



City of Columbus

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

Legislation Text

File #: 2540-2022, **Version:** 1

Rezoning Application Z22-046

APPLICANT: Chick-Fil-A, Inc.; c/o Gary R. Rouse, Agent; 565 White Pond Drive; Akron, OH 44320.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on September 8, 2022.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 1.39± acre site consists of one parcel developed with a drive-through eating and drinking establishment in the L-C-4, Limited Commercial District. The requested CPD, Commercial Planned Development District will allow the addition of another drive-thru lane and associated ordering canopy, affecting their established building setback line along Morse Road. The CPD text includes appropriate use restrictions and supplemental development standards that address building and parking setbacks, traffic access, buffering, landscaping, and screening, and includes code modifications to drive-up stacking areas and building setback line along Morse Road. The requested CPD district is consistent with the *Northland I Area Plan's* land use recommendation for "Regional Mixed Use" at this location and the development and zoning pattern along this section of Morse Road, and includes a site plan that shows an increase in landscaping along the site's frontage.

To rezone **3940 MORSE RD. (43219)**, being 1.39± acre located on the north side of Morse Road, 200± feet west of Stelzer Road, **From:** L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z22-046).

WHEREAS, application #Z22-046 is on file with the Department of Building and Zoning Services requesting rezoning of 1.39± acres from L-C-4, Limited Commercial District, to CPD, Commercial Planned Development 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 CPD, Commercial Planned Development District is consistent with *Northland I Area Plan's* land use recommendation, the surrounding development and zoning pattern of this section of Morse Road, and includes a site plan that shows an increase in landscaping along the site's frontage; 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:

3940 MORSE RD. (43219), being 1.39± acre located on the north side of Morse Road, 200± feet west of Stelzer Road, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, and known as being part of Quarter Township 3, Township 2, Range 17, of the United States Military Lands and also known as being part of lands now or formerly owned

by Lee Scott, Managing Trustee for Sam's Real Estate Business Trust as recorded in Instrument #200210240268869 of the Franklin County Records and more fully described as follows;

Beginning at a disk with an aluminum cap (FCGS5255) found at the intersection of the centerline of right-of-way of Morse Road and of the centerline of right-of-way of Service Road 7A (FKA Stelzer Road);

Thence N 86°14'49" W, along the centerline of Morse Road, a distance of 823.42 feet to a point;

Thence N 03°45'11" E, a distance of 100.00 feet to a 5/8" capped rebar being the True Place of Beginning for the Parcel of land herein described in the following four (4) courses:

1. Thence N 86°14'49" W, along the southerly line of said Lee Scott, Managing Trustee for Sam's Real Estate Business Trust lands, also being the northerly right-of-way line of Morse Road as conveyed to the City of Columbus in Official Record 21443 C19, a distance of 216.88 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

2. Thence N 03°45'15" E, along a new line of division, a distance of 279.75 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

3. Thence S 86°14'49" E, along a new line of division, a distance of 216.88 feet to a magnail to be set;

4. Thence S 03°45'15" W, along the westerly line of lands now or formerly owned by True North LLC. as recorded in Instrument #200606280126594 of the Franklin County Records, a distance of 279.75 feet to the True Place of Beginning and containing 1.3928 Acres of land, more or less, as surveyed in November, 2016 by Louis J. Giffels, Registered Surveyor No. 7790, with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations, or easements of record.

Property Address: 3940 Morse Rd., Columbus, OH 43219

Parcel Numbers: 010-297770

To Rezone From: L-C-4, Limited Commercial District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development 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 CPD, Commercial Planned Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.12 of the Columbus City Codes; said site plan being titled, "**SITE PLAN**," dated June 6, 2022, and text titled, "**DEVELOPMENT TEXT**," dated August 9, 2022, both signed by Gary Rouse, Agent for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

CPD---COMMERCIAL PLANNED DEVELOPMENT

3940 Morse Road, COLUMBUS

1.39+/- ACRES

CURRENT OWNER: CHICK-FIL-A, INC.

APPLICANT: GBC Design, Inc.

EXISTING ZONING: Z92-058A, Commercial, LC4, 2/24/2015 H-35

PROPOSED ZONING: CPD, Commercial Planned Development District

DATE OF TEXT: 8.9.22

APPLICATION NUMBER: Z22-046

1. INTRODUCTION: This 1.39 acre site is located on the north side of Morse Road, east of the Sunbury Road intersection and west of the Stelzer Road intersection (the “Site”). The Site consists of one parcel, PN 010-297770. The Site is currently zoned in the L-C-4, Limited Commercial District. The applicant will expand the single drive-thru lane to a double drive-thru lane and install canopies over the order points and drive-thru pickup window. The existing by-pass line on the east side of the Site will become the second drive-thru lane. The existing by-pass lane on the south side of the Site will remain. An additional 27 feet of right-of-way will be dedicated along the northerly side of Morse Road along the entire parcel frontage. The applicant proposes to rezone the Site to a CPD, Commercial Planned Development District to accommodate the expansion.

2. PERMITTED USES:

- a. 3356.03 C-4 permitted uses with the following exclusions:
 - i. Dance Hall
 - ii. Funeral parlor
 - iii. Trade School
 - iv. Building materials and supplies dealer
 - v. Warehouse clubs and super centers
 - vi. Animal Shelter
 - vii. Bars, Cabarets and Nightclubs
 - viii. Billboards and other off-premises signs
 - ix. Blood and Organ Banks
 - x. Check Cashing and Loans
 - xi. Halfway House
 - xii. Missions/Temporary Shelters
 - xiii. Monopole Telecommunications Antennas
 - xiv. Motorcycle, Boat, and Other Motor Vehicles Dealers (not including new car dealers)
 - xv. Pawn Brokers
 - xvi. Truck, Utility Trailer, and RV (Recreational Vehicle) Sales, Rental and Leasing
 - xvii. Used automobile sales, unless associated with a new automobile dealership

3. DEVELOPMENT STANDARDS: Unless otherwise indicated in this Text or on the submitted development plan (“CPD Site Plan”), the applicable development standards are contained in Chapter 3356 C-4 Commercial District of the Columbus City Code, as well as the landscaping standards in Sections 3312.21 and 3321.07 of the Columbus City Code.

A. Height, Lot and/or Setback Requirements:

- 1. The building shall not exceed thirty-five (35) feet in height.
- 2. Minimum setback for parking along Morse Road shall be twenty-three (23) feet, per the submitted CPD Site Plan.
- 3. Minimum setback for buildings along Morse Road shall be thirty-three (33) feet, per the submitted CPD Site Plan.

B. Access, Loading, Parking and/or other Traffic related commitments:

Access to the Site shall continue to be located along the northern property line, as shown on the submitted CPD Site Plan. Access to the Site is by established rights of ingress and egress easements contained within the Development, Restrictions, Easements Covenants and Conditions Agreement of record in Instrument Number 20171006013994.

C. Buffering, Landscaping, Open Space and/or Screening commitments:

Buffering, landscaping, screening and open space shall be in accordance with the standards in Sections 3312.21 and 3321.07 of the Columbus City Code. The landscaping that currently exists will remain, with the exception of a few bushes where the new sidewalk will be constructed adjacent to the drive-thru lane.

D. Building Design and/or Interior -Exterior treatment commitments: N/A

E. Dumpsters, Lighting, Outdoor Display areas and/or other environmental commitments:

There will be no changes from the existing Site other than the addition of a canopy over the order stations and pickup window.

F. Graphics and Signage commitments:

Graphics on the Site shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4 Commercial District for C-4 uses. Variances to the sign requirements, if any, shall be submitted to the Columbus Graphics Commission for consideration.

G. Additional CPD Requirements:

1. Natural Environment: The natural environment of the Site is flat, as is surrounding property in the Morse Road corridor, which is developed for commercial use.
2. Existing Land Use: The Site is occupied by a restaurant with drive-thru lanes.
3. Circulation: Circulation on the Site shall be in accordance with the CPD Site Plan.
4. Visual Form of the Environment: The surrounding properties are developed with commercial uses.
5. Visibility: The Site can be viewed from Morse Road.
6. Proposed Development: The use will continue to be a restaurant with drive-thru lanes.
7. Behavior Patterns: Commercial use, as developed on the surrounding properties. Existing development in the area has established behavior patterns for the motorists.
8. Emissions: No adverse effect from emissions shall result from the proposed development.

H. Modification of Code Standards:

1. Section 3312.11 Drive-up stacking area, to utilize a portion of the exclusive by-pass lane on the east side of the Site as a second drive-thru lane only during times of high demand and only with an operator on duty as shown on the CPD Site Plan.
2. Section 3356.11, Building Lines, to reduce the building setback of ½ of the right-of-way width as designated in the Columbus Multimodal Thoroughfare Plan, which is 110 feet, to 33 feet to accommodate the additional 27 feet of right-of-way and the drive-thru canopy.

I. Miscellaneous Commitments:

Development of the Site shall be in accordance with the submitted site plan titled “Easton Town Center FSU Columbus, OH 43219 Custom Project Solutions 3940 Morse Road” dated 06/07/22. The Plan may be adjusted to reflect engineering, topographical, or other site data established at the time development and engineering plans are completed. Any such adjustment may be reviewed and approved by the Director of the Department of Building and Zoning Services or his/her designee upon submission of the appropriate information regarding the adjustment.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.