



## Legislation Text

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File #: 1475-2020, Version: 2

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### [..Explanation](#)

#### **Rezoning Application Z20-007**

**APPLICANT:** Gamma Columbus LLC; c/o Aaron L. Underhill, Atty.; Underhill & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Office and limited commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on June 11, 2020.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 3.97± acre site consists of one parcel developed with two office buildings split-zoned in the L-C-4, Limited Commercial and CPD, Commercial Planned Development districts (Z00-012A), with a portion of the parcel developed with a parking lot in the R-1, Residential District. The requested CPD, Commercial Planned Development District would establish a unified zoning district for the existing development, legitimize the northern parking lot which was developed without an approved permit, and accommodate a future lot split. The CPD text permits office uses with limited accessory commercial uses and contains a commitment to a development plan. The request also includes variances to reduce the parking setback, lighting and landscaping requirements, and aisle width; to exceed the maximum parking requirement; and to allow aisles, parking spaces, driveways, and maneuvering areas to be divided by property lines. Staff supports this proposal as the text includes appropriate use restrictions that are compatible with the *Northeast Area Plan's* recommendation of office land uses at this location. The text also includes development standards that demonstrate sufficient buffering and landscaping from neighboring residential uses, incorporates a detailed site plan, and commits to conform to Community Commercial Overlay (CCO) building design and graphics standards upon redevelopment of the site. The rezoning request does not represent an introduction of incompatible uses to the surrounding neighborhood.

To rezone **2469 STELZER RD. (43219)**, being 3.97± acres located at the northwest corner of Stelzer Road and Lifestyle Boulevard, **From:** R-1, Residential, L-C-4, Limited Commercial, and CPD, Commercial Planned Development districts, **To:** CPD, Commercial Planned Development District (Rezoning #Z20-007) **and to declare an emergency.**

**WHEREAS**, application #Z20-007 is on file with the Department of Building and Zoning Services requesting rezoning of 3.97± acres from R-1, Residential, L-C-4, Limited Commercial, and CPD, Commercial Planned Development districts, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Northeast 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 will establish a unified zoning district for an existing development, legitimize existing site conditions, and includes development standards to accommodate a future lot split. The text includes appropriate use

restrictions that are compatible with the *Northeast Area Plan's* recommendation of office land uses at this location and includes a detailed site plan which demonstrates sufficient buffering and landscaping from neighboring residential uses;

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; 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:

**2469 STELZER RD. (43219)**, being 3.97± acres located at the northwest corner of Stelzer Road and Lifestyle Boulevard, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 2, Township 1, Range 17, United States Military Lands, being 3.971 acres, said 3.971 acres being part of that 5.511 acre tract of land and part of that Original 0.999 acre tract of land both being deeded to Gamma Columbus, LLC in Instrument No. 200403090051193, and being more particularly bounded and described as follows:

**Beginning for reference** at a Franklin County Engineer Survey Monument found (FCGS 6621) at an angle point in the centerline of Stelzer Road, said monument being **N 03° 31' 40" E** a distance of **1076.02 feet** from a Franklin County Engineer Survey Monument found (FCGS 2264) at the centerline intersection of said Stelzer Road and Agler Road;

Thence **N 03° 52' 47" E** along the centerline of said Stelzer Road a distance of **6.46 feet** to the centerline intersection of said Stelzer Road with Lifestyle Boulevard as shown in the Plat of "Lifestyle Boulevard and Stelzer Road Dedication and Easements Part 1" recorded in Plat Book 96, Page 78;

Thence **N 86° 34' 13" W**, along the centerline of said Lifestyle Boulevard, a distance of **373.95 feet** to a P/K nail found at a point of curvature;

Thence **N 03° 25' 47" E**, leaving the centerline of said Lifestyle Boulevard, a distance of **30.00 feet** to an iron pin set in the northerly right-of-way of said Lifestyle Boulevard, said iron pin being the **TRUE PLACE OF BEGINNING**;

Thence **N 03° 56' 46" E**, leaving said right-of-way and crossing said 5.511 acre tract, **288.75 feet** to a P/K nail set at an angle point;

Thence **N 03° 46' 47" E**, continuing across said 5.511 acre tract, along a westerly line of said 5.511 acre tract, along the westerly line of said Original 0.999 acre tract and along the easterly line of a 41.603 acre tract of land deeded to Residences at Towne Center Holdings, Ltd. of record in Instrument Number 200102090027107, **232.63 feet** to an iron pin set at a northwesterly corner of said Original 0.999 acre tract and a southeasterly corner of said 41.603 acre tract (setting an iron pin at 62.08 feet at a northwesterly corner of said 5.511 acre tract and a southeasterly corner of said 41.603 acre tract and passing an iron pin found at 116.32 feet);

Thence **S 86° 32' 04" E**, along the northerly line of said Original 0.999 acre tract and the southerly line of said 41.603 acre tract, **332.26 feet** to an iron pin set at a current northeasterly corner of said Original 0.999 acre tract, a northwesterly corner of a 0.112 acre tract of land described as Parcel 74 WD and deeded to Franklin County Commissioners of record in Instrument Number 200410260247436 and being in the easterly right right-of-way line of said Stelzer Road;

Thence **S 03° 52' 47" W**, along the current easterly line of said Original 0.999 acre tract and said 5.511 acre tract and along the westerly line of said 0.112 acre tract and portion of a 0.312 acre tract of land described as Parcel 73 WD and deeded to Franklin County Commissioners of record in Instrument Number 200402270042573 and along the westerly

right-of-way line of said Stelzer Road, **501.33 feet** to an iron pin set at a point of curvature (passing a P/K nail found at 116.26 feet);

Thence with a curve to the right, having a central angle of **89° 33' 00"** and a radius of **20.00 feet**, an arc length of **31.25 feet**, a chord bearing and chord distance of **S 48° 39' 17" W, 28.17 feet** to an iron pin set at a point of tangency at a southeasterly corner of said 5.511 acre tract and being in the northerly right-of-way line of said Lifestyle Boulevard.

Thence **N 86° 34' 13" W**, along the southerly line of said 5.511 acre tract and said northerly right-of-way line, **312.35 feet** to the **TRUE PLACE OF BEGINNING** containing **3.971 acres**, more or less, said 3.971 acres being all of Parcel Number 520-162410. Subject, however, to all legal highways, easements, and restrictions of record.

All iron pins set are 5/8" diameter rebar, 30" long with plastic cap inscribed "Advanced 7661".

This description is based on existing records from the Franklin County Recorder's and the Franklin County Auditor's Office and an actual field survey by Advanced Civil Design, Inc. in March 2004. A drawing of the above description is attached hereto and made a part thereof.

Bearings are based upon the Ohio State Plane Coordinate System South Zone, NAD83 (NSRS 2007) which determined the bearing between found Franklin County Engineer Survey Monument (FCGS 6621) and said Franklin County Engineer Survey Monument (FCGS 2264) as **N 03° 31' 40" E** for the centerline of said Stelzer Road.

**To Rezone From:** R-1, Residential, L-C-4, Limited Commercial, and CPD, Commercial Planned Development districts.

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

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development District on this property.

**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 site plan being titled, "**LOT SPLIT EXHIBIT FOR BRADFORD SCHOOLS,**" dated June 12, 2020, and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" dated July 10, 2020, both signed by Aaron Underhill, Attorney for the Applicant, and the text reading as follows:

#### **COMMERCIAL PLANNED DEVELOPMENT TEXT**

**Property Address: 2469 and 2489 Stelzer Road**

**Parcel IDs: 520-162410-00**

**Property Size: +/- 3.98 Acres**

**Current District: CPD, LC4, and R1**

**Proposed District: CPD, Commercial Planned Development**

**Applicant: Gamma Columbus LLC; 133 Freemont Road; Pittsburgh, PA 15215**

**Attorneys: Aaron L. Underhill and/or Katarina S. Karac; Underhill & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, Ohio 43054**

**Date of Text: July 10, 2020**

**Introduction:** The Applicant requests this rezoning in order to clarify and simplify the zoning boundaries of Franklin County Auditor Parcel No. 520-162410-00, which consists of three zoning districts: a CPD subarea that encompasses the southern building at 2469 Stelzer Road, an LC4 subarea which encompasses the northern building at 2489 Stelzer Road, and a parking lot on the northern portion of the parcel which is zoned R1 (hereinafter collectively known as "the Site").

The two buildings on the Site are currently used as office buildings with several tenants. The building to the north is approximately 18,190 square feet, and the building to the south is approximately 18,270 square feet. Both building will be used as general offices. The Applicant is in the process of subdividing the parcel that is the subject of this rezoning. Due to a mix of zoning classifications on the property, rezoning the Site is appropriate as it will create consistency and clarity for current and future owners.

This Site is located west of Stelzer Road, south of McCutcheon Road and north of Agler Road.

The Applicant does not intend to make significant alterations to the existing Site as a result of the proposed rezoning. Although some minor changes may be made in accordance with this Zoning Text and the Development Plan, the intent of the Applicant is to unify the two existing buildings and the parking lot to the north under a single CPD Zoning District.

The Site is situated within the boundary of the Northeast Area Commission, and the Northeast Area Plan is applicable. The Plan recommends office uses, and the proposed rezoning is consistent with the Plan. The Plan also recognizes the general area of the Site as sub-neighborhood center where Community Commercial Overlay (CCO) standards shall be incorporated into zoning and variance texts. Any future redevelopment of the Site will conform with the CCO graphic and CCO building layout requirements.

**I. Permitted Uses:** The following uses shall be permitted:

- A. All uses permitted in Section 3353.03 (C-2, Office Commercial Development District);
- B. The following uses are permitted but only to the extent that they are accessory to permitted uses identified in Section 3353.03 (C-2, Office Commercial Development District): C-1 - Neighborhood Commercial Development District); C-3 - Community Commercial District; and C-4 - Regional Scale Commercial District, but excepting therefrom automotive sales, leasing and rental; bars, cabarets, and nightclubs; check cashing and loans; motorcycle, boat and other motor vehicle dealers; motor vehicle accessories and parts dealers; Ohio medical marijuana control program retail dispensary; pawn brokers; recreational vehicle dealers; truck utility trailer, and RV sales, rental and leasing; automotive maintenance and repair; drive-in motion picture theatres; hotels, motels, and extended stay; performing arts; and spectator sports and related industries.

For purposes of this provision, uses shall be deemed to be “accessory” to a permitted use if individually or collectively they operate from no more than 20% of the gross square floor area of a building in which at least one permitted use operates.

**II. Development Standards:** Unless otherwise indicated in this Development Text or the submitted Development Plan, the applicable development standards are those contained in Chapter 3356, C-4 Regional Scale Commercial Development of the Columbus City Code.

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

- 1. The height district shall be 35 feet.
- 2. The minimum parking and maneuvering setback from Stelzer Road shall be 30 feet with the exception of the northern parking area which shall have a minimum parking and maneuvering setback of 10 feet as shown on the Development Plan.
- 3. The minimum building setback from Stelzer Road shall be 60 feet.
- 4. The minimum parking and maneuvering setback from Lifestyle Boulevard shall be 25 feet.
- 5. The minimum building setback from Lifestyle Boulevard shall be 25 feet.

6. There shall be no minimum building, parking, or maneuvering setback requirements from any interior parcel line within the Site.
7. Any existing or proposed parcels within this Zoning District shall be permitted to share parking spaces and a drive aisle for the purposes of parking and maneuvering.

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

1. The Site shall have one access point on Stelzer Road with one right-in, right-out turn movement that is already in place and has previously been approved by the Department of Public Service. The existing Stelzer Road access point may serve both buildings on the Site, and if the Site is subdivided, maneuvering across parcel lines shall be permitted.
2. The Site shall have access to a private drive which is shared with the adjacent parcel owner (3700-3810 Lifestyle Boulevard, Franklin County Parcel No. 010-247977-00). The Applicant and the adjacent parcel owner are subject to a private access easement agreement, which details the rights and responsibilities of the parties with regard to the use of the above-mentioned private drive and the maintenance and costs thereof. The private drive aisle is divided by the property line, subject to code required standards and the applicable easement(s). Maneuvering across the parcel line for access purposes shall be permitted.

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

1. Landscaping and screening shall be provided as shown on the Development Plan.
2. If the parcel which makes up the Site is subdivided at any point in time, no perimeter landscaping or buffering shall be required along an interior lot line.

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

Two office buildings are located at the Site, and they shall be permitted to remain with existing conditions, in accordance with building plans previously approved by the City of Columbus. For any future redevelopment of the Site, the Community Commercial Overlay building layout requirements shall apply.

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

1. No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside of a permitted structure or enclosure.
2. Parking lot lighting shall consist of down-lighting to prevent glare and shine above the horizontal plane. The existing parking lot lighting shall be permitted to remain at height no greater than 22 feet. Any new parking lot lighting shall comply with the current lighting standards.

**F. Graphics and Signage Commitments:**

1. All graphics and signage shall conform to Article 15 and Chapter 3377 of the Columbus City Code. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission. The Graphics Commission may also approve a graphics plan for the Zoning District which provides for variances from City Code. All ground signs shall be monument-style signs. For any future redevelopment of the Site, Community Commercial Overlay graphics requirements shall apply.
2. If the applicant seeks to place signage on private property that would restrict southbound right turn movement to Lifestyle Boulevard at the specified access point to Lifestyle Boulevard, the property owner(s) must approve such

signage installation.

### G. Requested Variances:

The following variances are requested for the Site:

1. Section 3312.49, Minimum number of parking spaces required. This section provides that the maximum number of parking spaces for general office uses shall be no more than 1 parking space per 250 square feet of general office uses. The southern office building at 2469 Stelzer Road consists of 18,270 square feet of general office uses, and after the lot split, it will provide 128 parking spaces even though the maximum is 73. The northern building at 2489 Stelzer Road consists of 18,190 square feet of general office uses, and after the lot split, it will provide 105 parking spaces even though the maximum is 72. The Site has 233 parking spaces in total. The Site was developed prior to the enactment of the maximum parking space requirement. The Applicant requests a variance to allow parking spaces in excess of the permitted maximum for the existing parcel and any future parcels.
2. Section 3312.21, Landscaping. This section requires interior parking lot landscaping at a rate of 1 shade tree per 10 parking spaces. Applicant requests a variance to reduce the interior parking lot landscaping requirement from 24 interior lot trees to 6 trees, with 6 interior lot trees to be provided on the proposed southern parcel. While the Site does not meet the letter of the zoning standard, the proposed landscaping variance is consistent with its intent because the proposed northern parcel will provide 16 shade trees while the southern proposed parcel will provide 29 shade trees, for a total of 45 trees (in excess of the minimum shade tree requirement).
3. Section 3312.25, Maneuvering. This section requires every parking space to have sufficient access and maneuvering area. Applicant requests that maneuvering area for parking spaces may occur anywhere within the Site, including across parcel lines if the Site is subdivided into more than one parcel provided that a private access easement exists for affected parcels. If the Site is subdivided, maneuvering across parcel lines for access to and from any public road shall be permitted. Furthermore, Applicant requests that a variance be granted to permit maneuvering onto 3700-3810 Lifestyle Boulevard, Franklin County Parcel No. 010-247977-00 for the purpose of accessing Lifestyle Boulevard from the shared private driveway, provided that a private access easement exists for the affected parcels.
4. Section 3312.13, Driveway. This section requires that a driveway have a minimum width of 20 feet and a maximum width of 35 feet measured at the street right-of-way line. The private driveway that is shared between the Site and the property to the west complies with the minimum driveway requirement, although the driveway is split by the parcel line. Applicant seeks a variance to allow the non-conforming portion of the driveway on the Site to continue to exist, subject to the private access drive easement.
5. Section 3312.09, Aisle. This section requires a minimum aisle width of 20 feet for two-way travel for every parking space which is at an angle of 80 degrees or more. The Applicant requests that aisle width of 18 feet be permitted for the parking spaces along eastern side of the northern building as shown on the Development Plan. Further, Applicant requests that after the lot split, as shown on the Development Plan, aisle width with a minimum of 10 feet be permitted for each resulting parcel.
6. Section 3312.29, Parking space. This section requires that any parking space not be less than 9 feet by 18 feet. The Applicant requests permission for parking spaces to be divided by property lines, subject to applicable total code required parking space dimensions being provided for, along with applicable easement(s).
7. Section 3321.03, Lighting. This section requires that any light fixtures located within 100 feet of a residentially zoned property shall not exceed 18 feet in height. The Site was developed with lighting which may be up to 22 feet in height as permitted by the previous zoning text and code standard. The Applicant request that the existing lighting be permitted until such time that the Site is redeveloped. At that time, the lighting shall be brought into conformity with the applicable lighting standards.

#### H. CPD Criteria:

1. Natural Environment. This Site is located along a mixed-use corridor, and the proposed development will not affect drainage, runoff, soil erosion, vegetation, or wildlife habitat. The Site is not in or near a floodplain.
2. Existing Land Use. The Site is currently used as general and medical offices.
3. Transportation and Circulation. The curb cuts and internal circulation patterns will be maintained as previously approved by the Department of Public Service.
4. Visual Form of the Environment. The Site will maintain an aesthetically pleasing form that will have no detrimental effect to the environment.
5. View and Visibility. Consideration shall be given to the viability and safety of the motorists, pedestrians, and neighbors in the development of the Site.
6. Proposed Development. Applicant proposes to unify the parcel under a CPD Zoning District. Applicant is not proposing to redevelop the Site.
7. Behavior Patterns. The Site will have no detrimental effect on the current behavior patterns of the area.
8. Emission. No adverse effect from emissions shall result from the proposed development.

#### I. Miscellaneous Commitments:

The Site shall be developed in accordance with the Development Plan. The Development Plan may be adjusted to reflect engineering, topographical, or other site data developed at the time the development and engineering plans are completed. Any adjustment to the Development Plan shall be reviewed and may be approved by the director of the Department of Building and Zoning Services, or a 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.**