



## Legislation Text

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**File #:** 1043-2021, **Version:** 1

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**Rezoning Application: Z19-088**

**APPLICANT:** Morso Holding Co.; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Mixed-use development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on February 11, 2021.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 91.01± acre site consists of eight undeveloped parcels in the CPD, Commercial Planned Development and R-1, Residential districts. The requested CPD, Commercial Planned Development District increases the height district for the entire site to 200 feet, adds a new development area, and consolidates development standards under one district to facilitate future commercial and mixed-use development. The site is within the planning boundaries of the *Northeast Area Plan* (2007), which recommends “Mixed Use-Regional Retail/Office/Light Industrial” land uses at this location. The CPD text includes appropriate use restrictions and supplemental development standards that address building and parking setbacks, minimum and maximum parking requirements, landscaping, and street trees. Variances are included to allow reductions to building and parking setbacks, reductions in the minimum and elimination of the maximum numbers of parking spaces required, modification of parking lot screening requirements, and to permit parking and loading spaces to be located on different parcels than the uses they serve. The proposed mixed-use development, development standards, and variances are consistent with both the Plan’s land use recommendation and the overall established development standards of Easton Town Center. Additionally, ample landscaping to screen parking areas that front along public streets, as well as commitments to make efforts to minimize parking in said locations, has been included in the text. A concurrent Council variance (Ordinance #1044-2021; CV19-121) has been filed to permit ground floor residential uses.

To rezone **3850 STELZER RD. (43219)**, being 91.01± acres mostly located on the east and west sides of Stelzer Road, north of Easton Way, **From:** CPD, Commercial Planned Development District and R-1, Residential District, **To:** CPD, Commercial Planned Development District (Rezoning #Z19-088).

**WHEREAS**, application #Z19-088 is on file with the Department of Building and Zoning Services requesting rezoning of 91.01± acres from CPD, Commercial Planned Development District and R-1, Residential District, to the 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 permit a mixed-use development that is consistent with both the *Northeast Area Plan*’s land use recommendation and the overall established development standards of Easton Town Center; and

**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:

**3850 STELZER RD. (43219)**, being 91.01± acres mostly located on the east and west sides of Stelzer Road, north of Easton Way, and being more particularly described as follows:

**ZONING DESCRIPTION OF 91.01 ACRES:**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, being all of that 0.543 acre tract conveyed to ETC Office LLC by deed of record in Instrument Number 201203200037881, all of that 12.555 acre tract conveyed to Morso Holding Co. by deed of record in Instrument Number 200512150264224, all of the remainder of that 4.859 acre tract conveyed to Morse Holding Co. by deed of record in Instrument Number 200902170020898, all of that 18.735 acre tract conveyed to Limdin LLC by deed of record in Instrument Number 201312170206149, all of that 6.708 acre tract conveyed to Morse Holding Co. by deed of record in Instrument Number 200207190177914, all of that 30.437 acre tract conveyed as Parcel 11 to Morso Holding Co. by deed of record in Official Record 30846G11, all of that 8.648 acre tract conveyed to Easton Town Center, LLC by deed of record in Instrument Number 200906250092575, all of the remainder of that 13.437 acre tract conveyed to Morso Holding Co. by deed of record in Instrument Number 199711190147904, and part of the remainder of that 152.606 acre tract conveyed as Parcel 9 to Morso Holding Co. by deed of record in Official Record 30846G11, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

**BEGINNING** in the northerly line of Gramercy Street, as dedicated in Plat Book 93, Page 1, at the common corner of said 0.543 acre tract and "Fenlon Square Commercial Condominium", as dedicated in Instrument Number 201302260032175 and Instrument Number 201310040168405, of record in Condominium Plat Book 231, Page 59 and Condominium Plat Book 234, Page 100;

Thence with the easterly line of said Condominium, the following courses and distances: North 02° 30' 43" East, a distance of 267.48 feet to a point; North 87° 27' 40" West, a distance of 40.61 feet to a point; and North 02° 18' 27" East, a distance of 33.03 feet to a point;

Thence South 87° 41' 33" East, with the southerly line of a remainder of that 47.580 acre tract conveyed to Easton Town Center II LLC by deed of record in Instrument Number 200707250130050 and across the right-of-way of Brighton Rose Way (formerly Easton Loop East, as dedicated in Plat Book 99, Page 55), a distance of 191.71 feet to a point;

Thence North 00° 48' 27" East, with the easterly right-of-way of said Brighton Rose Way, a distance of 107.73 feet to a point in the southerly right-of-way line of Alston Street, as dedicated in Plat Book 99, Page 55;

Thence North 01° 37' 48" East, across the right-of-way of said Alston Street, a distance of 134.72 feet to a point in the easterly right-of-way line of said Brighton Rose Way;

Thence North 02° 20' 25" East, with said easterly right-of-way line, a distance of 89.25 feet to a point;

Thence with the southerly line of that 1.129 acre tract conveyed to Columbus Easton Hotel IV Property Owner, LLC by deed of record in Instrument Number 201809260130790, the following courses and distances: South 87° 39' 36" East, a distance of 100.63 feet to a point; North 02° 20' 25" East, a distance of 69.22 feet to a point; and South 87° 39' 36" East, a distance of 122.50 feet to a point;

Thence South 02° 20' 25" West, with the westerly line of those 1.588 and 0.172 acre tracts conveyed to LIMMTG, Inc. by deed of record in Instrument Number 201809210128291, a distance of 192.08 feet to a point in the northerly right-of-way line of said Alston Street;

Thence South 89° 40' 00" East, with said northerly right-of-way line, a distance of 215.56 feet to a point;

Thence North 02° 20' 25" East, with the easterly line of said 0.172 and 1.588 acre tracts, a distance of 179.70 feet to a point of curvature;

Thence with the easterly line of said 1.588 acre tract, with the arc of a curve to the left, having a central angle of 19° 11' 56", a radius of 102.00 feet, an arc length of 34.18 feet, a chord bearing of North 07° 15' 33" West and chord distance of 34.02 feet to a point;

Thence North 70° 36' 16" East, with the southerly line of that 1.118 acre tract conveyed to Georgetown Stelzer Office I, LLC by deed of record in Instrument Number 201806260084498 and across the right-of-way of Stelzer Road, a distance of 333.72 feet to a point on the arc of a curve;

Thence with the easterly right-of-way line of said Stelzer Road, with the arc of a curve to the right, having a central angle of 16° 19' 38", a radius of 1368.17 feet, an arc length of 389.88 feet, a chord bearing of South 11° 49' 19" East and chord distance of 388.56 feet to a point;

Thence South 86° 07' 57" East, with the southerly line of that 16.538 acre tract conveyed to Costco Wholesale Corporation by deed of record in Instrument Number 201304290070382, a distance of 1533.96 feet to a point in the westerly limited access right-of-way line of Interstate 270;

Thence with said limited access right-of-way line, the following courses and distances: South 09° 43' 11" East, a distance of 200.33 feet to a point; South 01° 45' 03" East, a distance of 196.59 feet to a point; South 04° 28' 22" East, a distance of 294.48 feet to a point; South 01° 26' 12" West, a distance of 147.53 feet to a point; South 08° 29' 49" West, a distance of 198.99 feet to a point; South 12° 16' 46" West, a distance of 200.35 feet to a point; South 34° 52' 30" West, a distance of 181.32 feet to a point; South 58° 42' 18" West, a distance of 174.93 feet to a point; South 69° 27' 59" West, a distance of 159.13 feet to a point; South 79° 03' 32" West, a distance of 149.25 feet to a point; and North 87° 52' 33" West, a distance of 147.30 feet to a point;

Thence North 88° 47' 08" West, with the northerly right-of-way line of Easton Way, a distance of 831.14 feet to a point;

Thence North 86° 28' 27" West, across the right-of-way of said Stelzer Road, a distance of 151.92 feet to a point of curvature;

Thence with the northerly right-of-way line of said Easton Way, the following courses and distances: With the arc of a curve to the right, having a central angle of 89° 58' 36", a radius of 40.00 feet, an arc length of 62.82 feet, a chord bearing of South 47° 35' 45" West and chord distance of 56.56 feet to a point of tangency; North 87° 24' 57" West, a distance of 141.17 feet to a point of curvature; With the arc of a curve to the left, having a central angle of 09° 48' 35", a radius of 1697.50 feet, an arc length of 290.63 feet, a chord bearing of South 87° 40' 46" West and chord distance of 290.28 feet to a point of tangency; and South 83° 15' 06" West, a distance of 99.66 feet to a point of curvature;

Thence with the easterly right-of-way line of said Brighton Rose Way, the following courses and distances: With the arc of a curve to the right, having a central angle of 98° 34' 43", a radius of 35.00 feet, an arc length of 60.22 feet, a chord bearing of North 46° 58' 54" West and chord distance of 53.06 feet to a point of tangency; North 02° 18' 27" East, a distance of 671.39 feet to a point of curvature; and with the arc of a curve to the left, having a central angle of 05° 27' 47", a radius of 540.00 feet, an arc length of 51.49 feet, a chord bearing of North 00° 25' 26" West and chord distance of 51.47 feet to a point;

Thence North 12° 32' 47" West, across the right-of-way of Colliery Avenue, as dedicated in Plat Book 93, Page 1, a distance of 176.22 feet to a point in said easterly right-of-way line;

Thence with the easterly right-of-way line of said Brighton Rose Way, the following courses and distances: North 21° 56' 14" West, a distance of 76.26 feet to a point of curvature; with the arc of a 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, a chord bearing of North 10° 33' 53" West and chord distance of 181.41 feet to a point of tangency; and North 00° 48' 27" East, a distance of 55.06 feet to a point;

Thence North 87° 41' 33" West, across the right-of-way of said Brighton Rose Way and with the northerly right-of-way line of said Gramercy Street, a distance of 159.93 feet to the **POINT OF BEGINNING**, containing 91.11 acres, more or less.

Property Address: 3850 Stelzer Rd., Columbus, OH 43219.

**To Rezone From:** CPD, Commercial Planned Development District and R-1, Residential District.

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

**SECTION 2.** That a Height District of two hundred (200) 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 plan being titled, "**REZONING EXHIBIT**," and text titled, "**CPD TEXT**," both dated March 30, 2021, and signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

**CPD TEXT**

**PROPOSED DISTRICTS: CPD, Commercial Planned Development District**

**PROPERTY ADDRESS: 3850 Stelzer Road**

**OWNER: Morso Holding Co.**

**APPLICANT: Morso Holding Co.**

**DATE OF TEXT: 3/30/21**

**APPLICATION: Z19-088**

**1. INTRODUCTION:** This site is part of three different zonings. It was anticipated that additional zonings may be necessary as the proposed development was to occur over an extended period of time. Fine tuning of the development standards and permitted uses would occur as development plans move forward. The Aladdin Shrine Temple site which was a commercial use but that portion of the site was annexed into the city and zoned R-1 in 1969. The other portions of the site were rezoned in 1999 (Z97-083A) and 2018 (Z18-013) as part of the Easton development. This zoning will add the Aladdin Shrine Temple site to the overall Easton development and update the uses and development standards.

**2. PERMITTED USES:** The following uses shall be permitted: Public parking garage(s) and those uses listed in Chapter 3356 (C-4, Commercial District) of Columbus City Code along with the off premise signage.

1. Excepting therefrom:

a. Used car lot except in connection with a new automobile salesroom

**3. DEVELOPMENT STANDARDS:** Except as otherwise noted above and herein, the applicable development standards of Chapter 3356, C-4, Commercial District shall apply to the subject property.

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

1. Setback from Stelzer Road shall be zero feet for all parking, loading and maneuvering areas, and zero feet for buildings. The locations of buildings, parking areas and loading areas shall maintain proper sight distance at the adjacent intersections and access points, as approved by the Department of Public Service.
2. Setback from I-270 shall be 25 feet for all parking, loading and maneuvering areas and 25 feet for buildings. Setback from I-270 ramp shall be 10 feet for all parking, loading and maneuvering areas and 25 feet for buildings.
3. All other publicly dedicated interior streets shall have a zero foot parking, loading and maneuvering setback and a zero foot building setback.
4. The setback required in Section 3A shall not apply to any pedestrian bridges, any building or structure parking garage which is connected to a pedestrian bridge as part of an elevated pedestrian system, and any motor bus shelter; the setback for said items shall be zero.
5. Entry features may be established within the subject site 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.
6. The applicant will make efforts to minimize the amount of parking in front of the buildings which are adjacent to Stelzer Road.

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

1. The Department of Public Service may require that an applicant provide a Traffic Impact Study in accordance with Chapter 4309 of the Columbus City Codes, but only in conjunction with an application or applications for Final Site Plan Compliance proposing land uses that cumulatively generate more than 200 primary trip ends during the weekday morning or weekday afternoon peak hour of adjacent street traffic. Except as otherwise provided in the Traffic Standards Code Chapter 4309 of the Columbus City Codes, all trip generation calculations used to evaluate these thresholds shall conform to data and methodology contained in the most recent edition of the Trip Generation Manual, published by the Institute of Transportation Engineers, available at the time the Final Site Plan Compliance application is filed. Any responsibilities for roadway infrastructure shall be determined in accordance with Chapter 4309 of the Columbus City Codes.

2. Parking:

Due to the mixed use nature of the proposed development it would be impossible to have each use on its own tax parcel with all its required parking spaces 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. From a zoning clearance standpoint the city shall review the number of parking spaces for the subject site as one tax parcel even if there are separate tax parcels.

The following parking ratios shall be provided unless varied by a shared parking analysis or by the Board of Zoning Adjustment:

Retail 1 parking space for every 300 sq. ft. of gross floor area

Restaurant, without pick up unit or greater than 5000 sq. ft. 1 parking space for every 75 sq. ft. of gross floor area

Restaurant, with pick up unit and seating (less than 5000 sq. ft) 1 parking space for every 175 sq. ft. of gross floor area

Restaurant, with pick up unit no seating (less than 5000 sq. ft) 1 parking space for every 175 sq. ft. of gross floor area

Restaurant, patio/outdoor dining areas Ratio is 50% of ratio required for primary structure

Office (general) 1 parking space for every 450 sq. ft. of gross floor area

Office (medical) 1 parking space for every 300 sq. ft of gross floor area

Theater 1 parking space for every 3 seats

In order to arrive at the final required parking figure it is necessary to reduce the parking demand for each use by recognizing three 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).

<u>Reduction Factor</u>	<u>Retail</u>	<u>Restaurant</u>	<u>Office</u>	<u>Theater</u>
Vacancy	2%	0%	9%	10%
Non-auto transportation	4%	4%	4%	4%
Captive market allowance	18%	15%	15%	15%

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.

If the applicant wished to provide fewer parking spaces than calculated by the above method then the applicant shall prepare a shared parking analysis for the proposed project pursuant to the requirements of the City’s Department of Public Service. The Department of Public Service shall review this shared parking analysis and if the Department approves the study then the applicant shall provide the number of parking spaces shown in the study. If the Department does not approve the study, then the applicant may file a variance request with the Board of Zoning Adjustment.

Public parking garages may be constructed on the subject property. The number of parking spaces within any garage(s) shall count toward meeting the overall parking requirement of the entire development on the subject property.

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

1. The developer shall install eight trees for every one hundred feet of frontage. This landscaping shall be placed within parking setback along 1-270. The required tree plantings shall consist of deciduous shade trees, ornamental trees and/or evergreen trees.
2. A tree row shall be established along Stelzer Road containing one tree for every 30 feet of road frontage. Trees shall be equally spaced or grouped together.
3. The landscaping requirements of this section may be satisfied or offset by the preservation of existing vegetation.
4. The parking areas adjacent to a public street shall have headlight screening consisting of at least three shrubs and one deciduous shade tree per thirty feet of street frontage along with brick piers interspersed along said landscaped frontage.

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

All signage and graphics shall conform to Article 15 of the Columbus City Code, as it applies to the C-4, Commercial District classification. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous

1. CPD Criteria:

a. Natural Environment

The natural environment of the subject site is limited to relatively flat terrain on the east side of Stelzer Road. Drainage flow naturally runs from the west along Stelzer Road to the east property line and I-270. There are wooded areas in the middle of the site. The area west of Stelzer Road is undeveloped.

b. Existing Land Use

Existing land use consist of commercial development to the north Costco and Easton Gateway development; commercial development and undeveloped commercially zoned ground to the west across Stelzer Road; office use south of Easton Way; and I-270 to the east.

c. Visual Form

The visibility of the site will be considered in the design of the buildings.

d. Visibility

This area has high freeway visibility and good visibility from the intersection of Morse and Stelzer Roads.

e. Proposed Development

The proposed development concept is for mixed use.

f. Behavior Patterns

The proposed development will provide additional commercial opportunities to both local residents, office works and to other individuals who can access this area via the I-270 / Morse Road interchange.

g. Emissions

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

2. Variances:

a. Section 3356.11C-4 district setback line: to reduce the building setback: along Stelzer Road from 60 feet to zero feet, along I-270 ramp from 100 feet to 25 feet and along I-270 from 100 feet to 25 feet; to reduce the building setback from other internal streets from 25 to zero.

b. Section 3312.27 Parking setback line to reduce the parking setback: along Stelzer Road from 10 feet to zero feet; to

reduce the parking setback from other internal streets from 10 feet to zero.

c. Section 3312.49 Maximum number of parking spaces required: to reduce the minimum number of parking spaces, and to eliminate a maximum number of parking spaces. See text for parking ratio.

d. Section 3312.03D Administrative requirements to allow parking spaces for a use to not be on the same parcel as the use. Section 3312.51 Loading spaces to allow loading spaces for a use to not be on the same parcel as the use.

e. Section 3312.51 Loading spaces to allow loading spaces for a use to not be on the same parcel as the use.

f. Section 3312.21 Landscaping and Screening: modify parking lot screening. See landscape standard in text.

### 3. Site Plan:

Site Plan Revision Allowance. The Property shall be developed in accordance with the Site Plan; however, the Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of the Department Building and Zoning Services or the Director's designee may approve any slight adjustment to the Site Plan 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.