



## Legislation Text

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**File #:** 1995-2021, **Version:** 1

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### **Rezoning Amendment Z88-1844B**

Ordinance #1474-88, passed June 27, 1988 (Z88-1844) rezoned 18.88± acres located at 1463 North Cassady Avenue 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. Ordinance #1993-2014, passed September 22, 2014 (Z88-1844A), amended the L-C-4 text for a 3.78± acre portion of the original site to permit temporary access onto North Cassady Avenue until such time as a signalized access had been installed north of the subject site with an access easement granted to said signalized access. That access has been constructed and the easement has been granted, and Ordinance #1989-2021 (CV21-045) permits commercial access onto a private street within the adjacent apartment complex for the signalized access point. This legislation will amend Ordinance #1993-2014 by further modifying the limitation text to allow a permanent right-in/right-out access to remain on North Cassady Avenue. This amendment does not alter any other requirements established by Ordinances #1474-88 or #1993-2014, and is supported by the Division of Traffic Management.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #1474-88, passed June 27, 1988 (Z88-1844), and Ordinance #1993-2014, passed September 22, 2014 (Z88-1844A), for property located at **1521 N. CASSADY AVE. (43219)**, by amending Section 1 of Ordinance #1474-88 to include legal descriptions for these specific properties, and by repealing Section 1 of Ordinance #1993-2014 and replacing it with new Section 3 thereby modifying the access restrictions to allow a permanent right-in/right-out point access to North Cassady Avenue (Rezoning # Z88-1844A).

**WHEREAS**, Ordinance #1474-88, passed June 27, 1988 (Z88-1844), rezoned 18.88± acres located at **1521 N. CASSADY AVE. (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**, Ordinance #1993-2014, passed September 22, 2014 (Z88-1844A), amended the L-C-4 text for a 3.78± acre portion of the original site to permit temporary access onto North Cassady Avenue until such time as a signalized access had been installed north of the subject site with an access easement granted to said signalized access; and

**WHEREAS**, the Applicant proposes to modify the limitation text to permit the existing access point to remain permanently, but as right-in/right-out only; and

**WHEREAS**, it is necessary to amend Section 1 of Ordinance #1474-88, passed June 27, 1988 (Z88-1844), to revise legal descriptions in Section 1 of this ordinance for the properties that are subject to this amendment; and

**WHEREAS**, it is necessary to amend the limitation text included in Ordinance #1993-2014, passed September 22, 2014

(Z88-1844A), to permit a permanent right-in/right-out access point to North Cassady Avenue; and

**WHEREAS**, all other aspects of Ordinance #1993-2014 (Z88-1844A), and Ordinance #1474-88 (Z88-1844) are unaffected by this amendment and remain in effect, and are included below for consistency; and

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

**SECTION 1.** That Section 1 of Ordinance #1474-88, passed June 27, 1988 (Z88-1844), be hereby repealed and replaced with a new Section 1 to establish revised legal descriptions for the properties subject to this amendment ordinance and reading as follows:

**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:

**1521 N. CASSADY AVE. (43219)**, being 3.78± acres located on the west side of North Cassady Avenue, 635± feet north of Airport Drive, and being more particularly described as follows:

**TRACT ONE**

**DESCRIPTION OF A 2.109 ACRE TRACT**

**AT 1521 CASSADY AVENUE, CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO:**

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1 North, Range 17 West, United States Military Lands, and being 2.109 acres of a 3.777 acre tract of land conveyed to SHIVJI Hospitality, LLC, by deed of record in Instrument No. 201512090172273, all references being to the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a P.K. nail set in the centerline of Cassady Avenue (variable width), at the northeast corner of a 0.395 acre tract of land conveyed, as Parcel 970WD for Cassady Avenue roadway purposes, to State of Ohio, by deed of record in Official Record 7343, Page B 08, from the southeast corner of a Perpetual Highway Easement, conveyed to the County of Franklin, by deed of record in Deed Book 2863, Page 496, from a southeast corner of said 3.777 acre tract and from centerline Station 123+35.00, as shown upon Sheet 17 of 20, Ohio Department of Transportation, Highway Plans for FRA-670-393-AA;

thence N 87° 22' 21" W along a south line of said 3.777 acre tract, along the north line of said 0.395 acre tract and along the south line of said perpetual easement a distance of 29.68 feet to a 3/4" I.D. iron pipe found at a corner of said 3.777 acre tract, at the northwest corner of said 0.395 acre tract and at the southwest corner of said perpetual easement;

thence S 04° 26' 44" W along a portion of an east line of said 3.777 acre tract and along a portion of the west line of said 0.395 acre tract a distance of 33.26 feet to a 3/4" I.D. iron pipe set;

thence N 87° 20' 56" W crossing a portion of said 3.777 acre tract a distance of 39.74 feet to a 3/4" I.D. iron pipe set;

thence N 02° 39' 04" E crossing a portion of said 3.777 acre tract a distance of 17.00 feet to a 3/4" I.D. iron pipe set;

thence N 87° 20' 56" W crossing a portion of said 3.777 acre tract a distance of 212.37 feet to a 3/4" I.D. iron pipe set;

thence S 02° 39' 04" W crossing a portion of said 3.777 acre tract a distance of 144.41 feet to a 3/4" I.D. iron pipe set in a south line of said 3.777 acre tract and in the north line of a 3.785 acre tract of land conveyed to Friendley, Inc., by deed of record in Instrument No. 201106270079769;

thence N 87° 20' 56" W along a portion of a south line of said 3.777 acre tract and along a portion of the north line of said 3.785 acre tract a distance of 260.81 feet to a 3/4" I.D. iron pipe w/cap found (Woolpert) at the southwest corner of said

3.777 acre tract, at the northwest corner of said 3.785 acre tract and in an east line of an original 31.018 acre tract of land conveyed to Only Just An LLC, by deed of record in Instrument No. 200312230402074;

thence N 04° 32' 10" E along the west line of said 3.777 acre tract and along a portion of an east line of said original 31.018 acre tract a distance of 315.17 feet to a 3/4" I.D. iron pipe w/cap found (Woolpert) at the northwest corner of said 3.777 acre tract and at the southwest corner of a 0.070 acre tract of land conveyed to Only Just An LLC, by deed of record in Instrument No. 200312230402074;

thence S 87° 20' 56" E along a portion of the north line of said 3.777 acre tract and along a portion of the south line of said 0.070 acre tract a distance of 268.44 feet to a 3/4" I.D. iron pipe set;

thence S 02° 39' 04" W crossing a portion of said 3.777 acre tract a distance of 144.58 feet to a 3/4" I.D. iron pipe set;

thence S 87° 20' 56" E crossing a portion of said 3.777 acre tract a distance of 194.37 feet to a 3/4" I.D. iron pipe set;

thence N 02° 39' 04" E crossing a portion of said 3.777 acre tract a distance of 17.00 feet to a 3/4" I.D. iron pipe set;

thence S 87° 20' 56" E crossing a portion of said 3.777 acre tract a distance of 70.69 feet to a P.K. nail set in the centerline of Cassady Avenue and in an east line of said 3.777 acre tract;

thence S 03° 08' 55" W along the centerline of Cassady Avenue and along a portion of an east line of said 3.777 acre tract a distance of 26.74 feet to the place of beginning;

containing 2.109 acres of land, more or less and being subject to all highways, easements and restrictions of record. Of said 2.109 acres, 0.018 acre is within the right-of-way of Cassady Avenue. Of said 2.109 acre, all is within P.N. 010-211800 (now P.N. 010-296191 as a result of a lot split).

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey, performed under his supervision, in January, 2016. Basis of bearings is the centerline Cassady Avenue, being N 03° 08' 55" E, derived from VRS observation referencing monument, PID designation of COLB, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian. All iron pipes called out as set are 30" in length and have a plastic cap stamped "BIRD & BULL, Inc."

## **TRACT TWO**

### **DESCRIPTION OF A 0.814 ACRE TRACT**

#### **AT 1505 CASSADY AVENUE, CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO:**

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1 North, Range 17 West, United States Military Lands, and being 0.814 acre of a 3.777 acre tract of land conveyed by SHIV JI Hospitality, LLC, by deed of record in Instrument Number 201512090172273, all references being to the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a 3/4 in. I.D. iron pipe set in the West right-of-way line of Cassady Avenue (variable width), in an East line of said 3.777 acre tract and in the West line of a 0.395 acre tract of land conveyed, as Parcel 970WD for Cassady Avenue roadway purposes, to the State of Ohio, by deed of record in Official Record 7343, Page B 08, said iron pipe being South 45 deg. 22 min. 48 sec. West, a distance of 45.28 feet from a P.K. nail set in the centerline of Cassady Avenue, from the northeast corner of said 0.395 acre tract, from the southeast corner of a Perpetual Highway Easement conveyed to the County of Franklin, by deed of record in Deed Book 2863, Page 496, from a southeast corner of said 3.777 acre tract and from centerline Station 123+35.00 as shown upon Sheet 17 of 20, Ohio Department of Transportation, Highway Plans FRA-670-393-AA;

Thence South 04 deg. 26 min. 44 sec. West along the South line of said 3.777 acre tract and along a portion of a West line

of said 0.395 acre tract a distance of 127.48 feet to a ¾ in. I.D. iron pipe found at a southeast corner of said 3.777 acre tract;

Thence N. 87 deg. 20 min. 56 sec. West along the South line of said 3.777 acre tract and along the North line of a 3.785 acre tract and land conveyed to Friendley, Inc., by deed of record in Instrument Number 201106270079769, a distance of 248.12 feet to a ¾ in. I.D. iron pipe set (passing a ¾ in. I.D. iron pipe found at 16.70 feet);

Thence North 02 deg. 39 min. 04 sec. East crossing a portion of said 3.777 acre tract, a distance of 144.41 feet to a ¾ in. I.D. iron pipe set;

Thence South 87 deg. 20 min. 56 sec. East crossing a portion of said 3.777 acre tract, a distance of 212.37 feet to a ¾ in. I.D. iron pipe set;

Thence South 02 deg. 39 min. 04 sec. West crossing a portion of said 3.777 acre tract, a distance of 17.00 feet to a ¾ in. I.D. iron pipe set;

Thence South 87 deg. 20 min. 56 sec. East crossing a portion of said 3.777 acre tract, a distance of 39.74 feet to the place of beginning;

Containing 35,479 square feet (0.814 acre) of land, more or less, and being subject to all highways, easements and restrictions of record. Of said 0.814 acre, 0.018 acre is within the right-of-way of Cassady Avenue and all is within P.N. 010-211800.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey, performed under his supervision, in January, 2016. Basis of bearings is the centerline Cassady Avenue, being N 03° 08' 55" E, derived from VRS observation referencing monument, PID designation of COLB, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian. All iron pipes called out as set are 30" in length and have a plastic cap stamped "BIRD & BULL, Inc."

### **TRACT THREE**

#### **DESCRIPTION OF A 0.854 ACRE TRACT**

#### **AT 1531 CASSADY AVENUE, CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO:**

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township I North, Range 17 West, United States Military Lands, and being 0.854 acre of a 3.777 acre tract of land conveyed to SHIVJI Hospitality, LLC, by deed of record in Instrument No. 201512090172273, all references being to the Recorder's Office, Franklin County, Ohio and bounded and described as follows: Beginning at a P.K. nail set in the centerline of Cassady Avenue (variable width) and in an east line of said 3.777 acre tract, said nail being N 03° 08' 55" E a distance of 26.74 feet from a P.K. nail set at the northeast corner of a 0.395 acre tract of land conveyed, as Parcel 970WD for Cassady Avenue roadway purposes, to State of Ohio, by deed of record in Official Record 7343, Page B 08, from the southeast corner of a Perpetual Highway Easement conveyed to the County of Franklin, by deed of record in Deed Book 2853, Page 496, from a southeast corner of said 3.777 acre tract, and from centerline Station 123+35.00, as shown upon Sheet 17 of 20, Ohio Department of Transportation, Highway Plans for FRA-670-393-AA;

thence N 87° 20' 56" W crossing a portion of said 3.777 acre tract a distance of 70.69 feet to a ¾" I.D. iron pipe set;

thence S 02° 39' 04" W crossing a portion of said 3.777 acre tract a distance of 17.00 feet to a ¾" I.D. iron pipe set;

thence N 87° 20' 56" W crossing a portion of said 3.777 acre tract a distance of 194.37 feet to a ¾" I.D. iron pipe set;

thence N 02° 39' 04" E crossing a portion of said 3.777 acre tract a distance of 144.58 feet to a ¾" I.D. iron pipe set in

the north line of said 3.777 acre tract and in the south line of a 0.070 acre tract of land conveyed to Only Just An LLC, by deed of record in Instrument No. 200312230402074;

thence S 87° 20' 56" E along a portion of the north line of said 3.777 acre tract and along a portion of the south line of said 0.070 acre tract a distance of 266.17 feet to a P.K. nail set in the centerline of Cassady Avenue, at the northeast corner of said 3.777 acre tract and at the southeast corner of said 0.707 acre tract (passing a 3/4" I.D. iron pipe set at 236.17 feet);

thence S 03° 08' 55" W along the centerline of Cassady Avenue and along a portion of an east line of said 3.777 acre tract a distance of 127.59 feet to the place of beginning;

containing 37,193 square feet (0.854 acre) of land, more or less and being subject to all highways, easements and restrictions of record. Of said 0.854 acre, 0.088 acre is with the right-of-way of Cassady Avenue. Of said 0.854 acre, all is within P.N. 010-211800 (now P.N. 010-296192 as a result of a lot split).

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey, performed under his supervision, in January, 2016. Basis of bearings is the centerline Cassady Avenue, being N 03° 08' 55" E, derived from VRS observation referencing monument, PID designation of COLB, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian. All iron pipes called out as set are 30" in length and have a plastic cap stamped "BIRD & BULL, Inc."

**To Rezone From:** L-C-4, Limited Commercial District,

**To:** L-C-4, Limited Commercial District.

**SECTION 2.** That a Height District of one hundred-ten (110) feet is hereby established on the L-C-4, Limited Commercial District on this property.

**SECTION 3.** That Section 1 of Ordinance 1993-2014, passed September 22, 2014 (Z88-1844A), which established a new Section 3 be hereby repealed and replaced with new Section 3 reading as follows:

**SECTION 3.** That the 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 and shall register a copy of the approved L-C-4, Limited-Commercial District and Application among the records of the 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**," signed by Connie Klema, Attorney for the Applicant, and dated April 2, 2021, and reading as follows:

AMENDED LIMITATION TEXT

FOR PROPERTY LOCATED AT 1521 N. CASSADY AVE.  
REZONING APPLICATION #Z88-1844B  
LIMITED C-4 ZONING (LIMITED COMMERCIAL)  
DATE OF TEXT: APRIL 2, 2021

Ordinance #1474-88, passed June 27, 1988 (Z88-1844), rezoned 18.88 +/- acres (the "Premises") from M-2, Manufacturing, R-1, Residential, and R, Rural Districts to the L-C-4 Limited Commercial District. Ordinance #1993-2014, passed October 22, 2014 (Z88-1844A), modified the limitation text to allow temporary access from 3.78 +/- acres of the Premises to North Cassady Avenue until such time as a signalized access was installed north of the Premises and an access easement was granted to said signalized access. This legislation amends Ordinance #1993-2014 by modifying

access rights for the 3.78 acres which includes 1521 N. Cassady Avenue, being 2.109 +/- acres (the "Property"). This amendment does not alter any other requirements established by Ordinance #1993-2014

#### 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 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
- (2) Hotel
- (3) Motel
- (4) 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, 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 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 Demyone 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 Access Point for 1521 North Cassady. Access to the +/- 2.109 acre parcel located at 1521 North Cassady Avenue, Franklin County Auditor Parcel No. 010-296191-00-(the "Property"), shall be permitted via one right-in/right-out access point to Cassady Avenue. 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). Cross access easements shall be recorded between the owner of Franklin County Auditor Parcel No. 010-296191-00 from the above described right-in/right-out access point and the owners of Franklin County Parcel Nos. 010-211800-00 and 010-296192-

00.

A.2 Right-of-Way Dedication Requirement for 1505, 1521, and 1531 North Cassady Avenue. Right-of-Way dedication of 50' from the centerline shall be required along the North Cassady Avenue frontage of Franklin County Parcel No. 010-211800-00, Franklin County Auditor Parcel No. 010-296191-00, and Franklin County Auditor Parcel No. 010-296192-00 prior to plan approval from the City of Columbus, Department of Public Service.

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 Demyone Drive. At the Main Road/Demyone 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 Cassady Avenue/Main Road setback area.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.