



## Legislation Details (With Text)

**File #:** 0626-2012      **Version:** 2

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

**File created:** 3/12/2012      **In control:** Zoning Committee

**On agenda:** 4/2/2012      **Final action:** 4/4/2012

**Title:** To rezone 5271 EAST MAIN STREET (43213), being 1.13± acres located on the south side of East Main Street, 445± feet west of Fountain Lane, From: L-C-4, Limited Commercial District, To: C-3, Commercial District. (Rezoning # Z12-008)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0626-2012attachments

Date	Ver.	Action By	Action	Result
4/4/2012	2	CITY CLERK	Attest	
4/3/2012	2	MAYOR	Signed	
4/2/2012	2	COUNCIL PRESIDENT	Signed	
4/2/2012	1	Zoning Committee	Amended as submitted to the Clerk	Pass
4/2/2012	1	Zoning Committee	Approved as Amended	Pass
3/26/2012	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z12-008

**APPLICANT:** Spirit Master Funding LLC c/o Hope Sherman; 4200 Regent Street; Suite 200; Columbus, OH 43219

**PROPOSED USE:** Commercial use.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on March 8, 2012.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested C-3, Commercial District would allow more commercial uses at the site. Staff finds the current zoning to be far too limiting as it permits only restaurant use. The requested C-3, Commercial District would allow a broader range of uses. Furthermore, the current limitation text contains no design standards while the new updated Zoning Code has landscaping, parking lot landscaping and lighting standards that encompass more than the current limitation text. The proposal is consistent with the land use recommendation of the *Livingston East Area Plan* (2009), which calls for commercial development on the site. Based on these considerations, Staff finds the proposed rezoning to be compatible with the surrounding development and zoning pattern of the area.

To rezone **5271 EAST MAIN STREET (43213)**, being 1.13± acres located on the south side of East Main Street, 445± feet west of Fountain Lane, **From:** L-C-4, Limited Commercial District, **To:** C-3, Commercial District. (Rezoning # Z12-008)

**WHEREAS**, application #Z12-008 is on file with the Department of Building and Zoning Services requesting rezoning of 1.13± acres from L-C-4, Limited Commercial District, to the C-3, Commercial District; and

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

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested C-3, Commercial District would allow more commercial uses at the site. Staff finds the current zoning to be far too limiting as it permits only restaurant use. The requested C-3, Commercial District would allow a broader range of uses. Furthermore, the current limitation text contains no design standards while the new updated Zoning Code has landscaping, parking lot landscaping and lighting standards that encompass more than the current limitation text. The proposal is consistent with the land use recommendation of the *Livingston East Area Plan* (2009), which calls for commercial development on the site, 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:

**5271 EAST MAIN STREET (43213)**, being 1.13± acres located on the south side of East Main Street, 445± feet west of Fountain Lane, and being more particularly described as follows:

Situated in ~~the City of Whitehall and~~ the City of Columbus, County of Franklin and State of Ohio, and known as being located in Half Section 23, Section 15, Township 12 West, Range 21 North, Refugee lands, and being 0.938 acres out of the 3.570 acre remainder parcel of an original 6.026 acre tract to Cooker Restaurant Corporation recorded in ORV 14584, Page C07 of Franklin County Records, and 0.193 acres out of a 2.456 acre parcel to James F. Hadley, Trustee, recorded in ORV 17525, Page 113 of Franklin County Records, and said 1.131 acre parcel of land being bounded and more particularly described as follows: Beginning at a point in the centerline of East Main Street (80 feet wide), said point being East along the centerline of said East Main Street 481.78 feet from the centerline of Fountain lane (60 feet wide), as shown and delineated on 0 plat of Dedication of Fountain lane, Riding Club land and Easements, recorded in Plat Book 40, Page 9 of Franklin County Records; thence East 145 feet with the centerline of said East Main Street, passing the Northeast corner of said 2.456 acre Hadley parcel at 26.91 feet, also being the Northwest corner of said 3.570 acre parcel, to a point in said centerline; thence South 0 deg. 35' 10" West, 340.02 feet over and across said 3.570 acre parcel, passing an iron pin set in the South line of said East Main Street at 40 feet, said line also being the current City of Whitehall and the City of Columbus corporation line, to an iron pin set in the South line of said 3.570 acre parcel; thence South 89 deg. 59' 56" West, 118.52 feet with the South line of said 3.570 acre parcel, said line also being the North line of a 0.939 acre to Wyandotte Shopping Center, recorded in ORV 5509, Page G18 of Franklin County Records, to an iron pin set in said South line; thence North 87 deg. 04' 37" West, 26.51 feet aver and across said 3.570 acre parcel to an iron pin set; thence North 0 deg. 35' 10" East, 338.67 feet over and across said 3.570 acre parcel and over and across said 2.456 acre Hadley parcel, passing an iron pin set in the South line of said East Main Street at 300.02 feet, to the point of beginning, containing 1.131 acres of land. The bearings used in this description and plat of survey are based on the same meridian the centerline of said East Main Street, having a bearing of due East, as shown and delineated on the plat of Dedication of Fountain lane, Riding Club lane and Easements, recorded in Plat Book 40, Page 9 of Franklin County Records.

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

**To:** C-3, Commercial District

**Section 2.** That a Height District of thirty-five (35) feet is hereby established on the C-3, Commercial 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 changes on the said original zoning map in the office of the Department of Building and Zoning Services.

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