



## Legislation Details (With Text)

**File #:** 0632-2008      **Version:** 1

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

**File created:** 4/1/2008      **In control:** Zoning Committee

**On agenda:** 5/19/2008      **Final action:** 5/21/2008

**Title:** To rezone 4400 NORTH HIGH STREET (43214), being 2.6± acres located at the northeast corner of North High Street and Henderson Road, From: R-3, Residential, AR-1, Apartment Residential, P-1, Parking, and C-2 and C-4, Commercial Districts, To: CPD, Commercial Planned Development, and L-P-1, Limited Parking Districts (Rezoning # Z07-054).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0632-2008Attachments.pdf, 2. ORD0632-2008Labels.pdf, 3. ORD0632-2008DataSheet.pdf

Date	Ver.	Action By	Action	Result
5/21/2008	1	ACTING CITY CLERK	Attest	
5/20/2008	1	MAYOR	Signed	
5/19/2008	1	COUNCIL PRESIDENT	Signed	
5/19/2008	1	Zoning Committee	Approved	Pass
5/12/2008	1	Columbus City Council	Read for the First Time	
4/21/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
4/21/2008	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
4/18/2008	1	Dev Reviewer	Reviewed and Approved	
4/18/2008	1	Dev Zoning Drafter	Sent for Approval	
4/17/2008	1	Dev Zoning Drafter	Sent for Approval	
4/17/2008	1	Dev Zoning Reviewer	Reviewed and Approved	

**Rezoning Application # Z07-054**

**APPLICANT:** Metropolitan Partners; c/o Jackson B. Reynolds III, Atty.; Smith and Hale LLC; 37 West Broad Street, Suite 725 Columbus, OH 43215.

**PROPOSED USE:** Mixed-use commercial development and parking.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on March 13, 2008.

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 2.6± acre site is developed with a four-story office building in the C-2, Commercial District, a parking lot in the P-1, Parking District, and a small commercial building in the C-4 Commercial District. Small portions of the site are zoned R-3, Residential, and AR-1, Apartment Residential Districts. The requested CPD, Commercial Planned Development District will allow retail uses on the first floor of an existing office building, and new mixed-use commercial buildings on the north and south sides of the office building. The new buildings will comply with the Urban Commercial

Overlay standards, and will be designed to enhance the streetscape and complement the existing office building. The proposed L-P-1, Limited Parking District replaces the current P-1 District with a commitment to the development plan. The development text for both districts includes use restrictions and customary development standards that address landscaping, screening, building materials, and lighting controls. The requested CPD, Commercial Planned Development and L-P-1, Limited Parking Districts are consistent with the zoning and development patterns of the area.

To rezone **4400 NORTH HIGH STREET (43214)**, being 2.6± acres located at the northeast corner of North High Street and Henderson Road, **From:** R-3, Residential, AR-1, Apartment Residential, P-1, Parking, and C-2 and C-4, Commercial Districts, **To:** CPD, Commercial Planned Development, and L-P-1, Limited Parking Districts (Rezoning # Z07-054).

**WHEREAS**, application #Z07-054 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.6± acres from R-3, Residential, AR-1, Apartment Residential, P-1, Parking, and C-2 and C-4, Commercial Districts to CPD, Commercial Planned Development, and L-P-1, Limited Parking Districts; and

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

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

**WHEREAS**, the Applicant has agreed to present any slight adjustments to the development plan to the Clintonville Area Commission at the time of engineering plan approval, but the City of Columbus is not a party to this agreement, nor will any City Department plan reviews be subject to approval by the Clintonville Area Commission; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development and L-P-1, Limited Parking Districts are consistent with the zoning and development patterns of the area. The proposed CPD, Commercial Planned Development District will allow retail uses on the first floor of an existing office building, and new mixed-use commercial buildings on the north and south sides of the existing office building. The new buildings will comply with the Urban Commercial Overlay standards, and will be designed to enhance the streetscape and complement the existing office building. The proposed L-P-1, Limited Parking District replaces the current P-1 District with a commitment to the development plan. The development text for both districts includes use restrictions and customary development standards that address landscaping, screening, building materials, and lighting controls, 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:

**4400 NORTH HIGH STREET (43214)**, being 2.6± acres located at the northeast corner of North High Street and Henderson Road, and being more particularly described as follows:

**Subarea One**

**1.942 Acres to CPD**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Quarter Township 2, Township 1, Range 18 United States Military Lands, all of Lot 323, 324, Reserve "E", a 20 foot wide alley (vacated by Ordinance Number 1443-74, September 16, 1974) and part of Lot 325 and an 8 foot wide alley (vacated by Ordinance Number 1443-74, September 16, 1974) of Rosemary East, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, Page 3 and part of the 2.376 Acres conveyed to 4400 North High Realty Company, Ltd. in Instrument Number 200610230211598 and part of the 0.227 Acres conveyed to Kenneth J. Stoffer and Donald C. Stoffer Official Record Volume 4157 J-20, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at the centerline intersection of North High Street (width varies) with East Henderson Road (60 feet wide);

Thence, along the centerline of said North High Street, NORTH, 47.59 feet to a point;

Thence, across said North High Street, EAST, 33.00 feet to a point in the east line of said North High Street, the west line of said 0.227 Acre tract and being the TRUE POINT OF BEGINNING of the herein described tract;

Thence, along part of the west line of said 0.227 Acre tract, a westerly line of said 2.376 Acre tract and an easterly line of said North High Street, NORTH, 235.44 feet to a point;

Thence, continuing along said North High Street and along a northerly line of said 2.376 Acre tract, South 88° 43' 00" East, 12.00 feet to a point;

Thence, continuing along said North High Street, along a westerly line of said 2.376 Acre tract and the west line of said Lot 323, NORTH, 121.80 feet to a point at the northwest corner of said 2.376 Acre tract, the northwest corner of said Lot 323 and in the south line of Schreyer Place (50 feet wide);

Thence, along the north line of said 2.376 Acre tract, the north line of said Lot 323, said 20 foot wide alley (vacated), said Lot 324 and part of said Lot 325 and the south line of said Schreyer Place, South 88° 41' 04" East, 220.61 feet to a point at a northeasterly corner of said 2.376 Acre tract;

Thence, along an easterly line of said 2.376 Acre tract, across said Lot 325 and said 8 foot wide alley (vacated), South 00° 06' 54" West, 169.99 feet to a point in the south line of said 8 foot wide alley (vacated);

Thence, across said 2.376 Acre tract and along the south line of said 8 foot wide alley (vacated), North 88° 37' 23" West, 22.00 feet to a point;

Thence, across said 2.376 Acre tract, South 08° 27' 53" East, 167.24 feet to a point at a southerly corner of said 2.376 Acre tract;

Thence, along an easterly line of said 2.376 Acre tract, South 00° 07' 00" West, 54.82 feet to a point at a southeasterly corner of said 2.376 Acre tract and in a curve on the north line of said East Henderson Road;

Thence, along the southerly line of said 2.376 Acre tract, the south line of said 0.227 Acre tract, the north line of said East Henderson Road, along the arc of a curve to the left having a radius of 430.00 feet, delta angle of 15° 12' 46", arc length of 114.17 feet and with a chord bearing and distance of North 81° 17' 36" West, 113.83 feet to a point of tangency;

Thence, continuing along the north line of said East Henderson Road and the south line of said 0.227 Acre tract, North 88° 53' 59" West, 97.19 feet to a point;

Thence, across said 0.227 Acre tract, the following four (4) courses:

1. North 79° 10' 58" West, 12.68 feet to a point;
2. North 53° 52' 38" West, 9.70 feet to a point;
3. North 09° 39' 38" West, 10.68 feet to a point;
4. North 88° 34' 22" West, 2.94 feet to the place of beginning **CONTAINING 1.942 ACRES**. Basis of bearings is the east line of North High Street held as NORTH as per Instrument Number 00610230211598.

**To Rezone From:** R-3, Residential, AR-1, Apartment Residential, and C-2 and C-4, Commercial Districts,

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

### **Subarea Two**

#### **0.650 Acres to L-P-1**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Quarter Township 2, Township 1, Range 18 United States Military Lands, part of the 2.376 Acres conveyed to 4400 North High Realty Company, Ltd. in Instrument Number 200610230211598, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at the centerline intersection of North High Street (width varies) with East Henderson Road (60 feet wide);

Thence, along the centerline of said East Henderson Road, South 88° 53' 59" East, 154.65 feet to a point of curvature;

Thence, continuing along the centerline of said East Henderson Road, along the arc of a curve to the right, having a radius of 400.00

feet, delta angle of 15° 12' 46", arc length of 106.20 feet, with a chord bearing and distance of South 81° 17' 36" East, 105.89 feet to a point;

Thence, across said East Henderson Road, North 16° 18' 46" East, 30.00 feet to a point in the north line of said East Henderson Road and at a southeasterly corner of said 2.376 Acre tract;

Thence, along an easterly line of said 2.376 Acre tract, North 00° 07' 00" East, 54.82 feet to the TRUE POINT OF BEGINNING of the herein described tract;

Thence, across said 2.376 Acre tract, North 08° 27' 53" West, 167.24 feet to a point;

Thence, across said 2.376 Acre tract, along a northerly line of said 2.376 Acre tract and along the south line of an 8 foot wide alley (vacated by Ordinance Number 1443-74, September 16, 1974), South 88° 37' 23" East, 171.80 feet to a point at a northeasterly corner of said 2.376 Acre tract;

Thence, along an easterly line of said 2.376 Acre tract, South 00° 05' 45" West, 16.00 feet to a point at a northeasterly corner of said 2.376 Acre tract;

Thence, along a northerly line of said 2.376 Acre tract, South 88° 37' 23" East, 14.00 feet to a point at a northeasterly corner of said 2.376 Acre tract;

Thence, along an easterly line of said 2.376 Acre tract, South 00° 05' 45" West, 148.67 feet to a point at a southeasterly corner of said 2.376 Acre tract;

Thence, along a southerly line of said 2.376 Acre tract, North 88° 40' 43" West, 160.90 feet to the place of beginning **CONTAINING 0.650 ACRES**. Basis of bearings is the east line of North High Street held as NORTH as per Instrument Number 200610230211598.

**To Rezone From:** P-1, Parking, and C-2, Commercial Districts,

**To:** L-P-1, Limited Parking District.

**SECTION 2.** That a Height District of sixty (60) feet is hereby established on the CPD, Commercial Planned Development District, and a Height District of thirty-five (35) feet is hereby established on the L-P-1, Limited Parking 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 and L-P-1, Limited Parking Districts and Application among the records of the Building Services Division as required by Sections 3311.12 and 3370.03 of the Columbus City Codes; said plans being titled, "**CONCEPTUAL SITE PLAN**," and "**PARTIAL SITE PLAN AND WEST BUILDING ELEVATIONS**," and text titled, "**CPD AND LIMITATION TEXT**," all signed by Jackson B. Reynolds, III, Attorney for the Applicant, dated December 4, 2007, and the text reading as follows:

**CPD AND LIMITATION TEXT**

**PROPOSED DISTRICT: CPD, L-P-1**

**PROPERTY ADDRESS: 4400 North High Street**

**OWNER: 4400 North High Street Realty Co. and Donald & Kenneth Stoffer**

**APPLICANT: Metropolitan Partners**

**DATE OF TEXT: 12/4/07**

**APPLICATION NUMBER: Z07-054**

**1. INTRODUCTION:** The site is located at the northeast corner of North High Street and Henderson Road. The site is developed with a four story office building, a two story office building and a parking lot. The application will clean up a variety of different zoning categories on the property. The site will be redeveloped in three (3) phases: 1<sup>st</sup> phase: renovation of the existing four story building, 2<sup>nd</sup> phase: construction of the north building and 3<sup>rd</sup> phase: construction of the southern building. Each phase will be initiated as marketing conditions are appropriate. The developer shall be solely responsible for working closely with the Clintonville Area Commission and as such will notify the Commission of any proposed site plan or building elevation changes as such changes are presented to the City of Columbus Building Department. The City of Columbus Building or Zoning Departments bear no

responsibility to notify the Clintonville Area Commission of any changes to submitted plans as such a step is beyond the scope of duties required of the City and as such the agreement to notify is a private agreement between the developer and the Area Commission.

**SUBAREA A - (1.05± acres) CPD**

This Subarea has frontage on Henderson, North High Street and East Schreyer Place and will contain the four story office building plus two (2) new commercial buildings that will be built under the urban commercial overlay.

**2. PERMITTED USES:** Those uses permitted under Section 3356.03, C-4 Commercial of the Columbus City Code with the following exclusions:

Animal Shelter  
Armored car, investigation, guard and security services  
Automobile sales, leasing and rental  
Astrology, fortune telling and palm reading  
Blood and organ banks  
Check cashing and loans  
Community food pantry  
Crematory  
Display advertising  
Drive-in motion picture theaters  
Funeral homes and services  
Halfway house  
Missions / temporary shelters  
Outdoor power equipment stores  
Pawn broker  
Performing arts, spectator sports and related industries  
Repossession services

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated in the written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4 Commercial of the Columbus City Code and the Urban Commercial Overlay as found in Section 3372.

A. Density, Lot and/or Setback Commitments.

1. Parking setback from any right-of-way shall be five (5) feet.
2. Building setback shall be 0' to 15' according to the Urban Commercial Overlay requirements.

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

1. There shall be two (2) curbcuts on East Schreyer Place and one (1) curbcut on Henderson Road as shown on the site plan.

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

1. The landscaping will be provided as required in Columbus City Code Section 3372.61 of the Zoning Code as the new buildings will be located in the Urban Commercial Overlay.
2. One tree shall be planted for every ten parking spaces.
3. All trees and landscaping shall be well maintained. Dead items will be replaced within six months with comparable landscape material.
4. Minimum tree sizes at installation: deciduous trees, 2 1/2 inch caliper, ornamental trees 1 1/2 inch caliper and evergreen trees five (5') feet.
5. A three (3) to five (5) foot high evergreen hedge shall be planted along the eastern property line that abuts the R-3 zoned property which faces on to East Schreyer Place and the school property.

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

1. Commercial buildings

The front elevation, any building facade facing a public right-of-way, and at least fifty (50%) percent of the area of the side elevations shall be finished in limestone, precast limestone or natural materials. The rear of the center and the balance of the side elevations shall be finished with brick, limestone or precast limestone or natural materials. Decorative details will be constructed of eifs, stucco or cut stone on any of the subject buildings. Glass windows, metal, iron works and canvas are all permitted as finish items on the buildings. The submitted elevations serve as an illustrative commitment of the architectural style, mass and finish for the proposed building but do not commit to the eventual location of doors and windows due to future tenant requirements.

2. Any mechanical equipment on the roof of a building shall be screened from view to prevent the equipment from being visible from the property line of the parcel.

3. The outdoor seating areas will be enclosed by a fence or barrier (i.e. bollards, piers, etc.) that shall protect the seated customers from vehicular mishaps.

4. Bicycle racks will be installed on the site at appropriate locations to foster alternative access to the development. Further the vehicular drive isles will be constructed for ingress and egress for bicycle access and to all parts of the development, including drive thru and stacking aisles.

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

1. All non-decorative lighting shall be down lighting (cut off fixtures).

2. All external outdoor lighting fixtures within a given area shall be from the same or similar manufacturer's type to ensure aesthetic compatibility.

3. Parking lot light poles shall not exceed eighteen (18') feet in height and shall be fitted with cut off light fixtures to limit off site illumination.

4. In parking lots, lights shall be placed in raised islands or medians to protect both lights and vehicles from damage.

5. New wiring within the development shall be underground, unless otherwise required by a utility company.

6. Dumpster shall be screened on four sides and constructed of materials to complement the buildings. Dumpsters shall be gated and gates shall be closed when not in use, and kept in good working order.

7. The developer shall install sidewalks along its frontage on East Schreyer Place, North High Street and Henderson Road.

F. Graphics and/or Signage Commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4 Commercial District and any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration.

2. Enter and exit signs will be affixed to the hip walls (5 separate locations) located at the ingress / egress points into the site.

G. Miscellaneous Commitments.

1. The front doors of the tenant's space shall remain open for pedestrian access during the hours of operation / sales for each specific tenant space.

2. Variances.

A. To vary the requirement (Columbus City Code Section 3342.07) that a drive-thru lane have a bypass lane for the northern building's drive-thru areas identified on the site plan.

B. To preclude the existing 4 story building in its current configuration from inclusion in the Urban Commercial Overlay Standards as found in Columbus City Code Section 3372.601 thru 3372.699. If the building is ever demolished any replacement will have to comply with the overlay requirements.

C. To vary the parking space requirement (3342.28) by reducing the total number of on site parking spaces to 131 from 262 (which includes office, retail and restaurant uses). This parking space count of 131 is for the total parking field (both CPD and L-P-1) which serves the existing and proposed buildings.

D. To vary the required size of a loading space from 50' in length to 38' as required in Section 3342.13, a reduction of 12'.

E. To vary the height of the screening wall at the three (3) curbcuts from 4 feet to 2 feet 6 inches (CCC 3372.611(I)(1)) to provide the necessary sight clearance for exiting vehicles. The locations of the areas to be reduced are shown on the site plan.

3. CPD Criteria.

a. Natural Environment. The site is within the North High Street commercial corridor and developed currently with two (2) office buildings and the ancillary parking lots.

b. Existing Land Uses. To the north is a bank and single family housing; to the east is a school; to the west is a gas station and office building and to the south is the Clintonville post office.

c. Transportation and Circulation. Access to the site shall be via East Schreyer Place and Henderson Road. A curb cut on North High Street will be closed as will a curb cut on Henderson Road and this should help circulation around the intersection of North High Street and Henderson Road. The existing parking lots will be used to serve the new and existing uses.

d. Visual Form of the Development. The text addresses architectural requirements as the existing four (4) story buildings will remain and two (2) new buildings will be built, one on each the north and south side of the existing building. The architecture of the two (2) story new building will complement the existing four (4) story building.

e. View and Visibility. In the development of the subject property and the location of the buildings and access points consideration has been given to the visibility and safety of the motorists and pedestrians.

f. Proposed Development. Commercial as permitted under this text which will consist of a mixture of office, restaurant and retail in the three (3) buildings.

g. Emissions. No adverse affects from emissions shall result from the proposed development.

h. Behavior Patterns. The proposed development would help rehabilitate the North High Street corridor and provide new commercial activities in the area.

4. Site plan

The Subject Site shall be developed in accordance with the site plan the building and building elevations, with the exception of the door locations as those access points may change with future tenant requirements. The site plan and the building elevations may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment.

**SUBAREA B - (0.54± acres) L-P-1**

This Subarea shall provide parking area for uses found in Subarea A. The parking lot is existing and is currently zoned P-1. The limitation text is being used to link the existing spaces with the uses found in Subarea A.

**2. PERMITTED USES:** Those uses permitted in Section 3371.01, P-1, Parking of the Columbus City Code.

**3. DEVELOPMENT STANDARDS:** Except as otherwise noted above and herein, the applicable development standards of Chapter 3371, P-1.

A. Density, Lot and/or Setback Commitments.

1. Parking setback from the north, south and west property lines shall be five (5) feet.

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

1. This Subarea shall have access to the public right-of-way across Subarea A.

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

1. The perimeters of the parking lot shall be landscaped in accordance with Columbus City Code Section 3371.01.
2. Minimum size of trees shall be 2 1/2 inch caliper for deciduous trees, 3-5 feet high for evergreens and 1 1/2 inch caliper for ornamentals.

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

N/A

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

1. The parking lot light poles shall not be higher than 18' and shall be fitted with cut-off lighting fixtures to limit off site illumination.
2. All waste and refuse shall be containerized and fully screened from view by a solid wall or fence to a height of 6'.
3. No materials, supplies, or product shall be stored or permitted to remain on any portion or parcel outside a permitted structure.

F. Graphics and/or Signage Commitments.

1. All signage and graphics shall conform to Article 15 of the Columbus City Graphics Codes, as it applies to the P-1, Parking District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments.

1. Site plan

The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment.

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