



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1252-2007, Version: 3

Rezoning Application Z07-006

APPLICANT: Core Properties LLC; c/o David Perry; The David Perry Company; 145 East Rich Street; 3rd Floor, Columbus, OH 43215; and Donald Plank, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215.

PROPOSED USE: Hotel and office uses.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (7-0) on May 10, 2007.

NORTH EAST AREA COMMISSION RECOMMENDATION: Approval

CITY DEPARTMENTS' RECOMMENDATION: Approval. The proposed hotel and office development is generally consistent with the recommendations of the *I-670 Corridor Development Plan* (1989) which proposes office on the site and hotels nearby. Additionally, with the 110 foot buffer to the west and absolute height restriction of ninety-two (92) feet placed on the building, the proposed hotel and office development is compatible with the zoning and development patterns of the area.

To rezone **2886 AIRPORT DRIVE (43219)**, being 6.45± acres located on the west side of Airport Drive, 500± feet north of DeMonye Drive, **From:** L-M-2, Limited Manufacturing District, **To:** CPD, Commercial Planned Development District **and to declare an emergency.** (Rezoning # Z07-006)

WHEREAS, application #Z07-006 is on file with the Building Services Division of the Department of Development requesting rezoning of 6.45± acres from the L-M-2, Limited Manufacturing District to the 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 in the City of Columbus in that it is immediately necessary to pass this ordinance due to the submittal of the building permit application for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, the North East Area Commission recommends approval of said zoning change; and

WHEREAS, the proposed hotel and office development is generally consistent with the recommendations of the *I-670 Corridor Development Plan* (1989) which proposes office on the site and hotels nearby. Additionally, with the 110 foot buffer to the west and absolute height restriction of ninety-two (92) feet placed on the building, the proposed hotel and office development is compatible 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:

2886 AIRPORT DRIVE (43219), being 6.45± acres located on the west side of Airport Drive, 500± feet north of DeMonye Drive,

and being more particularly described as follows:

LEGAL DESCRIPTION

2886 Airport Road
Columbus, Ohio 43219

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 3, Township 1, Range 17, United States Military Lands and being part of that tract of land conveyed to Port Columbus Enterprises, by deed of record in Official Record 21179016, all referenced being to records in the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at an iron pin set at an angle point in the northerly line of said Port Columbus Enterprises tract, the southerly line of the Cassidy-Sunbury Limited Partnership 31.018 acre tract, of record in Official Record 16509G06;

Thence South 4° 22' 13" West along said line of the Cassidy-Sunbury L. P. 31.018 acre tract, a distance of 49.50 feet to an iron pin set at an angle point in said line;

Thence South 3° 11' 28" West a distance of 239.21 feet to an iron pin set;

Thence South 86° 48' 32" East, a distance of 129.89 feet to an iron pin set at a curvature of a curve to the right;

Thence along the arc of said curve (Delta = 44° 18' 15", Radius = 150.00 feet), a chord bearing and distance of South 64° 39' 25" East, 113.12 feet to an iron pin set at a point of reserve curvature;

Thence along the arc of a curve to the left (Delta = 83° 37' 14", Radius = 20.00 feet), a chord bearing and distance of South 84° 18' 54" East, 26.67 feet to an iron pin set in the westerly right-of-way line of Airport Drive (60 feet in width);

Thence along said right-of-way of Airport Drive, being the arc of a curve to the left (Sub-Delta = 12° 45' 31", Radius = 385.00 feet), a chord bearing and distance of South 47° 29' 43" West, 85.56 feet to an iron pin set;

Thence along the arc of a curve to the left (Delta = 83° 37' 14", Radius = 20.00 feet), a chord bearing and distance of North 0° 41' 40" West, 26.67 feet to an iron pin set at a point of compound curvature;

Thence along the arc of a curve to the left (Delta = 44° 18' 15", Radius = 100.00 feet), a chord bearing and distance of North 64° 39' 25" West, 75.41 feet to an iron pin set at a point of tangency;

Thence North 86° 48' 32" West, a distance of 244.65 feet to an iron pin set;

Thence South 3° 11' 28" West, a distance of 98.34 feet to an iron pin set;

Thence South 89° 16' 26" West, a distance of 542.96 feet to an iron pin set;

Thence North 15° 34' 56" East, a distance of 285.00 feet to an iron pin set;

Thence North 5° 38' 00" West, a distance of 200.00 feet to an iron pin set in the southerly line of the Cassidy-Sunbury L. P. 31.018 acre tract;

Thence South 86° 38' 17" East, along said southerly line of the 31.018 acre tract, a distance of 627.00 feet to the place of beginning, containing 6.453 acre, more or less.

Bearings contained herein are based on the same meridian as the bearing of the westerly right-of-way line of Airport Drive (South 3° 11' 28" West), of record in Official Record 7379C18.

To Rezone From: L-M-2, Limited Manufacturing District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of One Hundred Ten (110) 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, "**EMBASSY SUITES,**" and said text titled, "**DEVELOPMENT TEXT CPD, COMMERCIAL PLANNED DEVELOPMENT 6.453 +/- ACRES,**" all signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, and all dated ~~June 29, 2007~~ **January 8, 2008**, and the text reading as follows:

DEVELOPMENT TEXT

CPD, Commercial Planned Development

6.453± Acres

EXISTING DISTRICT:

M-2 and L-M-2, Limited Manufacturing Districts

PROPOSED DISTRICT:

CPD, Commercial Planned Development

PROPERTY ADDRESS:

2886 Airport Drive, Columbus, OH 43219

OWNER(S):

Airport Land, LLC c/o Dave Perry, Agent, The David Perry Company, 145 East Rich Street, 3rd Floor, Columbus, OH 43215 and Donald Plank, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215

APPLICANT:

Core Properties, LLC c/o Dave Perry, Agent, The David Perry Company, 145 East Rich Street, 3rd Floor, Columbus, OH 43215 and Donald Plank, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215

DATE OF TEXT:

~~June 29, 2007~~ **January 8, 2008**

APPLICATION NUMBER:

Z07-006

1. INTRODUCTION:

Applicant proposes to rezone 6.453 +/- acres to the CPD, Commercial Planned Development District for development of a hotel and related restaurant and meeting space uses within the hotel. The site abuts hotels to the east and south and other hotels are in the immediate vicinity. The proposed use is consistent with the recommendations of the I-670 Plan, the Northeast Area Plan and the

Airport Environs Overlay (AEO).

2. a). PERMITTED USES: The following uses shall be permitted:

Hotel, with or without a restaurant, meeting facilities and/or retail uses, all within the hotel building, and all office uses of Section 3353, C-2, Commercial District.

b). PROHIBITED USES: The following uses are specifically prohibited:

- a. Dwelling units
- b. Church
- c. Commercial radio transmitting or television station and appurtenances
- d. Monopole Telecommunications Antenna (ground mounted, free standing)
- e. Cell site towers
- f. Rooftop Telecommunications antenna(s), except as may be required for on-premise use(s).
- g. Off premise graphics, except as may be approved by the Columbus Graphics Commission.

3. DEVELOPMENT STANDARDS: Except as specified herein, the applicable development standards shall be as specified in the C-4, Commercial District.

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

1. Building Height: The height district shall be H-110 allowing for a 110 foot height District but, height shall be limited to an absolute maximum height of 92 feet for a hotel, including any roof mounted equipment or elevator shaft, as measured at the east façade of the hotel building, or a maximum height of 60 feet for any other use.

2) Parking Setback: There shall be a minimum 5 foot parking setback from the north and east property line. The north parking setback shall be maintained as long as abutting property to the north is zoned in a residential district. There shall be a minimum 3 foot parking setback along the south property line, except where a bike path may be located by the City of Columbus, in which case parking will be located as depicted on the Plan, but pavement related to the bike path shall not be subject to the parking setback. The north, south or east parking setbacks may be crossed for a driveway connection to adjacent property.

3) There shall be a minimum 110 foot building and pavement setback from the west property line.

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

N/A

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

1) 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 Airport Drive and also from view from the north property line of the property being rezoned, as long as property to the north is zoned in a residential district. If equipment is ground mounted, either plant material/landscaping or low walls using building materials that are permitted building materials (See D.1), shall be used for screening.

2) Trees shall be planted in and around the parking lot at the rate of one (1) tree per 10 parking spaces.

3) All trees and landscaping shall be well maintained. Weather permitting, dead items shall be replaced within five (5) months.

4). The minimum size of trees at the time of planting shall be as follows: Deciduous - 2 ½ inches, Ornamental - 1 ½ inches, Evergreen - 5 feet, Shrubs - 2 gallon.

5). The west minimum 110 foot building, parking and pavement setback area shall be provided if the property is developed with a hotel and is for the purpose of tree and open space preservation. The setback area shall remain undisturbed except for required placement of utilities, excluding storm water detention/retention, and/or bike or walking paths. There shall be no storm water detention/retention within the 110 foot setback. Disturbance, if any, shall be the minimum amount necessary.

6) Developer commits to granting an easement to the City of Columbus across the property for purposes of providing walking/bike access from the Alum Creek Bike Trail to Airport Drive. The easement shall be a maximum of ten (10) feet in width and shall be granted through the property in a location that is mutually acceptable to both the property owner/developer and the City of Columbus. The path is illustrated on the Plan along the south property line. The easement will be granted without charge to the City of Columbus. The City of Columbus shall be responsible for the cost and construction of any improvements within the easement area.

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

1) Buildings shall be finished with the same level and quality of finish on all four sides. Exterior finish building materials shall include brick, stucco, stone, and/or EIFS. There shall be no exposed smooth face concrete block.

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

1) All exterior lighting, including parking lot lighting, but excepting decorative fixtures used at the front entrance, shall use cut-off type fixtures (down-lighting) and shall be designed and placed to minimize off-site spillage and glare.

2) Parking lot lighting shall be no higher than 24 feet.

3) All new or relocated utility lines shall be installed underground, unless the applicable utility company requires above ground installation.

F. Graphics and Signage Commitments.

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

G). Other CPD Requirements.

1. Natural Environment: The natural environment of the site is primarily flat, except toward the west of the site where there is a slope to the Alum Creek corridor. The area is intensely developed with office, motorist services and airport related (hotel, restaurants) uses.

2. Existing Land Use: The property is undeveloped.

3. Circulation: Access to and from the site will be via Airport Drive. Internal circulation for on-site parking and vehicle circulation for the hotel will be as depicted.

4. Visual Form of the Environment: The area surrounding the site is zoned and developed with commercial uses, except property to the north that zoned residential but is undeveloped.

5. Visibility: Airport Drive is collector right of way providing circulation for various business and airport related uses. The hotel will be visible from Airport Drive and Cassady Avenue.

6. Proposed Development: Hotel.

7. Behavior Patterns: Primary access will be from Airport Drive. Site development for a hotel will be as depicted on the submitted site plan.

8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

H). Modification of Code Standards.

~~1. Section 3342.24, Surface, to permit the fire lane around the hotel to be surfaced in a material other than asphalt, concrete or other hard surface material, subject to specific approval of the material(s)/design of the fire lane by the Columbus Fire Department prior to the issuance of a Certificate of Zoning Clearance for the hotel, if a material other than asphalt or concrete is proposed.~~

~~2.~~ **1.** Section 3342.29, Minimum Number of Loading Spaces Required, to reduce the required number of loading spaces from two (2) to one (1).

I.) Miscellaneous commitments.

1) The site is located in the Port Columbus Airport Environs Overlay (AEO) and specifically in the 65 DNL area. An Avigation Easement shall be granted to the Port Columbus Airport Authority in conjunction with a Certificate of Zoning Clearance.

2) The site plan titled "Embassy Suites" dated ~~06-29-07~~ **01-08-08** and signed ~~06-29-07~~ **01-08-08** by David B. Perry, Agent, and Donald Plank, Attorney, shall be the site development plan for development of the site with a hotel. The Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final 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. 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.~~