



Legislation Details (With Text)

File #: 2328-2020 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 10/8/2020 **In control:** Zoning Committee

On agenda: 10/26/2020 **Final action:** 10/29/2020

Title: To rezone 1328 HARRISBURG PIKE (43223), being 0.56± acres located at the southeast corner of Harrisburg Pike and Little Avenue, From: R, Rural District, To: C-4, Commercial District (Rezoning #Z20-051) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD#2328-2020_Attachments, 2. ORD#2328-2020_Labels

Date	Ver.	Action By	Action	Result
10/29/2020	2	CITY CLERK	Attest	
10/28/2020	2	MAYOR	Signed	
10/26/2020	2	COUNCIL PRESIDENT	Signed	
10/26/2020	1	Zoning Committee	Amended to Emergency	Pass
10/26/2020	1	Zoning Committee	Approved as Amended	Pass
10/19/2020	1	Columbus City Council	Read for the First Time	

Rezoning Application Z20-051

APPLICANT: Thompson Thrift Development, Inc., c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor, Columbus, OH 43215.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on August 13, 2020.

SOUTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is comprised of two parcels developed with an eating and drinking establishment and parking lot zoned in the R, Rural District as the result of a recent annexation from Franklin Township that became effective September 23, 2020. The requested rezoning is a comparable request from the CS, Community Service District in Franklin County to the C-4, Commercial District to permit commercial development. The site is within the boundaries of the *Southwest Area Plan* (2009), which recommends community commercial land uses at this location, and includes adoption of *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). This proposal is compatible with the recommendations of the Plan and is consistent with the zoning pattern along Harrisburg Pike. A concurrent Council variance (Ordinance #2329-2020, CV20-055) has been filed to permit a retail bank with variances to reduce parking and building setbacks, and allow a parcel line to divide a driveway, aisle, and drive-up stacking area as the site will be comprised of two separate parcels which cannot be combined due to different taxing districts.

To rezone **1328 HARRISBURG PIKE (43223)**, being 0.56± acres located at the southeast corner of Harrisburg Pike and Little Avenue, **From:** R, Rural District, **To:** C-4, Commercial District (Rezoning #Z20-051) **and to declare an emergency.**

WHEREAS, application #Z20-051 is on file with the Department of Building and Zoning Services requesting rezoning of 0.56± acres from R, Rural District, to the C-4, Commercial District; and

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

WHEREAS, the Southwest Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested C-4, Commercial District will allow for commercial development that is consistent with the recommendations of the *Southwest Area Plan* and is compatible with the existing zoning pattern along Harrisburg Pike;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; 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:

1328 HARRISBURG PIKE (43223), being 0.56± acres located at the southeast corner of Harrisburg Pike and Little Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Franklin, Virginia Military Survey Number 717, and being 0.565 acres being all of Franklin County Auditor's parcel number 140-003269 conveyed to Robert R. Cook by the instrument filed as Instrument Number 200809240143757, and all of Franklin County Auditor's parcel number 140-003271 conveyed to Thomas B. Fritz, Trustee of the Margaret D. Fritz Revocable Trust Agreement u/a/d 10/28/1997, as amended, by the instrument filed as Instrument Number 201906210074949 (hereafter collectively referred to as "Owner", all document references are to the records of Franklin County unless otherwise stated), the said 0.565 acre parcel also being more particularly described as follows:

BEGINNING at the Owner's westerly corner, being the westerly corner of lot 467 of Gibson Addition filed as Plat Book volume 19, page 33, and being on southeasterly right-of-way line of Harrisburg Pike and the existing City of Columbus Corporation line, the said point being the TRUE POINT OF BEGINNING of the parcel herein described.

Thence along the Owner's northwesterly line and along the said southeasterly right-of-way line, North 44 degrees 18 minutes 21 seconds East for a distance of 117.64 feet to a point;

Thence continuing along the Owner's northwesterly line and along the said southeasterly right-of-way line and with a curve to the right, said curve having a central angle of 84 degrees 26 minutes 47 seconds, a radius of 45.00 feet, an arc length of 66.32 feet, and a long chord which bears North 86 degrees 31 minutes 45 seconds East for a distance of 60.48 feet to a point on the Owner's northeasterly line and on the southwesterly right-of-way line of Little Avenue;

Thence along the Owner's northeasterly line and along the said southwesterly right-of-way line and with a curve to the left, said curve having a central angle of 12 degrees 50 minutes 42 seconds, a radius of 545.92 feet, an arc length of 122.39 feet, and a long chord which bears South 57 degrees 40 minutes 13 seconds East for a distance of 122.13 feet to a

point at the Owner's easterly corner and on the northwesterly right-of-way line of an unnamed alley;

Thence along the Owner's southeasterly line and along the said northwesterly right-of-way line, South 44 degrees 18 minutes 21 seconds West for a distance of 160.12 feet to a point at the Owner's southerly corner and on the said City of Columbus Corporation line;

Thence along the Owner's southwesterly line and along the said Corporation line, North 55 degrees 29 minutes 30 seconds West for a distance of 162.49 feet to the TRUE POINT OF BEGINNING, containing 0.565 acres, more or less, being all out of Franklin Township.

This annexation description of the location of the property to be annexed and is not a boundary survey as defined in O.A.C. Chapter 4733.37. The above description is for annexation purposes only and is not intended for deed transfer purposes.

To Rezone From: R, Rural District.

To: C-4, Commercial District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the C-4, 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.~~
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.