



## Legislation Details (With Text)

**File #:** 2591-2019      **Version:** 1

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

**File created:** 10/1/2019      **In control:** Zoning Committee

**On agenda:** 10/28/2019      **Final action:** 10/31/2019

**Title:** To rezone 4595 HEATON RD. (43229), being 2.17± acres located at the northwest corner of Heaton Road and Morse Road, From: AR-O, Apartment Office District, To: L-C-4, Limited Commercial District (Rezoning #Z19-044).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2591-2019.Attachments, 2. ORD2591-2019.Labels

Date	Ver.	Action By	Action	Result
10/31/2019	1	CITY CLERK	Attest	
10/30/2019	1	MAYOR	Signed	
10/28/2019	1	COUNCIL PRESIDENT	Signed	
10/28/2019	1	Zoning Committee	Waive the 2nd Reading	Pass
10/28/2019	1	Zoning Committee	Approved	Pass

### Rezoning Application: Z19-044

**APPLICANT:** Caldwell Automotive; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Automotive sales.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on August 8, 2019.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels zoned in the AR-O, Apartment Office District. One parcel is undeveloped, and the other is being utilized for automobile display for an adjacent dealership. The site also includes a portion of Heaton Place that is to be vacated. The requested L-C-4, Limited Commercial District will allow expansion of the automobile dealership with enhanced landscaping provisions in consideration of an adjacent apartment complex. The limitation text commits to a landscape details plan, contains several use restrictions, and includes development standards addressing site access, landscaping and screening, and graphics provisions. The site is located within the boundaries of *Northland 1 Area Plan* (2014), which recommends "Community Mixed Use" land uses for this location. The Plan also includes recommendations that landscaping and screening be utilized to create appropriate corridor landscaping, and minimize the impact of commercial development on adjacent residential uses. The request is compatible with the *Northland 1 Area Plan's* land use recommendation and includes appropriate landscaping commitments.

To rezone **4595 HEATON RD. (43229)**, being 2.17± acres located at the northwest corner of Heaton Road and Morse Road, **From:** AR-O, Apartment Office District, **To:** L-C-4, Limited Commercial District (Rezoning #Z19-044).

**WHEREAS**, application #Z19-044 is on file with the Department of Building and Zoning Services requesting rezoning of 2.17± acres from AR-O, Apartment Office 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 will allow expansion of an automobile dealership with appropriate development standards that is consistent with the land use and landscaping recommendations of the *Northland 1 Area Plan*; 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:

**4595 HEATON RD. (43229)**, being 2.17± acres located at the northwest corner of Heaton Road and Morse Road, and being more particularly described as follows:

**Parcel 1 - Parcel No. 010-145124-00 (0.614± acres):**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 4, Township 2, Range 18, United States Military Land, and being 0.614 acres of land out of Reserve “B” in Northland Village East, of record in Plat Book 38, Pages 80, 81, 82 and 83, Recorder’s Office, Franklin County, Ohio and 0.614 acres being more particularly described as follows:

Beginning at a point in the Westerly line of said Reserve “B”, the Easterly line of that 5.099 acre tract of land now or formerly owned by James G. Murphy and Dolores R. Murphy by deed of record in Deed Book 2709, Page 424, said point being located S 5° 53’ 02” W, a distance of 574.73 feet from the Northwestern corner of said Reserve “B” the Southwesterly corner of that 1.58 acre tract of land described in a deed to the Board of Education of the City School District of Columbus, Ohio, of record in Deed Book 2567, Page 699, Recorder’s Office, Franklin County, Ohio;

Thence S 84° 09’ 20” E, a distance of 285.00 feet to a point;

Thence S 31° 34’ 09” E, a distance of 42.71 feet to a point in the Northwestern line of Heaton Road (60 feet in width);

Thence with a Southeasterly line of said Reserve “B”, a Northwestern line of said Heaton Road and with a curve to the left, having a radius of 105.00 feet, a sub-chord of which bears S 39° 09’ 52” W, a sub-chord distance of 69.29 feet to a point;

Thence N 84° 09’ 20” W, crossing said Reserve “B”, a distance of 272.54 feet to a point, the Westerly line of said Reserve “B”;

Thence N 5° 53’ 02” E, with the Westerly line of said Reserve “B” and said 5.099 acre tract (and the Easterly line of said 5.099 acre tract) a distance of 91.80 feet to the point of beginning and containing 0.614 acres of land, more or less.

**Parcel 2 - Parcel No. 010-145125-00 (0.978± acres):**

Situated in the State of Ohio, County of Franklin, City of Columbus, and more particularly described as follows:

Being all of Reserve “C” in Northland Village East as the same is designated and delineated on the recorded plat of said Northland Village East, of record in Plat Book 38, Pages 80, 81, 82 and 83, Recorder’s Office, Franklin County, Ohio.

**Part of Heaton Place (to be vacated), North of Morse Road (0.575± acres):**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 4, Township 2, Range 18, United States Military Lands and being part of Heaton Road (60') as dedicated upon the record plat for Northland Village East of record in Plat Book 38, Page 80 and being 0.575 acres of land, more or less, said 0.575 acres more particularly described as follows:

Beginning, at an iron pin found stamped "Woolpert" at a point of curvature in the westerly right-of-way line of said Heaton Road (80'), said point also being in the easterly line of that 4.707 acre tract of land described as Parcel 1 in the deed to Caldwell Real Estate, LLC of record in Instrument No. 201512300182074, Instrument No. 201512300182075 and Instrument No. 201512300182076, said Parcel 1 also being part of Reserve "B" of said Northland Village East;

Thence with westerly lines of said Heaton Road (60'), easterly lines of said 4.707 acre tract and with the easterly line of that 0.614 acre tract of land described as Parcel 1 in the deed to Caldwell Real Estate, LLC of record in Instrument No. 201902110016473, the following four (4) courses and distances:

with a curve to the left having a central angle of 60° 00' 00" and a radius of 75.00 feet, an arc length of 78.54 feet and a chord bearing and distance of N 26° 05' 44" W, 75.00 feet to an iron pin found stamped "Woolpert" at a point of reverse curvature;

with a curve to the right having a central angle of 60° 00' 00" and a radius of 105.00 feet, an arc length of 109.96 feet and a chord bearing and distance of N 26° 05' 44" W, 105.00 feet to an iron pin found stamped "Woolpert" at a point of tangency;

N 03° 54' 16" E, 225.00 feet to an iron pin set at a point of curvature;

with a curve to the right having a central angle of 52° 28' 31" and a radius of 105.00 feet, an arc length of 96.17 feet and a chord bearing and distance of N 30° 08' 31" E, 92.84 feet (passing a 3/4" iron pipe found at 25.57 feet) to a point at an easterly corner of said 0.614 acre tract, said corner also being a southerly corner of that 3.170 acre tract of land described as Parcel III and as conveyed to 1900 Sunny Court LLC of record in Instrument No., 200909250139675 (witness a 3/4" iron pipe found 0.25' east and 0.21' north);

Thence S 33° 29' 58" E, across the right-of-way of said Heaton Road (60'), 60.00 feet to an iron pin set in a northeasterly line of that tract of land described as Parcel 2 in the deed to Caldwell Real Estate, LLC of record in Instrument No. 201902110016473, said Parcel 2 also being Reserve "C" of said record plat;

Thence with the easterly right-of-way line of said Heaton Road (60'), the westerly line of said Parcel 2 and the westerly line of said Reserve "C", the following three (3) courses and distances:

with a curve to the left having a central angle of 52° 18' 49" and a radius of 45.00 feet, an arc length of 41.09 feet and a chord bearing and distance of S 30° 03' 40" W, 39.67 feet to a 3/4" iron pipe found at a point of tangency;

S 03° 54' 16" W, 225.00 feet to a point of curvature (witness a 3/4" iron pipe found 0.25' west;

with a curve to the left having a central angle of 90° 00' 00" and a radius of 45.00 feet, an arc length of 70.69 feet and a chord bearing and distance of S 41° 05' 44" E, 63.64 feet to an iron pin set;

Thence S 11° 36' 30" W, across said Heaton Road (60' and 80'), 111.89 feet to the True Point of Beginning, and containing 0.575 acres of land, more or less

Subject, however, to all legal highways, easements, and restrictions.

This exhibit was prepared from information obtained from the Franklin County Auditor's Office, the Franklin County

Recorder's Office and information obtained from an actual field survey conducted by Advanced Civil Design, Inc. in April of 2019.

All iron pins set are 5/8" diameter rebar, 30" long with a plastic cap inscribed "Advanced 7661".

Bearings are based on the bearing of N 03° 54' 16" E for a portion of the westerly right-of-way line of Heaton Place and as established by using a G.P.S. Survey (Ohio State Plane Coordinate System, South Zone, NAD83, NSRS 2007).

**To Rezone From:** AR-O, Apartment Office District

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

**SECTION 2.** That a Height District of thirty-five (35) 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 change 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 plans being titled, "**SCHEMATIC LANDSCAPE PLAN,**" and "**DETAILS,**" and text titled, "**LIMITATION TEXT,**" all dated September 25, 2019, and signed by Eric Zartman, Attorney for the Applicant, and the text reading as follows:

#### **LIMITATION TEXT**

Property Address: 4595 Heaton Road

Parcel ID: 010-145124 and 010-145125

Current District: AR-O

Proposed District: L-C-4

Owner/Applicant: Caldwell Real Estate LLC; 1888 Morse Road; Columbus, Ohio 43229

Attorney: David Hodge; Underhill & Hodge; 8000 Walton Parkway, Suite 260; New Albany, Ohio 43054

Date of Text: September 25, 2019

Application: Z19-044

**I.     Introduction:** Applicant Caldwell Real Estate LLC seeks to rezone the subject site located at 4595 Heaton Road from AR-O to L-C-4. The subject site is located north of Morse Road and west of Heaton Road. The site is bordered by property zoned AR-1 on the north, C-2 and L-C-4 on the east, C-4 on the south (owned by owner/applicant) and AR-1 and C-4 on the west.

The site is subject to the Morse Road Regional Commercial Overlay. The site is not subject to a planning overlay. The Site is within the boundary of the Northland Community Council area. The site is subject to the Northland I Area Plan which recommends Community Mixed Use. This is a classification which recommends retail, office, hotel, or institutional uses with residential units located either above and/or next to the uses, which serve multiple neighborhoods (i.e. neighborhood shopping centers). Recommended density is 16-22 dwelling units per acre for this specific area of Morse Road.

Applicant proposes development of the site as an expansion to its existing automobile sales business. As part of this development, Applicant proposes to vacate a portion of Heaton Place and incorporate that area into the site. Applicant is committed to the Schematic Landscape Plan and Details submitted with rezoning application.

**II.     Permitted Uses:** Those uses permitted by Section 3356.03, C-4 Regional Scale Commercial Development Permitted Uses, of the Columbus City Code, excluding the following:

Extended Stay Hotels  
Bars, Cabarets and Nightclubs  
Blood and Organ Banks  
Check Cashing and Loans  
Community Food Pantry  
Missions / Temporary Shelters  
Outdoor Power Equipment Sales  
Pawn Brokers  
Used Merchandise Stores  
Drive-In Motion Picture Theaters  
Farm Equipment and Supply Stores  
Garden, Landscaping and Nursery Centers and Sales  
Hospitals  
Lawn and Garden Equipment and Supplies Stores  
Performing Arts, Spectator Sports and Related Industries  
Animal Shelter  
Halfway House  
Veterinarians (Unlimited practice)

### **III. Development Standards:**

Except as otherwise indicated in the written text or the submitted Schematic Landscape Plan, the applicable development standards are those contained in Chapter 3356, C-4 Regional Scale Commercial Development and Sections 3372.800 et seq., Regional Commercial Overlay, of the Columbus City Code.

#### **A. Density, Height, Lot, and/or Setback Commitments:**

N/A.

#### **B. Access, Loading, Parking and/or other Traffic Related Commitments:**

There shall be one, full-access point of ingress/egress on Heaton Place, as depicted on the Schematic Landscape Plan.

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

1. A landscape buffer shall be provided as depicted on the Schematic Landscape Plan.
2. Existing trees in the Heaton Road right-of-way long the eastern boundary will be preserved.

#### **D. Building Design and/or Exterior Treatment Commitments:**

N/A.

#### **E. Lighting and/or other Environmental Commitments:**

N/A.

#### **F. Graphics and/or Signage Commitments**

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the M, Manufacturing District. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**G. Miscellaneous:**

The site shall be developed in general conformance with the submitted Schematic Landscape Plan and Details. The plans may be 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 plans shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a 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.