



## Legislation Details (With Text)

**File #:** 1901-2008      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/18/2008      **In control:** Zoning Committee

**On agenda:** 12/8/2008      **Final action:** 12/10/2008

**Title:** To rezone 2693 JOHNSTOWN ROAD (43210), being 3.6± acres located at the southeast corner of Johnstown Road and East 19th Avenue, From: R, Rural District, To: CPD, Commercial Planned Development District. (Rezoning # Z08-023)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD # 1901-2008 Attachments.pdf, 2. ORD # 1901-2008 Mailing Labels.pdf, 3. ORD # 1901-2008 Data Form.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

| Date       | Ver. | Action By             | Action                             | Result |
|------------|------|-----------------------|------------------------------------|--------|
| 12/10/2008 | 1    | CITY CLERK            | Attest                             |        |
| 12/9/2008  | 1    | MAYOR                 | Signed                             |        |
| 12/8/2008  | 1    | Zoning Committee      | Approved                           | Pass   |
| 12/8/2008  | 1    | COUNCIL PRESIDENT     | Signed                             |        |
| 12/1/2008  | 1    | Columbus City Council | Read for the First Time            |        |
| 11/24/2008 | 1    | DEVELOPMENT DIRECTOR  | Reviewed and Approved              |        |
| 11/24/2008 | 1    | Dev Drafter           | Sent to Clerk's Office for Council |        |
| 11/21/2008 | 1    | Dev Zoning Reviewer   | Reviewed and Approved              |        |
| 11/21/2008 | 1    | Dev Drafter           | Sent for Approval                  |        |
| 11/18/2008 | 1    | Dev Drafter           | Sent for Approval                  |        |

### Rezoning Application Z08-023

**APPLICANT:** Dhruv Real Estate Venture, LLC; c/o Michael T. Shannon, Attorney; 500 South Front Street, Suite 1200; Columbus, OH 43215.

**PROPOSED USE:** Hotel and restaurant.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on September 11, 2008.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 3.6± acre site is undeveloped and zoned in the R, Rural District. The applicant is requesting the CPD, Commercial Planned Development District with a hotel and a restaurant as the only permitted uses. The proposed CPD specifies development standards including building, parking and pavement setbacks, height restrictions, street trees, design and lighting standards. The applicant is requesting a variance to the minimum number of required parking spaces, a reduction of 20 spaces for a restaurant use. Any hotel use shall satisfy the minimum parking requirement. The site is located within the boundaries of the *Port Columbus Area Development Partnership, Joint Economic Development Strategy* (2008), which recommends light industrial for the subject site. The proposal is not consistent with the recommended land use but is supportable due to the visibility of this site relative to I-670, the accessibility to the interchange of Cassady/I-670 and proximity to the airport. The proposed CPD District, with the proposed development standards in the text and site plan, is compatible with

development in the area.

To rezone **2693 JOHNSTOWN ROAD (43210)**, being 3.6± acres located at the southeast corner of Johnstown Road and East 19<sup>th</sup> Avenue, From: R, Rural District, To: CPD, Commercial Planned Development District. (Rezoning # Z08-023)

**WHEREAS**, application #Z08-023 is on file with the Building Services Division of the Department of Development requesting rezoning of 3.6± acres from the R, Rural 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 proposed development, with the development standards in the text and site plan, is compatible with development in the area, 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:

**2693 JOHNSTOWN ROAD (43210)**, being 3.6± acres located at the southeast corner of Johnstown Road and East 19<sup>th</sup> Avenue, and being more particularly described as follows:

**3.577 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 17, United States Military Lands, and being part of that 1.977 acre tract conveyed to Dhruv Real Estate Venture LLC by deed of record in Instrument Number 200807310117098 and part of that 1.933 acre tract conveyed to Dhruv Real Estate Venture LLC by deed of record in Instrument Number 200807310117101 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning for reference at the centerline intersection of Rarig Avenue (50 feet wide) and Seventeenth Avenue (80 feet wide);

Thence North 86° 46' 55" West, with the centerline of said Seventeenth Avenue, a distance of 336.98 feet to a point;

Thence North 03° 13' 05" East, across said Seventeenth Avenue, a distance of 40.00 feet, to a point on the northerly right-of-way line of said Seventeenth Avenue, at the southeasterly corner of said 1.933 acre tract, the TRUE POINT OF BEGINNING;

Thence North 86° 46' 55" West, with the northerly right-of-way line of said Seventeenth Avenue, a distance of 114.90 feet to the southwesterly corner of said 1.933 acre tract;

Thence North 25° 35' 22" West, with the westerly line of said 1.933 acre tract, a distance of 386.48 feet to a point on the southerly right-of-way line of Johnstown Road (60 feet wide);

Thence North 49° 38' 58" East, with the southerly right-of-way line of said Johnstown Road and across said 1.933 and 1.977 acre tracts, a distance of 521.39 feet to a point on the northerly line of said 1.977 acre tract;

Thence with the perimeter of said 1.977 acre tract, the following courses and distances:

South 86° 43' 55" East, a distance of 83.51 feet to a point;

South 04° 03' 05" West, a distance of 360.30 feet to a point;

North 89° 51' 44" West, a distance of 230.50 feet to the southwesterly corner of said 1.977 acre tract;

Thence South 09° 48' 30" East, with the easterly line of said 1.933 acre tract, a distance of 333.87 feet to the TRUE POINT

OF BEGINNING and containing 3.577 acres of land, more or less.

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

**To:** CPD, Commercial Planned Development District.

**SECTION 2.** That a Height District of Sixty (60) feet is hereby established on the CPD, Commercial Planned Development District on this property.

**SECTION 3.** That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**ZONING PLAN**" a and text titled, "**DEVELOPMENT TEXT**," both dated October 22, 2008, and signed by Michael T. Shannon, attorney for the Applicant, and the text reading as follows:

**Development Text**

**CPD, Commercial Planned Development District**

**3.6± Acres**

**Existing Zoning District:** R, Rural (upon annexation AN08-003)

**Proposed District:** CPD, Commercial Planned Development District

**Property Address:** 2693 Johnstown Road (43219)

**Owners:** Patricia A. Pitcher and Albert F. Geib, c/o CRABBE, BROWN & JAMES, LLP, Michael T. Shannon, Esq.; George R. McCue, Esq., 500 S. Front Street, Suite 1200, Columbus, Ohio 43215, [Mshannon@cblawyers.com](mailto:Mshannon@cblawyers.com), [Gmccue@cblawyers.com](mailto:Gmccue@cblawyers.com).

**Applicant:** Dhruv Real Estate Venture, LLC, c/o CRABBE, BROWN & JAMES, LLP, Michael T. Shannon, Esq.; George R. McCue, Esq., 500 S. Front Street, Suite 1200, Columbus, Ohio 43215, [Mshannon@cblawyers.com](mailto:Mshannon@cblawyers.com), [Gmccue@cblawyers.com](mailto:Gmccue@cblawyers.com).

**Date of Text:** October 22, 2008

**INTRODUCTION:** The subject property ("Site") consists of 3.6± acres situated along Johnstown Road, between 17<sup>th</sup> and 19<sup>th</sup> Avenues, on the City's East side. This 3.6-acre Site was recently annexed from Mifflin Township to the City of Columbus via the Expedited Type II annexation process (Council Ord. 0927-2008, passed June 16, 2008). A total of 4.2 acres were included in the Owners' petition for annexation, the balance of which represents the Johnstown Road right-of-way annexed into the City but excluded from this rezoning request.

The Site is located along Johnstown Road, immediately south of I-270 and I-670, in an area with such mixed uses as Airport-related development, industrial/manufacturing, and single-family homes.

Applicant proposes development of the Site with a 3 to 4-story hotel as shown on the submitted site plan, with additional commercial development on the southern portion of the site.

**1. PERMITTED USES:**

The following uses shall be permitted, pursuant to C.C.C. §3356.03 (C-4, Commercial District): Hotel and Motel, including any customary ancillary operations (i.e., office, catering services, bar/restaurant, and the like); Restaurants, excluding fast-food businesses having drive-thru windows.

**2. DEVELOPMENT STANDARDS**

Unless otherwise indicated herein, the applicable development standards shall be those standards contained in Chapter 3356 (C-4) of the Columbus City Code.

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

1. Building Setbacks: The minimum building setbacks from Johnstown Road and Seventeenth Avenue shall be twenty-five (25) feet from the property line.

2. Parking and Paving Setback: The minimum parking and paving setback from Johnstown Road shall be twenty-five (25) feet. The minimum parking and paving setback from Seventeenth Avenue shall be ten (10) feet.

3. The Site shall be designated in the H-60 height district, per C.C.C. §3309.14, with an understanding that the aviation easements currently in effect for the property include a further limitation that the building(s) shall not exceed fifty (50) feet in height. This development text shall not prohibit future revisions or amendments to the height restrictions contained in those easements, as future development of the property occurs.

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

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Transportation Division.

2. Johnstown Road shall contain a minimum right-of-way of sixty (60) feet.

3. Curb cuts shall be subject to approval by the City of Columbus Transportation Division. Access to and from the Site is proposed as shown on the submitted site plan, contemplating one unrestricted curb cut along Johnstown Road, and one from Seventeenth Avenue.

4. Any parking area to be located within eighty (80) feet of adjacent residentially-developed property shall be screened from view by those residential properties pursuant to C.C.C. §3342.17 (Parking Lot Screening).

5. Upon development of a restaurant use on this Site, the developer shall build a site access point on Seventeenth Avenue.

6. Upon development of a restaurant use on this Site, the developer shall install a southbound left turn lane at the site access point on Johnstown Road. The southbound left turn lane shall have a length of 235 feet, which includes a taper of 60 feet. The developer may submit an updated warrant analysis to the Transportation Division for review. If the updated warrant analysis is approved by the Transportation Division and the updated warrant analysis documents that a southbound left turn lane is not warranted at the Johnstown Road access point, the Transportation Division may waive the requirement of a southbound left turn lane at the Johnstown Road access point.

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

1. Interior landscaping shall be provided at a ratio of one (1) shade tree for every ten (10) parking spaces or fraction thereof. The minimum soil area per tree shall be sixteen (16) square feet. Space devoted to interior landscaping shall be in addition to any required front, side or rear yard or any required screening area.

2. Street trees shall be provided along the Site's Johnstown Road frontage, and shall be spaced 35 feet on center. The species of street trees shall be as approved by the City of Columbus Forester.

3. Minimum tree size shall be no less than 2 1/2 inches caliper for street and/or shade trees, 5 feet in height for evergreen trees and 1 1/2 inch caliper for ornamental trees. Tree Caliper is measured six (6) inches from the ground.

4. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months or the next planting season, whichever occurs first.

5. Headlight screening shall be provided for all parking areas fronting Johnstown Road, at a minimum height of 30 inches above the grade of the subject parking area. Such screening shall be achieved by an evergreen hedge, earthen mounding, walls, or a combination thereof.

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

1. Building exteriors may be constructed of any of the following materials: brick, real or synthetic stone, real or synthetic stucco, glass, textured concrete, or any combination of these materials. The front facade of the hotel building, exclusive of windows, doors, roofs, soffit and similar or comparable areas, shall be finished with natural brick or stone. A hotel with a minimum of three (3) stories may be designed with two-thirds of the front facade being brick or stone, with the remaining one-third being dryvit / EIFS of the same neutral color as the remaining elevations of the building.

2. Rooftop mechanical equipment shall be screened from view by the same material used on the building roof or exterior, and shall be of the same or similar color. Ground-level mechanicals and equipment shall be fully screened from view by a wall, fence or

landscape materials, or a combination thereof. Such screening shall match or complement the character of the building.

3. Building illumination shall be permitted, provided such light source is concealed. No colored light shall be used to illuminate the exterior of the building.
4. Building-mounted lighting shall be designed so that no off-site light spillage occurs.
5. All construction shall comply with all applicable requirements of Columbus Building Code Chapter 4191 (Airport Environs), with regard to exterior and interior soundproofing measures for this property located within the 65 DNL Noise Exposure Area (Sub-District A) of the Airport Environs Overlay.

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

1. Dumpsters shall be screened from view by structures and/or landscaping to a minimum height of 6 feet. Deposited refuse should not be visible from outside the refuse enclosure, which shall be screened on all four (4) sides.
2. All parking lot or ground-mounted lighting shall use fully shielded cutoff fixtures (down lighting), except there may be accent lighting (up lighting) on landscaping in the front of structures and ground signs, provided the fixtures are screened with landscaping to prevent glare.
3. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to insure aesthetic compatibility.
4. Light poles in the parking lot areas shall not exceed twenty-eight (28) feet in height. All light poles and standards shall be dark brown, bronze, or black.
5. Landscaping at entries to parking lots and buildings may be uplighted by ground-mounted concealed fixtures.

**F. Graphics and Signage Commitments.**

1. All graphics shall conform to Article 15 of the Columbus City Code, as it applies to the C-4, Commercial District. Any variance to the applicable requirements of the C-4 district shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous.**

1. A monetary contribution shall be made to the City of Columbus, pursuant to the Parkland Dedication requirements of C.C.C. §3318.13, calculated at \$400.00 per acre or fraction thereof. Payment shall be made prior to zoning clearance approval.
2. The Site shall be developed in accordance with the submitted CPD Site Plan. The CPD Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time the development and engineering plans are completed. Any slight adjustment to the plan shall be subject to review and approval by the director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

**H. CPD Requirements.**

1. Natural Environment. The site currently contains two single-family dwellings, and is surrounded by a mix of residential and manufacturing uses in the immediate area.
2. Existing Land Use.  
Single-family residential.
3. Transportation and Circulation.  
The Site will be accessed from Johnstown Road, and from 17<sup>th</sup> Avenue.
4. Visual Form of the Environment.  
The existing uses/zoning of the surrounding properties are as follows:

North: Interstates I-670 and I-270.

East: Warehouse/manufacturing operation zoned M, Manufacturing.

South: Warehouse operation located in Mifflin Township.

West: Commercial and residential uses located in Mifflin Township.

**5. View and Visibility.**

Significant consideration has been given to visibility and safety issues.

**6. Proposed Development.**

The proposed development will provide new commercial development for the area (hotel and restaurant), in the immediate vicinity of the Columbus International Airport.

**7. Behavior Patterns.**

Johnstown Road is significantly limited to and used by travelers using the freeway system in the area. The Site is in very close proximity to Columbus International Airport and some of its customer parking lot(s), making this an ideal location for airport-related commercial development. The proposed restaurant use will also benefit the surrounding warehouse and manufacturing property employees.

**8. Emissions.**

There will be no emissions from the proposed uses.

**I. Variances Requested.**

1. Applicant requests a variance from C.C.C. §3342.28 (Minimum Parking Spaces Required), to allow a reduction in parking by twenty (20) spaces, for development of the proposed restaurant. The proposed hotel shall provide the total number of parking spaces it is required to have, based on number of rooms. The proposed restaurant may be developed with 20 parking spaces less than it would otherwise be required to provide, which will facilitate a partial “shared parking” arrangement between the two uses.

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