



City of Columbus

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

Legislation Text

File #: 1041-2021, **Version:** 1

Rezoning Application: Z19-087

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 59.16± acre site consists of five mostly undeveloped parcels in the CPD, Commercial Planned Development District and the L-M, Limited Manufacturing District. The requested CPD, Commercial Planned Development District increases the height district for the entire site to 200 feet, 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. The proposal includes variances 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 #1042-2021; CV19-120) has been filed to permit ground floor residential uses.

To rezone **3735 EASTON WAY (43219)**, being 59.16± acres located at the southeast corner of Easton Way and Sunbury Road, **From:** L-M, Limited Manufacturing District and CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning #Z19-087).

WHEREAS, application #Z19-087 is on file with the Department of Building and Zoning Services requesting rezoning of 59.16± acres from L-M, Limited Manufacturing District and CPD, Commercial Planned Development 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:

3735 EASTON WAY (43219), being 59.16± acres located at the southeast corner of Easton Way and Sunbury Road, and being more particularly described as follows:

DESCRIPTION OF 59.16 ACRES

Situate in the State of Ohio, County of Franklin, City of Ohio, being all of the remainder of that 26.481 acre tract conveyed as Parcel 4 and to Morso Holding Co. by deed of record in Official Record 30846G11, all of the remainder that 110.059 acre tract conveyed as Parcel 6 to Morso Holding Co. by deed of record in Official Records 30846G11 and 31131D10, the remainder of that 9.523 acre tract conveyed to Morso Holding Co. by deed of record in Instrument Number 201501080002834,

BEGINNING in the easterly right-of-way line of Sunbury Road at the common corner of the remainder of said 26.481 acre tract and that 98.082 acre tract conveyed to Distribution Land Corp. by deed of record in Official Record 28688F16, being a southeasterly corner of that 15.702 acre tract conveyed as Parcel 1WV to The City of Columbus by deed of record in Official Record 34042G18;

Thence with the easterly right-of-way line of said Sunbury Road, the following courses and distances: North 05° 31' 19" East, a distance of 3.30 feet to a point; North 12° 04' 03" East, a distance of 99.45 feet to a point; and North 08° 12' 54" East, a distance of 267.96 feet to a point of curvature in the southerly right-of-way line of Easton Way; Thence with the southerly 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 90° 31' 27", a radius of 30.00 feet, an arc length of 47.40 feet, a chord bearing of North 53° 43' 09" East and chord distance of 42.62 feet to a point of tangency; South 81° 01' 21" East, a distance of 96.91 feet to a point; South 76° 30' 33" East, a distance of 708.50 feet to a point of curvature; with the arc of a curve to the left, having a central angle of 04° 07' 05", a radius of 5036.50 feet, an arc length of 361.99 feet, a chord bearing of South 78° 34' 05" East and chord distance of 361.91 feet to a point of tangency; South 80° 37' 38" East, a distance of 277.13 feet to a point; South 79° 21' 15" East, a distance of 540.13 feet to a point; South 73° 47' 04" East, a distance of 100.72 feet to a point; and South 80° 37' 38" East, a distance of 284.63 feet to a point in the westerly right-of-way line of Morse Crossing;

Thence South 80° 37' 45" East, across the right-of-way of Morse Crossing, a distance of 171.30 feet to a point at the intersection of the easterly right-of-way line thereof with the southerly right-of-way line of said Easton Way;

Thence with the southerly right-of-way line of said Easton Way, the following courses and distances: South 80° 37' 38" East, a distance of 225.33 feet to a point of curvature; with the arc of a curve to the right, having a central angle of 04° 02' 43", a radius of 1284.50 feet, an arc length of 90.69 feet, a chord bearing of South 78° 36' 16" East and chord distance of 90.67 feet to a point of reverse curvature; and with the arc of a curve to the left, having a central angle of 02° 10' 21", a radius of 6116.43 feet, an arc length of 231.91 feet, a chord bearing of South 77° 40' 05" East and chord distance of 231.89 feet to a point of reverse curvature, being the intersection of said southerly right-of-way line with the westerly right-of-way line of Easton Loop West, as dedicated in Plat Book 93, Page 3;

Thence with said westerly right-of-way line, the following courses and distances: with the arc of a curve to the right, having a central angle of 81° 03' 44", a radius of 30.00 feet, an arc length of 42.44 feet, a chord bearing of South 38° 13' 25" East and chord distance of 38.99 feet to a point of tangency; South 02° 18' 27" West, a distance of 94.61 feet to a point; South 00° 01' 01" West, a distance of 375.30 feet to a point; and South 02° 18' 27" West, a distance of 186.13 feet to a point;

Thence South 87° 41' 33" East, across said Easton Loop West and with the southerly line of that 4.743 acre tract conveyed to Easton Communities II LLC by deed of record in Instrument Number 200304290123727, a distance of 263.41 feet to a

point of curvature;

Thence with the southerly line of said 4.743 acre tract, the following courses and distances: with the arc of a curve to the right, having a central angle of 70° 25' 25", a radius of 23.12 feet, an arc length of 28.41 feet, a chord bearing of South 53° 09' 08" East and chord distance of 26.66 feet to a point of reverse curvature; with the arc of a curve to the left, having a central angle of 150° 51' 51", a radius of 91.21 feet, an arc length of 240.16 feet, a chord bearing of North 84° 47' 09" East and chord distance of 176.55 feet to a point of reverse curvature; and with the arc of a curve to the right, having a central angle of 67° 50' 55", a radius of 24.11 feet, an arc length of 28.55 feet, a chord bearing of North 43° 09' 46" East and chord distance of 26.91 feet to a point of tangency;

Thence North 77° 15' 21" East, with the southerly line of that 3.461 acre tract conveyed to Easton Communities LLC by deed of record in Instrument Number 200304290123731, across the right-of-way of Easton Square Place, as dedicated in Plat Book 93, Page 3, and with the southerly line of that 3.105 acre tract conveyed to Easton Communities LLC by deed of record in Instrument Number 200304290123730, a distance of 427.17 feet to a point of curvature;

Thence with the southerly line of said 3.105 acre tract, the following courses and distances: with the arc of a curve to the right, having a central angle of 48° 54' 07", a radius of 24.00 feet, an arc length of 20.48 feet, a chord bearing of South 78° 17' 48" East and chord distance of 19.87 feet to a point of tangency; South 57° 06' 33" East, a distance of 5.76 feet to a point of curvature; with the arc of a curve to the left, having a central angle of 68° 22' 33", a radius of 127.73 feet, an arc length of 152.43 feet, a chord bearing of North 84° 39' 43" East and chord distance of 143.54 feet to a point of tangency; North 47° 19' 00" East, a distance of 8.63 feet to a point of curvature; and with the arc of a curve to the right, having a central angle of 41° 04' 28", a radius of 24.00 feet, an arc length of 17.21 feet, a chord bearing of North 71° 45' 42" East and chord distance of 16.84 feet to a point of tangency;

Thence South 87° 41' 33" East, with the southerly line of that 2.644 acre tract conveyed to Easton Communities II LLC by deed of record in Instrument Number 200304290123724, a distance of 157.47 feet to a point in the westerly right-of-way line of Chagrin Drive, as dedicated in Plat Book 93, Page 3;

Thence South 02° 18' 27" West, with said westerly right-of-way line, a distance of 473.50 feet to a point of curvature;

Thence continuing with said westerly right-of-way line, with the arc of a curve to the right, having a central angle of 91° 46' 13", a radius of 30.00 feet, an arc length of 48.05 feet, a chord bearing of South 48° 11' 33" West and chord distance of 43.08 feet to a point of tangency in the northerly right-of-way line of Easton Commons, as dedicated in Plat Book 93, Page 3;

Thence North 85° 55' 20" West, with said northerly right-of-way line, a distance of 492.54 feet to a point in a northerly extension of the westerly right-of-way line of said Easton Square Place;

Thence South 04° 04' 03" West, with said northerly extension of and westerly right-of-way line of said Easton Square Place, a distance of 447.85 feet to a point;

Thence North 85° 55' 20" West, with the northerly line of that 4.141 acre tract conveyed to VSP Ceres, Inc. by deed of record in Instrument Number 201201060002692, a distance of 425.06 feet to a point;

Thence North 85° 55' 43" West, with the northerly line of that 1.410 acre tract conveyed to VSP Ceres, Inc. by deed of record in Instrument Number 201611040153041, a distance of 389.99 feet to a point on the arc of a curve in the easterly right-of-way line of said Morse Crossing;

Thence with said easterly right-of-way line, with the arc of a curve to the right, having a central angle of 29° 42' 13", a radius of 1952.87 feet, an arc length of 1012.42 feet, a chord bearing of North 25° 15' 16" West and chord distance of 1001.12 feet to a point;

Thence North 86° 33' 04" West, across the right-of-way of said Morse Crossing, with the northerly line of said 98.082 acre tract, a distance of 681.38 feet to a point;

Thence with said northerly line, the following courses and distances: North 35° 00' 33" West, a distance of 570.29 feet to a point; North 76° 30' 33" West, a distance of 920.29 feet to a point; North 88° 56' 45" West, a distance of 660.28 feet to the **POINT OF BEGINNING**, containing 59.16 acres, more or less.

Property Address: 3735 Easton Way, Columbus, OH 43219.

To Rezone From: L-M, Limited Manufacturing District and CPD, Commercial Planned Development 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: 3735 Easton Way

OWNER: Morso Holding Co.

APPLICANT: Morso Holding Co.

DATE OF TEXT: 3/30/21

APPLICATION: Z19-087

1. **INTRODUCTION:** The property was part of the two larger Easton rezonings that were approved by the City of Columbus in 1999. (Zoning Case Z96-034A and Z97-083A) 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. This zoning will update 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.

1. Excepting therefrom:

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

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 Chagrin Drive, Easton Way, Morse Crossing, Easton Loop West, Easton Square and Easton Commons shall be a minimum of zero feet for all parking, loading and maneuvering areas and minimum of zero feet for buildings.

The locations of buildings, parking areas and loading areas shall maintain proper sight distance at adjacent intersections and access points, as approved by the Department of Public Service.

2. Setback from Sunbury Road shall be a minimum of 25 feet for all parking, loading and maneuvering areas and minimum of 50 feet for buildings.
3. All other publicly dedicated interior streets shall have a minimum of zero foot parking, loading and maneuvering setback and a minimum of 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 Easton Way or Morse Crossing.
 - a. Restaurant or retail users may have a row of parking and circulation in front of the building.

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. Such Traffic Impact Study shall be limited to assessment of traffic operations at site access points and adjacent public street intersections, as determined by the Department of Public Service. 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. A tree row shall be established along Easton Way frontage and Morse Crossing containing one tree for every 30 feet of road frontage. Trees shall be equally spaced or grouped together. Existing trees met this requirement.
2. 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 with the part west of Easton Loop West sloping down to Sunbury Road.

b. Existing Land Use

Existing land use consist of commercial development to the north across Easton Way; warehouse and office development to the south; multi-family and office to the west and recreational facilities to the west across Sunbury Road.

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 workers and to other individuals who can access this area via the Easton and Sunbury 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 Easton Way and Morse Crossing from 60 feet to minimum of zero feet; along Easton Loop West, Chagrin Drive and Easton Commons from 25 feet to minimum of zero feet.

b. Section 3312.27 Parking setback line to reduce the parking setback: along Easton Way and Morse Crossing from 10 feet to zero feet; along Easton Loop West, Chagrin Drive and Easton Commons from 10 feet to zero feet.

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.

- 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.