



## Legislation Details (With Text)

**File #:** 1118-2008      **Version:** 2

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

**File created:** 6/20/2008      **In control:** Zoning Committee

**On agenda:** 7/21/2008      **Final action:** 7/23/2008

**Title:** To rezone 9262 WORTHINGTON ROAD (43082), being 5.6± acres located on the west side of Worthington Road, 400± feet north of Lori Lane, From: R, Rural and L-C-3, Limited Commercial Districts, To: CPD, Commercial Planned Development District and to declare an emergency. (Rezoning # Z08-019)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD # 1118-2008 Attachments.pdf, 2. ORD # 1118-2008 Mailing Labels.pdf, 3. ORD # 1118-2008 Data Form.pdf

| Date      | Ver. | Action By             | Action                             | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 7/23/2008 | 2    | CITY CLERK            | Attest                             |        |
| 7/22/2008 | 2    | MAYOR                 | Signed                             |        |
| 7/21/2008 | 1    | Zoning Committee      | Amended to Emergency               | Pass   |
| 7/21/2008 | 2    | Zoning Committee      | Approved as Amended                | Pass   |
| 7/21/2008 | 2    | COUNCIL PRESIDENT     | Signed                             |        |
| 7/14/2008 | 1    | Columbus City Council | Read for the First Time            |        |
| 7/1/2008  | 1    | Dev Zoning Drafter    | Sent to Clerk's Office for Council |        |
| 6/30/2008 | 1    | DEVELOPMENT DIRECTOR  | Reviewed and Approved              |        |
| 6/26/2008 | 1    | Dev Zoning Reviewer   | Reviewed and Approved              |        |
| 6/26/2008 | 1    | Dev Drafter           | Sent for Approval                  |        |
| 6/20/2008 | 1    | Dev Drafter           | Sent for Approval                  |        |

### Rezoning Application Z08-019

**APPLICANT:** Preferred Real Estate Investments II, LLC ; c/o Robert A. Meyer, Jr., Attorney; 41 South High Street; Columbus, OH 43215.

**PROPOSED USE:** Commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0-1) on June 12, 2008.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 5.6± acre site consists of two parcels and is zoned in the R, Rural and L-C-3, Limited Commercial Districts. A hotel is under construction on the north parcel, zoned in the L-C-3, Limited Commercial District. The applicant is requesting the CPD, Commercial Planned Development District to allow a second hotel building on the south parcel and to allow variances for parking spaces and maneuvering across parcel lines. These are technical variances because the actual required parking spaces and maneuvering areas will be provided notwithstanding the existence of parcel lines. The proposal otherwise continues L-C-3 district's lighting, landscaping, and screening restrictions and limits uses to neighborhood scale commercial, offices, hotel/motels and related uses, and restaurants without drive-thru pick-up units. The site is

located within the boundaries of the Subarea J.3 of *The Far North Plan* (1994). The plan recommends that "Appropriate development includes offices, institutional uses, and public or private recreational facilities. Retail development is not appropriate for this area." Deviation from the Plan's land use recommendation is warranted because 3.8 acres of this site was rezoned to the L-C-3, Limited Commercial District in 2000 and is being developed with a hotel. This request will incorporate the 1.81 acre parcel to the south with unified use restrictions and development standards. The proposed CPD, Commercial Planned Development District, with the development standards in the text and site plan, is compatible with development in the area.

To rezone **9262 WORTHINGTON ROAD (43082)**, being 5.6± acres located on the west side of Worthington Road, 400± feet north of Lori Lane, **From:** R, Rural and L-C-3, Limited Commercial Districts, **To:** CPD, Commercial Planned Development District **and to declare an emergency.** (Rezoning # Z08-019)

**WHEREAS**, application #Z08-019 is on file with the Building Services Division of the Department of Development requesting rezoning of 5.6± acres from the R, Rural and L-C-3, Limited Commercial Districts, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to pass this ordinance as the Applicant is subject to contractual obligations in connection with this rezoning amendment and the submittal of plans for City approval, which obligations must be met as soon as possible to proceed with those contracts and ensure compliance with the Zoning Code for the immediate preservation of the public peace, property, health and safety; and

**WHEREAS**, the City Departments recommend approval of said zoning change because deviation from the Plan's land use recommendation is warranted because 3.8 acres of this site was rezoned to the L-C-3, Limited Commercial District in 2000 and is being developed with a hotel. This request will incorporate the 1.81 acre parcel to the south with unified use restrictions and development standards. 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:

**9262 WORTHINGTON ROAD (43082)**, being 5.6± acres located on the west side of Worthington Road, 400± feet north of Lori Lane, and being more particularly described as follows:

Rezoning Description - 1.817 Acres  
South of Polaris Parkway  
West Side of Worthington Road

Situated in the State of Ohio, County of Delaware, City of Columbus, Quarter Township 4, Township 3, Range 18, USMD, and being all of Lot 586 and part of Lot 587 of "Hill Subdivision" as recorded in Plat Book 12, Page 113, said Lot 586 standing in the name of Frederick T. Blyth and Aileen I. Blyth of record in Deed Book 438, Page 128 and said part of Lot 587 standing in the name of Frederick T. Blyth and Aileen I. Blyth of record in Deed Book 502, Page 595, and described as follows:

**Beginning** at the southwest corner of said Lot 586, in the east limited access right-of-way line for I-71 as recorded in Deed Book 526, Page 125;

Thence **N 03° 29' 33" E**, with said east limited access right-of-way line, **200.23 feet** to the northwest corner of said Blyth tract (Deed Book 502, Page 595);

Thence **S 86° 25' 40" E**, with the north line of said Blyth tract (Deed Book 502, Page 595), **469.62 feet** to the northeast corner thereof, in the west right-of-way line for Worthington Road as recorded in Plat Book 12, Page 113;

Thence **S 40° 09' 15" W**, with said west right-of-way line, **249.36 feet** to the southeast corner of said Lot 586;

Thence **N 86° 25' 40" W**, with the south line of said Lot 586, **320.73 feet** to the **Point of Beginning**, and containing **1.817 acres**, more or less. Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. in March 2008 for rezoning purposes only and is not for transfer.

All references used in this description can be found at the Recorder's Office, Delaware County, Ohio. Bearings are based on the NAD83 Ohio State Plane Coordinate System, North Zone (1986 Adj.).

AND

DESCRIPTION OF 3.776 ACRES  
WEST SIDE OF WORTHINGTON ROAD

Situated in the State of Ohio, County of Delaware, City of Columbus, Farm Lot 20, Quarter Township 4, Township 3, Range 18, United States Military District and being out of that 1 acre tract conveyed to The Slane Company, Ltd. of record in Official Record 227, Page 1043 and out of part of Lot 587 of "Hill Subdivision" as recorded in Plat Book 12, Page 113, said part of lot being conveyed to The Slane Company, Ltd. of record in Official Record 255, Page 2123, and described as follows:

**Beginning** at an iron rod found marking the northwest corner of said "Hill Subdivision", the same being the southwest corner of said 1 acre tract, in the east limited access right-of-way line for I-71 recorded in Deed Book 526, Page 125;

Thence **N 03° 29' 33" E**, with the west line of said 1 acre tract, the same being said east limited access right-of-way line, **62.25 feet** to an iron rod found marking the northwest corner of said 1 acre tract, the same being the southwest corner of Parcel 1 as shown in the deed to UH Columbus Investment Limited Partnership of record in Official Record 6, Page 1856;

Thence **S 86°24' 38" E**, with the common line to said 1 acre tract and Parcel 1, and with the common line to said 1 acre tract and Parcel 2 as shown in said Official Record 6, Page 1856, (passing an iron pipe found at 433.29 feet) **664.94 feet** to an iron pin set;

Thence **S 40°02' 04" W**, across said 1 acre tract, **39.17 feet** to an iron pin set;

Thence **S 40°09' 15" W**, across said 1 acre tract and Lot 587, **329.78 feet** to an iron pin set in the south line of said Slane Company tract as shown in said Official Record 255, Page 2123, the same being the north line of that tract conveyed to Frederick T. Blyth and Aileen I. Blyth of record in Deed Book 438, Page 128;

Thence **N 86°25' 40" W**, with the common line to said Slane and Blyth tracts, (passing an iron pipe found at 439.71 feet) **444.71 feet** to a common corner thereof, in the east limited access right-of-way line for said I-71;

Thence **N 03°29' 33" E**, with the west line of said Slane tract (O.R. 255, Pg. 2123), the same being said east limited access right-of-way line, (passing an iron pipe found at 6.14 feet) **234.27 feet** to the **Point of Beginning**, and containing **3.776 acres**, more or less. 2.865 acres from said Lot 587 and 0.911 acre from said 1 acre tract. Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by John C. Dodgion, P.S. 8069 on December 05, 2007 and is based on existing records and an actual field survey. A drawing of the above description is attached hereto and made a part thereof.

All iron pins set are ¾" diameter, 30" long with plastic cap inscribed "Advanced 7661".

Bearings are based on the NAD83 Ohio State Plane Coordinate System, North Zone (1986 Adj.). All references used in this description can be found at the Recorder's Office, Delaware County, Ohio.

**To Rezone From:** R, Rural and L-C-3, Limited Commercial Districts,

**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, "**DEVELOPMENT PLAN**," and text titled, "**CPD DEVELOPMENT PLAN TEXT**," both signed by Robert A. Meyer, Jr., attorney for the Applicant, and dated June 12, 2008, and the text reading as follows:

**CPD DEVELOPMENT PLAN TEXT**

**PROPOSED DISTRICT:** CPD, Commercial Planned Development District

**PROPERTY ADDRESS:** 9262 Worthington Road (43211), being 5.586± acres located on the west side of Worthington Road, 1800± feet south of Orion Place.

**OWNERS:** Preferred Real Estate Investments II, LLC and  
Frederick T. and Aileen L. Blyth

**APPLICANT:** Preferred Real Estate Investments II, LLC

**DATE OF TEXT:** June 12, 2008

**APPLICATION NUMBER:** Z08-019

**I. Introduction:**

The land being rezoned by this application to the CPD, Commercial Planned Development District, is 5.586±/- acres with frontage along Worthington Road and Interstate 71, said property more particularly described in the legal description submitted as part of the application (the Property"). The Applicant, Preferred Real Estate Investments II, LLC owns the northerly 3.95±/- acre parcel and is in contract to purchase the southerly 1.81±/- acres from Frederick and Aileen Blyth. This application seeks to establish common use and development restrictions on the entire Property and provide for building and parking setbacks on the perimeter of the Property while permitting parking, maneuvering, loading and/or dumpsters within the Property to be located on one or more parcels within the Property

**II. Permitted Uses:**

The permitted uses shall be those uses permitted in the C-1 and C-2 Commercial Districts as set forth in Chapters 3351 and 3353 respectively of the Columbus Zoning Code and, in addition, shall include the following C-4 Commercial District uses only: hotels, motels, restaurants, and associated ancillary uses thereto, provided drive-through restaurants shall not be permitted.

**III. Development Standards:**

Except as otherwise modified herein, the development standards established by the C-2 Commercial District shall apply.

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

The building setback line shall be fifty (50) feet from any road right-of-way, except that an enclosure for screening refuse containers may be located not closer than ten (10) feet of the right-of-way of Interstate 71. The building setback line shall be fifteen (15) feet from any side Property line. In the event the Property is developed as more than one parcel, principal buildings shall be located at least fifteen (15) feet from the boundary between separate parcels, except that enclosed or covered parking structures internal to the Property may be located along (but not overlapping) such boundary between separate parcels.

**B. Access, Loading, Parking and/or Other Traffic-Related Commitments:**

**1. Access:** Access to the Property will be from Worthington Road.

**2. Loading Areas:**

- a. No off-street loading areas or loading docks shall be located on or along the front wall of any building, within the front yard of any parcel or nearer than fifteen (15) feet from the side or rear Property line. Off-street loading areas or loading docks located on or along the side wall of any building shall in no event be located nearer than twenty-five (25) feet from the front of the building and such facilities and all activities therein shall be screened from all public streets with buildings or view-obscuring treatment such as landscaped mounds, a wall or fence, dense planting, strips of trees or shrubs, or a combination

thereof so as to achieve a minimum height of five (5) feet high and an opacity of not less than seventy percent (70%). All such view-obscuring measures shall be maintained in good condition and appearance by the owner of the property containing such freight loading area at all times.

- b. Any freight loading area located within fifty (50) feet of a residentially zoned property used for residential purposes shall be screened from such residential property by buildings or view-obscuring treatment such as landscaped mounds, a wall or fence, dense planting, strips of trees or shrubs, or a combination thereof so as to achieve a minimum height of five (5) feet high and an opacity of not less than seventy percent (70%). All such view-obscuring measures shall be maintained in good condition and appearance by the owner of the property containing such freight loading area at all times.

### **3. Parking:**

- a. No parking or maneuvering areas, except driveways, shall be constructed nearer than ten (10) feet from the side or rear Property line, except for the north Property line, in which case parking or maneuvering areas, except driveways, shall not be constructed nearer than three (3) feet from the north Property line.
- b. The parking setback line shall be established at thirty (30) feet from any road right-of-way (except as otherwise set forth herein). The parking setback line from Interstate 71 shall be established at ten (10) feet.
- c. Subject to the foregoing, any (i) parking space, (ii) aisle providing access to or maneuvering for any parking space or dumpster and (iii) other access to or maneuvering for any parking space or dumpster may be located on two or more parcels (that is, part on one parcel and part on one or more other parcels) within the Property. Access to and maneuvering for any parking space or dumpster, including any aisle providing such access or maneuvering, may be located on one or more parcels within the Property which are not the parcel(s) on which that parking space, loading space or dumpster is located. The intent of this item (d) is to permit all of the parcels constituting the Property be treated as a single parcel for the purpose of arranging parking spaces and access to and maneuvering for parking spaces and dumpsters.

### **4. Traffic-Related Matters:**

a. Prior to zoning clearance, land along the Property with frontage on Worthington Road measured fifty feet (50') from the centerline of Worthington Road shall be dedicated to the City of Westerville, or other such governmental authority as may be required, by plat or deed for public right-of-way purposes, upon approval of this requested rezoning by the City Council of the City of Columbus.

b. Access to Worthington Road from the Property is proposed as shown on the Development Plan. As of August 30, 2007, the Applicant and the City of Westerville entered into an agreement providing for the Applicant to improve Worthington Road along the frontage of the Property, and improvements to Worthington Road pursuant to that Agreement are currently being constructed. That Agreement addressed the Applicant's development of the northern 3.9 +/- acres of the Property. Prior to approval of zoning clearance for any buildings constructed on, or other development of, the southern 1.81 +/- acres of the Property, a new or amended agreement shall be entered with the City of Westerville with respect to the additional 1.81 acres of the Property accessing Worthington Road.

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

**1. Screening:** To create a high quality aesthetic impact the following standards shall be implemented.

- a. All heating, ventilating, air conditioning and other building mechanical systems and equipment, whether roof mounted or ground level, shall be fully screened from view from all public streets. As an exception to the foregoing, equipment requiring ventilation may be located within architectural elements having opacity of at least seventy percent (70%). Ground level equipment may be screened by landscaping.
- b. Where freestanding walls are used for screening, they shall be integrated into the building design and/or landscaping plan so as to appear to be a natural element of the building and/or lot on which such building is located.

**2. Landscaping:** The basic landscape design approach shall be to soften streetscape view of parcel parking lots and enhance site entries. Plants shall be arranged to highlight building entries, soften building masses, provide scale to site development, screen and organize parking and service areas, and define parcel edges. All retaining walls an area to be planted with grass shrubs or vines shall be provided between the wall and any paved area. Landscaping shall be maintained in a healthy state. Any dead materials shall be removed and replaced with like materials within six (6) months or the next available planting season. The size of the new plant

materials shall be equal to the size of the original material when installed. The minimum tree size shall be no less than 2 1/2' caliper for deciduous trees, 1 and 1/2" caliper for ornamental trees and 5 feet in height for evergreens.

**3. Open Space:** All open areas on each undeveloped parcel not occupied by buildings, structures, outside storage areas, parking areas, street right-of-way paved areas, driveways, walkways and off-street loading areas shall be suitably graded and drained and shall be landscaped with grass, vines, trees or shrubs.

- a. **Side and Rear Buffers.** The Property shall provide minimum ten (10) foot wide landscape buffer adjacent and parallel to the rear and south side Property line, and a minimum three (3) foot wide buffer adjacent to the north side Property line. The surface of the side and rear buffer areas shall be expressly reserved for the planting of grass, vines, trees or shrubs and no structures, equipment of any nature (except utility equipment, which shall be either underground or fully screened) or paved areas (except driveways) shall be permitted within the side and rear buffer areas. The ten (10) foot landscape buffer along the south Property line shall be planted with evergreen trees at a minimum ratio of one tree for every twenty (20) feet. Storm retention areas may occur in said buffer area.
- b. **Frontage Buffer.** The Property shall provide a minimum thirty (30) feet wide landscape buffer area adjacent and parallel to Worthington Road. Except for graphics and driveways, the surface of the front buffer area shall be expressly reserved for the planting of grass, vines, trees or shrubs. Such plantings shall be at a minimum ratio of one tree and two shrubs per thirty (30) feet of frontage. Trees may be a mix of deciduous and evergreen species, and may be planted in groupings along the Worthington Road frontage, provided the minimum overall ratio is met. All parking areas parallel to Worthington Road shall have headlight screening with a minimum height of thirty (30) inches. Storm water detention or retention areas may occur in said buffer areas. See also Access and Loading in Paragraph B herein.

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

None at this time.

**E. Lighting and/or Other Environmental Commitments:**

**1. Lighting:** All on-site lighting shall be down lighting and shall utilize cut-off fixtures. Fixtures, reflectors, shields, bulbs, poles and pole heights shall be selected, arranged and placed so there is no glare off premises and shall direct and reflect light away from any particular residential property or public right-of-way. Lighting shall be limited to twenty (20) feet in height.

**2. Other Environmental Matters:** An asphalt path or a sidewalk, to be determined in conjunction with final engineering, shall be installed on site along Worthington Road. In the event a sidewalk is installed it shall have a minimum width of five (5) feet. In the event development includes a restaurant use, a paved walkway shall be provided from the asphalt path or sidewalk to the parking area at a location where pedestrian access across the paved parking area to the building with the restaurant can occur.

**F. Graphics and/or Signage Commitments:**

All signage and graphics shall conform to the Columbus Graphics Code as it applies to the C-2 Commercial District except as otherwise set forth herein. Any variances needed from the applicable graphics requirements shall be submitted to the Columbus Graphics Commission. Any ground sign that may be (i) oriented to Worthington Road and (ii) located on the southernmost 200 feet of Worthington Road frontage of the Property, shall be of a monument style design.

**IV. CPD Requirements:**

**A. Natural Environment:** The Property is located between Interstate 71 and Worthington Road, generally west of the western terminus of Arcadia Blvd. into Worthington Road. To the north and east are a number of office and other commercial uses that are consistent with the Polaris development. To the south is a residential structure in unincorporated Orange Township, Delaware County, for which additional buffering is provided for in the text. West of the site (across I-71) are commercial and multifamily uses.

**B. Existing Land Use:** The northern portion of the Property is currently under development for a hotel use. The southern portion of the Property is vacant, and is improved with an unoccupied residence.

**C. Proposed Use:** The proposed use is for two hotel structures, consistent with the use permitted uses under Section II, above. The northern structure is currently under development.

**D. Transportation and Circulation:** See Item III.B.4, above. The Property will access Worthington Road through a single curb

cut, as shown on the Development Plan. The Applicant has entered into an agreement with the City of Westerville as to improvements to Worthington Road associated with the portion of the Property currently under development, and has agreed to enter a new or modified agreement as to traffic impacts for the southern portion as a condition for zoning clearance for development of the southern portion.

**E. Visual Form of the Environment:** The Property is located along the southern portion of that segment of Worthington Road developed with office and commercial uses supporting the larger Polaris development.

**F. View and Visibility:** The Property is visible from Worthington Road, and from I-71 (although a portion of the Property will be significantly obscured by the noise wall that has recently been installed along the adjacent segment of I-71).

**G. Behavior Patterns:** The hotel development will serve office and related uses in the general area, and in particular the Polaris area development to the north.

**H. Emissions:** There will be no adverse emissions from the proposed development.

**I. Variances:** Under Section III.B.3.c, above, parking and maneuvering serving the uses within the property may be located on different parcels within the property, and as a result, the provisions of the Zoning Code (i.e., Sections 3342.02(4) and 3342.15) requiring parking and maneuvering to be on the same lot, are varied by this CPD zoning.

**SECTION 4.** ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**