



## Legislation Text

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**File #:** 3186-2021, **Version:** 2

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**Rezoning Application: Z21-059**

**APPLICANT:** Chick-Fil-A, Inc.; c/o Rebecca J. Mott, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Eating and drinking establishment and automotive maintenance and repair facility.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on October 14, 2021.

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels in the R-3, Residential, C-3, Commercial, and C-4, Commercial districts, is developed with a former eating and drinking establishment, and is subject to the North High Street Community Commercial Overlay (CCO). The requested CPD, Commercial Planned Development District will permit redevelopment of the site on two subareas with a new eating and drinking establishment in Subarea A and an automotive maintenance and repair facility in Subarea B. The CPD text establishes use restrictions and supplemental development standards that address building and parking setbacks, traffic access, traffic improvements, internal parking circulation and design, parking lot landscaping, and building design, and includes commitments to develop the site as demonstrated on the submitted site plan and landscaping plan for each subarea. The CPD text also includes a commitment to building elevations for Subarea A. Additionally, code modifications to maneuvering, parking setback, building setbacks, parking lot and aisle location, dumpster area, primary building frontage, building entrance on a primary building, and pick-up unit location are included in the text. The site is within the planning boundaries of the *Clintonville Neighborhood Plan* (2009), which recommends "Mixed Use" land uses at this location. The proposed uses are consistent with the Plan's recommendation, and the site plan demonstrates pedestrian connectivity to each subarea from the Morse Road frontage and includes a landscape plan that demonstrates adequate screening and landscaping throughout both subareas as recommended by the Plan's design guidelines. Additionally, traffic commitments contained within the CPD text, including traffic access to the subareas and additional language for improvements identified in the traffic impact study, meet the satisfaction of the Division of Traffic Management.

To rezone **4910 N. HIGH ST. (43214)**, being **2.252.26±** acres located at the northeast corner of North High Street and Morse Road, From: R-3, Residential District, C-3, Commercial District, and C-4 Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z21-059).

**WHEREAS**, application #Z21-059 is on file with the Department of Building and Zoning Services requesting rezoning of **2.252.26±** acres from R-3, Residential District, C-3, Commercial District, and C-4 Commercial District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Clintonville Area 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 will allow a mixed-commercial development that is consistent with the recommendations of the *Clintonville Neighborhood 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:

**4910 N. HIGH ST. (43214)**, being ~~2.252.26~~<sup>±</sup> acres located at the northeast corner of North High Street and Morse Road, and being more particularly described as follows:

**SUBAREA A – 1.69 ACRES:**

Situated in the City of Columbus, County of Franklin and State of Ohio and being a part of Farm Lot Number Eighteen (18) of the Scioto Company's Subdivision of Quarter Township 3, T-2 (Original Sharon), R-18, United States Military Lands, and known as being part of lands now or formerly owned by Shriner's Hospitals as recorded in Instrument Number 201308280146662 of the Franklin County Records and more fully described as follows:

Beginning at the intersection of the centerline of North High Street and Morse Road, said point being the true place of beginning for the parcel of land herein described in the following four (4) courses;

1. Thence N 2°38'28" E, along the centerline of North High Street, a distance of 206.00 feet to a point;
2. Thence S 86°27'31" E, a along the northerly line of said Shriner's Hospital lands, passing over a P.K. nail to be set at 33.00 feet, a distance of 360.95 feet to a point;
3. Thence S 3°32'29" W, through said Shriner's Hospital lands, a distance of 205.97 feet to a point in the centerline of Morse Road;
4. Thence N 86°27'31" W, along the centerline of Morse Road, also being the southerly line of said Quarter Township 3 of Township 2, a distance of 357.72 feet to the True Place of Beginning and containing 1.6991 Acres of land, more or less, as determined in November 2021, by Joshua Matejin, Registered Surveyor No. 8787, with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations, or easements of record.

**SUBAREA B – 0.56 ACRES:**

Situated in the City of Columbus, County of Franklin and State of Ohio and being a part of Farm Lot Number Eighteen (18) of the Scioto Company's Subdivision of Quarter Township 3, T-2 (Original Sharon), R-18, United States Military Lands, and known as being part of lands now or formerly owned by Shriner's Hospitals as recorded in Instrument Number 201308280146662 of the Franklin County Records and more fully described as follows:

Beginning at the intersection of the centerline of North High Street (Width Varies) and Morse Road (Width Varies), thence N 02°38'28" E, along the centerline of said North High Street, a distance of 206.00 feet to a point;

Thence S 86°27'31" E, along the northerly line of said Shriner's Hospitals lands, a distance of 360.95 feet to the True Place of Beginning for the parcel of land herein described in the following four (4) courses;

1. Thence continuing S 86°27'31" E, along the northerly line of said Shriner's Hospital lands, a distance of 117.78 feet to a point;
2. Thence S 2°38'28" W, along the westerly line of Arbor Village Drive (50' Wide), passing over a P.K. nail to be set at a distance of 175.99, a distance of 206.00 feet to a point in the centerline of Morse Road;

~~3. Thence N 86°27'31" W, along the centerline of Morse Road, also being the southerly line of said Quarter Township 3 of Township 2, a distance of 121.02 feet to a point;~~

~~4. Thence N 3°32'29" E, through said Shriner's Hospital lands, a distance of 205.97 feet to the True Place of Beginning and containing 0.5646 Acres of land, more or less, as determined in November 2021, by Joshua Matejin, Registered Surveyor No. 8787, with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations, or easements of record.~~

**Chick-Fil-A Parcel "A" 1.6860 - ACRES:**

Situated in the City of Columbus, County of Franklin and State of Ohio and being a part of Farm Lot Number Eighteen (18) of the Scioto Company's Subdivision of Quarter Township 3, T-2 (Original Sharon), R-18, United States Military Lands, and known as being part of lands now or formerly owned by Shriner's Hospitals as recorded in Instrument Number 201308280146662 of the Franklin County Records and more fully described as follows:

Beginning at the intersection of the centerline of North High Street and Morse Road, said point being the true place of beginning for the parcel of land herein described in the following four (4) courses;

1. Thence N 02°38'28" E, along the centerline of North High Street, a distance of 206.00 feet to a point;
2. Thence S 86°27'31" E, a along the northerly line of said Shriner's Hospital lands, passing over a P.K. nail to be set at 33.00 feet, a distance of 358.18 feet to a point;
3. Thence S 3°32'27" W, through said Shriner's Hospital lands, a distance of 205.97 feet to a point in the centerline of Morse Road;
4. Thence N 86°27'31" W, along the centerline of Morse Road, also being the southerly line of said Quarter Township 3 of Township 2, a distance of 354.94 feet to the True Place of Beginning and containing 1.6860 Acres of land, more or less, as determined in December 2021, by Joshua Matejin, Registered Surveyor No. 8787, with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations, or easements of record.

**Valvoline Parcel "B" 0.5777 - ACRES:**

Situated in the City of Columbus, County of Franklin and State of Ohio and being a part of Farm Lot Number Eighteen (18) of the Scioto Company's Subdivision of Quarter Township 3, T-2 (Original Sharon), R-18, United States Military Lands, and known as being part of lands now or formerly owned by Shriner's Hospitals as recorded in Instrument Number 201308280146662 of the Franklin County Records and more fully described as follows:

Beginning at the intersection of the centerline of North High Street (Width Varies) and Morse Road (Width Varies), thence N 02°38'28" E, along the centerline of said North High Street, a distance of 206.00 feet to a point;

Thence S 86°27'31" E, along the northerly line of said Shriner's Hospitals lands, a distance of 358.18 feet to the True Place of Beginning for the parcel of land herein described in the following four (4) courses;

1. Thence continuing S 86°27'31" E, along the northerly line of said Shriner's Hospital lands, a distance of 120.56 feet to a point;
2. Thence S 2°38'28" W, along the westerly line of Arbor Village Drive (50' Wide), passing over a P.K. nail to be set at a distance of 175.99, a distance of 206.00 feet to a point in the centerline of Morse Road;

3. Thence N 86°27'31" W, along the centerline of Morse Road, also being the southerly line of said Quarter Township 3 of Township 2, a distance of 123.79 feet to a point;

4. Thence N 3°32'27" E, through said Shriner's Hospital lands, a distance of 205.97 feet to the True Place of Beginning and containing 0.5777 Acres of land, more or less, as determined in December 2021, by Joshua Matejin, Registered Surveyor No. 8787, with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations, or easements of record.

Parcel ID's: 010-052186 and 010-015660

Property Address: 4910 N. High St. Columbus, OH 43214.

**To Rezone From:** R-3, Residential District, C-3, Commercial District, and C-4 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 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 plans being titled, "**CPD SITE PLAN,**" dated **December 21, 2021**, "**LANDSCAPE PLAN, L-100,**" dated **December 23, 2021**, elevations titled "**COLOR ELEVATIONS, SHEETS 1-2,**" dated **October 8, 2021**, and text titled, "**DEVELOPMENT TEXT,**" all dated ~~October 8, 2021~~ **dated December 21, 2021**, and all signed by Rebecca J. Mott, Attorney for the Applicant, and the text reading as follows:

#### **DEVELOPMENT TEXT**

APPLICATION: Z21-059

ADDRESS: 4910 North High Street, Columbus, Ohio 43214

PARCELS: 010-052186-00 and 010-015660-00

PROPERTY SIZE: ~~2.2647~~ **2.2637** +/- Acres

CURRENT DISTRICT: C-3, C-4, and R-3 Districts

PROPOSED DISTRICT: CPD District, Commercial Planned Development District

OWNER: Shriners Hospitals for Children, et al

APPLICANT: Chick-Fil-A, Inc.

ATTORNEY: Rebecca J. Mott, Plank Law Firm, LPA

DATE: ~~October 8~~ **December 21, 2021**

**I. Introduction:** The subject real property ("Site") is a ~~2.2647~~ **2.2637** +/- acre site. The Site is located immediately east of North High Street and north of Morse Road. The Site is comprised of two tax parcels, commonly known as Franklin County Auditor Tax Parcel Id. No.'s: 010-052186-00 and 010-015660-00 and are currently zoned C-4, C-3, and R-3. The Site is bordered on the north by property zoned in the C-4 Commercial District, to the south by property zoned in the C-4 Commercial District and R-3 Residential District, to the west and across North High Street by property zoned CPD, and to the east by property zoned in the R-4 Residential District. The Site is currently developed with a former restaurant building.

The Site is situated within the boundary of the Clintonville Area Commission. A portion of the Site is contained within the North High Street Community Commercial Overlay.

The Applicant proposes two subareas for the Site and will not combine the two (2) tax parcels, so that the current North High Street Community Commercial Overlay is maintained and preserved on the tax parcel it affects at the present time and will not be automatically extended onto the other tax parcel subject of this re-zoning application. Subarea A will include demolition of the existing former restaurant building and development of a new freestanding 5,141 square foot restaurant and patio with drive thru service. Subarea B will include the construction of an automotive maintenance and repair (oil change service) retail facility with three (3) service bays.

Below are the limitation and development standards proposed by the Applicant to accommodate the proposed redevelopment and ensure that it is appropriate for the area.

**II. Permitted Uses:** The permitted uses of shall be those uses contained in Section 3356.03, C-4, Permitted Uses of the Columbus City Code.

**III. Development Standards:** Unless otherwise indicated in this CPD Text or on the submitted development plan dated ~~September 13, 2021~~ **December 21, 2021** ("CPD Site Plan"), the applicable development standards contained in Chapter 3356 C-4 Commercial District and/or Chapter 3372, as applicable, of the Columbus City Code shall apply.

### **Subarea A**

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

1. The minimum building setback from North High Street shall be 15 feet, after right of way dedication.
2. The minimum parking setback from North High Street shall be 0 feet, after right of way dedication.
3. The building setback from Morse Road shall be up to 28 feet maximum, after right of way dedication.
4. The minimum parking setback from Morse Road shall be 5 feet, after right of way dedication.
5. The maximum building setback from the property line to the north shall be 78 feet.
6. There shall be no building, structure, parking, or landscaping setbacks applicable to the shared or common lot line between the tax parcels comprising the Site. Buildings, structures, parking, and landscaping may cross parcel lines between Subarea A and Subarea B.

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

1. Access shall be as shown on the CPD Site Plan and may include up to three (3) access points.
2. The minimum number of required parking spaces for Subarea A is 57, with the overlay permitting a twenty-five (25) percent reduction applied. The maximum number of required parking spaces for Subarea A is 119.
3. Parking spaces are permitted to maneuver across parcel lines and proposed Subarea lines between Subarea A and Subarea B.
4. Internal circulation is two-way within Subarea A.
5. Parking space maneuverability is permitted to be impeded by drive-thru stacking spaces.
6. The minimum number of required drive-thru stacking spaces is 12. Applicants shall provide at least 30 drive-thru stacking spaces.

7. Applicant shall: Construct a one hundred and ten foot (110') long eastbound left turn lane, including a sixty foot (60') back to back diverging taper, at the intersection of Morse Road and Arbor Village Drive; and provide three (3) westbound and two (2) eastbound lanes along the east leg of the intersection of Morse Road and North High Street. The existing southbound left turn time-of-day restriction at the intersection of Morse Road and Arbor Village Drive shall be removed.

C. Buffering, Landscaping, Open Space and/or Screening Commitments: Parking lot perimeter trees, interior parking lot trees, and screening for the Site shall be planted and maintained as depicted on the landscape plan entitled "Landscape Plan - L-100", dated May 17, 2021, and with a revised date of ~~August 3, 2021~~ **December 23, 2021**, as modified by any future traffic improvements to Morse Road approved in the future by the Department of Public Service, Division of Traffic Management.

D. Building, Design and/or Interior-Exterior Treatment Commitments: Architectural design and materials used on the building shall be in general conformance with the elevations and renderings submitted as part of this Application. See exterior elevations dated July 30, 2021 ("Color Elevations").

E. Dumpsters, Lighting, Outdoor Areas and/or other Environmental Commitments: N/A

F. Graphic and Signage Commitments:

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as applicable to the C-4, Commercial, and/or Chapter 3372 of the Columbus City Code, as applicable to Subarea A. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

2. The existing structural features, dimensions, height, and size of the graphic for the Tee Jays restaurant shall be preserved, and only the design, copy, and colors shall change to meet the operational needs of the Site.

## **Subarea B**

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

1. The minimum building setback from Morse Road shall be 40 feet, after right of way dedication.

2. The minimum parking setback from Morse Road shall be ~~3~~ 4 feet, after right of way dedication.

3. The minimum parking setback from the property line to the north shall be 5 feet.

4. There shall be no building, structure, parking, or landscaping setbacks applicable to the shared or common lot line between the tax parcels comprising the Site. Buildings, structures, parking, and landscaping may cross parcel lines between Subarea A and Subarea B.

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

1. Access shall be as shown on the CPD Site Plan, and may include up to three (3) access points.

2. The minimum number of required parking spaces is 6.

3. Parking spaces are permitted to maneuver across parcel lines and proposed Subarea lines between Subarea A and Subarea B.

4. Internal circulation is two-way within Subarea B immediately north of the principal building, and one-way east, west,

and south of the principal building within Subarea B.

5. Parking space maneuverability is permitted to be impeded by drive-up stacking spaces.

6. Applicant shall: Construct a one hundred and ten foot (110') long eastbound left turn lane, including a sixty foot (60') back to back diverging taper, at the intersection of Morse Road and Arbor Village Drive; and provide three (3) westbound and two (2) eastbound lanes along the east leg of the intersection of Morse Road and North High Street. The existing southbound left turn time-of-day restriction at the intersection of Morse Road and Arbor Village Drive shall be removed.

C. Buffering, Landscaping, Open Space and/or Screening Commitments: Parking lot perimeter trees, interior parking lot trees, and screening for the Site shall be planted and maintained as depicted on the Landscape Plan - L-100, as modified by any future traffic improvements to Morse Road approved in the future by the Department of Public Service, Division of Traffic Management.

D. Building, Design and/or Interior-Exterior Treatment Commitments: N/A

E. Dumpsters, Lighting, Outdoor Areas and/or other Environmental Commitments: N/A

F. Graphic and Signage Commitments: All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as applicable to the C4, Commercial District. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

#### **IV. Modifications Code Standards:**

1. 3312.25 - Maneuvering. Under this section every parking and loading space shall have sufficient access and maneuvering area. The maneuvering area for a parking space may occur anywhere on a lot except in the area between the street right-of-way line and the parking setback line. This section shall be modified to allow parking space maneuverability across parcel lines and across proposed Subarea lines between Subareas A and B and for parking spaces in subarea B to be impeded by drive-up stacking spaces.

2. 3312.27(4) - Parking setback line. Applicant does not meet the standard relative to the parking setback line, except as it relates to the parking setback line in Subarea B in connection with the east street right of way line, which is 10 feet. For Subarea A, the parking setback line from North High Street shall be modified to 0 feet, after right of way dedication, and from Morse Road shall be modified to 5 feet, after right of way dedication. For Subarea B, the parking setback line from Morse Road shall be modified to 3 4 feet, after right of way dedication. There shall be no parking setback applicable to the shared or common lot line between the tax parcels comprising the Site. Parking areas may cross parcel lines and Subarea lines between Subarea A and Subarea B.

3. 3321.01(A) - Dumpster area. As it relates to Subarea B, the dumpster area shall not be located in any required yard or setback. This standard shall be modified to the extent the dumpster area is located in any required yard or setback of the interior or shared or common lot line between the two (2) tax parcels comprising the Site. No setback shall apply to the dumpster area as to any interior or shared or common lot line.

4. 3356.11(B) - C-4 district setback lines. Structures, except graphics shall be setback behind the building line unless otherwise permitted elsewhere on site by an overlay or other provisions of this Zoning Code. This standard shall be modified to allow any pick up unit or canopy or dumpster area to be located at the side of the building with the order point canopy detached and also to the side of the building.

5. 3372.704(A) - Setback requirements. In Subarea A, subject to the North High Street Community Commercial Overlay, along a primary street, the setback for a building or structure shall be 25 +/- two feet. This standard shall be modified to allow a minimum building setback of 15 feet, after right of way dedication.

6. 3372.704(B) - Setback requirements. In Subarea A, subject to the North High Street Community Commercial Overlay, along a street that is not a primary street, the setback for a building or structure shall be a minimum of 10 feet and a maximum of 25 feet. This standard shall be modified to allow a maximum setback of up to 28 feet, after right of way dedication.

7. 3372.704(C) - Setback requirements. In Subarea A, subject to the North High Street Community Commercial Overlay, the setback for a building or structure from an interior lot line shall be a maximum of 50 feet at the front building line. This standard shall be modified to allow a maximum setback of up to 78 feet. There shall be no minimum building, structure, or landscaping setback applicable to the shared or common lot line between the tax parcels comprising the Site. Buildings, structures, and landscaping may cross parcel lines and Subarea lines between Subarea A and Subarea B.

8. 3372.704(D) - Setback requirements. In Subarea A, subject to the North High Street Community Commercial Overlay, the setback for a parking lot along a primary street shall be a minimum of 25 feet and minimum of 5 feet along any other public right of way. This standard shall be modified to allow a minimum parking lot setback along a primary street of 0 feet, after right of way dedication, and a minimum of 5 feet, along any other public right of way, after right of way dedication, **and the detached order point canopy is permitted to encroach into this parking lot setback.**

9. 3372.709(A) - Parking and circulation. Parking, stacking, and circulation aisles are not permitted between the principal building and a street right-of-way line. This standard shall be modified to allow stacking and circulation aisles between the principal building and the street right-of-way line of Morse Road.

10. 3372.705(B) - Building design standards. In Subarea A, subject to the North High Street Community Commercial Overlay, the width of the principal building along a primary building frontage shall be a minimum of 60 percent of the lot width. This standard shall be modified to allow the width of a principal building to be 43 percent of the lot width.

11. 3372.705(D) - Building design standards. In Subarea A, subject to the North High Street Community Commercial Overlay, a primary building frontage shall incorporate a primary entrance door. This standard shall be modified to not require a primary entrance door along the primary building frontage. The primary entrance door shall be located on the north building elevation.

12. 3372.705(G) - Building design standards. In Subarea A, subject to the North High Street Community Commercial Overlay, any pick up unit or canopy shall be attached to the principal building and be located behind or to the side of the building. This standard shall be modified to allow the pick-up canopy to be located at the side of the building with the order point canopy detached and also to the side of the building.

## **V. Miscellaneous Commitments:**

A development plan titled “CPD Site Plan” showing lot lines, setbacks, and access is submitted for the development of the Site. In addition, the landscape plan titled “Landscape Plan - L-100” delineating and detailing the landscape treatments and the building elevations titled “Color Elevations” depicting building elevations for the building in Subarea A are submitted for the development of the Site. The CPD Site Plan, Landscape Plan - L-100, and Color Elevations may be adjusted to reflect engineering, topographical or other site data and changes developed at the time of development and engineering plans for all or a portion of the Site affected by said development. Any such adjustments 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. In addition, the Landscape Plan may be modified to accommodate future traffic improvements to Morse Road as approved by the Department of Public Service, Division of Traffic Management.

## **VI. CPD Criteria:**



Natural Environment. The Site consists of two (2) tax parcels of real property containing ~~2.2637~~ **2.2647** +/- acres located west of North High Street and north of Morse Road.

Existing Land Use. The Site is currently zoned C-3, C-4, and R-3 Districts and is prime for redevelopment. It is currently developed as a vacant former restaurant building.

Transportation and Circulation. The Site is accessed via North High Street at the northwest corner of the Site and Arbor Village Drive at the northeast corner of the Site. The Site employs a pre-dominate two-way circulation pattern.

Visual Form of the Environment. The immediate area is a commercial hub along North High Street, which is bisected by Morse Road. The visual form of the environment is overwhelmingly restaurant and commercial retail development.

View and Visibility. The Site is visible from North High Street and Morse Road.

Proposed Development. The Applicant proposes redevelopment of the Site with two subareas. Subarea A will see demolition of the exiting former restaurant building and development of a new freestanding 5,141 square foot restaurant and patio and with drive thru service. Subarea B will provide for the new construction of a 2,104 square foot automotive maintenance and repair (oil change service) retail facility with three (3) service bays.

Behavior Patterns. The development pattern of the immediate area is commercial development for predominantly restaurant and retail use, with residential uses surrounding the High Street corridor.

Emission. No adverse effect from emissions shall result from the proposed development.

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