

**CPD & L-R TEXT**

**PROPOSED DISTRICTS:** CPD, Commercial Planned Development; L-R, Limited Rural  
**PROPERTY ADDRESS:** 5033 Tuttle Crossing Blvd  
**OWNER:** Scene 75 Tuttle LLC  
**APPLICANT:** Scene75 Tuttle LLC  
**DATE OF TEXT:** July 8, 2019  
**ZONING NUMBER:** Z19-032

**1. INTRODUCTION:** The Property is part of the larger Mall at Tuttle Crossing ("Mall") commercial planned district (identified therein as "Subarea 4") that was approved by the City of Columbus in 1992. (Zoning Case Z92-026, Ordinance 2565-92). A legal description of Subareas 4-1, 4-2, 4-3, 4-4 and 4-5, collectively herein the "Property" is attached hereto. Subsequent to the approval of this Application, the owner of any parcel identified herein as Subareas 4-1, 4-2, 4-3, 4-4 and 4-5 may petition for a rezoning of the parcel or parcels owned by that person or entity without the consent of the remaining owners of Subareas 4-1, 4-2, 4-3, 4-4 and 4-5. This Application was necessitated because the previous CPD Text was drafted prior to the Mall's opening and therefore contained many inapplicable, outdated provisions, which are being deleted. This Application more prudently facilitates future use, redefines outdated references to prior versions of the Revised Code and Columbus City Code, and clarifies potentially ambiguous text. The text sections are reformatted to provide better numbering and section captions. The "Permitted Uses" section deletes uses that are not allowed under the current Columbus City Code and therefore are still not allowed under this Application. In addition, prior signage restrictions are clarified as applicable to Anchor tenant buildings and are not dependent on the commercial use within those buildings.

**2. PERMITTED USES:** Permitted uses for the mall and the outparcels are those contained in Columbus City Code Chapter 3356, C-4, with the following exceptions:

- a. armory
- b. assembly hall (except as part of an Anchor)
- c. billboard, off premises graphic (This restriction shall not prohibit signs identify the apartment complex located on the southwest corner of the Mall known as Camden Place nor the one pylon sign for the Mall permitted under Item 6 in Signage and Graphics.)
- d. bowling alley (except bowling is allowed as an ancillary use, being less than 25% of the business use)
- e. cabaret, dance hall and night club (this shall not exclude a restaurant whether or not dancing is permitted and/or whether or not live entertainment or music is a regular feature)
- f. car wash
- g. carnivals in the parking lot
- h. church
- i. drive-through carry-out (this shall not prohibit a drive-through window for a restaurant)
- j. electric substation
- k. free-standing sale of fuel
- l. frozen food locker (this shall not exclude cold storage which is in association with a permitted use)
- m. funeral parlor
- n. garage repair (except in conjunction with a retail store)
- o. gas station
- p. motor bus terminal
- q. movie theatre
- r. new/used automobile sales

- s. newspaper printing
- r. plumbing shop
- t. private, trade and business school
- u. public/private hospital
- v. skating rink
- w. testing laboratory
- x. transmission towers for cellular phones
- y. truck stop (this restriction shall not prohibit semi-truck loading and unloading so long as no overnight accommodations are provided for the truckers, i.e. sleep and shower facilities)
- z. veterinary hospital

**3. DEVELOPMENT STANDARDS:** Except as otherwise noted above and herein, the applicable development standards of Chapter 3356, C-4, Commercial District shall apply to the subject property. The Property shall be a regional mall with a maximum gross leaseable area of approximately 1,125,000 square feet with a minimum of 4,700 parking spaces, which includes the Anchors, but excludes outparcels. All parking spaces for the Mall and any outparcels outside the ring road shall be provided as on-grade parking.

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

Unless otherwise indicated in the written text or site plan, the applicable development standards are contained in Chapter 3356, which is the C-4 Commercial district chapter, of the Columbus City Code.

**Minimum Setbacks:**

(a) Buildings	1-270	75 feet
	Tuttle Crossing Blvd.	50 feet
	East property line	280 feet
	Other public street	25 feet
(b) Parking	1-270	10 feet
	Tuttle Crossing Blvd.	10 feet
	Blazer Parkway	90 feet
	Other Public Street	10 feet

**Entry Features – Setback:**

The various setbacks listed within this text shall not apply to architectural features which are used at street intersections. Architectural features shall include, but shall not be limited to, walls, arbors, and fountains. (See V89-0053 in which Board of Zoning Adjustment granted a setback variance to eight feet for the entry features.)

**Height District:**

The maximum height of the mall building parapet shall be 59 feet; the maximum height of roof-mounted equipment, skylights, pitched roof, screening walls, and entry points to the Mall shall be 59 feet. The 35 foot height district shall apply to the outparcels in Subarea 4A and 4B.

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

1. Parking

The existing parking on the Property contains approximately 4,700 parking spaces. All parking spaces for the Mall and any outparcels shall be provided as on grade parking.

2. Traffic and Circulation

- a. None of the streets along the east property line shall be extended into the Property.
- b. None of the outparcels in the northwest corner of the CPD site shall have curb cuts onto Tuttle Crossing Boulevard except that the outparcels may utilize the existing right-in which currently serves the BP Oil parcel.
- c. Subject to the conditions and requirements of the city and state, there shall be traffic lights at the intersection of the two mall roads with Tuttle Crossing Blvd. There shall be no traffic lights on the ring road except for the traffic lights previously mentioned. This restriction shall be subject to the review and approval of the Division of Traffic Management.
- d. The portion of the east ring road which is parallel to the existing east property line shall have one lane each direction with an intermittent turn lane. At the intersection of the two entrances from Tuttle Crossing Blvd., the east ring road and at the entrances to the parking lots along the east ring road, said east ring road shall have additional lanes to permit turning movements.
- e. Stop signs are installed along the portion of the east ring road which is adjacent to the east property line as shown on Exhibit A. Additional stop signs or relocation of existing stop signs may occur depending upon traffic conditions. This restriction shall be subject to the review and approval of the Division of Traffic Management.
- f. The east ring road was extended from the south property line to Hayden Run Road prior to the opening of the Mall.
- g. All walkway/street intersections have and shall continue to have wheelchair ramps. All medians, parking lot "end caps" and/or intersecting curbs shall have wheelchair ramps when intersecting walkways.
- h. All parking areas have and shall continue to have a minimum of two (2) spaces for handicapped parking to be adequately signed and located adjacent to building entrances.
- i. All semi-truck deliveries and dumpster pickups shall occur between 7:00 a.m. and 7:00 p.m. during the week and between 9:00 a.m. and 7:00 p.m. on the weekends
- j. There shall be no bus stops on the portion of the east ring road between the intersection of the eastern-most Mall road to the east ring road and the south property line.

k. The following improvements shall be maintained:

- i. At the west ramp intersection with Tuttle Crossing Boulevard, widen the north approach (the southbound off-ramp) by one lane to provide for dual left turns into eastbound Tuttle Crossing Boulevard.
- ii. At the east ramp intersection with Tuttle Crossing Boulevard, widen the south approach (the northbound off-ramp) by one lane to provide for dual right turns into eastbound Tuttle Crossing Boulevard.
- iii. At the Blazer Parkway intersection with Tuttle Crossing Boulevard, widen the north approach of Blazer Parkway by one lane to provide two through lanes across Tuttle Crossing Boulevard (s)— still providing separate southbound to westbound right turn lane.
- iv. At the Bradenton Avenue intersection with Tuttle Crossing Boulevard, widen the north approach of Bradenton Avenue by one lane to provide two through lanes across Tuttle Crossing Boulevard.
- v. At the Bradenton Avenue intersection with Tuttle Crossing Boulevard, widen the east approach of Tuttle Crossing Boulevard by one lane to provide for dual left turns into southbound Bradenton Avenue extended.
- vi. At the Bradenton Avenue intersection with Tuttle Crossing Boulevard, widen the south approach by two lanes to provide for dual left turns from Bradenton Avenue extended to westbound Tuttle Crossing Boulevard.
- vii. When signalization of the Bradenton Avenue and Blazer Parkway intersection with Tuttle Crossing Boulevard is warranted, the City shall install the necessary signalization at its own expense unless the south leg of the intersection is not a public street, then the developer shall pay his proportional share of the signalization for that intersection.
- viii. At the intersection of Tuttle Crossing Boulevard with Frantz Road, provide a separate southbound to westbound right turn movement along with dual northbound to westbound movements.
- ix. At the extension of new Bradenton Avenue to Hayden Run Road, provide separate left and right turn lanes at this intersection.

These restrictions shall be subject to the review and approval of the Division of Traffic Management.

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

##### Landscaping:

1. All loading docks which are visible from Tuttle Crossing Blvd., the east or the south property lines shall be screened to a height of ten (10) feet with either mounding, plantings, fence, wall or a combination thereof. Plant material shall be a combination of deciduous and evergreen trees and shall have a winter opacity of at least 50% and a summer opacity of at least 70%.
2. Minimum size of all trees shall be 2 to 2 1/2 inch caliber for shade, 6 to 8 feet high for evergreen, and 1 to 1 1/2 inch caliper for ornamental.

3. Within the setback area along Tuttle Crossing Blvd. and any other public street within the Property, a 3 foot average height planting hedge, fence, wall, earth mound or combination hereof along eighty percent of the frontage shall be installed as well as one tree per 40 feet of frontage or fraction thereof. Trees do not have to be equally spaced, but may be grouped. These landscaping requirements do not apply to the portion of the road between the south property line and Hayden Run Road. On both sides of the portion of the ring road, which is along the east property line, a street tree program shall be implemented. There shall be one tree for each 40 feet of frontage or fraction thereof on each side of that street. Trees do not have to be equally spaced but may be grouped.
4. A continuous landscape treatment shall be provided along the 1-270 frontage. This landscape treatment may consist of grass, shrubbery, or mounding either individually or in any combination thereof with a mixture of deciduous and evergreen trees planted in a decorative manner.
5. (a) East Property Line. The east property line (all the way down to Hayden Run Road ) adjacent to the residential development shall be buffered and landscaped in accordance with Exhibit A attached hereto. The landscaped buffer shall be 36 feet in width and shall consist of the following width breakdown: a 16 foot permanent access/use easement granted to the existing residential properties contiguous to the east property line, except for the northern-most lot to Tuttle Crossing Blvd. and a 20 foot mounded landscaped area that shall include a seven foot high brick screen wall (six foot high brick screen wall between the Mall's south property line and Hayden Run Road), as shown on Exhibit B, street tree and evergreen tree plantings. The street trees required in this buffer shall be planted forty (40) feet on center with a minimum caliper at planting of 2 1/2 - 3 inches. There shall be no openings in the brick screen wall, and no vines shall be permitted to grow on the brick screen wall. The access easement shall permit the lot owner to use the 16 foot space with the following restrictions: a) no signs, structures, buildings, satellite dishes and playground equipment; and b) nothing shall be attached to the wall. The wall and landscaping west of the wall shall be maintained by the Mall owner. The 16 foot landscape area east of the wall shall be maintained by the individual property owners. The sixteen foot landscape area east of the wall shall be sodded and, for those adjacent lot owners who do not have any trees within this 16 foot strip, the developer shall install either two shade trees or two evergreens. If necessary, the required nine foot buffer shall be increased in height so that, from a height of five feet ten inches measured at grade at rear building line of the existing single family houses adjacent to the east property line, the Mall's building parapet shall not be visible.  
  
(b) South Property Line. The south property line adjacent to the apartment complex (Camden Place Apartments ) shall be landscaped and fenced in accordance with Exhibit C.
6. The landscaping shown on Exhibit A shall be maintained in a healthy state. Any dead material shall be removed and replaced with like materials within a reasonable amount of time. The size of the new material shall equal the size of the original material when it was installed.
7. The wall, mounding and landscaping along the east property line and the landscaping and fencing along the south property line shall satisfy the perimeter screening requirement for parking lots adjacent to residentially zoned ground.
8. When dry weather conditions exist during construction , there shall be a water wagon used no less than once a week (but more, if needed) to reduce the dust.

9. The structural maintenance of the wall and the removal of graffiti on the Mall side of the wall shall be the responsibility of the developer. The wall shall be maintained in a good workmanship manner.
10. All parking areas facing the east and south property lines inclusive of the ring road shall have headlight screening parallel to the frontage with a minimum height of 30 inches as measured from the elevation of the nearest section of the adjacent parking area. Headlight screening shall be in the form of an evergreen hedge, earth mounding, walls or any combination thereof. The required screening may be located either at the end of the parking lots or on the exterior side of the ring road.
11. Tree plantings shall be required within site parking area. The number of trees required shall be determined by the following applicable ratios of total inches of tree caliper: minimum of 2 inches caliper per tree or six to eight feet per evergreen - one pine equals one two-inch tree - to total site coverage by buildings and pavement.
  - a. 0 to 20,000 square feet: 6 inches of trunk size plus 1 inch additional for every 4,000 square feet of total site coverage by buildings and pavement.
  - b. 20,001 to 100,000 square feet : 10 inches of trunk size plus 1 inch additional for every 4,000 square feet of total site coverage by buildings and pavement over 20,001 square feet.
  - c. Over 100,000 square feet: 20 inches of trunk size plus 1 inch additional for every 6,500 square feet of total site coverage by buildings and pavement over 100,000 square feet.
12. At least 50% of required tree planting shall be integrated within parking areas, berm areas, or within ten feet of the outside of the outer ring road. Existing trees of 3 inches caliper or greater may offset 2/3 of this requirement.
13. The landscaping required in this text shall satisfy the parking lot landscaping requirements contained in Chapter 3312 of the Columbus Zoning Code.
14. Lot coverage for structures and paved areas shall not exceed eighty-five percent (85%) of net usable area (gross zoned acreage excluding publicly dedicated streets). Subarea 6A shall be included in determining the lot coverage.

**D. Building Materials:**

The Mall building shall utilize the same materials on all sides of the exterior. The exterior building materials shall consist of brick and glass with accents of stone and/or stucco. The accent portion of the exterior shall not exceed twenty percent (20%) of the total exterior area. This building material restriction shall also apply to the outparcel buildings.

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

**Dumpsters/Waste:**

All waste and refuse shall be containerized and fully screened from public view by a solid wall or fence to a minimum height of six (6) feet. In addition, for those waste and refuse containers which are visible from the second story windows of the houses, and which are adjacent to the east property line, the screening for

said containers shall be extended in height to a point where the container is no longer visible from those second story windows.

Storage and Equipment:

1. No materials, supplies or products shall be stored or permitted to remain on any portion of the parcel outside a permitted building or wall/fence enclosure and cannot be visible from the east or south property lines or from the second story windows of the houses adjacent to the east property line.
2. Mechanical equipment, satellite dishes or other utility hardware on the roof, ground or building shall be screened with either mounding, plantings, fences, walls or a combination thereof so that the screened item is not visible from the east or south property lines or from the second story windows of the houses adjacent to the east property line.
3. No beverage/vending machines shall be located outside of the building(s)

Lighting:

1. All street and parking lot lighting shall be cutoff type fixtures and shall be designed not to shed light off the property line. Notwithstanding that statement, up lighting may be used to illuminate landscaped areas and buildings, and decorative light poles with non-cutoff fixtures may be used within the median on the two entry roads between Tuttle Crossing Blvd. and the ring road and may be used along the entrance road to the apartment complex with a maximum pole height of 18 feet.
2. All light poles and standards shall be dark brown, bronze or black in color and shall either be constructed of dark wood or dark brown, black or bronze metal.
3. Parking lot lighting shall be no higher than 28 feet within 250 feet of the east property line; other parking lot lighting shall have a maximum height of forty (40) feet.
4. After 11:00 p.m. the level of lighting in the parking lots for the Mall shall be reduced by 60%. This restriction would not apply during special sale hours or in lighting zones which are adjacent to restaurant, entertainment, or movie theatre locations.
5. There shall be no street lights on the east side of the eastern portion of the ring road adjacent to the existing residential areas, except where the pond is east of the east ring road where street lights may be located between the west side of the pond and the east side of the east ring road with a maximum height of twenty-eight (28) feet.
6. No search lights shall be permitted on the property.

Ponds:

1. The ponds which are shown on Exhibits A and C are at the entrances to the mall and to the apartments and are part of the overall design effort to create an aesthetically pleasing image as you move onto and through the property. These ponds shall be wet at all times and shall serve as storm water detention areas and entry features to the property. The ponds shall be fed by well(s) to maintain the water level.

2. The ponds edge treatment shall consist of one of the following items: grass, stones, boulders, concrete edging, or some combination thereof. Typical edge treatment for the ponds is shown on Exhibit D.
3. An aeration type system shall be utilized in each pond to help maintain water quality year round. These aeration systems shall include one of the following items: lighted fountains, water falls, bubblers or spray devices ,
4. The ponds shall be designed and maintained in such a fashion to minimize the growth of algae.
5. The ponds shall be completed within one year of the start date of the east portion of the ring road.

F. Graphics and Signage

1. All signage and graphics shall conform to Article 15 of the Columbus City Code as they apply to the C-4, Commercial zoning district. Any variance to the sign requirements other than those items listed below shall be submitted to the Columbus Graphics Commission.
2. Signage shall be internally or externally illuminated or backlighted. Notwithstanding that statement, neon lighting shall be permitted on signs.
3. No roof top graphics shall be permitted.
4. Free-standing sign for an outparcel shall have a maximum height and size of six feet and fifty square feet per face respectively, and the sign base shall be constructed with brick, stone or stucco. The above restrictions shall not apply to the one pylon sign for the Mall described in Item 6 below.
5. Free Standing Signs for the Mall: There shall be one pylon sign with a maximum height of forty feet (40') as measured from the adjacent road surface of Tuttle Crossing Boulevard located a minimum of thirty feet (30') from the respective right-of-way lines. The sign shall have four sign faces, each with a maximum sign area of one hundred ninety square feet (190 SF). The pylon shall identify only the name of the Development.
6. "Entrance" and "Exit" Signs: Internally lighted "entrance" and "exit" signs shall be located at each of the entrances. Signs shall be three feet (3') in height and be six square feet (6 SF) per each face.
7. Exterior Building Signs for the Mall:
  - a. Wall signs for Anchors shall be:  
Internally or externally lighted, backlighted or neon script signs consisting of individual letters with a maximum letter height of eight feet. For purposes of this development plan, "Anchor" shall mean any building of at least 40,000 square feet regardless of use, or any tenant occupying at least 40,000 square feet and located on the Property.
  - b. Mall entrances shall be identified with wall signs. Signs shall be externally or internally illuminated, backlighted or neon script signs consisting of individual letters with a maximum letter height of five feet.
  - c. Any Mall tenant with an external public entrance may have a sign designating the store entrance. Such signs shall be restricted to a maximum height of twenty-four inches ( 24") and shall be



internally lighted, back lighted, or in neon script. The provisions of this section shall not apply to the any external signage on any Anchor located on the Property.

d. Other than Anchors, building signs shall only be illuminated until one hour after closing of the non-Anchor portion of the Mall. Anchor signs shall only be illuminated until one hour after the Anchor closes.

8. Signage shall be permitted on the Mall site to identify the apartment complex now known as Camden Place which is located southwest of the Mall. Signs for the apartment complex shall be permitted at the following locations:

- a. at the intersection of Tuttle Crossing Blvd. and the eastern-most entry road to the Mall.
- b. at the intersection of the east ring road and the entrance road which leads to the apartment complex.
- c. the maximum size for these signs shall be 20 square feet per sign face.

9. Notwithstanding any other provision, the permitted free standing mall sign which may have a maximum height of 40 feet.

G. Miscellaneous

The square footage and parking count numbers for the mall do not include what can be developed on the outparcels. No buildings shall be located within 250 feet of the east property line. This restriction shall not apply to the landscaping treatment for the area along the east property line. Any building inside the area surrounded by the ring road shall not be considered an outparcel. There shall be no overnight parking of semi-trucks on the site except in the loading areas. No overnight parking of recreational vehicles shall be permitted in the parking lots.

No construction material staging areas shall be permitted within four hundred feet of the east property line and within two hundred feet of the south property line. This restriction shall not apply to the 110 foot strip along the east side of the Rings property between the south property line and Hayden Run Road during the construction of the road along the east property line, utility work, the wall and landscaping. The parking of construction vehicles within four hundred feet of the east property line and within two hundred feet of the south property line shall be prohibited.

No outdoor speakers shall be permitted for the outparcels or the mall except for drive through windows. The playing of outside music which is audible at the east and south property lines shall be prohibited.

Any auto repair facility shall be part of a larger retail operation. No auto repair facility shall be located on the east side of the Mall. Notwithstanding the above statement, a location of an auto repair facility is shown on Exhibit E at the south end of the Mall building. The orientation of the auto repair shall be away from the developed single-family residential property along the east property line. The facility shall have a maximum of two service doors which shall be kept closed except for the entry and exit of the vehicles being served. All waste and refuse shall be containerized and fully screened from public view by a solid wall or fence to a minimum height of six (6) feet. In addition, for those waste and refuse containers which are visible from the second story windows of the houses, and which are adjacent to the east property line, the screening for said containers shall be extended in height to a point where the container is no longer visible from those second story windows.

1. CPD Criteria

a. Natural Environment

The property is located in the southeast quadrant of I-270 and Tuttle Crossing Boulevard. The Mall at Tuttle Crossing presently exists on the property.

b. Existing Land Use

There are freeway oriented gas and restaurant uses along the south side of Tuttle Crossing Boulevard; to the east is existing single-family houses; to the south is an apartment complex; to the west is I-270. The existing use of the property is the Mall at Tuttle Crossing.

c. Visual Form

The existing visuals will not change from the existing development of the Property.

d. Visibility

The Mall shall have no more than two levels, and shall have the same materials on all sides of the exterior. This area has high freeway visibility and good visibility from Tuttle Crossing Boulevard.

e. Development

The Mall allows for additional entertainment uses but will not otherwise change the existing commercial development.

f. Behavior Patterns

The Mall provides additional commercial opportunities to both local residents, office workers and to other individuals who can access this area via the I-270 / Tuttle Crossing interchange.

g. Emissions

No adverse effects are anticipated from the additional uses for the Mall.

j. Utility Lines

All new electric lines shall be underground with the exception of main CSOE transmission lines (unless CSOE permits its main transmission lines to be buried).

l. Site Plan

The submitted site plan (**Exhibit F**) shows a configuration of the Mall building footprint. This footprint may be modified so long as the Mall building is constructed with the designated area shown on the site plan. The developer is committing only to the general building configuration of the Mall building

m. Variances

All variances shall remain in place, including allowance of parcel lines to cross parking spaces and aisles, and parking spaces to be shared between subareas.

n. Savings Clause

The amendment and restatement of this CPD Text shall not result in a legal non-conforming condition as to any real estate that is subject to this CPD Text and this CPD Text shall not reduce or impair any of land owner's use and development rights that existed prior to the adoption of this CPD Text and any use or improvement that was legally established and conforming to applicable zoning or other land use ordinances or laws at the time that this CPD Text was adopted shall continue to be legally established and conforming for all purposes, the provisions of this CPD Text notwithstanding.

SUBAREA 6A (L—RURAL):

The only permitted uses for this subarea shall be a private park, open space, detention ponds, utilities and access road to the apartment complex. This access road is subject to the passage of Council Variance Application CV92-090. No lowcost housing shall be permitted in this Subarea. This area shall have an access road to the apartment complex which shall be set in a park like atmosphere as shown on Exhibit C. Additional landscaping and/or mounding may be added to this area at the discretion of the property owner.

The undersigned, being the owner of the subject property together with the applicant in the subject application, or other authorized representatives do hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by above restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that he fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Code, except as permitted by this development text and drawings referenced herein.

SIGNATURE: \_\_\_\_\_

  
Christopher Burch, Esq. Attorney for the Applicant

DATE: \_\_\_\_\_

7-11-2019