



City of Columbus

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

Legislation Text

File #: 1788-2021, **Version:** 1

Rezoning Application: Z21-036

APPLICANT: Flint 23, LLC; c/o Catherine A. Cunningham, Atty.; Kegler Brown Hill & Ritter; 65 East State Street, Suite 1800; Columbus, OH 43215.

PROPOSED USE: Office uses.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on June 10, 2021.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 1.23± acre site consists of one parcel developed with an office building zoned in the L-C-2, Limited Commercial District. The requested CPD, Commercial Planned Development District will expand permitted uses and will allow an addition to the existing building. The rezoning is necessary because the current L-C-2 district (Z86-1237) contains specific setback requirements that do not accommodate the proposed expansion. The CPD text proposes all C-2 district uses, commits to a site plan, and includes development standards addressing setbacks, access, landscaping, and screening. Variances for setbacks and parking lot landscaping and screening are included in the request. The site is within the boundaries of *Far North Area Plan* (2014), which recommends office uses at this location. The proposal remains consistent with this recommendation and the proposed site plan includes sufficient landscaping and screening along the North High Street frontage which is consistent with the design guidelines of the Plan. Planning Division staff continues to recommend that the proposed sidewalk be extended along the perimeter of Flint Road, but does not condition their support on this recommendation.

To rezone **7811 FLINT RD. (43235)**, being 1.23± acres located at the northeast corner of Flint Road and North High Street, **From:** L-C-2, Limited Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z21-036).

WHEREAS, application #Z21-036 is on file with the Department of Building and Zoning Services requesting rezoning of 1.23± acres from CPD, Commercial Planned Development District, 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 said zoning change because the requested CPD, Commercial Planned Development District, which will permit an expansion to an existing office building, is consistent with the office land use recommendation of the *Far North Area Plan*. Additionally, the proposed site plan includes sufficient landscaping and screening along the North High Street frontage which is consistent with the design guidelines of the Plan; 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:

7811 FLINT RD. (43235), being 1.23± acres located at the northeast corner of Flint Road and North High Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Sharon:

Being part of Farm Lot 43 of Quarter Township 2, Township 2, Range 19, United States Military Lands and bounded and described as follows:

Beginning at a nail in the centerline of the Columbus and Sandusky Road (U.S. Route 23) at the intersection of said centerline with the centerline of the New Haven Pike (Now Flint Road); being also located at Section 104 and 80.35 of the survey by the Department of Highways, State of Ohio; Thence along the centerline of Flint Road; North 33° 26' East, 120.17 feet to a point being the most southerly corner of the tract herein intended to be described; Thence along a curve to the left (Radius, 11,519.16 feet) The chord of which bears North 2° 46' East, 60.76 feet to an iron pin which is 60 feet radially from Station 106 and 44.47 of said Highway Department Survey and as called for by easement of record in Deed Book 1177, page 137, Recorder's Office, Franklin County, Ohio; Continuing along said curve with a chord bearing North 1° 29' East, 457.9 feet to an iron pin which is 60 feet radially from Station 111 and 00 of said Highway Department Survey; Continuing along the East line of the above mentioned Easement North 21° 55' East, 107.7 feet to a concrete monument which is 100 feet radially from Station 112 and 00 of said Highway Department Survey; Thence along a ravine, South 29° 44' East, 170.8 feet to an iron pin, continuing along the Ravine South 36° 47' East (passing an iron pin at 140.12 feet) 151.65 (feet to a railroad spike in the center of a culvert and in the centerline of Flint Road; Thence along the centerline of Flint Road, South 33° 26' West, 418.38 feet to The Place of Beginning, containing 1.595 acres, more or less.

EXCEPTING THEREFROM THE FOLLOWING:

Situated in the State of Ohio, County of Franklin and in the City of Columbus, located in Quarter Township 3, Township 2, Range 18, United States Military Lands and being a parcel of land containing 0.1485 acre located along the Southerly side of that 1.595 acre tract as conveyed to The Morris-Lorms Company by deed of record in Official Record Volume 8790, page G05, all references being to those of record in the Recorder's Office, Franklin County, Ohio, said parcel being more particularly bounded and described as follows:

Beginning at a point where the existing Easterly Right-of-Way line of U.S. 23 intersects the existing Westerly Right-of-Way line of Flint Road, said Point marks the southerly most corner of said 1.595 acre tract, said point also being in the arc of a curve to the left;

Thence, Northwesterly, along the arc of said curve to the left and along the existing Easterly Right-of-Way line of U.S. 23 (Radius Equals 11519.16 feet, Delta Equals 0° 52' 03") A chord bearing and distance of North 0° 02' 17" West, 174.43 feet to a point in the arc of a curve to the left;

Thence leaving the existing Easterly Right-of-Way line of U.S. 23, Southeasterly along the arc of said curve to the left and the proposed Westerly Right-of-Way line of Flint Road (Radius Equals 40.00 feet, Delta Equals 123° 50' 09") a chord bearing and distance of South 62° 23' 23" East, 70.58 feet to a point of compound curvature;

Thence Northeasterly, along the arc of a curve to the left and continuing along the proposed Westerly Right-of-Way line of Flint Road, (Radius Equals 220.00 feet, Delta Equals 24° 32' 36") a chord bearing and distance of North 43° 25' 15" East, 93.52 feet to The Point of Tangency and also being in the existing Westerly Right-of-Way line of Flint Road;

Thence South 31° 08' 57" West, along said existing Right-of-Way line, a distance of 244.96 feet to The Place of Beginning and Containing 0.1485 acre, more or less.

LESS AND EXCEPTING THEREFROM THE FOLLOWING 0.220 ACRE TRACT AS CONVEYED BY GENERAL WARRANTY DEED FROM J&B OFFICE, LLC TO THE STATE OF OHIO,

DEPARTMENT OF TRANSPORTATION OF RECORD IN INSTRUMENT NUMBER 201304030054856,
RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO AND BEING FURTHER DESCRIBED AS FOLLOWS:

Situated in the City of Columbus, County of Franklin, State of Ohio, Section 2, Township 2 North, Range 18 West of the U.S. Military Lands, and being part of Lot 43 of the Partition Plat of the Scioto Land Company, Deed Book A, page 194, destroyed by fire, as demonstrated in Survey Plat Book 3, pages 136 and 137. (Descriptions of said partition lots are recorded in Deed Book A, pages 7 and 14) of the Franklin County Records, being also part of a parcel of land, now or formerly owned by J & B Office, LLC per Official Record 34845 A 19 of the Franklin County Records and being more fully described as follows:

Being a parcel of land lying on the right side of the centerline of construction of U.S. Route 23 (High Street) per a plat of survey made for the Ohio Department of Transportation and kept in the Franklin County Records.

Commencing at a point of intersection of the existing centerline of construction of U.S. Route 23 (High Street) as shown on record plans designated as S.H. 4 Sec. Q1 (PT), 2, 3 - (1941) with the relocated centerline of right of way of Flint Road per Plat Book 84, page 56 of the Franklin County Records (per 1994 plan by the City of Columbus "U.S. 23 North High Street Roadway Improvement"), said point being located at U.S. 23 centerline of construction station 107+00.00, witness a 3/4" rebar found in a monument box, S 77° 20' 58" E, 0.14 feet;

Thence 400.00 feet, along the existing centerline of constructions of U.S. 23, along a the arc of a curve to the left, having a central angle of 02° 00' 00", a radius of 11,459.16 feet, and a chord which bears N 0° 53' 37" W, 399.98 feet, to a point located on the existing centerline of construction of U.S. 23 at Station 111+00.00;

Thence North 88° 06' 23" E, 60.00 feet, to a point at the Grantor's northwest corner located on the existing easterly right of way line of U.S. 23, said point also being on the easterly line of a perpetual Highway Easement granted to the State of Ohio by Robert J. Wheaton per Deed Book 1177, page 161 of the Franklin County Records, said point located 60.00 feet right of U.S. 23 centerline of construction station 111+00.00 and being the TRUE POINT OF BEGINNING for the following parcel herein described;

Thence N 19° 29' 20" E, 68.09 feet, along the Grantor's northwesterly property line, and the existing easterly right of way line of U.S. 23 per the aforementioned perpetual Highway Easement, to rebar set on the proposed easterly right of way line of U.S. 23, said rebar being located 85.00 feet right of U.S. 23 centerline of construction Station 111+62.94;

Thence 315.26 feet, through the Grantor's parcel and along the proposed easterly right of way line of U.S. 23, along the arc of a curve to the right, having a radius of 11544.16 feet, a central angle of 01° 33' 53" and a chord bearing of S 01° 25' 33" E, 315.25 feet, to a rebar set, said rebar being located 85.00 right of U.S. 23 centerline of construction station 108+50.00;

Thence S 07° 36' 12" E, 50.12 feet, through the Grantor's parcel and along the proposed easterly right of way line of U.S. 23, to a rebar set, said rebar being located 91.18 feet right of U.S. 23 centerline of construction Station 108+00.64;

Thence S 77° 24' 46" E 43.71 feet, through the Grantor's parcel and along the proposed easterly right of way line of U.S. 23, to a rebar set on the Grantor's southerly property line, said rebar also being on the existing northerly right of way line of Flint Road (Variable width) and on the northerly line of a parcel of land, now or formerly owned by the City of Columbus per Official Record 27859 B14 of the Franklin County Records, said rebar being located on a curve and 133.78 right of U.S. 23 centerline of construction station 107+90.94;

Thence 14.12 feet, along the Grantor's southerly property line, the existing northerly right of way line of Flint Road, and the northerly line of the City of Columbus parcel, along the arc of a curve to the right, having a radius of 220.00 feet, a central angle of 03° 40' 43" and a chord bearing of S 53° 50' 43" W, 14.12 feet, to a 5/8" rebar found at a point of a compound curve, said rebar being located 122.32 right of U.S. 23 centerline of construction station 107+82.76;

Thence 86.46 feet, along the Grantor's southerly property line, the existing northerly right of way line of Flint Road, and the northerly line of the City of Columbus parcel, along the arc of a curve to the right, having a radius of 40.00 feet, a central angle of 123° 50' 38" and a chord bearing of N 62° 23' 37" W, 70.58 feet, to a point located at the northwest corner of the City of Columbus parcel, said point being 60.00 right of U.S. 23 centerline of construction station 108+15.63, witness a 5/8" rebar found S 77° 43' 35" E, 0.14 feet;

Thence 285.85 feet, along the Grantor's westerly property line and the existing easterly right of way line per the aforementioned State of Ohio perpetual Highway Easement, along the arc of a curve to the left, having a radius of 11519.16 feet, a central angle of 01° 25' 19" and a chord bearing of N 01° 10' 57" W, 285.85 feet, to the true point of beginning and containing 0.220 acres of land, more or less.

Of the above described 0.220 acres of land, 0.000 acres of land, more or less, are contained within the present right-of-way of U.S. 23 and Flint Road, resulting in a net take 0.022 of land, more or less, entirely contained within and part of Franklin County Auditor Parcel Number 610-207690.

The above description was prepared by, or under the direct supervision of Dan Stankavich, P.S. 7122, of the URS Corporation on March 9, 2011, for the State of Ohio and is based on a survey performed by the Jobes-Henderson, by or under the direct supervision of Jeremy L. Van Ostran, P.S. 8283 in June-Oct. 2004.

All rebars set are 5/8" diameter by 30" long set 2" aluminum disk stamped "State of Ohio RJW - URS CORP." and shall be placed prior to construction.

Bearings for the above described parcel are based on the bearing observed to be S 87° 21' 02" E between control monuments designated "N 58-94" and "N 61-94" per plan designated FRA-270-27.400 on file with ODOT District 6, and is intended to be for local Project Reference only. The establishment and relationship of the centerlines of 1-270, U.S. 23, and S.R. 315 were based on the controlling record centerline of construction bearing of U.S. 23, from the calculated point of intersection of the centerline of construction of U.S. 23 and relocated Wilson Bridge Road, plan calculated Station 51+40.86 (record Station 51+41.50), and a 3/4" rebar found in a monument box at U.S. 23 P.1. Station 75+05.23 (observed and record), to be N 03° 05' 02" E as shown on the record plat for FRA-270-14.83 N and recorded in Plat Book 37, page 115 of the Franklin County Records.

Excepting from the description for rezoning any portions of the subject property in the existing right of way that are not shown on the approved Site Plan for the Commercial Planned District.

Parcel No.: 610-207690

Also known as: 7811 Flint Road, Columbus, Ohio 43235

The property address and/or tax parcel identification number shown herein are provided solely for informational purposes, without warranty as to accuracy or completeness and are not hereby insured.

To Rezone From: L-C-2, Limited Commercial District,

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, “**ZONING SITE PLAN**,” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT**,” both dated June 16, 2021, and signed by Catherine A. Cunningham, Attorney for the Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: Commercial Planned Development District
PROPERTY ADDRESS: 7811 Flint Road
PARCEL NO.: 610-207690-00
OWNER: J&B Office, LLC
APPLICANT: Flint 23, LLC, c/o Catherine A. Cunningham, Esq.
DATE OF TEXT: June 16, 2021
APPLICATION NUMBER: Z21-036

1. **INTRODUCTION:** The subject property is a triangular parcel located at the former Y-intersection of U.S. 23 (High Street) and Flint Road that has been improved to a signalized T-intersection at U.S. 23 crossing High Street over the U.S. 23 express lanes (“the trench”). Neighboring properties north and east are single family residences located in Sharon Township between Flint Road and High Street except one commercially zoned property in the city of Columbus east of Flint Road between Forest Ridge Drive and Dunhill Drive. Neighboring properties south and east of Flint Road are in the city of Columbus include vacant commercially zoned properties. The Pontifical College Josephinum and Camp Mary Orton are on the west side of U.S. 23 west of the property.

The property is currently zoned LC2 and is developed with an office building. The LC2 limitation text excludes medical or dental clinics or drive-in facilities and High Street access limitations. The property was zoned and developed before the recent improvements on adjacent U.S. 23 and the I-270/U.S. 23 interchange or the realignment and improvement of the U.S. 23/Flint Road intersection. The applicant is seeking to rezone the property to a Commercial Planned District to allow for all uses in the C-2 district, including medical and dental offices and clinics and to construct an addition to the existing building. The applicant intends to use a portion of the building for dental offices.

2. **PERMITTED USES:** Allowable uses shall be those uses governed by Chapter 3353; C-2 Commercial District, Columbus City Code.
3. **DEVELOPMENT STANDARDS:** Except as otherwise noted, the applicable development standards of Chapter 3353 Commercial District, Columbus City Code and as shown on the Zoning Site Plan shall apply to the property with existing conditions to remain. Due to the triangular configuration of the property, for the purposes of this CPD Text, “west” refers to the western property line and right of way adjacent to U.S. 23 (High Street), “east” refers to the southeastern property line and right of way adjacent to Flint Road, “north” refers to the northeastern property line adjacent to the two residential parcels northeast of the property between Flint Road and High Street and south refers to the portion of the primary parcel adjacent to the curve of the Flint Road right of way.

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

1. Along the west side of the property abutting North High Street, the existing building setback of a minimum of 17± feet from the edge of the right-of-way shall be required.
2. Along the west side of the property abutting North High Street, the existing dumpster setback of a minimum of 6± feet from the edge of the right-of-way shall be required.
3. Along the north side of the property, a minimum building and parking lot setback of 25 feet shall be required.

4. Along the east side of the property abutting Flint Road, a minimum 4± feet building setback from the edge of the right-of-way shall be required.
5. Along the south property line fronting Flint Road, a minimum 22± feet building setback from the edge of the right-of-way shall be required.
6. Setbacks are depicted on the Zoning Site Plan. The listed (and depicted) setbacks from the edge of the right-of-way can be further reduced to account for the dedication of right of way required by Columbus City Code 4309.17.
7. The height of the building shall be a maximum of 35 feet measured to the mean of the roof gable with the existing chimneys and existing cupola with a maximum height of 53 feet shall be permitted.

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

1. Access to and from the site will remain from Flint Road as shown on the Zoning Site Plan.
2. Existing parking setbacks are reflected on the Zoning Site Plan and shall remain as follows:
 - a. The existing minimum 14± feet parking setback from the High Street right-of-way along the west side of the property abutting North High Street shall remain.
 - b. There will be a minimum 25 feet parking setback along the north side of the property.
 - c. No parking setback is required along the east side of the property fronting Flint Road and the existing conditions may remain.
3. No interior landscaping or shade trees shall be required and the existing conditions may remain.
4. The existing dumpster and its existing 6± feet minimum setback from North High Street shall remain as shown on the CPD Site Plan. Screening and landscaping of the dumpster shall be as provided in the Zoning Site Plan.
5. The owner agrees to dedicate additional right of way along Flint Road and U.S. 23 as required by Columbus City Code Section 4309.17 of 40 feet from the centerline of Flint Road and 80 feet from the centerline of North High Street.

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

1. Existing street trees and landscaped areas shall be maintained and are reflected on the Zoning Site Plan.
2. Perimeter landscaping on the west side of the parking lot and dumpster shall be provided between the parking lot and dumpster and North High Street at the location as shown on the Zoning Site Plan or as required by City Off-Street Parking and Loading Code Chapter 3112. Street trees shall be provided between the parking lot and North High Street as shown on the Zoning Site Plan.
3. The existing natural screening and conditions on the north side of the property shall remain and no additional landscaping or screening of the parking lot is required. The north side of the parking lot has a retaining wall abutting an existing wooded ravine separating it from the heavily treed residential properties to the north on the other side of the ravine and providing natural screening of the parking lot and entire property.
4. Perimeter landscaping shall be provided on the east side of the parking lot facing Flint Road as indicated on the Zoning Site Plan.

D. Building Design and/or Interior-Exterior Treatment Commitments. Building addition shall not exceed 20 feet 6 inches in height and, except as otherwise provided, shall meet the C-2 development standards and Columbus City Code.

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

F. Graphics and/or Signage Commitments. All signage requirements shall be as indicated in the City Graphics Code, Chapters 3375 through 3383 of the Columbus City Code for a C-4 District. Any variance for other signage shall be submitted to the Columbus Graphics Commission for consideration.

G. Other CPD Requirements:

1. *Natural Environment:* The natural character of the area has varying topography with changes in grade and areas of dense trees. The property is developed with an existing building and parking lot that is on high flat land that is at grade with adjacent Flint Road and properties across (east of) Flint Road at the parking lot and above the grade of Flint Road as it descends to its intersection with North High Street (U.S. 23) and above grade along North High Street where the property secured by a retaining wall averaging five feet in height. The northern portion of the parcel has a ravine with dense trees forming a natural buffer to the two adjacent residential properties in Sharon Township that are also heavily treed and at a lower grade on the other (northern) side of the ravine. The existing parking lot is at the top of the south side of the ravine and is secured with a retaining wall. There is a steel guard rail, stream inlet and curb along the northeastern property line in the Flint Road right of way for the existing stream in the ravine. There are no wetlands on the property.
2. *Existing Land Uses:* Current zoning of the existing site is LC2 and the site is developed with a two-story commercial office building. The site is in a commercial corridor along North High Street. There are residential uses in Sharon Township north and east of the property and commercial uses in the City of Columbus east, south and west of the property.
3. *Activities:* The proposed rezoning will allow for Office Commercial Uses of the property to include offices and clinics for dentists and health care services as permitted in the C-2 District to serve residents and others in the area. The proposed addition to the building is supported by the existing parking lot and infrastructure and will allow for the expansion of offices and services provided in the area.
4. *Behavior Patterns:* The proposed development will not affect the ways people already use the area. The existing building has established commercial uses along a busy commercial corridor with large scale buildings and development. Its use, two-story building, topography and wooded ravine provide a buffer and transition to the residential properties north on both sides of Flint Road.
5. *Transportation and Circulation:* The proposed rezoning of an existing building and proposed building addition will have no effect upon existing or planned circulation facilities as shown on the attached site plan. The existing parking and access will remain and support the proposed building addition. The recent improvements to the U.S. 23 and the improved intersection of U.S. 23 and Flint Road will not be affected and improve traffic flow at the intersection and site.
6. *Visual Form of the Environment:* Applicant is proposing a single story addition to the existing two-story building on the south side of the property that is intended for a dental practice new to the building. This development will not increase the density of the neighborhood or the appreciable intensity of the use of the site and all graphics will comply with the City Graphics Code.
7. *View and Visibility:* The proposed addition is proposed to be located on the southern portion of the site adjacent to the newly realigned intersection of Flint Road and North High Street at the same grade as the existing building. Flint Road declines in grade along the south side of the site meeting North High Street at a signaled intersection that

continues to decline along the west side of the site. The proposed addition will not affect the view and visibility of motorists, bicyclists or pedestrian and clear vision triangles have been provided and will continue to be provided on this site.

8. *Emissions*: No adverse effect from emissions shall result from the proposed development.

H. Modification of Code Standards:

1. Variance to Section 3353.09, C-2 district setback lines equal to one half of the right of way to Flint Road and High Street as denoted on the Columbus Thoroughfare Plan (CTP) measured from the street right of way line. Building setbacks provided are shown from the anticipated CTP right of way following required right-of-way dedication. All setbacks, except the building addition, are for existing conditions on the site including: 17± feet building setback, 14± feet parking setback and 6± feet dumpster setback from North High Street and zero parking setback from Flint Road. The proposed building addition includes a 4± feet building setback from the CTP right of way for Flint Road at the closest corner of the building addition to the southern curve of the site along Flint Road as noted on the Zoning Site Plan.
2. Variance to Section 3312.21(A), Interior Landscaping to allow existing parking lot to remain in its existing condition without interior landscaping. The site is wooded along the entire northern property line and provides significant shade and landscaping. The existing parking lot provides the required number of parking spaces for the site and does not require any other modification to meet the parking demands of the site.
3. Variance to Sections 3312.21(B) and (D), Parking Screening. No additional landscaping will be provided for headlight screening to the adjacent residentially zoned property to the north. The northern portion of the site is wooded with a steep ravine and stream that provides a natural buffer to the distant northern neighbors on the opposite side of the ravine and would be adversely affected by removing trees to plant shrubs or erect fences.
4. Variance to Section 3312.27(4), Parking Setback Line. Existing conditions may remain and the parking setback line on Flint Road shall be reduced as shown on the Zoning Site Plan.

I. Miscellaneous Commitments:

The site shall be developed in general conformance with the plan titled, "Zoning Site Plan." The plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans and any surveys and required dedication 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 a designee, upon submission of the appropriate data regarding the proposed adjustment. Minimum setbacks from right-of-way may be further reduced to account for the required right of way dedication.

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