



Legislation Text

File #: 1254-2012, **Version:** 2

Rezoning Application Z12-016

APPLICANT: Central Ohio Gaming LLC; c/o Jeffrey L. Brown & Jackson B. Reynolds, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Casino, Hotel and Recreational Vehicle Park development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 10, 2012.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District will allow a casino, recreational vehicle park and a hotel up to 375 feet in height. The CPD Text grants a height variance for the hotel only. The applicants are committing to comply with future overlays if 50 percent or more of the site is demolished. The requested rezoning is consistent with the zoning and development patterns of the area.

To rezone **200 GEORGESVILLE ROAD (43228)**, being 116.0± acres located on the east side of Georgesville Road, 430± feet south of West Broad Street, From: R, Rural and L-C-4, Limited Commercial Districts, To: CPD, Commercial Planned Development District (Rezoning # Z12-016).

WHEREAS, application #Z12-016 is on file with the Department of Building and Zoning Services requesting rezoning of 116.0± acres from the R, Rural and L-C-4, Limited Commercial Districts, 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 because the requested CPD, Commercial Planned Development District will allow a casino, recreational vehicle park and a hotel up to 375 feet in height. The CPD Text grants a height variance for the hotel only. The applicants are committing to comply with future overlays if 50 percent or more of the site is demolished. The requested rezoning is consistent with the zoning and development patterns of 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:

200 GEORGESVILLE ROAD (43228), being 116.0± acres located on the east side of Georgesville Road, 430± feet south of West Broad Street, and being more particularly described as follows:

ZONING DESCRIPTION
CD GAMING VENTURES, INC., CD GAMING FUTURE EXPANSION, LLC
CD GAMING PARKING, LLC & CD GAMING FUTURE DEVELOPMENT, LLC
116 +/- ACRES

Situated in the State of Ohio, County of Franklin, Township of Franklin, being in Virginia Military Survey Lots 1425 and 1482, and being part of the remainder of a 112.581 acre tract conveyed to CD Gaming Ventures, Inc. as described in Instrument Number 201002050015189, Tract I, a 34.521 acre tract conveyed to CD Gaming Future Expansion, LLC as described in Instrument Number 201102140022643, a 24.936 acre tract conveyed to CD Gaming Parking, LLC as described in Instrument Number 201102140022642, a 22.259 acre tract conveyed to CD Gaming Future Development, LLC as described in Instrument Number 201102140022644 and a 9.052 acre tract conveyed to CD Gaming Future Development, LLC as described in Instrument Number 201102140022646, all references being those of record in the Franklin County, Ohio Recorder's Office and being more particularly described as follows:

Commencing at a monument (FCGS 1379) found at the centerline intersection of West Broad Street (U.S. Route 40) (160') and Georgesville Road (110');

Thence southerly, with the centerline of Georgesville Road and the west line of a 1.048 acre tract conveyed to Board of Franklin County Commissioners as described in Instrument Number 200211270304863, South 07° 07' 57" West, 528.58 feet;

Thence easterly, leaving the centerline of Georgesville Road, crossing said 1.048 acre tract, North 86° 32' 36" East, passing a 5/8" iron pin found on the existing easterly right-of-way line of Georgesville Road at 73.32 feet, a total distance of 91.56 feet to the north line of said 34.521 acre tract, the south line of a 6.423 acre tract conveyed to West Highland Plaza LLC as described in Instrument Number 200212260332012, and on the corporation line of the City of Columbus and Franklin Township as described in Instrument Number 200212260331531, Ord. No. 1348-02, being the **TRUE POINT OF BEGINNING**,

Thence easterly, with said corporation line, the north line of said 34.521 acre tract, the south line of said 6.423 acre tract, the south line of a 2.951 acre tract conveyed to West Highland Plaza as described in Instrument Number 200707110121493, the south line of a 2.368 acre tract conveyed to Buckeye Express Wash LLC as described in Instrument Number 200807310116827, and the south line of a 2.126 acre tract conveyed to Haydocy Pontiac-GMC Truck Inc. as described in Instrument Number 200308070249570, North 86° 32' 36" East, 1431.97 feet to an angle point in said north line, the southeast corner of said corporation line and 2.126 acre tract, being on the west line of an 8.326 acre tract conveyed to Haydocy Realty Co. LLC as described in Instrument Number 199911050278956 and on the west line of the corporation line of the City of Columbus and Franklin Township as described in Instrument Number 199909080228072, Ord. No. 151-99;

Thence southerly, with said corporation line, the north line of said 34.521 acre tract, and the west line of said 8.326 acre tract, South 03° 27' 56" East, 120.56 feet to an angle point in said north line and being the southwest corner of said 8.326 acre tract;

Thence easterly, with said corporation line, the north line of said 34.521 acre tract, and the south line of said 8.326 acre tract, North 81° 06' 58" East, 593.51 feet to the northeast corner of said 34.521 acre tract, the southeast corner of said corporation line and 8.326 acre tract, being on the west line of Lot No. 49 of Alice Rita Subdivision as recorded in Plat Book 46, Page 30 and the west line of corporation line of the City of Columbus and Franklin Township as described in M.R. 108, Page 124, M.R. 109, Page 31, Ord. No. 165-58;

Thence southerly, with said corporation line, the east lines of said 34.521 acre tract, the remainder of said 112.581 acre tract, and said 24.936 acre tract, being the west line of Lot Nos. 26-49 of said Alice Rita Subdivision, South 03° 14' 07" East, 1381.61 feet to a southeast corner of said 24.936 acre tract and the northeast corner of a tract of land conveyed to

Camp Chase Industrial Railroad Corp. as described in Official Record Volume 28363 F03, being on the west line of Lot No. 26 of said Alice Rita Subdivision;

Thence southwesterly, with the south lines of said 24.936 acre tract and said 22.259 acre tract, being the north line of said Camp Chase Industrial Railroad Corp. tract, South 54° 38' 50" West, 1062.31 feet to an angle point in said south and north lines;

Thence southwesterly, with the south line of said 22.259 acre tract and the north line of said Camp Chase Industrial Railroad Corp. tract, South 45° 07' 01" West, 265.42 feet to an angle point in said south and north lines;

Thence southwesterly, with the south line of said 22.259 acre tract and the north line of said Camp Chase Industrial Railroad Corp. tract, South 39° 13' 25" West, 211.64 feet to an angle point in said south and north lines, being on the corporation line of the City of Columbus and Franklin Township as described in M.R. 109, Page 29, Ord. No. 166-58;

Thence southwesterly, with said corporation line, the south line of said 22.259 acre tract, and north line of said Camp Chase Industrial Railroad Corp. tract, South 54° 37' 57" West, 1038.29 feet to a southwest corner of said 22.259 acre tract and a southeast corner of said 9.052 acre tract, being on the corporation line of the City of Columbus and Franklin Township as described in O.R. 14730 G13, Ord. No. 7-90;

Thence southwesterly, with the south line of said 9.052 acre tract, and the north line of said Camp Chase Industrial Railroad Corp. tract, South 54° 45' 12" West, 198.10 feet to an iron pin found at a southeast corner of said 9.052 acre tract and the northeast corner of a 1.423 acre tract conveyed to Salvation Army as described in Official Record Volume 9220 F13;

Thence westerly, with the south line of said 9.052 acre tract, and the north line of said 1.423 acre tract, North 82° 52' 03" West, 307.83 feet to an iron pin set on the existing easterly right-of-way line of Georgesville Road and being on the corporation line of the City of Columbus and Franklin Township as described in O.R. 14730 G13, Ord. No. 7-90;

Thence northerly, with said corporation line, the easterly right-of-way line of Georgesville Road, and crossing said 9.052 acre tract, North 07° 07' 57" East, 661.20 feet to an iron pin found at the intersection of the north line of said 9.052 acre tract and the existing easterly right-of-way line of Georgesville Road, being in the south line of said 22.259 acre tract, and being on said corporation line,

Thence easterly, with said corporation line, the south line of said 22.259 acre tract, and the north line of said 9.052 acre tract, North 86° 26' 45" East, 30.53 feet;

Thence northerly, crossing said 22.259 acre tract and said 24.936 acre tract, North 07° 07' 57" East, 930.50 feet;

Thence easterly, crossing said 24.936 acre tract, South 82° 52' 03" East, 15.00 feet;

Thence northerly, crossing said 24.936 acre tract and the remainder of said 112.581 acre tract, North 07° 07' 57" East, 450.00 feet;

Thence westerly, crossing the remainder of said 112.581 acre tract, North 82° 52' 03" West, 15.00 feet;

Thence northerly, crossing the remainder of said 112.581 acre tract and said 34.521 acre tract, North 07° 07' 57" East, 944.26 feet to the **TRUE POINT OF BEGINNING**, containing 116 acres and encompasses parcel numbers: 140-003620, 140-007464, 140-007465, 140-007466, and 570-216484.

Subject to all legal rights-of-way and/or easements, if any, of previous record.

This description was prepared by Matthew E. Ferris, Registered Surveyor No. 8230, of E.P. Ferris & Associates, Inc. on

September 20, 2011.

To Rezone From: R, Rural and L-C-4, 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.

SECTION 3. That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.12 of the Columbus City Codes; said plans being titled, "**PHASE I DEVELOPMENT PLAN**," and "**SETBACK SITE PLAN**," both dated May 10, 2012, and text titled, "**CPD TEXT**," dated May 4, 2012, signed by Jackson B. Reynolds, Attorney for the Applicant, and the text reading as follows:

CPD TEXT

PROPOSED DISTRICT: CPD

PROPERTY ADDRESS: 200 Georgesville Road

OWNER: CD Gaming Ventures Inc. et al

APPLICANT: Same as owner

DATE OF TEXT: May 4, 2012

APPLICATION: Z12-025

1. INTRODUCTION: The subject site is the designated location for Columbus based casino. The site is the former location of the Delphi automotive plant and is located on the east side of Georgesville Road, south of West Broad Street.

A. It is the intent of the owner/developer, CD Gaming Ventures, Inc., to redevelop the former General Motors/Delphi site and create a unified, phased, high quality, multiple-use development, including a casino gaming facility and various related facilities such as a hotel, multipurpose facilities, recreational vehicle resort facility, and structured parking on a 116+ acre site located at 200 Georgesville Road in the southeast quadrant of the intersection of West Broad Street and Georgesville Road in Franklin Township. The property has been annexed from Franklin Township to the City of Columbus.

B. The owner/applicant submitted its phase I development plan to the Franklin County Development Department as construction started prior to annexation to the City of Columbus. The phase I development plan was approved by the Franklin County Development Department; therefore the standards contained in this CPD do not apply to the phase I development plan area. Said CPD development standards will apply to those areas that develop outside the phase I area and with the phase I area if more than 50% of the site is reconstructed (does not apply to internal renovations) The phase I development plan is attached to provide a basis for determining the standards for future development of the property. Those areas within the Phase I are to be considered conforming for the purpose of the Columbus Code and only upon a reconstruction of over 50% of the phase I site does the city development standards apply.

C. For the purposes of this zoning text, the terms, "Casino Gaming" and "Casino Facilities" shall have the same definition and use as set forth in Article 15 Section 6 of the Ohio Constitution.

2. PERMITTED USES: ~~Casino Gaming, Casino Gaming Facilities, recreational vehicle resort facilities and those other uses permitted under Chapters 3356, C-4 Commercial and 3357, C-5, Commercial of the Columbus City Code.~~ **Casino Gaming, Casino Gaming Facilities, hotel/motel, recreational vehicle resort facilities and those other permitted uses under Chapter 3356, C-4 Commercial and 3357, C-5, Commercial of the Columbus. (A maximum of 40,000 sq. ft. of multi-purpose space is permitted for the entire 112± acres for those activities permitted by this text).**

3. DEVELOPMENT STANDARDS: Unless otherwise indicated in this text or on the submitted site plans, the applicable development standards are contained in Chapter 3356 C-4, Commercial of the Columbus City Code.

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

1. A setback plan for the site is submitted as a part of this rezoning text and attached hereto.
2. Maximum height of any hotel structure shall be 375 feet and the height district for any other structures shall be 60' per code section 3309.14 and 3309.142.
3. Interior lot lines setbacks shall be 0'.

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

1. The parking ratio for a casino gaming facility and ancillary uses shall be one parking space for every 300 square feet and the maximum number of parking spaces shall be calculated at one space for every 30 square feet. Any hotel development will be parked one parking space per room.

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

1. Street trees shall be planted one for every 50' along a public road between the right of way and the parking areas. These street trees may be planted along the right of way in a row, grouped together or arranged in landscaping patterns as long as the number meets the one for every 50' of front footage.

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

N/A

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

N/A

F. Graphics and Signage Commitments

1. All signage and graphics for other than the phase I construction, which is defined in the consent order, 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 those requirements will be submitted to the Columbus Graphics Commission for consideration or the developer may submit a graphics plan to the Columbus Graphics Commission for consideration.

G. Miscellaneous

1. The subject site may be divided into separate tax parcels and the required parking may not be on the same tax parcel as the permitted use. From a zoning clearance standpoint the City shall review the subject site as one parcel even if there are separate tax parcels.
2. The entire 116 ± site shall not be subject to existing or proposed City zoning overlay districts unless over 50% of the existing structures are demolished and new construction is anticipated then the city district zoning overlay shall apply.

3. CPD Criteria

Natural Environment: The subject site is located on the east side of Georgesville Road, south of West Broad Street. The site is the former location of the Delphi automotive plant. The site is a former brownfield.

Existing Land Uses: The subject site is the former location of the Delphi automotive plant. To the north are commercial uses; to the west across Georgesville Road are commercial uses; to the south is a railroad track and industrial uses and to the east are residential uses.

Transportation and Circulation Facilities: The subject site will have access to both West Broad Street and Georgesville Road. An internal Road system will provide access to the various uses on the site.

Visual Form of the Environment: The conceptual design for the gaming facility has been included with the zoning application.

View and Visibility: The development of the site will take into account the safety of the motorist and pedestrian at access points and crosswalks.

Proposed Development: Commercial uses including but not limited to casino gaming facilities and casino related uses.

Behavior Patterns: The proposed development will create new behavior patterns for the area residents and motorists because the proposed use is unique for the Central Ohio area.

Emissions: The development will comply with the City of Columbus's regulations as they relate to levels of light, sound, smells and dust.

3. Variances

a. Section 3312.03 Administrative Requirements of the Columbus City Code. Parking for a use may not be on the same parcel as the use.

b. Section 3309.14 Maximum height in 60' Foot Height District. Maximum height for a hotel may be up to 375 feet.

4. Site Plan. A setback site plan is submitted for the future development of the property and a conceptual layout is also submitted but is not committed to under this rezoning request. The setback 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 Building and Zoning Services or his/her designee upon submission of the appropriate data regarding the proposed adjustment. The phase 1 plan approved by the Franklin County Development Department is being submitted as a part of the application for reference purposes (and not committed to) so the location of all buildings and ancillary uses can be determined.

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