



## Legislation Text

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**File #:** 2101-2014, **Version:** 3

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### **Rezoning Application Z14-040**

**APPLICANT:** Preferred Real Estate Investments II, LLC; c/o Deanna R. Cook, Atty.; 52 East Gay Street, P.O. Box 1008; Columbus, OH 43216.

**PROPOSED USE:** Limited commercial or extended-stay hotel development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on September 11, 2014.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested CPD, Commercial Planned Development District will allow limited commercial or extended-stay hotel development with revised parking setback requirements. The site is located within the boundaries of Subarea B1 of *The Far North Plan* (1994), which will be replaced by the updated *Far North Area Plan* in October 2014, but currently recommends offices or highway-oriented uses such as hotels/motels, and restaurants and retail uses that serve the businesses located in the subarea. The proposed use fits reasonably well within these guidelines. The CPD text carries over development standards from the current CPD District except for building and parking setbacks. Reduced parking setbacks are supported given that the site is surrounded on all sides by public streets, and the proposed setbacks along Horizon and Huntington Park Drives are still greater than the minimum code-required parking setback of ten feet. In order to offset the setback reductions, additional landscaping is proposed which will further enhance the setback area. Variances for setbacks along East Campus View Boulevard due to right-of-way dedication, and to carry over the height of light poles from the current text are included in the request. The proposal complies with the land use recommendations of *The Far North Plan*, and is consistent with the established zoning and development pattern of the area.

To rezone **245 EAST CAMPUS VIEW BOULEVARD (43235)**, being 3.66± acres located at the southeast corner of East Campus View Boulevard and Huntington Park Drive, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z14-040).

**WHEREAS**, application #Z14-040 is on file with the Department of Building and Zoning Services requesting rezoning of 3.66± 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, will permit commercial development that is consistent with surrounding commercial developments. Reduced parking setbacks are supported given that the site is surrounded on all sides by public streets, and the setback area will be further enhanced by additional landscaping. The request also remains consistent with the recommendations of *The Far North Plan*; and

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

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**245 EAST CAMPUS VIEW BOULEVARD (43235),** being 3.66± acres located at the southeast corner of East Campus View Boulevard and Huntington Park Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus, being located in Quarter Township 2, Township 2, Range 18, United States Military Lands, being part of that 26.501 acre and 0.962 acre tracts as conveyed to Forty-One Corporation by deed of record in Official Record Volume 15500, page B02, all references being to records of the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning for reference at the intersection of the centerline of Campus View Boulevard (80 feet in width), with the centerline of Horizon Drive (60 feet in width);

Thence South 82° 10' 07" West, along the centerline of Campus View Boulevard, a distance of 50.00 feet to a point;

Thence South 7° 49' 53" East, a distance of 40.00 feet to an iron pin set in the southerly right-of-way line of Campus View Boulevard and being the true point of beginning of the tract herein intended to be described;

Thence along the arc of a curve to the right (Delta = 90° 00' 00", Radius = 20.00 feet), a chord bearing and distance of South 52° 49' 53" East, 28.28 feet to an iron pin set at a point of tangency in the westerly right-of-way line of Horizon Drive;

Thence South 7° 49' 53" East, along said right-of-way line of Horizon Drive, a distance of 147.77 feet to an iron pin set at a point of curvature of a curve to the right;

Thence continuing along said right-of-way line of Horizon Drive, being the arc of said curve (Delta = 11° 00' 00", Radius = 470.00 feet), a chord bearing and distance of South 2° 19' 53" East, 90.09 feet to an iron pin set at a point of tangency;

Thence South 3° 10' 07" West, continuing along said right-of-way line of Horizon Drive, a distance of 152.17 feet to an iron pin set at a point of curvature of a curve to the right;

Thence along the arc of said curve (Delta = 90° 00' 00", Radius = 20.00 feet), a chord bearing and distance of South 48° 10' 07" West, 28.28 feet to an iron pin set at a point of tangency in the northerly right-of-way line of Huntington Park Drive;

Thence North 86° 49' 53" West, along said right-of-way line of Huntington Park Drive, a distance of 169.56 feet to an iron pin set at a point of curvature of a curve to the right;

Thence continuing along said right-of-way, being along the arc of said curve (Delta = 38° 40' 00", Radius = 258.87 feet), a chord bearing and distance of North 67° 29' 53" West, 171.40 feet to an iron pin set at a point of tangency;

Thence North 48° 09' 53" West, continuing along said right-of-way line of Huntington Park Drive, a distance of 14.25 feet to an iron pin set at a point of curvature of a curve to the right;

Thence continuing along said right-of-way line, being the arc of said curve (Delta = 51° 20' 00", Radius = 276.68 feet), a chord bearing and distance of North 22° 29' 53" West, 239.68 feet to an iron pin set at a point of tangency;

Thence North 3° 10' 07" East, continuing along said right-of-way line of Huntington Park Drive, a distance of 29.16 feet to an iron pin set at a point of curvature of a curve to the right;

Thence along the arc of said curve (Delta = 79° 00' 00", Radius = 40.00 feet), a chord bearing and distance of North 42° 40' 07" East, 50.89 feet to an iron pin set at a point of tangency in the southerly right-of-way line of Campus View Boulevard;

Thence North 82° 10' 07" East, along said right-of-way line of Campus View Boulevard, a distance of 380.58 feet to the point of beginning, containing 3.658 acres, more or less.

Bearings contained herein are based on the same meridian as the bearing of the southerly right-of-way line of Campus View Boulevard (North 82° 10' 07" East), of record in Plat Book 61, page 79.

Together with the easement rights contained in the Easement Agreement of record in Official Record 34002, page H19; and as amended in Amendment No. I to Easement Agreement of record in Instrument No. 199812090317160.

Parcel No: 610-237387

**To Rezone From:** CPD, Commercial Planned Development 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 plans being titled, "**EXHIBIT A - CPD PLAN,**" and text titled, "**CPD TEXT,**" both signed by Deanna R. Cook, Attorney for the Applicant, dated September 11, 2014, and the text reading as follows:

**CPD Text**

Proposed District: CPD, Commercial Planned Development District

Property Address: 245 Campus View Blvd., Columbus, OH 43235

Owners: Kotis Holdings LLC

Applicant: Preferred Real Estate Investments II, LLC

Date of Text: September 11, 2014

Application No: Z14-040 (14345-00000-00451)

**I. INTRODUCTION:**

The subject site was a portion of Subarea 6 as described in Zoning Case Z81-115. In 1993, Subarea 6 was rezoned and divided into two new Subareas - Subareas 6A and 6B (Z92-067). In 1996, Subarea 6A was rezoned (Z95-124) and divided to create a new Subarea 6C, which became part of the overall development of property to the west of this new subarea.

This application seeks to rezone that certain 3.66 +/- acre portion of Subarea 6C, which is located south of Campus View Boulevard, west of Horizon Drive and north and east of Huntington Park Drive. More specifically, the applicant is requesting that the approximate 3.66 acre parcel be taken out of Subarea 6C to form a new subarea (referred to herein as

the “site” or the “subject site”). The development standards from Z95-124 shall continue to apply to Subarea 6C, and the development standards for the site shall be as set forth in Chapter 3356 of the City of Columbus Zoning Code, subject to the limitations set forth in this CPD Text. ~~The general location of Subareas 6A, 6B, 6C and the subject site are shown on the Subarea Location Exhibit, attached hereto as Exhibit A.~~ **The location of building and parking setbacks for the subject site are shown on the “CPD Plan”, attached hereto as Exhibit A.**

II. ALLOWABLE USES:

Allowable uses shall be those as governed by Chapter 3356, C-4 Commercial District, Columbus City Code, provided, however, use as a used automobile sales lot shall not be permitted.

III. APPLICABLE DEVELOPMENT STANDARDS:

Except as otherwise noted in this CPD Text, the applicable development standards of Chapter 3356 shall apply.

A. Density, Lot and/or Setback Commitments

1. Setbacks:

(a) If the landscaping along Horizon Drive, Huntington Park Drive and Campus View ~~Drive~~ **Boulevard** is planted in accordance with the landscaping requirements set forth in Sections III.C.1 and III.C.3 of this CPD Text, building and parking setbacks shall be as follows:

Campus View Boulevard: 40 feet building setback and 5 feet parking setback

Huntington Park Drive and Horizon Drive: 50 feet building setback and 20 feet parking setback

(b) If the landscaping along Horizon Drive, Huntington Park Drive and Campus View ~~Drive~~ **Boulevard** is planted in accordance with the landscaping requirements set forth in Sections III.C.2 and III.C.3 of this CPD Text, building and parking setbacks shall be as follows:

Campus View Boulevard: 40 feet building setback and 5 feet parking setback

Huntington Park Drive and Horizon Drive: 50 feet building setback and 25 feet parking setback

(c) All building and parking setbacks along Huntington Park Drive and Horizon Drive shall be measured from the right of way existing as of the date of this CPD Text; the location of said right of way is set forth on the CPD Plan. All building and parking setbacks along Campus View Boulevard shall be measured from the proposed right of way, the location of which is set forth on the CPD Plan.

2. The percentage of lot coverage for structures and paved areas on the subject site shall not exceed eighty-five percent (85%). Sidewalks and other pedestrian paths will not be considered a part of lot coverage.

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

1. All curb cuts and access points shall be subject to the review and approval of the Public Service Department for the City of Columbus.

2. The applicant will dedicate additional right-of-way along Campus View Boulevard to provide a right-of-way width of 50' from centerline along the Campus View Boulevard frontage of this property, as required per Columbus City

Code Section 4309.17.

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

1. Provided the site is developed in accordance with the building and parking setbacks set forth in Sections III.A.1 (a) and III.A.1(c) of this CPD Text, street trees shall be planted within all parking setback areas at a density of five (5) trees per 100 linear feet of street frontage.
2. Provided the site is developed in accordance with the building and parking setbacks set forth in Sections III.A.1 (b) and III.A.1(c) of this CPD Text, street trees shall be planted within all parking setback areas at a density of one (1) per 50 linear feet of street frontage.
3. Trees may be shade trees, 2 inch caliper at installation or ornamental trees, 1 inch caliper at installation. Both existing trees and newly planted trees may count toward the fulfillment of the landscaping requirement set forth in this CPD Text. Trees can be randomly spaced to replicate a natural tree row or formally planted.

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

1. To the extent that Preferred Real Estate Investments II, LLC, or any affiliate, subsidiary, partner, parent company, or successor or assign of the applicant (individually and collectively, the “Applicant”), develops the site as an extended stay hotel, buildings will be constructed with an exterior mixture of (i) brick and/or stone veneer, and (ii) cementitious wood and/or vinyl siding.

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

1. All external outdoor lighting shall be cut-off fixtures (down lighting).
2. All external outdoor lighting fixtures shall be from the same or a similar manufacturer’s type to insure aesthetic compatibility.
3. Parking lot lighting shall be no higher than forty-five (45) feet.

F. Graphics and/or Signage Commitments

All signage and graphics shall be as indicated in the City Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4, Commercial District.

G. Miscellaneous

1. ~~To~~ **The** subject site shall be developed in general conformance with the submitted CPD Plan, provided, however, exact locations of access drives, structures and landscaping have not yet been determined, but shall be subject to any necessary approval of the applicable city agencies and divisions. The CPD Plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any adjustment to the CPD 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.

H. Variances

1. The following variances will be deemed to be granted in connection with the rezoning of the subject site pursuant to this CPD Text, including, without limitation:

(a) The variance necessary to reduce the parking setback along Campus View Boulevard from ten (10) feet to five (5) feet

from the proposed right of way;

(b) The variance necessary to increase the permissible height of parking lot lights from 28 feet to a maximum height of forty-five (45) feet to carry over this provision from Z95-124; and

(c) The variance necessary to reduce the building setback along Campus View Boulevard from fifty (50) feet to forty (40) feet from the proposed right of way.

#### IV. OTHER CPD REQUIREMENTS:

##### A. Natural Environment

The natural environment of the site is relatively flat, with some slope.

##### B. Existing Land Use

The site has been developed with two restaurants and a surface parking lot. The restaurants are now vacant and will be demolished by the Applicant, provided the Applicant develops the property as an extended stay hotel.

##### C. Transportation and Circulation

The main roadway systems are already in place. Internal vehicular circulation shall be determined at the time that development and engineering plans for the site are prepared.

##### D. Visual Form of the Environment

Property surrounding the site is zoned CPD.

##### E. View and Visibility

The site fronts and is visible from Campus View Boulevard, Horizon Drive and Huntington Park Drive.

##### F. Proposed Development

The site may be developed for any allowable uses, which shall be governed by Chapter 3356, C-4 Commercial District, Columbus City Code, except as modified by this CPD Text.

##### G. Behavior Patterns

Development of the site shall be part of the overall development commonly referred to as Crosswords.

##### H. Emissions

Development of the site shall conform to the City of Columbus requirements as further controlled by the Development Standards of this CPD Text, if any, for light levels, sounds and dusts. The emission of sound, odors and dust will have minimum effect on adjacent properties.

**SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**