



## Legislation Details (With Text)

**File #:** 1625-2009      **Version:** 1

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

**File created:** 11/18/2009      **In control:** Zoning Committee

**On agenda:** 12/14/2009      **Final action:** 12/16/2009

**Title:** To rezone 3871 STELZER ROAD (43219), being 12.56± acres located at the northwest corner of Stelzer Road and Colliery Avenue, From: R-1 Residential District, To: CPD, Commercial Planned Development District (Rezoning # Z09-019).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1625-2009Attachments.pdf, 2. ORD1625-2009Labels.pdf, 3. ORD1625-2009DataSheet.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
12/16/2009	1	CITY CLERK	Attest	
12/15/2009	1	MAYOR	Signed	
12/14/2009	1	COUNCIL PRESIDENT	Signed	
12/14/2009	1	Zoning Committee	Approved	Pass
12/7/2009	1	Columbus City Council	Read for the First Time	
11/24/2009	1	Dev Zoning Drafter	Sent for Approval	
11/24/2009	1	City Clerk's Office	Sent back for Clarification/Correction	
11/24/2009	1	Dev Zoning Drafter	Sent for Approval	
11/24/2009	1	Dev Zoning Reviewer	Reviewed and Approved	
11/24/2009	1	Dev Zoning Drafter	Sent for Approval	
11/24/2009	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/24/2009	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	

**Rezoning Application # Z09-019**

**APPLICANT:** Morso Holding Co.; c/o Jeffrey L. Brown and David L. Hodge, Attys.; Smith & Hale LLC; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

**PROPOSED USE:** Commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on October 8, 2009.

**NORTH EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 12.55± acre site is developed with the former Northeast Career Center and is zoned in the R-1, Residential District. The surrounding properties are zoned in the CPD, Commercial Planned Development District as part of the overall Easton Town Center development. The applicant requests the CPD, Commercial Planned Development District to allow commercial development that is consistent with the surrounding development. The site is located

within the planning area of *The Northeast Plan (2007)*, which recommends mixed-use development at this location. The requested CPD, Commercial Planned Development District would permit a mixed-use commercial development with design components that are compatible with the adjacent Easton Town Center development. The proposal is consistent with the zoning and development patterns of the area, and with the land use recommendations of the *Northeast Area Plan (2007)*.

To rezone **3871 STELZER ROAD (43219)**, being 12.56± acres located at the northwest corner of Stelzer Road and Colliery Avenue, **From:** R-1 Residential District, **To:** CPD, Commercial Planned Development District (Rezoning # Z09-019).

**WHEREAS**, application #Z09-019 is on file with the Building Services Division of the Department of Development requesting rezoning of 12.56± acres from R-1 Residential District to CPD, Commercial Planned Development District; and

**WHEREAS**, the Columbus Public Health Healthy Places program reviews applications for active living features and recognizes this development has 1) a pedestrian connection to the front door from the public sidewalk and to the existing Easton shopping center across Easton Loop East, and 2) centrally located bike racks for employees or visitors that ride their bike by choice or because of limited alternatives; and

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

**WHEREAS**, the North East 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 would permit a mixed-use commercial development with design components that are compatible with the adjacent Easton Town Center development. The proposal is consistent with the zoning and development patterns of the area, and with the land use recommendations of the *Northeast Area Plan (2007)*, 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:

**3871 STELZER ROAD (43219)**, being 12.56± acres located at the northwest corner of Stelzer Road and Colliery Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 1, Range 17, United States Military Lands, being all of the remainder of the original 28.054 acre tract conveyed to the Board of Education of the City School District of Columbus, Ohio by deed of record in Deed Book 3492, Page 865, (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 Gramercy Street and Easton Loop East, as recorded in Plat Book 93, Page 1;

Thence North 00° 48' 27" East, a distance of 29.01 feet, with the centerline of said Easton Loop East, to a point at the intersection of said centerline with the extended northerly right-of-way line of said Gramercy Street, being in the southerly line of Easton Loop East as recorded in Plat Book 99, Page 55;

Thence South 87° 41' 33" East, a distance of 40.01 feet, with the extension of said northerly right-of-way line, to an iron pin set in the westerly line of the remainder of said original 28.054 acre tract, the TRUE POINT OF BEGINNING;

Thence North 00° 48' 27" East, a distance of 408.50 feet, with the easterly right-of-way of said Easton Loop East (P.B. 99, Page 55), to an iron pin set at a point of curvature;

Thence with the arc of said curve to the right, having a central angle of 49° 27' 20", a radius of 40.00 feet, an arc length of 34.53 feet, and a chord which bears North 25° 32' 04" East, a chord distance of 33.46 feet, continuing with said easterly right-of-way line, to an iron pin set in the southerly right-of-way line of Alston Street as recorded in Plat Book 99, Page 55;

Thence with the southerly right-of-way line of said Alston Street, the following courses and distances:

South 88° 47' 28" East, a distance of 447.46 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the left, having a central angle of 07° 42' 58", a radius of 1542.00 feet, an arc length of 207.66 feet, and a chord which bears North 87° 21' 04" East, a chord distance of 207.50 feet, to an iron pin set at a point of reverse curvature;

With the arc of said curve to the right, having a central angle of 93° 03' 16", a radius of 40.00 feet, an arc length of 64.96 feet, and a chord which bears South 49° 58' 47" East, a chord distance of 58.06 feet, to an iron pin set at a point of compound curvature in the westerly right-of-way line of Stelzer Road, being in the westerly line of the 2.0712 acre tract conveyed as Parcel 118-WD to City of Columbus, Ohio by deed of record in Official Record 28448 J18;

Thence with the arc of said curve to the right, having a central angle of 04° 28' 13", a radius of 1372.40 feet, an arc length of 107.08 feet, and a chord which bears South 01° 13' 03" East, a chord distance of 107.05 feet, with said westerly right-of-way line and the westerly line of said 2.0712 acre tract, to an iron pin set at a point of tangency;

Thence South 01° 01' 04" West, a distance of 600.89 feet, continuing with said westerly right-of-way line, to an iron pin set at a point of curvature in the northerly right-of-way line of Colliery Avenue as recorded in Plat Book 93, Page 1;

Thence with the northerly right-of-way line of said Colliery Avenue, the following courses and distances:

With the arc of said curve to the right, having a central angle of 92° 52' 11", a radius of 50.00 feet, an arc length of 81.04 feet, and a chord which bears South 47° 27' 09" West, a chord distance of 72.46 feet, to an iron pin set at a point of tangency;

North 86° 06' 45" West, a distance of 8.85 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the left, having a central angle of 01° 34' 48", a radius of 2549.00 feet, an arc length of 70.29 feet, and a chord which bears North 86° 54' 09" West, a chord distance of 70.28 feet, to an iron pin set at a point of tangency;

North 87° 41' 33" West, a distance of 481.45 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the right, having a central angle of 66° 00' 40", a radius of 40.00 feet, an arc length of 46.08 feet, and a chord which bears North 54° 41' 13" West, a chord distance of 43.58 feet, to an iron pin set at a point of reverse curvature in the easterly right-of-way line of said Easton Loop East (P.B. 93, Pg. 1);

Thence with the easterly right-of-way line of said Easton Loop East (P.B. 93, Pg. 1), the following courses and distances:

With the arc of said curve to the left, having a central angle of 00° 15' 21", a radius of 540.00 feet, an arc length of 2.41 feet, and a chord which bears North 21° 48' 34" West, a chord distance of 2.41 feet, to an iron pin set at a point of tangency;

North 21° 56' 14" West, a distance of 76.26 feet, to an iron pin set at a point of curvature;

With the arc of said curve to the right, having a central angle of 22° 44' 41", a radius of 460.00 feet, an arc length of 182.61 feet, and a chord which bears North 10° 33' 53" West, a chord distance of 181.41 feet, to an iron pin set at a point of tangency;

North 00° 48' 27" East, a distance of 55.06 feet, to the TRUE POINT OF BEGINNING, containing 12.555 acres of land more or less.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the northerly right-of-way line of Colliery Avenue, being South 87° 41' 33" East, as recorded in Plat Book 93, Page 1, Recorder's Office, Franklin County, Ohio.

**EVANS, MECHWART, HAMBLETON & TILTON, INC.**

**To Rezone From:** R-1 Residential 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, "**REZONING AREA EXHIBIT FOR EASTON GENERAL DEVELOPMENT,**" and text titled, "**CPD TEXT,**" both signed by Jeffrey L. Brown, Attorney for the Applicant, both dated November 19, 2009, and the text reading as follows:

**CPD TEXT**

**PROPOSED DISTRICT:** CPD

**PROPERTY ADDRESS:** 3871 Stelzer Road

**OWNER:** Morso Holding Co.

**APPLICANT:** Morso Holding Co.

**DATE OF TEXT:** 11/19/09

**APPLICATION NUMBER:** Z09-019

**1. INTRODUCTION:** The property was acquired by the property owner in December 2005. It is the site of the former Northeast Career Center. The applicant has zoned the properties to the north, west and south of the site for commercial development as part of the overall Easton development. The applicant wants to establish compatible development standards on this site and make it part of the overall Easton development.

**2. PERMITTED USES:**

1. The following uses shall be permitted within this subarea: public parking garages and those uses listed in Chapter 3356 (C-4, Commercial District) of Columbus City Code: Excepting therefrom: armor car, animal shelter, astrology, blood & organ bank, check cashing & loans (stand alone operation), coin laundries (stand alone operation), crematory/funeral homes & services, fortune telling and palm reading, halfway house, investigation guard and security service, mission/temporary shelters, new or used car lot except in connection with a new automobile salesroom, pawn broker, repossession service, vending machine operators.

**3. DEVELOPMENT STANDARDS:** Unless otherwise specified in the following text, the applicable development standards are contained in Chapter 3356 (C-4, Commercial) of the Columbus City Code.

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

1. Setback from Stelzer Road shall be 35 feet for all parking, loading and maneuvering areas and 35 feet for buildings.
2. Setbacks from Alston Street and Colliery Avenue shall be zero for parking, maneuvering, loading and buildings. Setbacks from Easton Loop East shall be zero for parking, maneuvering and loading and 16 feet for buildings.
3. The setback required in Section 3A shall not apply to any pedestrian bridges (provided that there is at least 15 feet of overhead clearance between the ground and the underside of the pedestrian bridge), or any motor bus shelter; the setback for said items shall be zero.

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

1. Upon development of the subject site the developer shall make improvements at the intersection of Stelzer Road and Colliery Avenue to provide two northbound left turn lanes at this intersection and shall install reboundable posts acceptable to the City of Columbus, Division of Planning and Operations along the centerline of Stelzer Road at the intersection of Stelzer Road and Alston Street to prevent left turning movements at that intersection.

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

1. Any surface parking lot areas adjacent to Stelzer Road shall be screened from said right-of-way with a minimum 3' high continuous planting hedge, fence, wall or earth mound or any combination thereof.
2. A tree row shall be established along Stelzer Road frontage containing one tree for every 30 feet of road frontage. Trees shall be equally spaced or grouped together.

3. The developer shall install shade trees in and around parking lots at a rate of one tree for every ten parking spaces. For parking lots of over 40 spaces, at least half of the trees should be located within the interior of the parking lot and a soil area of 50 sq. ft. should be provided for each tree. There is no tree requirement for any parking spaces contained in a parking garage.
4. The landscaping requirements of this section may be satisfied or offset by the preservation of existing vegetation.
5. Minimum size of all trees at installation shall be 2 ½" caliper for deciduous, 5 feet high for evergreen and 1 ½" caliper for ornamental.
6. Landscaping shall be maintained in a healthy state. Dead items shall be replaced at the next planting season or within three (3) months whichever occurs sooner.
7. If permitted by the City, on street parking shall be provided by the developer.

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

N/A

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

1. All waste and refuse shall be containerized and fully screened from view by a solid wall or fence.
2. All external lighting in this subarea shall be cutoff type fixtures (down-lighting), and shall provide no light spillage to off-site parcels. However, buildings and landscaping may be uplight or downlit provided that landscaping lighting does not spill over into the public right-of-way.
3. No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside a permitted structure.

F. Graphics and Signage Commitments:

1. All signage and graphics shall conform to Article 15 of the Columbus City Code, as it applies to the C-4, Commercial District. Any variance to the sign requirement shall be submitted to the Columbus Graphics Commission.
2. Entry features may be established within the subarea and may contain signage. Minimum setback for entry features shall be 5 feet from right-of-way line. In no case, shall entry features interfere with maintaining safe clear sight distances at intersections. Depending on the final form of the entry features, appropriate variances from the Columbus City Code may be required.
3. No freeway or pole signs shall be permitted.

G. Miscellaneous Commitments:

1. At the time of submittal for zoning clearance, the applicant shall pay a city park fee of \$400/acre.
2. Bike racks and marked crosswalks will be part of the overall development plan for this subarea.
3. Pedestrian access to adjacent areas shall be provided by the developer.

**4. Parking:**

Due to the mixed use nature of the proposed development it would be impossible to have each use of its own tax parcel with all its required parking and loading spaces. In addition the mixture of the proposed uses would make it appropriate to consider the effect of a shared parking analysis on determining the required number of parking spaces.

The following parking ratios shall be provided unless varied by a shared parking analysis or by the Board of Zoning Adjustment. If the code requires less parking than the provided ratios, the least restrictive provisions shall apply.

Retail - 1 parking space for every 250 sq.ft. of gross floor area

Restaurant - 1 parking space for every 75 sq.ft. of gross floor area

Office (general and medical) - 1 parking space for every 333 sq.ft. of gross floor area

Theater - 1 parking space for every 4 seats

Hotel with conference facility - 1.5 parking spaces per hotel room (no additional parking shall be required for meeting rooms or restaurant spaces within the hotel/conference center)

Health Club - 1 parking space for every 250 sq.ft. of gross floor area

Place of Assembly/Entertainment - 1 parking space for every 75 sq.ft. of gross floor area

Temporary outdoor skating rink as part of the Town Center - no additional parking shall be required

In order to arrive at the final required parking figure it is necessary to reduce the parking demand for each use by recognizing the reduction factors that are used in the ULI shared parking analysis. The reduction factors are vacancy allowance, non-auto transportation (walk, COTA, cab, bike) and captive market allowance (% of people visiting more than one business).

**Retail Reduction Factor**

- Vacancy - 2%
- Non-auto transportation - 4%
- Captive market allowance - 18%

**Restaurant Reduction Factor**

- Vacancy - 0%
- Non-auto transportation - 4%
- Captive market allowance - 15%

**Office Reduction Factor**

- Vacancy - 9%
- Non-auto transportation - 4%
- Captive market allowance - 15%

**Theater Reduction Factor**

- Vacancy - 10%
- Non-auto transportation - 4%
- Captive market allowance - 15%

**Health Club Reduction Factor**

- Vacancy - 2%
- Non-auto transportation - 10%
- Captive market allowance - 18%

**Place of Assembly/Entertainment Reduction Factor**

- Vacancy - 2%
- Non-auto transportation - 10%
- Captive market allowance - 18%

The parking figures calculated from the ratios are then reduced by the appropriate reduction factor for each use to arrive at the total required number of parking spaces.

Public parking garages may be constructed in this subarea. The number of parking spaces within any garage(s) shall count toward meeting the overall parking requirement of the entire development in this area and Subarea 2B as defined in zoning case number Z97-083A.

The applicant may establish off-site parking areas which are located within 750 feet of the permitted use and committed to that use and/or tax parcel by a legal document. These off-site parking areas may be counted in determining the total required parking for that use and/or tax parcel. The applicant shall have the right to relocate these off-site parking areas so long as the same number of

required parking spaces are reestablished subject to the above conditions.

Loading spaces: Due to the mixed use nature of this subarea it would be impossible for each use to have its own loading space on its own tax parcel (the required number of loading spaces shall be determined after discussions with the Division of Planning and Operations, but the total number of loading spaces shall not exceed the current City Code requirement). These loading spaces do not have to be on the same tax parcel as the use it serves.

### **Natural Environment**

The site is developed with the former Northeast Career Center.

### **Educational**

Surrounding zoning permit commercial uses; across Stelzer Road is the Aladdin Shrine Center.

### **Circulation**

Access will be from the various adjacent streets.

### **Visual Form of the Environment**

The proposed development will be compatible with the architecture that has been established in the overall Easton development.

### **Proposed Development**

Commercial

### **Behavior Patterns**

Existing development has established the behavior pattern for pedestrians and motorists.

### **Emissions**

The development would conform to the City requirements for light levels, sounds, smells and dust. It is anticipated that this development would not adversely effect proposed adjacent uses in this regard.

### **Variances**

1. The approval of this CPD includes a variance to Section 3356.11 (Building setback) from 60 feet to 35 feet for Stelzer Road; 25 feet to 16 feet for Easton Loop East and 25 feet to zero for Alston Street and Colliery Avenue; and a variance to Section 3342.18 (Parking setback) from 10 feet to zero for Alston Street, Colliery Avenue and Easton Loop East.
2. The approval of this CPD includes a possible parking and loading space reduction under a shared parking analysis.

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