



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 2985-2015, **Version:** 3

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### Rezoning Application Z15-036

**APPLICANT:** Dennis Koon and Sam Kahwach; c/o David Hodge, Atty.; ~~Smith & Hale, LLC; 37 West Broad Street, Suite 460; Columbus, OH 43215~~ **Underhill Yaross and Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.**

**PROPOSED USE:** Office development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on November 12, 2015.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two lots, each of which is developed with a vacant single-unit dwelling, and will be zoned R, Rural District effective November 25, 2015, as a result of a recent annexation from Plain Township. The proposed L-C-2, Limited Commercial District will permit office development. The site is located within the Preserve District of the *Northland Plan - Volume II* (2002), which recommends that existing zoning patterns be taken into consideration when decisions are made regarding zoning changes, and that zoning be used to protect residential neighborhoods from intrusion by commercial development. The Plan recognizes office development in the Preserve District as a transition between residential and commercial development and recommends landscaped setbacks, maximum lot coverage, preservation of natural features, landscape buffers adjacent to residential development, and street trees. The limitation text incorporates these recommendations. This site's location along an arterial street suggests that it is a transitional property and will not interfere with the surrounding residential development. An office commercial zoning district is also consistent with medical office facilities on the south side of Morse Road, and the additional limitations placed upon this property will prevent the development from negatively impacting the adjacent residential development.

To rezone **5130 MORSE ROAD (43230)**, being 3.35± acres located on the north side of Morse Road, 135± feet east of Underwood Farms Boulevard, From: R, Rural District, To: L-C-2, Limited Commercial District **and to declare an emergency** (Rezoning # Z15-036).

**WHEREAS**, application No. Z15-036 is on file with the Department of Building and Zoning Services requesting rezoning of 3.35± acres from R, Rural District, to L-C-2, 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-2, Limited Commercial District, provides commitments for increased setbacks, maximum lot coverage, landscaping, improved screening, and tree preservation measures consistent with the land use recommendations of the *Northland Plan - Volume II*, and the zoning and development pattern of the area; and

**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:

**5130 MORSE ROAD (43230)**, being 3.3± acres located on the north side of Morse Road, 135± feet east of Underwood Farms Boulevard, and being more particularly described as follows:

Situated in the State of Ohio, County of County of Franklin, Plain Township, Quarter Section 3, Township 2, Range 16, U.S. Military Lands, and being all of a 1.0824 acre tract as conveyed to Derrer Road, LLC as recorded in Instrument No. 201012220174071, and being all of a 1.8058 acre tract as conveyed to Derrer Road, LLC as recorded in Instrument No. 201012220174070, containing 3.608 acre and being further described as follows:

Beginning in the easterly line of the existing City of Columbus Corporation line as shown in Ordinance No. 639-89 as recorded in O.R. 13292, Pg. D07, and being a northeasterly corner of the existing City of Columbus 0.253 acre tract as recorded in Instrument No. 201407290097673, said point being on the northerly line of Morse Rd. (width varies);

Thence Northerly 489' along the easterly line of said City of Columbus Corporation line (Ordinance No. 639-89), being the easterly line of Homestead at the Preserve Condominiums as recorded in Condo P.B. 129, Pg. 34 (4<sup>th</sup> Amendment), Condo. P.B. 129, Pg. 34, Condo. P.B. 89, Pg. 29, Condo. P.B. 93, Pg. 47 (3<sup>rd</sup> Amendment), Condo. P.B. 89, Pg. 29, Condo. P.B. 92, Pg. 17 (2<sup>nd</sup> Amendment) & Condo. P.B. 89, Pg. 29 to a point;

Thence Easterly 300' along a southerly line of said City of Columbus Corporation line, being the southerly line of said Homestead at the Preserve Condominiums as recorded in Condo P.B. 96, Pg. 13 (14<sup>th</sup> Amendment), Condo. P.B. 89, Pg. 29 to a point;

Thence Southerly 486' along a westerly line of said existing City of Columbus Corporation line as shown in Ordinance No. 1988-04, being the westerly line of a tract of land as conveyed to LC Preserve Crossing, LLC as recorded in Instrument No. 201312100202911 to a point in the northerly line of said Morse Rd.

Thence along the northerly line of said existing City of Columbus 0.253 acre tract, being the north line of said Morse Rd., the following 3 courses and distances:

Westerly 26', to a point;

Westerly 158', to a point;

Westerly 115', to the true place of beginning, Containing 146100 square feet, 3.354 acres, more or less. Being all of PPN 220-000149-00 & 220-000153-00. This description was prepared from Franklin County Recorder's Office documents is not valid for the transfer of real property, and is not to be utilized in place of a Boundary Survey as defined by the Ohio Administrative Code in Chapter 4733-37.

**To Rezone From:** R, Rural District.

**To:** L-C-2, Limited Commercial District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-M, Limited Manufacturing 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 L-C-2, 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; and text titled, "**LIMITATION TEXT**," signed by David Hodge, Attorney for the Applicant, dated November 18, 2015, and the text reading as follows:

### **LIMITATION TEXT**

**PROPOSED DISTRICT: L-C-2, Limited Office Commercial District**

**PROPERTY ADDRESS: 5130 Morse Road**

**OWNER: Derrer Road LLC**

**APPLICANT: Dennis Koon and Husam Kahwach**

**DATE OF TEXT: 11/18/2015**

**APPLICATION: Z15-036**

**1. INTRODUCTION:** This property is being annexed into the City of Columbus from Plain Township. The property, comprised of two parcels, is underutilized and currently developed with two vacant derelict single-family ranch houses. The applicants request rezoning of the properties to the L-C-2 district to allow for redevelopment within the parameters of this Limitation Text and the C-2 district of the Columbus City Code.

**2. PERMITTED USES:** Those uses listed in Chapter 3353 (C-2, Office Commercial District).

**3. DEVELOPMENT STANDARDS:** Except as otherwise noted, the applicable development standards of Chapter 3353 C-2, Office Commercial of the Columbus City Code shall apply.

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

1. Parking setbacks shall be eighty (80) feet from Morse Road and along the north property line on the east side of the Stream Corridor Protection Zone. All other parking setbacks shall be fifteen (15) feet.

2. Building setbacks shall be ninety (90) feet from Morse Road, fifteen (15) feet from the west property line, ten (10) feet from the east property line, eighty (80) feet from the north property line on the east side of the Stream Corridor Protection Zone, and fifteen (15) feet from the north property on the west side of the Stream Corridor Protection Zone.

3. Building and pavement lot coverage shall not exceed 80% .

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

All circulation, curb cuts and access points shall be subject to the approval of the Department of Public Service - Traffic Management Division.

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

1. Street trees shall be planted along Morse Road at a ratio of one tree per forty (40) feet of frontage; trees may be grouped or evenly spaced.

2. Minimum tree size at installation shall be no less than three (3) inch caliper for street trees.

3. The developer shall make a reasonable effort to preserve large and healthy trees, and to otherwise preserve trees in areas that will not be developed.

4. Trees within the Stream Corridor Protection Zone, and within the setbacks from the north property line will be maintained and preserved.

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

N/A

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

N/A

F. Graphics and 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 C-2, Office Commercial classification and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**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.**