



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1561-2012, **Version:** 2

Rezoning Application Z12-021

APPLICANT: CORC Limited; c/o Kirk Paisley; M & A Architects; 775 Yard Street; Suite 325; Columbus, OH 43212.

PROPOSED USE: To allow C-3, restaurant uses.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on June 14, 2012.

FAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The proposed Commercial Planned Development District will allow a C-3 restaurant use on a portion of the site which will be made an outparcel. The site is currently zoned CPD to allow a C-2 use and the areas that are occupied contain existing office / medical office building uses. The proposal is appropriate and consistent with the development and zoning pattern in the area and the recommendation of the *Broad-Blacklick Area Plan* (2011). The screening, setbacks and height limits for the southern sub area will ensure compatibility with the adjacent dwellings while the access limitations should help maintain the traffic flow along East Broad Street.

To rezone **6511 EAST BROAD STREET (43213)**, being 5.12± acres located on the south side of East Broad Street, 480± feet east of Outerbelt Street, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z12-021).

WHEREAS, application #Z12-021 is on file with the Department of Building and Zoning Services requesting rezoning of 5.12± acres from CPD, Commercial Planned Development District, to CPD, Commercial Planned Development District; and

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

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

WHEREAS, the City Departments recommend approval because the proposed Commercial Planned Development District will allow restaurant and office development which is appropriate and consistent with the development and zoning pattern in the area and the recommendation of the *Broad-Blacklick Area Plan* (2011). The screening, setbacks and height limits for the southern sub area will ensure compatibility with the adjacent dwellings while the access limitations should help maintain the traffic flow along East Broad Street, and

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 No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

6511 EAST BROAD STREET (43213), being 5.12± acres located on the south side of East Broad Street, 480± feet east of Outerbelt Street, and being more particularly described as follows:

**ZONING DESCRIPTION
1.020 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 3, Township 1, Range 16, United States Military Lands and being 1.01 acre out of a 5.115 acre tract conveyed to Eastglen Land LLC of record in Instrument Number 200408130189451. (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:
Beginning, for reference, at the northeast corner of Lot 122 in "Brook Farm Section 2" as recorded in Plat Book 60, Pages 28 and 29, said point being on the southerly line of a 6.27 acre tract conveyed to The Pataskala Banking Company of record in Instrument Number 201202150021802;
Thence N85°59'30" W, with the northerly line of said Lot 122 and the southerly line of said 6.27 acre tract, a distance of 33.10 feet to a point at the southwesterly corner of said 6.27 acre tract and also the southeasterly corner of said 5.115 acre tract;
Thence N03° 56'28" E, along the common line of said 6.27 and 5.115 acre tracts, a distance of 447.35 feet to a point, the True Point of Beginning;
Thence across said 5.115 acre tract the following courses and distances:
 N 86° 03'34" W, a distance of 104.27 feet to a point;
 S 03° 57'43" W, a distance of 86.84 feet to a point;
 N 86° 58'43" W, a distance of 25.00 feet to a point on the easterly line of the "Eastglen Professional Condominium, First Amendment" as recorded in Condo Plat Book 143, Page 92;
Thence N 03° 57'43" E, along the easterly line of said "Eastglen Professional Condominium, First Amendment", a distance of 279.51 feet to an angle point thereof;
Thence N 01° 31'12" E, along the easterly line of said "Eastglen Professional Condominium, First Amendment", a distance of 117.85 feet to a point at the northeasterly corner thereof and on the southerly right-of-way of East Broad Street and the southerly line of a 0.551 acre tract as conveyed to City of Columbus, Ohio in Official Record 32343, Page J08;
Thence N 81° 54'48" E, along said southerly right-of-way and southerly line of said 0.551 acre tract, a distance of 137.19 feet to a point at the northeasterly corner of said 0.551 acre tract and on the westerly line of said 6.27 acre tract;
Thence S 03° 56'28" W, along the common line of said 6.27 acre and 0.551 acre tracts, a distance of 343.60 feet to the True Point of Beginning and containing 1.010 acres of land, more or less.
Bearings are based on the Ohio State Plane Coordinate System, a portion of the southerly right of way line of East Broad Street, having a bearing of N 81°54'48"E, is the basis of bearing for this description.
The above description is for Zoning purposes only and is not intended to be used for the transfer real property.

**ZONING OF
4.095 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 3, Township 1, Range 16, United States Military Lands and being 4.095 acres out of a 5.115 acre tract conveyed to Eastglen Land LLC of record in Instrument Number 200408130189451. (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

BEGINNING at the northeasterly corner of "Eastglen Professional Condominium, First Amendment" as recorded in Condominium Plat Book 143, Page 92, said nail also being in the southerly line of a 0.551 acre tract conveyed to the City of Columbus in Official Record 32343J08 and also being the northwesterly corner of the remainder of a 5.115 acre tract conveyed to Eastglen Land, LLC in Instrument Number 200408130189451;

Thence along the line common to said "Eastglen Professional Condominium, First Amendment" and the remainder of said 5.115 acre tract the following courses;

South 01°31'12" West, a distance of 117.85 feet to a point;

South 03°57'43" West, a distance of 279.51 feet to a point;

Thence across said 5.115 acre remainder the following courses;

South 86°58'43" East, a distance of 25.00 feet to a point;

North 03°57'43" East, a distance of 86.84 feet to a point;

South 86°03'34" East, a distance of 104.27 feet to an iron pin set on the westerly line of a 6.27 acre tract conveyed to The Pataskala Banking Company in Instrument Number 201202150021802;

Thence South 03°56'29" West, along the common line of said 6.27 acre tract and 5.115 acre remainder, a distance of 452.35 feet to a point at the southwesterly corner of said 6.27 acre tract, said point also being in the northerly line of "Brook Farm Section Two" as recorded in Plat Book 60, Page 28;

Thence North 85°56'36" West, along said northerly line, a distance of 293.51 feet to a point at the southeasterly corner of "Eastglen Professional Condominium" as recorded in Condominium Plat Book 121, Page 43;

Thence North 03°57'43" East, a distance of 727.88 feet to a point at the southwesterly corner of a 0.551 acre tract conveyed to City of Columbus in Official Record 32343J08;

Thence North 81°54'48" East, along the southerly line of said 0.551 acre tract, a distance of 162.64 feet the POINT OF BEGINNING and containing 4.095 acres of land, more or less.

To Rezone From: CPD, Commercial Planned Development 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 approved 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 plan being titled, "**RAISING CAIN'S CHICKEN FINGERS**," dated June 29, 2012, and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," dated June 14, 2012, both signed by Kirk A. Paisley, Architect, and the text reading as follows:

COMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD, Commercial Planned Development

PROPERTY ADDRESS: 6511 East Broad Street

OWNER(S): Equity Inc.

APPLICANT/AGENT: CORC Limited / M+A Architects

DATE OF TEXT: June 14, 2012

APPLICATION #: Z12-021

1. INTRODUCTION: This site, consisting of a total of 5.115 acres is being rezoned from CPD (Commercial Planned

Development District) to CPD in order to revise the site plan and text to allow a C-3 restaurant on a portion of the site which will be made an outparcel. The site is currently zoned CPD to allow a C-2 use and the areas that are occupied contain existing office / medical office building uses. Sub-Area A is the area that is existing or is planned to contain office / medical office building use and is an area of 4.095 acres. Sub-Area B will contain the C-3 restaurant use and is an area of 1.020 acres. The C-3 use has been found to be consistent with the development within the surrounding site area and will share the existing curb cut on the site as is per the recommendation of the City of Columbus Department of Public Service. Please note, that the CPD text has also been revised in order to bring the text up to the current level of City of Columbus Zoning standards for items such as landscaping and signage.

SUB-AREA "A" (4.095 ACRES)

2. PERMITTED USES: Those uses permitted in Chapter 3353 (C-2) Commercial District of the Columbus City Code.

3. DEVELOPMENT STANDARDS:

A. Density, Height, Lot and/or Setback commitments.

1. The building, parking/maneuvering setbacks from the south property line shall be 25 feet; building setback from E. Broad Street shall be 50 feet; parking/maneuvering setback from E. Broad Street shall be 10 feet; building setback and parking/maneuvering setback line from the east and west property lines shall be 10 feet.

B. Access, Loading, Parking and/or other Traffic related commitments.

1. Access shall be restricted to one curbcut with a west bound left turn lane on East Broad Street.
2. This development shall also have vehicular access to the adjacent parcel to the west.
3. The developer shall grant an access easement in a form customary for the area to the adjacent parcel to the east so that parcel's traffic may cross the subject property to reach the Lucent traffic signal.

C. Buffering, Landscaping, Open space and/or Screening commitments.

1. Except for the installation of utilities and fencing the existing tree line within the 25 ft. setback from the south property line shall remain in its natural condition. Dead and diseased trees may however be removed from said setback area subject to sound forestry management practices. A six foot board on board wooden fence will be installed along the north edge of the 25 foot setback at the same time as the construction of the restaurant listed in Sub-Area B.

D. Building design and/or Interior-Exterior treatment commitments.

1. Any building within 100 feet of the south property line shall be a maximum of one story in height.
2. The maximum building height shall be 35 feet.

E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. The building and landscaping may be up-lit so long as the lighting shall not interfere with neighboring uses or right-of way traffic.

F. Graphics and Signage commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-2, Commercial District, and any variance to those requirements will be submitted to the Columbus

Graphics Commission for consideration.

SUB-AREA "B" (1.020 ACRES)

2. PERMITTED USES: Those uses permitted in Chapter 3355 (C-3) Community Scale Commercial Uses of the Columbus City Code.

3. DEVELOPMENT STANDARDS:

A. Density, Height, Lot and/or Setback commitments.

1. The building, parking/maneuvering setbacks from the south property line shall be 10 feet; building setback from E. Broad Street shall be 50 feet; parking/maneuvering setback from E. Broad Street shall be 10 feet; building setback and parking/maneuvering setback line from the east property lines shall be 10 feet and there shall be no minimum setback to the west property line.

B. Access, Loading, Parking and/or other Traffic related commitments.

1. This development shall have vehicular access to the adjacent parcel to the west.

3. The developer of sub-area 'A' shall grant an access easement in a form customary for the area to the adjacent sub-area / parcel to the west so that traffic may cross the subject sub-area / property to reach the full access curb-cut on sub-area 'A' and the Lucent traffic signal.

C. Buffering, Landscaping, Open space and/or Screening commitments.

N/A

D. Building design and/or Interior-Exterior treatment commitments.

1. The maximum building height shall be 35 feet.

E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. The building and landscaping may be up-lit so long as the lighting shall not interfere with neighboring uses or right-of way traffic.

F. Graphics and Signage commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-3, Commercial District, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

4. CPD CRITERIA (Applicable to both Sub-Areas):

A. NATURAL ENVIRONMENT: The property is wooded to the rear of the site.

B. EXISTING LAND USE: To the west are a series of office buildings zoned CPD; to the south are single family houses on very deep lots in the City of Reynoldsburg; to the east is a single family house in Jefferson Township which the proposed Township planning map shows a CS, Commercial Service zoning classification for that site; to the north across East Broad Street is ground zoned M-1, Manufacturing.

C. TRANSPORTATION AND CIRCULATION: The site has one curbcut to East Broad Street from sub-area 'A' which will remain.

D. VISUAL FORM OF THE ENVIRONMENT: The developer shall determine the building materials at the time of development.

E. VIEW AND VISIBILITY: The development text addresses issues of landscaping and pedestrian access.

F. PROPOSED DEVELOPMENT: The proposed development has two sub-areas; Sub-Area 'A' shall remain as Offices (C-2). Sub-Area 'B' shall be developed as a restaurant under the uses permitted by Section 3355, C-3 Community Scale Commercial Uses.

G. EMISSION: No adverse effect from emission will result from the proposed development.

H. BEHAVIOR PATTERNS: The site has frontage on East Broad Street which is a major arterial for both local traffic and people traveling between Columbus and cities to the east. The proposal will continue an orderly development pattern on the south side of East Broad Street with offices, a restaurant and other services for the greater neighborhood.

The Site shall be developed in accordance with the submitted CPD Site Plan. The CPD Site Plan may be slightly adjusted to reflect engineering, topographical, or other site development data developed at the time the development and engineering plans are completed. Any slight adjustment to the plan shall be subject to review and approval by the Director of Building and Zoning Services or his or her designee, upon submission of appropriate data regarding the proposed adjustment.

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.