



## Legislation Details (With Text)

**File #:** 2772-2018      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 9/28/2018      **In control:** Zoning Committee

**On agenda:** 11/5/2018      **Final action:** 11/7/2018

**Title:** To rezone 5020 GENDER ROAD (43110), 3.37± acres located at the southeast intersection of Gender Road and Chelsea Glen Drive, From: CPD, Commercial Planned Development and PUD-8, Planned Unit Development districts, To: CPD, Commercial Planned Development District (Rezoning #Z18-034) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2772-2018.Attachments, 2. ORD2772-2018.Labels, 3. ORD2772-2018.DataSheet

Date	Ver.	Action By	Action	Result
11/7/2018	2	CITY CLERK	Attest	
11/6/2018	2	MAYOR	Signed	
11/5/2018	2	COUNCIL PRESIDENT	Signed	
11/5/2018	1	Zoning Committee	Amended to Emergency	Pass
11/5/2018	1	Zoning Committee	Approved	Pass

**Rezoning Application: Z18-034**

**APPLICANT:** GBS Gender LLC, c/o Sean Mentel; 100 South Fourth Street, Suite 100; Columbus, OH 43215.

**PROPOSED USE:** Mixed-use development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on September 13, 2018.

**GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with an unfinished single-story commercial building in the CPD, Commercial Planned Development District. A portion of the site is undeveloped and zoned in the PUD-8, Planned Unit Development District. The applicant is requesting the CPD, Commercial Planned Development District to permit retail and restaurant uses without including a second story residential component as required the current CPD district (Z96-049A). At the time the site was originally zoned, it was part of a proposal that was intended to be an example of Traditional Neighborhood Development, which was still being drafted and established as part of the Zoning Code. The proposed CPD district retains all aspects of the original CPD, except for the requirement that there be a second story residential component over commercial uses. The site is located within the boundaries of the *South East Land Use Plan* (2018), which recommends "Mixed Use 1" land uses at this location. The development text commits to a site plan and includes development standards addressing setbacks, site access, landscaping, and building design. The provisions provided for building design and landscaping are consistent with the Columbus Citywide Planning Policies (C2P2) design guidelines, and the proposal is also consistent with the land use recommendations of the *South East Land Use Plan*.

To rezone **5020 GENDER ROAD (43110)**, 3.37± acres located at the southeast intersection of Gender Road and Chelsea Glen Drive, **From:** CPD, Commercial Planned Development and PUD-8, Planned Unit Development districts, **To:** CPD, Commercial Planned Development District (Rezoning #Z18-034) **and to declare an emergency.**

**WHEREAS**, application #Z18-034 is on file with the Department of Building and Zoning Services requesting rezoning of 3.37± acres from CPD, Commercial Planned Development and PUD-8, Planned Unit Development districts, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Greater South East 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 allow a mixed-commercial development that is compatible with adjacent multi-unit residential developments and commercial zoning districts;

**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 # 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**5020 GENDER ROAD (43110)**, 3.37± acres located at the southeast intersection of Gender Road and Chelsea Glen Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in the northeast quarter of Section 13, Township 11, Range 21, Congress Lands, and being 3.365 acres out of that original 63.576 acre tract of land as conveyed to Henrietta L. Pfeifer by deed of record in Instrument Number 200111020253526, said 3.365 acres being more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument No. 9947, said monument being located N 04° 11' 19" E, a distance of 323.11 feet from a stone found at the northeasterly corner of Section 13, the southeasterly corner of Section 12, said monument also being N 04° 11' 19" E, a distance of 65.82 feet from Franklin County Geodetic Survey Monument No. 9967, said monument also being the northeasterly corner of that original 63.660 acre tract as conveyed to Tiger Construction, Inc. by deed of record in Official Record 29917E02, the southeasterly corner of a 106.703 acre tract as conveyed to Franklin Jr. and Patricia J. Ickes by deed of record in Deed Book 3114, Page 571, and in the westerly line of a 23.225 acre tract as conveyed to The Board of Park Commissioners of Columbus and Franklin County Metro Park District by deed of record in Instrument Number 199901080006518;

Thence N 85° 49' 41" W, with the northerly line of said 63.660 acre tract, the southerly line of said 106.703 acre tract, a distance of 2682.13 feet to a point 0.52 feet east of a ¾" iron pin found (no cap) in the easterly right-of-way line of Gender Road (variable width), being the northwesterly corner of said 63.660 acre tract and being the southwesterly corner of said 106.703 acre tract;

Thence S 04° 20' 29" W, with the easterly right-of-way line of said Gender Road, the westerly line of said 63.660 acre tract, a distance of 327.57 feet to an iron pin set;

Thence S 04° 06' 56" W, continuing with said easterly right-of-way line, being the westerly line of said 63.660 acre tract, the westerly line of that 4.306 acre tract as conveyed to White Oak Park Condominium by deed of record in Instrument Number 200310290346048, the westerly line of that 9.537 acre tract as conveyed to Villages at White Oak Park, Ltd. by deed of record in Instrument Number 200304010094102, and being a portion of the westerly line of said original 63.576 acre tract, a distance of 1360.59 feet to an iron pin set, being the True Point of Beginning for the tract herein to be described;

Thence across said original 63.576 acre tract, being the proposed southerly right-of-way line of Chelsea Glen Drive, the following courses and distances;

S 85° 49' 41" E, a distance of 352.06 feet to an iron pin set;  
N 04° 10' 19" E, a distance of 8.00 feet to an iron pin set; and  
S 85° 49' 41" E, a distance of 240.60 feet to an iron pin set;

Thence across said original 63.576 acre tract, the following courses and distances;

S 04° 06' 10" W, a distance of 278.41 feet to an iron pin set;  
N 85° 53' 50" W, a distance of 271.48 feet to an iron pin set;  
N 04° 06' 10" E, a distance of 49.32 feet to an iron pin set; and  
N 85° 53' 50" W, a distance of 321.24 feet to an iron pin set in the easterly right-of-way line of said Gender Road;

Thence N 04° 06' 56" E, with said easterly right-of-way line, a distance of 221.80 feet to the True Point of Beginning, and containing 3.365 acres of land, more or less, as calculated by the above courses.

Subject, however, to all legal highways, easements, and restrictions of record. The above description was prepared from an actual field survey of the premises and was written by Clark E. White, P.S. #7868 on February 9, 2005.

All iron pins set are 3/4" diameter, 30" long with plastic cap inscribed "Advanced 7661".

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio. The Basis of Bearings used in this description was transferred from a GPS survey of Franklin County Monuments FCGS 2251, FCGS 9957, FCGS 9936, 10-693 and FCGS 9947 performed by the Franklin County Engineer's Office in 1991, and is based upon the NAD83 Ohio State Plane Coordinate System, South Zone, and determines the centerline of Gender Road as N 04° 06' 56" W south of Section 13 of said Township and Range.

**To Rezone From:** CPD, Commercial Planned Development District and PUD-8, Planned Unit Development 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 plan being titled, "**5000-5040 GENDER ROAD**," signed by Kimberly Mikanik, Architect, dated October 18, 2018, and text titled, "**DEVELOPMENT TEXT**," signed by Sean Mentel, Attorney for the Applicant, dated September 26, 2018, and the text reading as follows:

**DEVELOPMENT TEXT**

**ADDRESS: 5020 Gender Road, Columbus, OH 43110**

**EXISTING ZONING: CPD, Commercial Planned Development District**

**PROPOSED ZONING: CPD, Commercial Planned Development District**

**OWNER: GBS Gender, LLC**

**APPLICANT: GBS Gender, LLC c/o Sean Mentel, Kooperman Mentel Ferguson Yaross, Ltd.**

**DATE OF TEXT: September 26, 2018**

**APPLICATION: Z18-034**

**I. INTRODUCTION:** The subject site of this rezoning consists of approximately 3.365± acres of land located south of Chelsea Glen Drive and east of Gender Road as more particularly described in the legal descriptions submitted with the zoning application (the “Site”). The Site contains two (2) Sub-areas: Sub-area A zoned CPD and Sub-area B zoned PUD. The applicant is seeking to rezone the CPD Sub-area A from its current CPD to a CPD to permit retail and restaurant commercial uses without including a second story residential component.

The Site was originally zoned a CPD in 2002. At that time, it was intended to be an example of the Traditional Neighborhood Development Code (TND), which was still being developed and drafted. The final version of the TND varied from the site’s original CPD in that it did not require a second story residential component over commercial uses. The proposed rezoning retains all aspects of the original CPD except the requirement that there be a second story residential component over commercial uses. The proposed rezoning remains to be based upon and in conformance with the TND; therefore, terminology used herein is consistent with the TND Code.

The Applicant proposes that the requirement of a second story residential component be removed and the existing CPD text be updated to provide for the existing building as constructed but be otherwise unchanged.

**1. PERMITTED USES:** Permitted Uses shall those uses contained in C.C.C. Chapter 3356 (C-4, Commercial District), except the following: all drive-thru’s (except as a part of a book or video drop, bank, pharmacy, carry out), motor vehicle sales or leasing, commercial radio transmitting or television station appurtenances, auto-repair, service and/or auto body work.

**2. DEVELOPMENT STANDARDS:** Unless otherwise indicated in this text or the site plan, the applicable development standards are contained in Chapter 3356, C-4 Commercial District of the Columbus City Code, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards.

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

The building setback shall be as depicted on the submitted site plan with a minimum setback of 25 feet for both frontages.

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

1. Access to the building shall be via Chelsea Glen Drive, as well as pedestrian and bicycle access routes, as depicted on the submitted site plan.

2. All parking spaces shall comply with Chapter 3312 of the Columbus City Code and are as depicted on the submitted site plan.

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

Landscaping is as depicted on the submitted site plan.

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

1. Walls. Structures shall be built of brick, stone (natural or artificial, cast stone) or horizontal cement siding, stucco or steel. Materials may change along a horizontal line, with the lighter material above the heavier. Walls facing thoroughfares and civic open spaces shall have no more than four outside corners.

2. Storefronts. Glass shall be clear. Awnings shall be canvas or a solution-dyed acrylic fabric (for example, “Dickenson Elberton”, “Sunbrella” or equal). The storefront, doors, awnings and signage shall be a unified design. Storefronts shall be painted a single, dark gloss color. Lettering may be any color.

3. Roofs. Roofs shall be a gable or a hip-pitch. Flat roofs may be used provided they are outfitted with a parapet.

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

1. Exterior Lighting. Lights shall be no taller than 18 feet.

2. Display Areas. Outside display areas shall be limited to the sidewalk areas immediately in front of the building. Outdoor displays are permitted only during business hours and all displays must be brought indoors when the business is closed.

F. Graphics and Signage Commitments.

All graphics and signage for the subject shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-1, and any variance to those requirements or off-premises graphics will be submitted to the Columbus Graphics Commission for consideration.

**G. OTHER CPD REQUIREMENTS**

A. Natural Environment: The natural environment is flat.

B. Existing land Use: The land is a commercial development with retail and restaurant uses without a second story residential retail component.

C. Circulation: Vehicular access and circulation are as indicated on the submitted plan.

D. Visual Form of the Environment: The property is abutted by single and multi-family dwellings to the west, underdeveloped land to the north, and a residential development to the south and east.

E. Visibility: The proposed development will give priority to the public realm and will ensure that views into and out of the neighborhood are beautiful.

F. Proposed Development: The proposed development of the site is as indicated on the plans.

G. Behavior Patterns: The proposed development will enhance the interaction of several surrounding neighborhoods and will provide a variety of uses for the residents and the nearby region.

H. Emissions: There will be no objectionable emissions.

**H. MISCELLANEOUS**

The subject site shall be in accordance with the site plan, “5000-5040 Gender Road.” The plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

**I. MODIFICATIONS OF CODE STANDARDS**

Section 3312.21 Landscaping and screening, to reduce the number of required parking lot trees from ten to six, with 2 additional trees located on the west side of the building, and two additional trees located along the private drive to the east

of the building, and street trees planted along Gender Road and Chelsea Glen Drive, as reflected on the site plan..

**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**