signed by Donald Plank, Attorney for Property Owner, Port Columbus Enterprise, and dated April 28, 1988, and text titled, "~~AMENDED LIMITATION TEXT FOR PROPERTY LOCATED AT 1965-2121 N. CASSADY AVE. REZONING APPLICATION #Z88-1844,~~" signed by Donald Plank, Attorney for Property Owner, Port Columbus Enterprise **William Loveland, Attorney for the Applicant**, and dated ~~April 28, 1988~~ **August 25, 2014**, and reading as follows:

**AMENDED LIMITATION TEXT**

FOR PROPERTY LOCATED AT ~~1965-2121~~ **1463 N. CASSADY AVE.**  
REZONING APPLICATION #Z88-1844A  
LIMITED C-4 ZONING (LIMITED COMMERCIAL)

Introduction.

This Limitation Text is part of a general comprehensive plan to achieve coordinated and quality development along I-670. The specific intent of this Limitation Text is to guide the development of Port Columbus Executive Park, including the land and buildings constructed thereon, to a high quality, aesthetically pleasing, and harmoniously designed business center within the I-670 Corridor.

Due to the restrictive nature of this Limitation Text, it is conceivable that a particular use not permitted by this Limitation Text may, with appropriate restrictions, constitute an appropriate use of the Premises (the term "Premises" is described herein), therefore, the rezoning of the Premises to L-C-4 per this Limitation Text should not be construed to preclude subsequent rezonings of all or a portion of the Premises. Likewise, the development standards imposed by this L-C-4, Limitation Text may from time to time be amended by appropriate council action as the Premises are developed, and the zoning of the Premises to L-C-4, per this Limitation Text, should not be construed to preclude such amendments.

The owners shall limit the use and/or development of ~~1965-2121~~ **1463 N. Cassady Road, Avenue** as more particularly described in the legal description submitted as part of the Rezoning Application (the "Premises"), in the following manner:

I. PERMITTED USES.

A. Primary Uses. Any building or buildings constructed on the Premises may be used for any one of the following uses (said uses defined and used in Columbus City Codes Chapter 33):

- (1) Restaurant, Food Only
- (2) Restaurant (~~including such as having dancing, sales of alcoholic beverages or a bar, or~~ entertainment)
- (3) Hotel
- (4) Motel
- (5) All uses permitted in a C-2, commercial district, except an armory; art studio; church; clinic; photography studio; cellular, radio and/or telephone station.

B. Limitation of Primary Uses. Only two (2) buildings on the Premises may be used as a Restaurant, Food Only, Primary Use with drive-thru sales window.

C. Ancillary Uses. In any building used for the following Primary Uses: Hotel; Motel; C-2 uses; all uses permitted in a C-4, Commercial District (except adult book stores, adult motion picture theater; adult only entertainment establishment) shall be permitted as an ancillary use or uses provided said ancillary use or uses, combined, do not exceed 40% of the total usable square footage of the building.

II. TRAFFIC; CIRCULATION; ACCESS.

A. Traffic; Curb Cuts. There will be a maximum of four (4) curb cuts to and from the Premises from and to Cassady Avenue: the first curb cut is existing DeMoyne Drive, which is and shall remain a full access curb cut; the second curb cut shall be remain a full access curb cut; the second curb cut shall be aligned with the proposed exit ramp from 670 (the "670 Access"), which shall be a full access curb cut; the remaining two (2) curb cuts shall be located north of the 670 Access at locations and widths approved by the Division of Traffic and Engineering. Only one of the remaining two curb cuts shall be full access unless the Division of Traffic and Engineering permits otherwise.

**A.1 Temporary Full Access Location For 1521 North Cassady. Access to the +/-3.77 acre parcel located at 1521 North Cassady Avenue, Franklin County Auditor Parcel No. 010-211800-00, shall be permitted via one full access point to Cassady Avenue, which shall be considered a temporary access point and shall be removed if the following conditions are met: (1) a fourth, signalized west leg of the intersection of Cassady Avenue & Plaza Properties Boulevard (private street) is installed; and (2) a cross access easement is available to provide the subject property access to a fourth, signalized west leg of the intersection of Cassady Avenue & Plaza Properties Boulevard (private street). If both of these conditions above are met, the access point to Cassady Avenue shall be removed and access for this parcel shall be obtained via the cross access easement to access the intersection of Cassady Avenue & Plaza Properties Boulevard (private street). This access point shall be installed with its centerline located approximately 200 ' south of the intersection of the centerlines of Cassady Avenue & Plaza Properties Boulevard (private street).**

B. Inter Premise Circulation. From the 670 Access. Applicant shall construct and dedicate, subject to the approval of traffic and engineering, the primary entrance to the Premises (the "Main Road"). The Main Road shall connect to the existing DeMoyne Drive. At the Main Road/Demoyne Drive connection, a 'T' intersection, approved by Traffic and Engineering shall be constructed.

III. SITE DEVELOPMENT.

A. Entrance. That area within the Cassady Avenue/Main Road setback area shall be fully landscaped to

provide an attractive entrance to the Premises. An entrance feature identifying the Premises, setback per the setback requirements established by the C-4, Commercial District, is permitted within the Cassidy Avenue/Main Road setback area.

IV. I-670 REVIEW.

~~It is anticipated that City Council will entertain legislation that requires any site plans for proposed building construction within the I-670 Corridor Area [as that area is described in Ordinance No. 1891-86, enacted July 21, 1986 (the "Ordinance")] be presented to the I-670 Development Corporation (as that corporation is described in the Ordinance) for its review and comment prior to the issuance of a Certificate of Zoning Clearance. Until such legislation is considered by City Council and so long as the I-670 Development Corporation remains in existence, any site plan for the initial building construction on the Premises shall be presented to the I-670 Development Corporation for their review and comment relative to development guidelines (or proposed development guidelines) for the I-670 Corridor Area, prior to the issuance of any Certificate of Zoning Clearance.~~

**SECTION 2.** That existing Section 3 of Ordinance ##1474-88, passed June 27, 1988 (Z88-1844), be and is hereby repealed.

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.