

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
MAY 9, 2013**

- 12. APPLICATION: Z13-028 (ACCELA # 13335-00000-00146)**
Location: 5167 WARNER ROAD (43081), being 3.91± acres located on the south side of Warner Road, 273± feet west of North Hamilton Road (010-278313 & 010-286993).
Existing Zoning: CPD, Commercial Planned Development District.
Request: CPD, Commercial Planned Development District.
Proposed Use: Commercial development with revised CPD plan.
Applicant(s): Donald W. Kelley and Associates, Inc.; c/o Dave Perry, The David Perry Co.; 145 East Rich Street, 3rd Floor; Columbus, OH 43215 and Donald Plank, Atty.; Plank Law Firm; 145 East Rich St., 3rd Floor; Columbus, OH 43215.
Property Owner(s): Albany Place Investment, Ltd.; c/o Dave Perry, The David Perry Co.; 145 East Rich Street, 3rd Floor; Columbus, OH 43215 and Donald Plank, Atty.; Plank Law Firm; 145 East Rich St., 3rd Floor; Columbus, OH 43215.
Planner: Shannon Pine; 645-2208; spine@columbus.gov

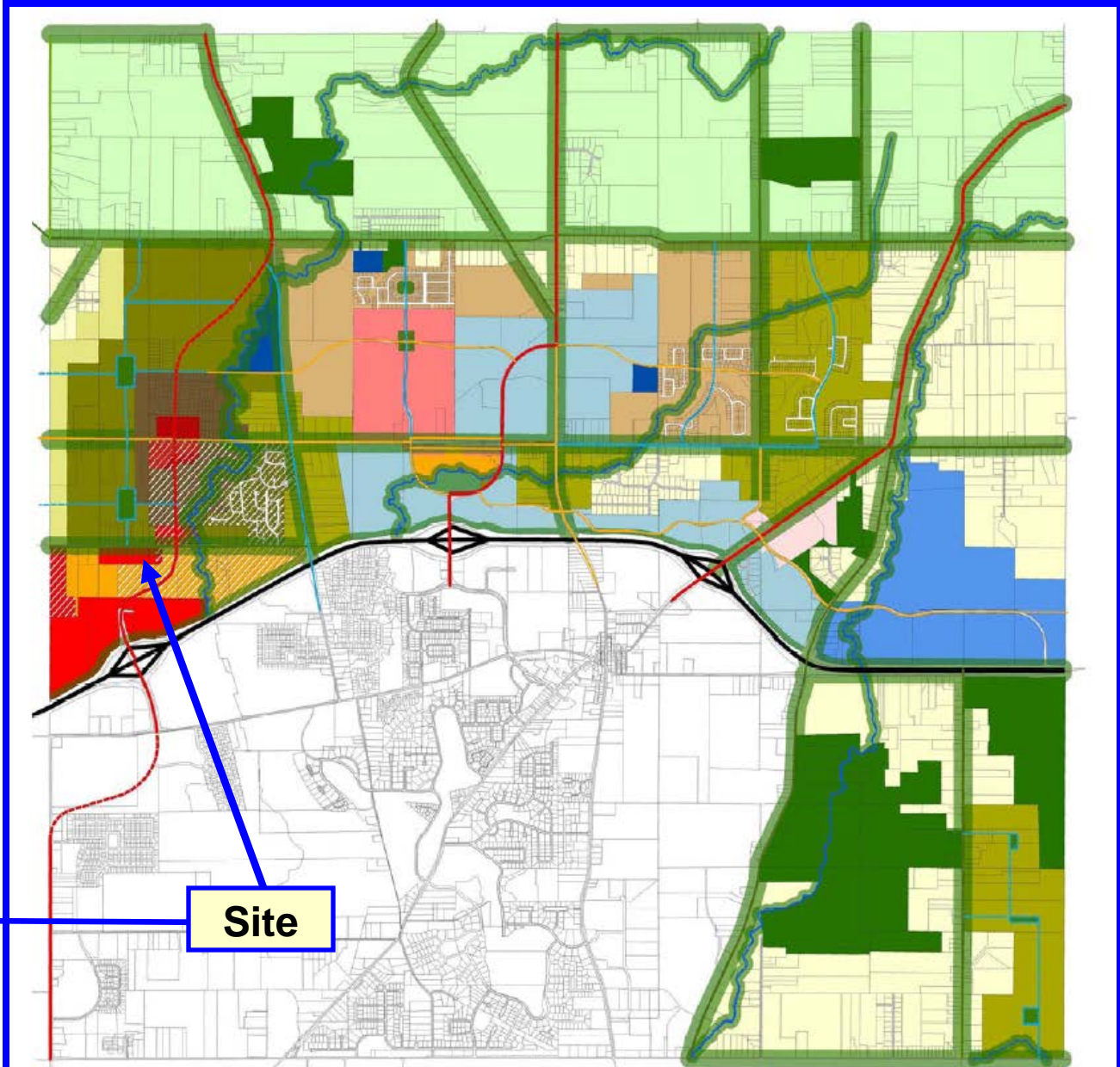
BACKGROUND:

- The 3.91± acre site is zoned in the CPD, Commercial Planned Development District, and is developed with a 26,500 square-foot shopping center. The applicant requests the CPD, Commercial Planned Development District to update the CPD plan by providing outdoor seating areas for eating and drinking establishments and increasing the number of parking spaces.
- To the north across Warner Road are a single-unit dwelling in Plain Township and an extended-stay hotel development in the CPD, Commercial Planned Development District. To the east and south is undeveloped land in the CPD, Commercial Planned Development District. To the west is an apartment complex in the L-AR-12, Limited Apartment Residential District.
- The site is within the boundaries of the *Rocky Fork/Blacklick Accord* (2003), which recommends commercial development for the site. Because the proposal does not include a change in use, and the zoning designation will remain CPD, the Planning Division has determined that the request does not require consideration by the RFBA Panel.
- The CPD text commits to a site plan, and includes use restrictions, setbacks, landscaping, street trees, and exterior building material and roof pitch commitments. Variances are included in the request to reduce the driveway width and the required number of parking spaces by 30, and to eliminate a required loading space.

- Warner Road is not listed in the *Columbus Thoroughfare Plan*. However, the City of Columbus Planning and Operations Division has determined that Warner Road requires a minimum of 30 feet of right-of-way from centerline.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

The requested CPD, Commercial Planned Development District will update the CPD plan by providing outdoor seating areas for eating and drinking establishments and increasing the number of parking spaces. With the proposed commitments within the CPD plan and text, the request remains consistent with the land use recommendations of the *Rocky Fork/Blacklick Accord* (2003), and the established zoning and development pattern of the area. Staff has determined that the requested parking variance can be supported due to the seasonal use of the patios and the varying peak hours of the shopping center tenants.



Legend

- | | | |
|------------------|---------------------|--------------------------------|
| Office | Park/Open Space | Edge |
| Office/Warehouse | Village Mixed Use | Neighborhood |
| Town Mixed Use | Town Residential | Neighborhood Center |
| Commercial | Village Residential | Neighborhood Center Commercial |
| Multi-Family | Rural Residential | Park Zone |
| Civic/Schools | | |

Preexisting zoning represented by hatching.

Z13-028



5167 Warner Road
Approximately 3.9 acres
CPD to CPD

Z13-028



REZONING APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # Z13-028

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) DONALD PLANK
of (COMPLETE ADDRESS) Plank Law Firm, 145 East Rich St., FL 3, Columbus, OH 43215
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

Name of business or individual
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

1. Albany Place Investment, Ltd. 250 E Broad Street, Suite 1100 Columbus, OH 43215 # Columbus Employees: 0 Contact: Tim Kelley, 228-5775	2. Donald W. Kelley and Associates, Inc. 250 E Broad Street, Suite 1100 Columbus, OH 43215 # Columbus Employees: 1 Contact: Donald Kelley, 228-5775
3. _____	4. _____

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 4th day of MARCH, in the year 2013

SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015



Project Disclosure Statement expires six months after date of notarization.

BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

Notary Seal Here

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make all checks payable to the Columbus City Treasurer