



Legislation Text

File #: 3143-2021, **Version:** 1

Rezoning Application: Z20-114

APPLICANT: Half Baked Holdings LLC; c/o Kolby Turnock; 250 Civic Center Dr.; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-2) on September 9, 2021.

HISTORIC RESOURCES COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 9.3± acre site consists of six parcels and is developed with the former Kroger Bakery zoned in the M, Manufacturing District. The requested CPD, Commercial Planned Development District will permit a mixed-use development with 49,000 square feet of office space, 8,850 square feet of retail/restaurant space, and 364 apartment units. The CPD text proposes all C-4, Commercial District uses, and includes provisions addressing screening, landscaping, fencing, four-sided architecture, and insulated windows, and commits to a site plan. Modifications of code standards are included for increased building height, reduced driveway width, reduced parking and building setbacks, and a parking space reduction from 774 to 583 spaces. The site is not within a planning area, but *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)* are applicable to the site. C2P2 encourages the preservation of contributing buildings and buildings which exhibit historic qualities. Multi-unit residential developments should face public streets, incorporate plazas and courtyards, place parking behind or beside the buildings, and use high-quality and durable materials. The Planning Division staff supports the proposal as it preserves and adaptively reuses the former Kroger Bakery and meets all of the design guidelines with regards to building orientation, parking, and open space. The guidelines also state that height modifications should be evaluated based on adjacent uses. The increased height modification conforms to the height of the former Kroger buildings and will have no discernable impact on the surrounding area. Staff notes that the mixed-use pattern of the development, combined with pedestrian accessibility and access to a transit corridor, renders the requested parking reduction appropriate. The requested CPD, Commercial Planned Development District will allow the adaptive reuse of an historical manufacturing area into a mixed-use development that is comparable to recent infill development proposals. The applicant has filed a concurrent Council variance (ORD #3144-2021; CV21-128) to permit ground floor residential uses.

To rezone **457 CLEVELAND AVE. (43215)**, being 9.3± acres located on the west side Cleveland Avenue at the intersection with Jack Gibbs Boulevard, **From:** M, Manufacturing District, **To:** CPD, Commercial Planned Development District (Rezoning #Z20-114). **(AMENDED BY ORD. 1927-2023 PASSED 7/10/2023) BA**

WHEREAS, application #Z20-114 is on file with the Department of Building and Zoning Services requesting rezoning of 9.3± acres from M, Manufacturing District, to CPD, Commercial Planned Development District; and

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

WHEREAS, the Historic Resources Commission recommends approval; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District will allow the adaptive reuse of an historical manufacturing area into a mixed-use development that is comparable to recent infill development proposals. Additional screening, insulated windows, and a fence with a height of eight feet are proposed along the north property line in consideration of the adjacent industrial use; 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:

457 CLEVELAND AVE. (43215), being 9.3± acres located on the west side Cleveland Avenue at the intersection with Jack Gibbs Boulevard, and being more particularly described as follows:

**LEGAL DESCRIPTION
9.3± ACRE
ZONING BOUNDARY**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Half Section 11, Section 9, Township 5, Range 22, Refugee Lands, being all of a 9.347 acre tract designated as Tract One as conveyed to Half Baked Holdings, LLC in Instrument Number 202003020031192, being part of Lots 24, 25, 26, and 27 of Plat "A" of the Estate of Robert Neil (deceased), of record in Complete Record 152, Page 440, Court of Common Pleas, also being part of the vacated Buckingham Street (60'), vacated by City of Columbus Ordinance Number 900-80, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING at the intersection of the centerline of said Buckingham Street and the westerly right-of-way line of Cleveland Avenue (66'), also being the southeasterly corner of said Tract One;
Thence along the centerline of said vacated Buckingham Street and along the southerly line of said Tract One, North 86° 45'03" West, 165.71 feet to a point, being on the easterly limited-access right-of-way line of Interstate Route 670, as shown on Ohio Department of Transportation Plan FRA-3-16.91;

Thence along said limited access right-of-way line of said Interstate Route 670, across said vacated Buckingham Street, along the southwesterly line of said Tract One, along a curve to the right having a radius of 1190.18 feet, a delta angle of 3°08'56", an arc length of 65.37, and a chord bearing and distance of North 59°25'37" West, 65.36 feet to a point, being on the southerly line of said Lot 26 and the northerly line of said vacated Buckingham Street, also being the southeasterly corner of a 1.571 acre tract conveyed to the State of Ohio as Parcel 9-LA in Deed Book 2366, Page 334;

Thence continuing along the easterly limited-access right-of-way line of said Interstate Route 670, across said Lot 26 and said Lot 25, along the easterly line of said Parcel 9-LA, and along the southwesterly line of said Tract One, along a curve to the right having a radius of 1190.18 feet, a delta angle of 19°54'01", an arc length of 413.38 feet, and a chord bearing and distance of North 47°54'13" West, 411.31 feet to a point, being the northeasterly corner of said Parcel 9-LA, and being the southeasterly corner of a 0.186 acre tract designated Parcel 8-LA as conveyed to the State of Ohio in Court of Common Pleas Journal Entry Number 210154;

Thence continuing along the easterly limited-access right-of-way line of said Interstate Route 670, along the northeasterly line of said Parcel 8-LA, and across said Lot 25, and along the southwesterly line of said Tract One, North 37°57'12" West, 180.51 feet to a point, being on the westerly line of said Lot 25 and being a northeasterly corner of the State of Ohio Parcel 5A-LA, a 0.535 acre tract conveyed to Abbott Manufacturing, Inc. in Instrument Number 199706260032580 (Formerly Norfolk & Western Railway Co.);

Thence continuing along the northeasterly limited-access right-of-way line of said Interstate Route 670, along the southwesterly line of said Tract One, North 38°11'52" West, 54.00 feet to a point;

Thence continuing along the northeasterly limited-access right-of-way line of said Interstate Route 670, along the southwesterly line of said Tract One, North 09°34'43" West, 103.75 feet to a point, being the northwesterly corner of said Parcel 5A-LA, also being on the easterly line of a 0.471 acre tract designated Parcel 6-LA, as conveyed to the State of Ohio in Court of Common Pleas Journal Entry Number 210154, also being on the easterly line of said Lot 27;

Thence along the easterly line of said Parcel 6-LA and along the property line of said Tract One, and along the easterly line of said Lot 27, and along the westerly line of said Parcel 5A-LA, South 03°59'12" West, 21.50 feet to a point;

Thence along the southerly line of said Parcel 6-LA, along the southerly line of said Tract One, along the southerly line of said Lot 27, North 86°00'48" West, 3.00 feet to a point;

Thence along the westerly line of said Tract One, across said Parcel 6-LA, and across said Lot 27, North 02°08'02" West, 7.23 feet to a point;

Thence along the westerly line of said Tract One, across said Parcel 6-LA and said Lot 27, North 07°08'42" East, 17.03 feet to a point;

Thence along a westerly line of said Tract One, across said Parcel 6-LA and across said Lot 27, North 14°54'47" West, 53.48 feet to a point;

Thence along the westerly line of said Tract One, across said Parcel 6-LA, and across said Lot 27, North 39°32'51" West, 96.40 feet to a point, being on the northerly line of said Parcel 6-LA and on the northerly limited-access right-of-way line of said Interstate Route 670;

Thence along a southerly line of said Tract One and along the northerly line of said Parcel 6-LA, and along the northerly limited-access right-of-way line of said Interstate Route 670, across said Lot 27, North 86°41'44" West, 74.85 feet to a point, being the northwesterly corner of said Parcel 6-LA, and being on the easterly line of a 0.129 acre tract designated Parcel 6-AWD as conveyed to the State of Ohio in Court of Common Pleas Journal Entry Number 210145;

Thence along the westerly line of said Tract One, along the easterly line of said Parcel 6-AWD, and across said Lot 27, North 03°48'30" East, 43.91 feet to a point;

Thence along a northwesterly line of said Tract One, across said Lot 27, North 43°05'39" East, 77.92 feet to a point;

Thence along a northeasterly line of said Tract One, across said Lot 27, South 33°38'31" East, 96.93 feet to a point;

Thence along a northerly line of said Tract One, and across said Lot 27, South 81°17'57" East, 113.64 feet to a point, being on the southwesterly corner of a 66.3374 acre tract conveyed to Abbott Manufacturing in Instrument Number 199706260032577 and Instrument Number 199706260032589, also being on the westerly line of said Lot 24;

Thence along the northerly line of said Tract One, and along the southerly line of said 66.374 acre tract and across said Lot 24, South 86°45'08" East, 665.11 feet to a point, being the northeasterly corner of said Tract One, being the southeasterly corner of said 66.374 acre tract, and being on the westerly line of said Cleveland Avenue;

Thence along the easterly line of said Tract One, along the westerly right-of-way line of said Cleveland Avenue, and across said Lots 24, 25, and 26, South 03°40'07" West, 705.25 feet to the **POINT OF BEGINNING**, containing 9.3 acres, more or less.

To Rezone From: M, Manufacturing District,

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 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, “**CPD SITE PLAN,**” and text titled, “**DEVELOPMENT TEXT,**” both dated November 10, 2021, and signed Kolby Turnock, Agent for Applicant, and the text reading as follows:

DEVELOPMENT TEXT

EXISTING ZONING: M, Manufacturing District

PROPOSED ZONING: CPD, Commercial Planned Development

PROPERTY ADDRESS: 457 Cleveland Avenue, Columbus, OH 43201

APPLICANT: Half Baked Holdings, LLC c/o Kolby Turnock, 250 Civic Center Drive, Suite 500, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

OWNER: Half Baked Holdings, LLC c/o Kolby Turnock, 250 Civic Center Drive, Suite 500, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

DATE OF TEXT: November 10, 2021

APPLICATION NUMBER: Z20-114

INTRODUCTION:

The site is 9.3 +/- acres (Franklin County Auditor Tax Parcels 010-036573, 010-008646, 010-064942, 010-015761, 010-065075, and 010-006173) located on the west side of Cleveland Avenue, at the intersection of Cleveland Avenue and Jack Gibbs Boulevard. The site is presently zoned M, Manufacturing and is developed with the former Kroger Bakery. The Kroger Company closed the manufacturing facility and sold the property in 2019. This rezoning application is submitted to rezone the site to the CPD, Commercial Planned Development District (CPD) for use of the site with commercial office, restaurant, retail and multi-family uses. The existing Kroger north and south buildings will be preserved and new buildings are proposed, all as depicted on the CPD site plan titled “CPD Site Plan”, hereafter “Site Plan”, dated November 10, 2021. The Kroger south building is listed on the local and national historic building registers. All proposed uses will be permitted by the CPD zoning except ground level residential use. See CV21-128 for variance to permit ground level residential use.

1. PERMITTED USES: Permitted uses shall be all office, retail, restaurant and residential (dwelling unit) uses of Section 3356.03, C-4 Permitted Uses.

2. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, Chapter 3312, Off-Street Parking and Loading, and Chapter 3321, General Development Standards, all as applicable, of the Columbus City Code.

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

1. Height District shall be H-60, with height as defined in Columbus City Code Section 3303.08, Letter H, and a maximum building height of 66 feet for the existing Kroger North and Kroger South buildings and to permit a height of 66 feet for proposed building C.

2. Building and parking setbacks shall be as depicted on the Site Plan.

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

1. Site access shall be as depicted on the Site Plan.
2. The Traffic Impact Study titled “457 Cleveland Avenue Redevelopment, 2nd Revised Traffic Impact Study” (TIS) dated August 5, 2021 was approved by the City of Columbus on August 23, 2021. The approved TIS requires the north driveway (“Drive 1” in the TIS) to be designed with separate exit lanes for right and left turns. The middle driveway (“Drive 2” in the TIS), shall have an island to limit turning movements to right-in/right-out. Each site driveway shall comply with 10’x10’ clear vision triangles.
3. If Cleveland Avenue right of way is acquired by the City of Columbus in the future, Cleveland Avenue building and parking setbacks depicted hereon, as adjusted based on right of way acquisition, shall be permitted.

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

The Site Plan depicts large areas of pedestrian plazas, open space and landscaping. Parking along the north property line is setback a minimum of seven (7) feet. A fence (8’) and landscaping will be provided in the north parking setback. A landscaping plan shall be included in the final Site Compliance Plan.

D. Building design and/or Interior-Exterior treatment commitments.

1. Building architecture shall be four (4) sided, meaning the building(s) shall have the same level and quality of finish on all sides. Permitted primary building materials for new buildings shall be brick, stone, EIFS/stucco, fiber cement and other panelized wall systems, wood, metal and/or vinyl siding.
2. Windows on the north side of Building B, as identified on the Site Plan, shall be insulated glass windows. A window specification demonstrating insulated glass shall be included in the final Site Compliance Plan set.

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

N/A.

F. Graphics and Signage Commitments.

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

G. Other CPD Requirements.

1. Natural Environment: The Site is located on the west side of Cleveland Avenue, north of the intersection of Cleveland Avenue and Jack Gibbs Boulevard.
2. Existing Land Use: The site is developed with a vacant manufacturing facility for baked goods. The two (2) existing buildings (Kroger North and Kroger South) will be preserved.
3. Circulation: Vehicular access and on-site vehicular circulation shall be as depicted on the Site Plan.
4. Visual Form of the Environment: The proposed uses are appropriate for this urban redevelopment site, consistent with many urban mixed use and residential urban redevelopment projects in Columbus.
5. Visibility: The site is visible from Cleveland Avenue and I-670.

6. Proposed Development: Commercial and residential development and structured parking as permitted by this text and as depicted on the Site Plan.

7. Behavior Patterns: Vehicular access and circulation shall be as depicted on the Site Plan.

8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

H. Modification of Code Standards.

1. Section 3309.14, Height Districts, to permit a building height of 66 feet for existing Kroger North and Kroger South buildings and to permit a height of 66 feet for proposed building C, all in a H-60 Height District.

2. Section 3312.13, Driveway, to reduce the minimum width of a driveway from 20' to 18' on-site on portions of the southwest property line subject to an easement (min. 2') on State of Ohio property (I-670 right of way), and to reduce the width of the existing south driveway, adjacent to I-670 right of way, from 20' to 10', subject to an easement (min. 10') on State of Ohio property (I-670 right of way), both as depicted on the Site Plan.

3. Section 3312.27(4), Parking Setback Line, to reduce the parking setback line along west, southwest and south property lines where the site is adjacent to I-670 right of way from 10' to 0', as depicted on the Site Plan, while I-670 is elevated, parking setback would have no effect and much of the area adjacent to I-670 right of way is presently paved.

4. Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce required parking for uses as itemized on the Site Plan from 774 spaces to 583 spaces.

5. Section 3356.11, C-4 District Setback Lines, to reduce the Cleveland Avenue building setback line from 50' to 6' for the existing Kroger North and Kroger South buildings, and to reduce the I-670 building setback line from 25 feet to 0', 6' and 16' for a dumpster, existing Kroger South building and part of proposed Building C, respectively, all as depicted on the Site Plan.

I. Miscellaneous.

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. Development of the site shall be in accordance with the Site Plan titled "CPD Site Plan", dated November 10, 2021 and signed by Kolby Turnock, Agent for Applicant. The Site 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 Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustment.

3. With respect to building elevations facing the project's northern property line, the Applicant shall engage an independent acoustic consultant/engineer to review the applicant's proposed building plans and provide a report summarizing the effectiveness of the sound mitigation methods employed in the building plans in comparison to standard wood frame residential construction within the City of Columbus. The report will identify any additional noise and vibration mitigation measures which shall be incorporated in the final design and build-out of the proposed project. The report shall be included when the building plans are submitted to the Columbus Department of Building and Zoning Services for review.

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