



Legislation Details (With Text)

File #: 2078-2013 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/26/2013 **In control:** Zoning Committee

On agenda: 9/23/2013 **Final action:** 9/26/2013

Title: To rezone 4042 Morse Road (43230), being 14.37± acres located at the northeast corner of Transit Drive and Service Road 7A, 650± feet north of Morse Road, From: CPD, Commercial Planned Development District, To: L-C-4, Limited Commercial District (Rezoning # Z13-035).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD#2078.Attachments, 2. Notice Of Public Hearing - Council Mtg20130923

Date	Ver.	Action By	Action	Result
9/26/2013	1	CITY CLERK	Attest	
9/24/2013	1	MAYOR	Signed	
9/23/2013	1	Zoning Committee	Approved	Pass
9/23/2013	1	COUNCIL PRESIDENT	Signed	
9/16/2013	1	Columbus City Council	Read for the First Time	

Rezoning Application Z13-035

APPLICANT: The Ellis Company, Ltd.; c/o Jeffrey L. Brown, Atty.; Smith and Hale LLC; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on August 8, 2013.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-C-4, Limited Commercial District, will allow unspecified commercial development, including the construction of a hotel. The site is located within the planning area of the *Northland Plan Volume 1* (2001), and while there are no specific land use recommendations for the area, the Plan includes guidelines for undeveloped land located in commercial areas and development sites with freeway exposure. The site plan requires the development to be located in the southeast quadrant of the site, away from the single-unit subdivision to the northwest. The development also establishes a Do Not Disturb Zone to preserve an existing tree line in further consideration of the adjacent residential uses and includes additional commitments that address lot coverage, street trees along Interstate 270, pedestrian connection, and lighting controls. Staff believes the request is compatible with adjacent residential, commercial, and institutional uses, and complies with guidelines in the *Northland Plan Volume 1*.

To rezone **4042 Morse Road (43230)**, being 14.37± acres located at the northeast corner of Transit Drive and Service Road 7A, 650± feet north of Morse Road, From: CPD, Commercial Planned Development District, To: L-C-4, Limited Commercial District (Rezoning # Z13-035).

WHEREAS, application #Z13-035 is on file with the Building and Zoning Services Department requesting rezoning of 14.37± acres from CPD, Commercial Planned Development District, to L-C-4, Limited 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 L-C-4, Limited Commercial District the request is compatible with adjacent residential, commercial, and institutional uses, and complies with guidelines in the *Northland Plan Volume I*; 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:

4042 MORSE ROAD (43230), being 14.37± acres located at the northeast corner of Transit Drive and Service Road 7A, 650± feet north of Morse Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Section 4, Township 2 N, Range 17 W of the United States Military lands; also being part of the same lands conveyed to Columbus and Southern Ohio Electric Company as recorded in Deed Book 2550, page 577, all references contained herein are to Franklin County Recorder's records, Franklin County, Ohio, being shown on Exhibit "B" attached hereto and made a part thereof and being more particularly bounded and described as follows:

Beginning at a 5/8 inch Iron Pin and Cap found 200 feet right of Interstate 270 Centerline Station 1337+38.35, said centerline being shown on FRA-270-22.99N plans and being filed in Book 41, page 14, said Iron Pin and Cap also being northeasterly corner of a 5.519 acre tract of land conveyed to D&K Limited, as recorded in Instrument Number 200144020253979;

thence, N 86 degrees 09' 57" W, 134.12 feet with the northerly line of said D&K Limited lands to a ½ inch Iron Pin found on the northwesterly corner of said D&K Limited lands, and on the northeasterly corner of a 4.017 acre tract of land conveyed to Columbus and Southern Ohio Electric Company as recorded in Deed Volume 1811, page 482;

thence, N 86 degrees 12' 37" W, 350.19 feet with the northerly line of said 4.017 acre Columbus and Southern Ohio Electric Company lands, to a ¾ inch I.D.I.P found on the northwesterly corner of said 4.017 acre tract and the northeasterly corner of a 3.02 acre tract of land (Parcel 1) conveyed to Columbus and Southern Ohio Electric Company, as recorded in Deed Volume 1811, page 478;

thence, N 85 degrees 42' 19" W, 149.93 feet running with the northerly line of said Columbus and Southern Ohio Electric Company Parcel 1 to a 5/8 inch Iron Pin found on the northwesterly corner of said Parcel 1 said 5/8 inch Iron Pin also being in the easterly line of a 27.097 acre tract of land conveyed to AERC Bradford, Inc. and recorded in Instrument Number 199911240293088;

thence, N 03 degrees 27' 08" E, 1433.24 feet running with the westerly line of said Columbus and Southern Ohio Electric Company lands, the easterly line of said AERC Bradford Inc. lands, the easterly line of Strawberry Fields subdivision as recorded in Plat Book 65, page 75 and the easterly line of Sunbury Lake subdivision as recorded in Plat Book 73, page 1 to a ¾ inch I.D.I.P found, said ¾ I.D.I.P being on the southwesterly corner of Lot No. 17 of said Sunbury Lake subdivision;

thence, S 85 degrees 10' 51" E, 197.86 feet running with the northerly line of said Columbus and Southern Ohio Electric Company lands and the southerly line of said Lot No. 17 of said Sunbury Lake subdivision to a 5/8 inch Iron Pin and Cap found on the southeasterly corner of said Lot No. 17 and on the westerly Limited Access Right-of-Way line of said

Interstate 270 (State of Ohio ORV 29643E02);

thence, running with the easterly line of said Columbus and Southern Ohio Electric Company lands and the westerly Limited Access Right-of-Way line of said Interstate 270, the following 6 consecutive courses:

- 1) S 12 degrees 21'23" E, 460.41 feet to a 5/8 inch Iron Pin and Cap set;
- 2) S 05 degrees 30'39" E, 101.15 feet to a 5/8 inch Iron Pin and Cap set;
- 3) S 24 degrees 36'11" E, 101.56 feet to a 5/8 inch Iron Pin and Cap set;
- 4) S 15 degrees 28'38" E, 150.29 feet to a 5/8 inch Iron Pin and Cap set;
- 5) S 12 degrees 12'13" E, 250.03 feet to a 5/8 inch Iron Pin and Cap set;
- 6.) S 13 degrees 58'07" E, 438.34 feet to the point of beginning and containing 13.530 acres more or less, subject to all legal streets, highways, right-of ways, alleys, easements, agreements and/or conditions of record, if any, and is based on an actual field survey performed by me, or under my supervision, this twenty third day of May, 2003.

Bearings are based on a portion of the easterly line of said Columbus and Southern Ohio Electric Company lands as being S 13 degrees 58' 07" E, as shown of record in Official Record 29643 E10 (Parcel No. 7WL-1).

All Iron Pin and Caps set are 5/8" x 30" rebar with yellow cap stamped Central Survey Co,

LEGAL DESCRIPTION OF ACCESS EASEMENT

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 4, Township 2 N, Range 17 W of the United States Military Lands, also being part of the same lands conveyed as Parcel 1 to Columbus and Southern Ohio Electric Company as recorded in Deed Book 1811, page 478, all references contained herein are to Franklin County Recorder's records, Franklin County, Ohio, and being a 0.839 acre tract of land for ingress/egress easement purposes and being shown on Exhibit "A" attached hereto and made a part thereof and being more particularly described as follows:

Beginning at a 5/8 inch Iron Pin found being the northwesterly corner of said Columbus and Southern Ohio Electric Company Parcel 1, said Iron Pin also being the southwesterly corner of a 13.530 acre tract of land conveyed to Columbus and Southern Ohio Electric Company as recorded in Deed Book 2550, page 577;

Thence, S 85 deg. 42' 19" E, 50.00 feet along the northerly line of said Columbus and Southern Ohio Electric Company Parcel 1 to a point;

Thence, S 04 degrees 13' 41" W, 878.37 feet running across said Columbus and Southern Ohio Electric Company Parcel 1 to a point, said point being in the southerly line of said Columbus and Southern Ohio Electric Company Parcel 1;

Thence, N 85 degrees 17' 19" W, 5.68 feet along the southerly line of said Columbus and Southern Ohio Electric Company Parcel 1 to a point;

Thence, running with the westerly line of said Columbus and Southern Ohio Electric Company Parcel 1 and the easterly line of a 0.216 acre tract of land conveyed to the City of Columbus as recorded in Instrument No. 199708210075518, the following (3) consecutive courses:

- 1) following a curve to the right having a radius of 20.00 feet, a delta angle of 89 degrees 00' 48", an arc length of 31.07 feet and a chord which bears N 40 degrees 17' 50" W, 28.04 feet to a point;
- 2) N 04 degrees 12' 23" E, 207.90 feet to a point;

3) following a curve to the left having a radius of 225.00 feet, a delta angle of 27 degrees 00' 28", an arc length of 106.06 feet and a chord which bears N 09 degrees 17' 52" W, 105.08 feet to a point;

Thence, N 04 degrees 13' 41" E, 548.33 feet along the westerly line of said Columbus and Southern Ohio Electric Company Parcel 1 to the point of beginning, containing 0.839 acres, subject to all legal streets, highways, right-of-ways, alleys, easements, agreements and/or conditions of record, if any.

Bearings are based on a portion of the easterly line of said Columbus and Southern Ohio Electric Company lands as being S 13 degrees 58' 07" E, as shown of record in Official Record 29643 E10 (Parcel No. 7WL-1).

To Rezone From: CPD, Commercial Planned Development District

To: L-C-4, Limited Commercial District

SECTION 2. That a Height District of sixty (60) feet is hereby established on the L-C-4, Limited 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 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, "**VALUE PLACE HOTEL**," and text being titled, "**LIMITATION TEXT**," both signed by Jeffrey L. Brown, Attorney for the Applicant, dated August 26, 2013, and reading as follows:

LIMITATION TEXT

PROPOSED DISTRICTS: L-C-4, Limited Commercial

PROPERTY ADDRESS: 4042 Morse Road

OWNER: Faith Christian Center of Columbus Inc.

APPLICANT: Ellis Company Ltd.

DATE OF TEXT: August 26, 2013

APPLICATION: Z13-035

1. INTRODUCTION: The site is located west of I-270, north of Morse Road and is currently zoned for a skate park. The current zoning was established in 2005. Since that time two separate zoning applications have been filed on the site but have not been completed by the applicants. One application was for self storage and the other was for an extended stay hotel.

2. PERMITTED USES: Those uses permitted in Chapter 3356 C-4, Commercial of the Columbus City Code excluding the following uses:

Animal shelter

Automotive accessories, parts, and tire sales unless part of a new automobile dealership

Bars, cabarets, and night clubs

Halfway house

3. DEVELOPMENT STANDARDS: Unless otherwise specified in the following text, the development standards shall be as specified in Chapter 3356, C-4 of the Columbus City Code.

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

1. Building and parking setbacks from the east property line shall be 25 feet; building and parking setbacks from the west and north property lines shall be 50 feet.
2. For structures and paved areas lot coverage shall not exceed 80%.
3. Height district of 60 feet; no building shall exceed 35 feet in height unless the building is situated east of the 100 foot north/south electric easement and south of the north edge of the hotel parking lot.

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

1. A pedestrian connection shall be installed along the access drive from Transit Drive into the development.

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

1. A tree row shall be established along I-270 containing one tree spaced every 30' or fraction thereof. Trees may be grouped together. Areas where development will not occur along I-270 frontage shall not have trees planted.
2. The adjacent subdivision located northwest of this subject site, shall be screened by a 50' Do Not Disturb Zone beginning 35' south of Strawberry Fields subdivision and extending to the north property line. Said "Do Not Disturb Zone" is for the purpose of the preservation of the existing tree row located within this area subject to the installation of utilities. This is in addition to the 200' open space/buffer zone located on the property adjacent to the west which is located south of Strawberry Fields Subdivision, as well at the 40' tree row located on lots 23 through 29 of Strawberry Fields Subdivision, which until transferred to their respective owners in May 2002, were "Reserve" areas for public road purposes.

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

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

1. Light poles within 100' of any residential development shall not exceed 14' in height.

F. Graphics and Signage Commitments

1. All graphics shall conform to Article 15 of the Columbus City Code, as it applies to the C-4 Commercial District. Any variance to the applicable requirements of the C-4 district shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous

1. Site Plan

The subject shall be in the accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the site plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his or her designee upon submission of the 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.