



Legislation Details (With Text)

File #: 0528-2017 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 2/22/2017 **In control:** Zoning Committee

On agenda: 3/13/2017 **Final action:** 3/16/2017

Title: To rezone 4841 SUNBURY ROAD (43230), being 5.40± acres located at the northwest corner of Sunbury Road and Morse Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z16-041).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0528-2017.Attachments, 2. ORD0528-2017.Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|-----------------------------------|--------|
| 3/16/2017 | 2 | CITY CLERK | Signed | |
| 3/15/2017 | 2 | MAYOR | Signed | |
| 3/13/2017 | 2 | COUNCIL PRESIDENT | Signed | |
| 3/13/2017 | 1 | Zoning Committee | Waive the 2nd Reading | Pass |
| 3/13/2017 | 1 | Zoning Committee | Amended as submitted to the Clerk | Pass |
| 3/13/2017 | 1 | Zoning Committee | Approved as Amended | Pass |

Rezoning Application Z16-041

APPLICANT: Easton Innkeepers, LLC; c/o David Perry, David Perry Company, Inc., Agent; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Hotel.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on September 8, 2016.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently undeveloped and zoned in the CPD, Commercial Planned Development District (Z03-123). The applicant proposes the CPD, Commercial Planned Development District to revise the current development text and plan for a hotel development. The development text allows uses permitted in the C-4, Commercial District with several restrictions. The text includes provisions for height limits, setback requirements, and site access. Variances for reduced landscaping, screening, and lighting requirements are included in the request. The site is located within the *Northland I Area Plan* (2014) which recommends "Regional Mixed Use" for this location. The proposed CPD district will allow a hotel to be developed that is compatible with the density and development standards of adjacent commercial developments along both the Morse Road and Sunbury Road corridors.

To rezone **4841 SUNBURY ROAD (43230)**, being 5.40± acres located at the northwest corner of Sunbury Road and Morse Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development

District (Rezoning # Z16-041).

WHEREAS, application No. Z16-041 is on file with the Department of Building and Zoning Services requesting rezoning of 5.40± 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, is consistent with the land use recommendations of the *Northland I Area Plan* for mixed-use development. The requested CPD zoning classification would revise the existing development texts to update the site plan and development standards to allow a hotel development which is compatible with adjacent commercial development; 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:

4841 SUNBURY ROAD (43230), being 5.40± acres located at the northwest corner of Sunbury Road and Morse Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 3, Township 2, Range 17, United States Military District, being part of that 7.163 acre tract conveyed to Easton Innkeepers, LLC by deed of record in Instrument Number 201402210021659, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the southwesterly corner of said 7.163 acre tract, being the southeasterly corner of that 0.819 acre tract conveyed to City of Columbus by Deed Book 1839, Page 144, in the centerline of Morse Road;

Thence North 05° 27' 59" East, with the common line between said 7.163 acre tract and said 0.819 acre tract, a distance of 80.03 feet to the TRUE POINT OF BEGINNING;

Thence North 05° 27' 59" East, with the common line between said 7.163 acre tract and said 0.819 acre tract and that 36.896 acre tract conveyed to City of Columbus by deed of record in Deed Book 3386, Page 395, a distance of 427.97 feet to a common corner between said 7.163 acre tract and said 36.896 acre tract;

Thence South 86° 08' 48" East, with the common line between said 7.163 acre tract and that 2.100 acre tract conveyed to Hamilton Hotels, LLC by deed of record in Instrument Number 201406270082310, a distance of 732.96 feet to a point;

Thence South 45° 14' 00" West, crossing said 7.163 acre tract, a distance of 539.92 feet to a point;

Thence South 50° 18' 06" West, continuing across said 7.163 acre tract, distance of 32.40 feet to a point;

Thence North 86° 12' 07" West, continuing across said 7.163 acre tract, a distance of 364.61 feet to the TRUE POINT OF BEGINNING, containing 5.40 acres of land, more or less.

To Rezone From: CPD, Commercial Planned Development District

To: CPD, Commercial Planned Development District

SECTION 2. That a Height District of one hundred and ten (110) 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, "**SITE REZONING PLAN, 4841 SUNBURY ROAD,**" and text titled, "**CPD, COMMERCIAL PLANNED DEVELOPMENT,**" both signed by David B. Perry, agent for applicant and Donald Plank, attorney for applicant, and dated February 1, 2017, and the text reading as follows:

CPD, COMMERCIAL PLANNED DEVELOPMENT
5.40 +/- ACRES

PROPERTY ADDRESS: 4841 Sunbury Road, Columbus, OH 43240

EXISTING ZONING: CPD, Commercial Planned Development (Z03-123)

PROPOSED ZONING: CPD, Commercial Planned Development

APPLICANT: Easton Innkeepers, LLC c/o David Perry, David Perry Company, Inc., Agent; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPERTY OWNER: Easton Innkeepers, LLC c/o David Perry, David Perry Company, Inc., Agent; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

DATE OF TEXT: February 1, 2017

APPLICATION NUMBER: Z16-041

1. INTRODUCTION: The 5.40 +/- acre site is located at the northwest corner of Morse Road and Sunbury Road. The site is presently zoned CPD (Z03-123) and retail development is presently permitted. Applicant proposes to build a hotel. The site development plan for hotel development, titled, "Site Rezoning Plan", dated February 1, 2017, hereafter "Site Plan", is submitted with this application.

2. PERMITTED USES: Permitted uses, except as prohibited, shall be all uses of Section 3356.03, C-4, Permitted Uses. The following uses are prohibited: Animal Shelter, Bars, Billboards, except the existing billboard located at the southwest corner of the site, Blood and Organ Banks, Bowling Center, except as an accessory use to a hotel, Cabarets and Nightclubs, Check Cashing and Loans, Colleges, Funeral Homes, Extended Stay Hotel, Halfway House, Mission/Temporary Shelters, Monopole Telecommunications Antenna(s); Sales, rental or leasing of Motorcycles, Boats, Recreational Vehicles Trucks, Utility Trailers and/or off-road vehicles, Auto-repair, service and/or auto body work, Off-premise Graphics, and Pawn Brokers.

3. 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 3355, C-4, Commercial District, of the Columbus City Code.

A). Density, Height, Lot and/or Setback commitments.

1). The Height District shall be H-110, with a maximum height of ninety-two (92) feet. Of the 92 foot maximum height, a maximum of 80 feet shall consist of enclosed floors of a hotel building. Developer may improve the roof area of the hotel with a patio and related furnishings, shelters, enclosures and/or equipment consistent with use of the roof as a patio and recreational area for hotel guests. Use of the roof for this purpose will require extension of elevator(s) and stairwells to the roof. The maximum total height shall be ninety-two (92) feet.

2). For development of the site with a hotel:

a). the Morse Road and Sunbury Road building setbacks shall be as depicted on the Site Plan.

b). the Morse Road and Sunbury Road parking setback shall be a minimum of ten (10) feet.

3). For development of the site with a commercial use other than a hotel:

a). the Morse Road and Sunbury Road building setbacks shall be 80' and 50'.

b). the Morse Road and Sunbury Road parking setback shall be a minimum of ten (10) feet.

B.) Access, Loading, Parking and/or other Traffic related commitments.

1). **Direct** Vehicular access on both Morse Road and Sunbury Road shall be limited to right-in/right-out curb cuts, as depicted on the Site Plan.

~~2). Vehicular access shall also be permitted across the abutting parcel to the north (PID: 010-214655) to connect with PID: 010-259856, also known as 4899 Sunbury Road when access across PID: 010-214655 can be provided. 4899 Sunbury Road is developed with a hotel and the parcel has full turning movement vehicular access to Sunbury Road. Ordinance 1646-2010, passed December 9, 2010 (Z10-018) for 4899 Sunbury Road, requires access to the Sunbury Road curbcut at 4899 Sunbury Road to be granted for the two (2) parcels to the south, including the parcel for this rezoning.~~

2 a). It is the intention of the City of Columbus to coordinate private vehicular connection with the abutting parcel to the north (PID: 010-214655, undeveloped/no address) and PID: 010-259856, also known as 4899 Sunbury Road, when access across PID: 010-214655 can be provided, with a private drive connecting all three (3) parcels for vehicular access to each parcel and access to the permitted right-in/right-out access on this site and the full-turning movement access on PID: 010-259856 (4899 Sunbury Road). 4899 Sunbury Road is developed with a hotel and the parcel has full turning movement vehicular access to Sunbury Road. Ordinance 1646-2010, passed December 9, 2010 (Z10-018) for 4899 Sunbury Road, requires access to the Sunbury Road curbcut at 4899 Sunbury Road to be granted for the two (2) parcels to the south, as follows: PID: 010-214655 (undeveloped/no address) and PID: 010-242734 (subject site).

b). When PID:010-214655 has been rezoned and/or a variance approved for development and prior to approval of a final Site Compliance Plan, the then property owner of PID:010-242734, 4841 Sunbury Road, the subject site for rezoning Z16-041, shall grant an easement for access to the Sunbury Road right-in/right-out on this parcel to the owners of both PID: 010-214655 and 010-259856 subject to: 1) the subject site (PID:010-242734, 4841 Sunbury Road) having been developed and the right-in/right-out Sunbury Road access having been built at the time the easement is proposed to be granted, or if the subject site isn't developed and the Sunbury Road right-in/right-out access has not been built, as soon as both occur; and 2). all applicable easements being granted by and among the owners of all three (3) parcels to accomplish the City of Columbus objective of coordinated private vehicular connection between all three (3) property owners for mutual use of a private driveway connecting all three (3) parcels.

c). If the owner of the subject site proceeds with a final Site Compliance Plan prior to an easement across PID: 010-214655 being available, the final Site Compliance Plan shall be approved without the easement.

3). Right of way totaling 80 feet from centerline of Morse Road and 50 feet from centerline of Sunbury Road shall be deeded to the City of Columbus prior to approval of the final Site Compliance Plan.

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

N/A

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

N/A

E.) Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

There shall be no outside merchandise display areas.

F.) Graphics and Signage commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4, Commercial District and Section 3372.806, Graphics, of the Morse Road Regional Commercial Overlay (RCO). Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration. A ground sign(s) shall be monument-style. There is an existing billboard on the Morse Road frontage of the property. The billboard is depicted on the Site Plan. The billboard may be retained or removed at property owner's discretion.

G). Other CPD Requirements.

1. Natural Environment: The site is located at the northwest corner of Morse Road and Sunbury Road. The site grade slopes to the south and west. The other three (3) corners of the intersection are also commercially zoned. Morse Road and Sunbury Road are arterial rights of way appropriate for hotel development.
2. Existing Land Use: The site is undeveloped.
3. Circulation: Vehicular access will be via right-in/right-out curbcuts on both Morse Road and Sunbury Road. Vehicular access to Sunbury Road may also be provided in the future by access across the abutting parcel to the north for access to the Sunbury Road curbcut at 4899 Sunbury Road (PID: 010-259856). Internal site circulation shall be as depicted on the Site Plan.
4. Visual Form of the Environment: Both Morse Road and Sunbury Road are arterial roads. Morse Road is extensively developed with commercial uses. Sunbury Road, in the area of the site, is developed with commercial uses, including retail sales, hotel and automotive related uses.
5. Visibility: The site is visible from both Morse Road and Sunbury Road.
6. Proposed Development: Applicant proposes the development of a hotel, as depicted on the Site Plan.
7. Behavior Patterns: Vehicular access will be from Morse Road and Sunbury Road. On-site 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 3312.21(D)(1), Landscaping and Screening, to reduce parking lot screening along the north side of the parking lot from five (5) feet with 75% opacity to three (3) feet tall headlight screening with 75% opacity. While the property (PID: 010-214655) to the north is presently zoned R, Rural from annexation, commercial rezoning of the property is anticipated. A hotel abuts PID: 010-214655 on the north side of the parcel.
2. Section 3321.03, Lighting, to increase the permitted light fixture height from 18 feet to 26 feet within the north 100 feet of the site, since the parcel to the north is zoned residential (R, Rural), to allow a uniform light fixture height within the parking lot of the hotel.

3. Section 3312.21(A)(3), to permit interior parking lot trees to be placed as depicted on the Site Plan for hotel development rather than dispersed throughout the interior of the parking lot, while all required trees are provided and applicant proposes to place the trees as depicted.

I.) Miscellaneous commitments.

1. Development of the site for a hotel shall be in accordance with the Site Plan titled “Site Rezoning Plan, 4841 Sunbury Road” dated February 1, 2017 and signed by David B. Perry, agent for applicant and Donald Plank, attorney 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 Department of Development or his designee 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.