



Legislation Details (With Text)

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File created: 8/18/2017 **In control:** Zoning Committee

On agenda: 10/2/2017 **Final action:** 10/2/2017

Title: To amend Ordinance #0493-2005, passed March 28, 2005 (Z04-036), for property located at 6314 EAST BROAD STREET (43213), by repealing Section 3 and replacing it with a new Section 3 thereby modifying the CPD Text for Subarea II as it applies to the required monetary contribution for roadway improvements (Rezoning Amendment # Z04-036A) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2245-2017_CPD_TEXT_AMENDED, 2. ORD2245-2017Attachments

Date	Ver.	Action By	Action	Result
10/5/2017	2	CITY CLERK	Attest	
10/4/2017	2	MAYOR	Signed	
10/2/2017	2	COUNCIL PRESIDENT	Signed	
10/2/2017	1	Zoning Committee	Amended to Emergency	Pass
10/2/2017	1	Zoning Committee	Approved as Amended	Pass

Rezoning Amendment: Z04-036A

Ordinance #0493-2005, passed March 28, 2005 (Z04-036), rezoned 159.95± acres from M-1, Manufacturing District, to CPD, Commercial Planned Development District, and L-M, Limited Manufacturing District to develop hospital-related commercial and industrial uses. In Subarea II, the rezoning legislation included a commitment for a specific monetary contribution for roadway improvements. This legislation will amend Ordinance #0493-2005 by modifying the CPD Text to decrease the amount the developer has to contribute to roadway improvements as approved by the Division of Traffic Management because less commercial development is occurring than was anticipated. The Far East Area Commission also reviewed the modifications and recommends approval. All other aspects of Ordinance #0493-2005 remain in effect, and are included in this amendment.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To amend Ordinance #0493-2005, passed March 28, 2005 (Z04-036), for property located at **6314 EAST BROAD STREET (43213)**, by repealing Section 3 and replacing it with a new Section 3 thereby modifying the CPD Text for Subarea II as it applies to the required monetary contribution for roadway improvements (Rezoning Amendment # Z04-036A) **and to declare an emergency.**

WHEREAS, Ordinance #0493-2005, passed March 28, 2005 (Z04-036), rezoned 159.95± acres located at **6314 EAST**

BROAD STREET (43213) from M-1, Manufacturing District, to CPD, Commercial Planned Development District, and L-M, Limited Manufacturing District; and

WHEREAS, that rezoning established specific development standards addressing permitted uses, setbacks, access, parking, landscaping, building design, and lighting commitments; and

WHEREAS, the CPD Text in Subarea II included a commitment for a specific monetary contribution for roadway improvements; and

WHEREAS, the Applicant proposes to modify the CPD Text in Subarea II to decrease the amount the developer has to contribute to roadway improvements from \$500,000 to \$242,000 as approved by the Division of Traffic Management; and

WHEREAS, it is necessary to amend Section 3 of Ordinance #0493-2005, passed March 28, 2005 (Z04-036), to modify this commitment; and

WHEREAS, all other aspects of Sections 1 and 2 contained in Ordinance #0493-2005 are unaffected by this amendment and remain in effect, and are repeated below for clarity; and

WHEREAS, an emergency exists in order to allow the applicant to meet contractual deadlines for the construction and sale or rental agreements for the subject property; 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 #0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

6314 EAST BROAD STREET (43213), being 159.95± acres located at the northeast corner of East Broad Street and Taylor Station Road, and being more particularly described as follows:

**SUBAREA I
CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT
PARCEL ONE
43.837 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 16, United States Military Lands, being part of the 111.20 acre tract conveyed as PARCEL ONE, and the 132 acre tract conveyed as PARCEL THREE to Lucent Technologies Inc. by deed of record in Instrument No. 200207230180184 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly bounded and described as follows:

Beginning at a magnetic nail set marking the centerline intersection of East Broad Street (State Route 16) (width varies) and Taylor Station Road (98 foot R/W);

Thence North 03° 56' 51" East, a distance of 1654.05 feet, along the centerline of said Taylor Station Road, to a magnetic nail set;

The following six (6) courses across said 111.20 acre and 132 acre tracts:

1. Thence North 82° 41' 33" East, a distance of 786.03 feet, to an iron pin set;
2. Thence South 07° 20' 46" East, a distance of 769.03 feet, to an iron pin set;
3. Thence North 82° 39' 14" East, a distance of 75.15 feet, to an iron pin set;
4. Thence South 08° 00' 06" East, a distance of 512.30 feet, to an iron pin set;
5. Thence North 81° 59' 54" East, a distance of 912.83 feet, to an iron pin set;

6. Thence South 07° 46' 36" East, a distance of 339.99 feet, to a magnetic nail set in the centerline of said East Broad Street;

Thence South 82° 21' 49" West, a distance of 2106.31 feet, along the centerline of said East Broad Street, to the True Point of Beginning. Containing 43.837 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the bearing of North 82° 21' 49" East for the centerline of East Broad Street as established from a series of GPS observations in October, 2003.

EVANS, MECHWART HAMBLETON & TILTON, INC.

**PARCEL TWO
7.327 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 16, United States Military Lands, and being part of PARCEL ONE and all of PARCEL TWO as conveyed to Continental/6200 E. Broad, LLC by deed of record in Instrument No. 200312110392719 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly bounded and described as follows:

Beginning, for reference, at a magnetic nail set marking the centerline intersection of East Broad Street (State Route 16) (width varies) and Taylor Station Road (98 foot R/W);

Thence North 82° 21' 49" East, a distance of 2106.31 feet, with the centerline of said East Broad Street, to a magnetic nail set;

Thence North 07° 46' 36" West, a distance of 339.99 feet, with the line common to that 43.837 acre tract conveyed to Mt. Carmel Health System by deed of record in Instrument Number 200312110392742 and that 24.704 acre tract conveyed to Empire Ventures/6200 E. Broad, LLC by deed of record in Instrument Number 200312110392762, to an iron pin set in the southerly line of said PARCEL TWO. Said iron pin being the TRUE POINT OF BEGINNING of the herein described tract;

Thence South 81° 59' 54" West, a distance of 912.83 feet, with a northerly line of said 43.837 acre tract, to an iron pin set at the southwesterly corner of said PARCEL TWO;

Thence North 08° 00' 06" West, a distance of 262.41 feet, with an easterly line of said 43.837 acre tract, to an iron pin set;

Thence North 82° 21' 28" East, a distance of 1236.74 feet, across said PARCEL ONE, to an iron pin set in a westerly line of said 24.704 acre tract;

Thence South 07° 00' 27" East, a distance of 254.69 feet, with a westerly line of said 24.704 acre tract, to an iron pin set at the southeasterly corner of said PARCEL TWO;

Thence South 81° 59' 54" West, a distance of 319.47 feet, with a northerly line of said 24.704 acre tract, to the TRUE POINT OF BEGINNING. Containing 7.327 acres of land, more or less, of which 7.020 acres are from PARCEL TWO and 0.307 acre is from PARCEL ONE.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83 (1986 adjustment). Control for bearings was derived using the bearing of North 82° 21' 49" East for the centerline of East Broad Street as established from a series of GPS observations in October, 2003.

EVANS, MECHWART HAMBLETON & TILTON, INC.

To Rezone From: M-1 Manufacturing District,

To: CPD, Commercial Planned Development District.

**SUBAREA II
CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT
24.704 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 16, United States Military Lands, being all of the 1.128 acre tract conveyed as PARCEL TWO, the 0.488 acre tract conveyed as PARCEL FOUR, the 2.512 acre tract conveyed as PARCEL FIVE, and part of the 111.20 acre tract conveyed as PARCEL ONE, to Lucent Technologies Inc. by deed of record in Instrument No. 200207230180184 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning for Reference at a magnetic nail set marking the centerline intersection of East Broad Street (State Route 16) (width varies) and Taylor Station Road (98 foot R/W);

Thence North 82° 21' 49" East, a distance of 2106.31 feet, along the centerline of said East Broad Street, to a magnetic nail set. Said magnetic nail being the TRUE POINT OF BEGINNING of the herein described tract;

The following six (6) courses across said 111.20 acre tract:

1. Thence North 07° 46' 36" West, a distance of 339.99 feet, to an iron pin set;
2. Thence North 81° 59' 54" East, a distance of 319.47 feet, to an iron pin set;
3. Thence North 07° 00' 27" West, a distance of 492.05 feet, to an iron pin set;
4. Thence North 82° 59' 33" East, a distance of 136.13 feet, to an iron pin set;
5. Thence North 07° 29' 04" West, a distance of 346.24 feet, to an iron pin set;
6. Thence North 82° 11' 38" East, a distance of 843.45 feet, to an iron pin set in the westerly line of the 2.758 acre tract conveyed to ZRM Property Co. by deed of record in Instrument No. 199902220044107;

Thence South 04° 04' 48" West, a distance of 1202.58 feet, along the westerly lines of said 2.758 acre tract, the 1.100 acre tract conveyed to KDK Enterprises, PLL by deed of record in Official Record 28545 B20, the 1.256 acre tract conveyed to 77-83 Outerbelt Street, LLC by deed of record in Instrument No. 200310080322388 and the 3.502 acre tract conveyed to Praedium II Buckeye LLC by deed of record in Instrument No. 199712090163335, to a magnetic nail set in the centerline of said East Broad Street (State Route 16);

Thence South 81° 52' 38" West, a distance of 443.69 feet, along said centerline, to a magnetic nail set;

Thence South 82° 21' 49" West, a distance of 616.66 feet, along said centerline, to the TRUE POINT OF BEGINNING. Containing 24.704 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the bearing of North 82° 21' 49" East for the centerline of East Broad Street as established from a series of GPS observations in October, 2003.

EVANS, MECHWART HAMBLETON & TILTON, INC.

To Rezone From: M-1 Manufacturing District,

To: CPD, Commercial Planned Development District.

**SUBAREA III
L-M, LIMITED MANUFACTURING DISTRICT
84.083± ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 16, United States Military Lands, and being part of PARCEL ONE as conveyed to Continental/6200 East Broad, LLC. by deed of record in Instrument No. 200312110392719 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly bounded and described as follows:

Beginning for Reference at a magnetic nail set marking the centerline intersection of East Broad Street (State Route 16) (width varies) and Taylor Station Road (98 foot R/W);

Thence North 03° 56' 51" East, a distance of 1654.05 feet, with the centerline of said Taylor Station Road, to a magnetic nail set. Said magnetic nail being the TRUE POINT OF BEGINNING of the herein described tract;

Thence North 03° 56' 51" East, a distance of 439.75 feet, continuing along said centerline to a magnetic nail set at the southwesterly corner of the 92.736 acre tract of land conveyed to M/I Homes of Central Ohio, LLC by deed of record in Instrument Number 200312110392756 ;

Thence with the southerly lines of said 92.736 acre tract the following courses and distances:

North 82° 19' 49" East, a distance of 1378.24 feet, to an iron pin set;

North 07° 19' 31" West, a distance of 262.13 feet, to an iron pin set;

North 82° 40' 29" East, a distance of 1843.61 feet, to an iron pin set in the westerly line of the 1.350 acre tract conveyed to Westminster 3 Medical Properties, LLC by deed of record Instrument No. 2000010110206182, being the westerly line of "OUTERBELT EAST COMMERCE PARK", as recorded in Plat Book 46, Page 4;

Thence South 04° 04' 48" West, a distance of 1146.67 feet, with the westerly lines of said 1.350 acre tract, the 1.370 acre tract conveyed to Cellco Partnership by deed of record in Instrument No. 200307230228066, the 1.098 acre tract conveyed to R. & C. Investments, LLC by deed of record in Instrument No. 199903310079056, the 1.099 acre tract conveyed to ASP, Inc. by deed of record in Instrument No. 199903290076187, the 1.000 acre tract conveyed to Telhio Credit Union, Inc. by deed of record in Official Record 13576 I06, the 2.000 acre tract conveyed to the Columbus Telephone Employees Credit Union, Inc. by deed of record in Deed Book 3288, Page 382, the 1.876 acre tract conveyed to Gebhard W. Keny, Jr. by deed of record in Official Record 26451 J11, and the 2.758 acre tract conveyed to Lupo LLC by deed of record in Instrument No. 200407020154413, being the westerly line of said "OUTERBELT EAST COMMERCE PARK", to an iron pin set at the northeasterly corner of the 24.704 acre tract of land conveyed to Empire Ventures/6200 E. Broad, LLC by deed of record in Instrument Number 200312110392762;

Thence South 82° 11' 38" West, along the northerly line of said 24.704 acre tract, a distance of 843.45 feet, to an iron pin set;

Thence with the westerly lines of said 24.704 acre tract the following courses and distances:

South 07° 29' 04" East, a distance of 346.24 feet, to an iron pin set;

Thence South 82° 59' 33" West, a distance of 136.13 feet, to an iron pin set;

Thence South 07° 00' 27" East, a distance of 237.36 feet, to an iron pin set;

Thence South 82° 21' 28" West, across said PARCEL ONE, a distance of 1236.74 feet, to an iron pin set in an easterly line of the 43.837 acre tract of land conveyed to Mt. Carmel Health System by deed of record in Instrument Number 200312110392742;

Thence with the easterly lines of said 43.837 acre tract the following courses and distances;
North 08° 00' 06" West, a distance of 249.89 feet, to an iron pin set;
South 82° 39' 14" West, a distance of 75.15 feet, to an iron pin set;
North 07° 20' 46" West, a distance of 769.03 feet, to an iron pin set at the northeasterly corner of said 43.837 acre tract;

Thence South 82° 41' 33" West, with the northerly line of said 43.837 acre tract, a distance of 786.03 feet, to the TRUE POINT OF BEGINNING. Containing 84.083 acres of land, more or less.
Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83 (1986 adjustment). Control for bearings was derived using the bearing of North 82° 21' 49" East for the centerline of East Broad Street as established from a series of GPS observations in October, 2003.

EVANS, MECHWART HAMBLETON & TILTON, INC.

To Rezone From: M-1 Manufacturing District,

To: L-M, Limited Manufacturing District.

SECTION 2. That Height Districts are hereby established on this property as follows: One-hundred ten (110) feet on the CPD, Commercial Planned Development District for Subarea I; Sixty (60) feet on the CPD, Commercial Planned Development District for Subarea II; and Sixty (60) feet on the L-M, Limited Manufacturing District for Subarea III.

SECTION 3. That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development and L-M, Limited Manufacturing Districts and Application among the records of the Building Services Division as required by Sections 3311.12 and 3370.03 of the Columbus City Codes; said plan being titled, "**CPD EXHIBIT,**" signed by **Jeffrey L. Brown, Attorney for the Applicant, and dated February 23, 2005,** and text titled, "**DEVELOPMENT TEXT,**" dated ~~March 28, 2005~~ **September 5, 2017,** both and signed by ~~Jeffrey L. Brown~~ **Michael T. Shannon,** Attorney for the Applicant, and the text reading as follows:

(SEE ATTACHMENT FILE TITLED, "ORD2245-2017_CPD_TEXT_AMENDED".)

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.