



## Legislation Details (With Text)

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**File created:** 7/8/2019      **In control:** Zoning Committee

**On agenda:** 7/29/2019      **Final action:** 7/31/2019

**Title:** To rezone 2125 ACKLEY PLACE (43219), being 41.1± acres located at the intersection of Ackley Place and Cassady Avenue, From: R, Rural District, To: CPD, Commercial Planned Development District (Rezoning #Z18-006).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1953-2019.Attachments.pdf, 2. ORD1953-2019.Labels.pdf

Date	Ver.	Action By	Action	Result
7/31/2019	1	CITY CLERK	Attest	
7/30/2019	1	MAYOR	Signed	
7/29/2019	1	COUNCIL PRESIDENT	Signed	
7/29/2019	1	Zoning Committee	Approved	Pass
7/22/2019	1	Columbus City Council	Read for the First Time	

### Rezoning Application: Z18-006

**APPLICANT:** Wallace F. Ackley Co. for Cassady-Sunbury Limited Partnership; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on July 12, 2018.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of eight parcels, several developed with single-unit dwellings, all zoned in the R, Rural District. The applicant proposes the CPD, Commercial Planned Development District to permit limited C-2, Commercial, C-4 Commercial, and I, Institutional district uses across two subareas. The CPD text establishes use restrictions and supplemental development standards that address setbacks, access, traffic, landscaping, stream corridor protection, and Community Commercial Overlay standards for graphics, and includes a site plan commitment. The site is located within the boundaries of the *Northeast Area Plan* (2007), which recommends airport-related uses at this location. Staff finds the proposed mixture of commercial and institutional uses to be consistent with the land use recommendations of the Plan and compatible with the development pattern of the area.

To rezone **2125 ACKLEY PLACE (43219)**, being 41.1± acres located at the intersection of Ackley Place and Cassady Avenue, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District (Rezoning #Z18-006).

**WHEREAS**, application #Z18-006 is on file with the Department of Building and Zoning Services requesting rezoning of 41.1± acres from R, Rural 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 proposes a mixture of commercial and institutional uses that are consistent with the recommendations of the *Northeast Area Plan*, and compatible with the development pattern of the area; 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:

**2125 ACKLEY PLACE (43219)**, being 41.1± acres located at the intersection of Ackley Place and Cassady Avenue, and being more particularly described as follows:

**Subarea A:**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 17, United States Military District, being a 10.077 acre tract of land, said 10.077 acre tract being part of a 30.908 acre tract of land, all of a 0.070 tract of land and part of a 0.669 acre tract of land, all being conveyed to Only Just LLC of record in Instrument Number 200312230402074, and being more particularly described as follows:

Beginning, at a pk nail set at northeasterly corner of said 30.908 acre tract, at a southeasterly corner of a 0.086 acre tract of land as conveyed to the City of Columbus, Ohio of record in Instrument Number 200903100033148, in a westerly line of a 1.385 acre tract of land conveyed to the City of Columbus, Ohio of record in Instrument Number 200407140163519 and being in the centerline of Cassady Avenue (R/W-Varies);

Thence S 03° 09' 45" W, along the easterly line of said 30.908 acre tract and said 0.070 acre tract, along the westerly line of said 1.385 acre tract and along the centerline of said Cassady Avenue (R/W-Varies), 55.70 feet to a pk nail set at the southeasterly corner of said 0.070 acre tract and also being a northeasterly corner of a 0.854 acre tract of land conveyed to Cassady Retail Investors LLC of record in Instrument Number 201811080152814;

Thence N 87° 20' 19" W, along the southerly line of said 0.070 acre tract, along the northerly line of said 0.854 acre tract, along the northerly line of a 2.109 acre tract of land conveyed to Shivji Hospitality LLC of record in Instrument Number 201606270081707 and leaving said centerline, 534.45 feet to a 3/4" iron rod found with a plastic cap inscribed "Woolpert" at the southwesterly corner of said 0.070 acre tract, at the northwesterly corner of said 2.109 acre tract and being in a easterly line of said 30.908 acre tract;

Thence S 04° 33' 39" W, along the westerly line of said 2.109 acre tract, along the westerly line of a 3.785 acre tract of land conveyed to Friendly Inc. of record in Instrument Number 201106270079769, along a portion of the westerly line of a 1.805 acre tract of land conveyed to CNI THL Propco FE LLC of record in Instrument Number 201711170163360 and along the easterly line of said 30.908 acre tract, 744.53 feet to an iron pipe found at a southeasterly corner of said 30.908 acre tract and the northeasterly corner of a 2.145 acre tract of land conveyed to GH Columbus Hotel Partners LLC of record in Instrument Number 201511180162859 (passing a iron rod found "damaged" at 315.14 feet);

Thence N 86° 35' 17" W, along the southerly line of said 30.908 acre tract and along the northerly line of said 2.145 acre tract, 378.46 feet to an iron pipe found at a common corner thereof and being in the easterly line of a 6.453 acre tract of land conveyed to Airport Core Hotel LLC of record in Instrument Number 201411240156996;

Thence N 04° 21' 46" E, along the westerly line of said 30.908 acre tract and along the easterly line of said 6.453 acre tract, 49.50 feet to an iron pipe found with a plastic cap inscribed "EP Faris" at a common corner thereof;

Thence across said 30.908 acre tract, the following three (3) courses;

N 04° 12' 51" E, 50.00 feet to an iron pin set at an angle point;

S 85° 29' 20" E, 20.37 feet to an iron pin set at an angle point;

N 04° 31' 13" E, 836.62 feet to an iron pin set at an angle point;

Thence S 87° 20' 19" E, continuing across said 30.908 acre tract, along the northerly line of said 0.669 acre tract, along the southerly line of a 0.110 acre tract of land conveyed to Investment Land Holdings Inc. of record in Instrument Number 199903100060293, and along the southerly

line of a 0.863 acre tract of land conveyed to One More LLC of record in Instrument Number 200312230402066, 888.94 feet to a pk nail set at a common corner of said 0.669 acre tract and said 0.863 acre tract, in a westerly line of said 1.385 acre tract and being in the centerline of said Cassady Avenue (R/W-Varies) (passing an iron pin found at 623.94 feet);

Thence S 03° 09' 45" W, along the easterly line of said 0.669 acre tract, along the westerly line of said 1.385 acre tract and along said centerline, 64.89 feet to a pk nail set at the southeasterly corner of said 0.669 acre tract and a northeasterly corner of said 0.086 acre tract;

Thence N 87° 20' 19" W, along the southerly line of said 0.669 acre tract and along the northerly line of said 0.086 acre tract, 50.00 feet to an iron pin set at a common corner thereof;

Thence S 03° 09' 45" W, along the easterly line of said 0.669 acre tract and the westerly line of said 0.086 acre tract, 75.23 feet to an iron pin set at a common corner thereof and being in the northerly line of said 30.908 acre tract;

Thence S 87° 20' 19" E, along the southerly line of said 0.086 acre tract and the northerly line of said 30.908 acre tract, 50.00 feet to the True Point of Beginning. Containing about 10.077 acres, more or less, of which 9.338 acres of land is out of APN: 010-258021 of which 0.034 acre is in the present right-of-way, 0.669 acre out of APN: 010-258019 of which 0.037 acre is in the present right-of-way and 0.070 acre out of APN: 010-220385 of which 0.004 acre is in the present right-of-way.

#### **Subarea B:**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 17, United States Military District, being 31.0± acres, said 31.0± acres being part of the remainder of a 31.018 acre tract as conveyed to Only Just LLC of record in Instrument Number 200312230402074, a 0.890 acre tract as conveyed to Only Just LLC in Instrument Number 200312230402074, a 0.863 acre tract as conveyed to One More LLC in Instrument Number 200312230402066, a 0.110 acre tract as conveyed to Investment Land Holdings Inc. in Instrument Number 199903100060293 and a 5.796 acre tract as conveyed to Sandra Ackley Kirk, Sandra Ackley Kirk and Gilman D. Kirk, Jr. as co-trustees of the Amended and Restated Trust created by Irma L. Ackley dated July 30, 1990, as last amended and restated May 16, 1996 in Instrument Number 200004280083166 and being more particularly described as follows:

Beginning at a northeasterly corner of said 0.890 acre tract the southeast corner of a 13.267 acre tract as conveyed to Edward E. Phillips in Instrument Number 200804100055230, the northwest corner of a 0.310 acre tract of land conveyed to the City of Columbus, Ohio of record in Instrument Number 200407150164249, being in the centerline of Cassady Avenue, and also being the TRUE POINT OF BEGINNING for the land herein described as follows;

Thence with the east line of said 0.890 are tract, the east line of the remainder of said 31.018 acre tract, the east line of

said 0.863 acre tract and the centerline of Cassady Avenue, S 03° 09' 45" W, 371.41± feet to the southeast corner of said 0.863 acre tract and the northeast corner of a 0.669 acre tract as conveyed to Only Just LLC in Instrument Number 200312230402074;

Thence with the south line of said 0.863 acre tract, the south line of said 0.110 acre tract, the north line of said 0.669 acre tract, and also across the remainder of said 31.018 acre tract, N 87° 20' 19" W, 888.94± feet;

Thence across the remainder of said 31.018 acre tract, S 04° 31' 13" W, 836.62± feet;

Thence continuing across the remainder of said 31.018 acre tract, N 85° 29' 20" W, 20.37± feet;

Thence continuing across the remainder of said 31.018 acre tract, S 04° 12' 51" W, 50.00± feet to an angle point in the south line of the remainder of said 31.018 acre tract and being the northeast corner of a 6.453 acre tract as conveyed to Airport Core Hotel LLC in Instrument Number 201411240156996;

Thence with the south line of the remainder of said 31.018 acre tract, the north line of said 6.453 acre tract and the north line of a 37.384 acre tract as conveyed to the City of Columbus, Ohio in Instrument Number 199912300318814, N 86° 38' 44" W, 873.57± feet to an angle point in the approximate centerline of Alum Creek;

Thence along the westerly line of the remainder of said 31.018 acre tract and as Alum Creek meanders, the following seven (7) courses;

1. N 17° 36' 16" E, 80.94± feet;
2. N 77° 37' 41" E, 105.06± feet;
3. N 48° 24' 41" E, 290.88± feet;
4. N 01° 58' 41" E, 123.01± feet;
5. N 40° 55' 19" W, 281.12± feet;
6. N 21° 17' 19" W, 297.30± feet;
7. N 10° 17' 41" E, 111.02± feet to an angle point in the south line of said 5.796 acre tract;

Thence with the south line of said 5.796 acre tract, N 85° 31' 21" W, 140.02± feet to the southwest corner of said 5.796 acre tract;

Thence the following three (3) courses with the west line of said 5.796 acre tract:

1. N 24° 08' 59" E, 71.49± feet;
2. N 20° 39' 08" E, 165.55± feet;
3. N 20° 48' 01" E, 1.90± feet to the northwest corner of said 5.796 acre tract and the southwest corner of a 2.47 acre tract as conveyed to the City of Columbus in Instrument Number 200108100185368;

Thence with the north line of said 5.796 acre tract and the south line of said 2.47 acre tract, S 85° 31' 21" E, 207.98± feet to an angle point in said line;

Thence continuing with the north line of said 5.796 acre tract and the south line of said 2.47 acre tract, N 46° 02' 41" E, 45.23± feet to an angle point in said line;

Thence with the north line of said 5.796 acre tract, the north line of said 1.761 acre tract, the north line of the remainder of said 31.018 acre tract and the south line of said 13.267 acre tract, S 86° 22' 40" E, 1608.39± feet to the True Point of Beginning. Containing about 31.0± acres, more or less.

**Parcel Nos.:** 010-258021, 010-166722, 010-258016, 010-258020, 010-258018, 010-258022, 010-258017, and 010-258019

**To Rezone From:** R, Rural 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 plan being titled, “**CASSADAY AVENUE,**” and text titled, “**DEVELOPMENT TEXT,**” dated June 26, 2019, and signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

**DEVELOPMENT TEXT**

**Application:** Z18-006

**Address:** 2125 Ackley Place

**Owner:** Only Just LLC et al.

**Applicant:** Cassady-Sunbury Limited Partnership

**Zoning Districts:** CPD

**Date of Text:** 6/26/2019

**1. Introduction:** The site is located on the west side of Cassady Avenue north of I-670. The area has developed with office, hotel and other airport related development.

**2. Permitted Uses:** Subarea A - Those uses permitted in Chapter 3353 C-2, Commercial District and Chapter 3349 I, Institutional Use District of the Columbus City Code along with off premise graphic, hotels and motels, hotels Extended Stay.

Subarea B - Those uses permitted in Chapter 3353 C-2, Commercial District and Chapter 3349 I, Institutional Use District of the Columbus City Code along with hotels and motels (excluding extended stay hotels). In addition, Chapter 3356 (C-4, Commercial) uses would be permitted along the Cassady Avenue frontage provided that retail uses are part of vertically mixed use buildings containing either office and/or institutional or residential on the second floor or above with Community Commercial Overlay site design standards or stand alone commercial built to the Community Commercial Overlay standards. No cellular / mobile phone retail uses shall be permitted.

**3. Development Standards:** Unless otherwise indicated in the submitted site plan or text, the applicable development standards of Chapter 3356 C-4, Commercial District shall apply.

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

1. There shall be a twenty-five foot parking and building setback from Cassady Avenue.
2. Parking, stacking and circulation aisle are not permitted between a principal building and Cassady right-of-way.
3. In Subarea B there will be a 4 foot parking setback along the north property line beginning 280 feet west of Cassady Avenue, a zero parking setback along the south property line and a 10 foot building and parking setback from the face of curb of shared roadway as shown on the conceptual site plan.

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

1. Access shall be as shown on the Site Plan. The exact location of access points and the internal road layout may be modified subject to the review and approval of the City’s Department of Public Service without the need for rezoning.

2. A traffic study has been completed for this site. As a result of the traffic study the following improvement shall be made:

a. The developer of Subarea A shall improve the intersection of the proposed access point with Plaza Properties Boulevard by making the site access three lanes: an eastbound (outbound) shared through right, an eastbound (outbound) left turn lane, and a westbound (inbound) lane. The site access shall align with the existing east leg, and existing traffic signal shall be modified as needed to accommodate the west leg of the intersection. The existing two-way left turn lane and striped median areas shall be restriped to provide a northbound left turn lane.

b. The developer of Subarea B shall be responsible for the cost and construction of the southbound right turn lane 245 feet in length, which includes a 50 foot diverging taper at Ackley Place and Cassady Avenue.

c. The City has agreed to accept a cash contribution of \$600,000 for future improvements to the Airport Drive intersection with Cassady Avenue.

The cash contribution shall be split between Subareas A and B as follows: The developer of Subarea A shall pay to the City \$250,380.00 at the time of site plan compliance for its site. The developer or developers of Subarea B shall pay the City \$349,620.00 on a prorata acreage basis based on the 16.06 developable acres in Subarea B as each site in Subarea B files for site plan compliance.

3. A cross access easement shall be provided to the following parcels 010-296191, 010-296192, 010-211800 and 010-253470 to access the full access driveway shown on the submitted site plan which lines up with Plaza Property Boulevard. The easement shall split the cost of the driveway, traffic signal modification and maintenance cost between the parcels have access to said driveway.

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

1. Street trees shall be installed at a minimum of forty feet on center along the west side of Cassady Avenue.

2. The submitted site plan reflects the open space area between the creek and the stream protection zone that shall be maintained.

#### **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.**

1. Graphics shall comply with the standards of the Community Commercial Overlay. Any variance to those requirements or a graphics plan shall be submitted to the City's Graphics Commission for its consideration.

#### **G. Miscellaneous Commitments.**

1. The site is located in the Port Columbus Airport Environs Overlay (AEO) and specifically in the 65 DNL area. An Avigation Easement shall be granted to the Port Columbus Airport Authority in conjunction with a Certificate of Zoning Clearance for each tax parcel.

2. The applicant shall meet the City's Parkland Dedication ordinance.

3. The proposed development shall be developed in general conformance with the submitted Site Plan as it applies to the Extended Stay Hotel (Subarea A) parcel; buildings, parking, and uses listed on the remainder of the site plan (Subarea B) are conceptual in nature and only the setbacks as shown on the Site Plan shall apply. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Streets are schematic and subject to change. Any adjustment to the Site Plan shall be reviewed and may be approved by the City's Director of the Department of Building & Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

#### 4. CPD Requirements

a. Natural Environment: The property is located on the westside of Cassady Avenue, north of I-670. The area is flat along the Cassady Avenue frontage and then about 2/3 of the way to the west the site slopes down to the creek.

b. Existing Land Use: The property currently is used for residential purposes.

c. Transportation and Circulation: All access for the Site will be approved by the City of Columbus, Public Service Department.

d. View and Visibility: Consideration has been given to the visibility and safety of the motorists and pedestrians as both on and off the subject property in the development of this site.

e. Proposed Development: Commercial and institutional development.

f. Behavior Patterns: Significant residential and airport related development in the area has brought about the need for commercial uses to service the existing population.

g. Visual Form of the Environment: The architecture for the development shall be determined at the time that the final users for the site have been determined.

#### 5. Variance.

Section 3356.11 C-4 district setback lines to reduce the building setback from 50 to 25 feet along Cassady Avenue.

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