



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 11/23/2021 **In control:** Zoning Committee

On agenda: 12/13/2021 **Final action:** 12/16/2021

Title: To rezone 8350 LYRA DR. (43240), being 7.77± acres located at the southern terminus of Lyra Drive, 920± feet south of Polaris Parkway, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z21-075) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD#3193-2021_Attachments, 2. ORD#3193-2021_Labels

Date	Ver.	Action By	Action	Result
12/16/2021	2	CITY CLERK	Attest	
12/14/2021	2	MAYOR	Signed	
12/14/2021	2	MAYOR	Signed	
12/13/2021	2	COUNCIL PRESIDENT	Signed	
12/13/2021	1	Zoning Committee	Approved as Amended	Pass
12/13/2021	1	Zoning Committee	Amended to Emergency	Pass
12/6/2021	1	Columbus City Council	Read for the First Time	

Rezoning Application: Z21-075

APPLICANT: Carvana; c/o Brett Hanlon, Agent; 1930 West Rio Salado Parkway; Tempe, AZ 85281; and Michael Shannon and Eric Zartman, Attys.; Underhill & Hodge Law Firm; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Auto sales and future commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on November 17, 2021.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a recreation facility zoned in the L-C-4, Limited Commercial District (Z91-018C). The requested CPD, Commercial Planned Development District will allow the site to be redeveloped with an auto sales facility (Subarea A), and unspecified commercial development (Subarea B). The development text establishes use restrictions and supplemental development standards addressing building and parking setbacks, site access, and graphics provisions, and includes a commitment to a site plan. Subarea A also includes a commitment to elevations for the proposed auto sales facility. Modifications are included to eliminate landscaping and screening requirements along the west perimeter of the parking lot and the west property line, where there is existing vegetation that adequately buffers the site from adjacent residential uses. The site is located within the planning area of the *Far North Area Plan* (2014), which recommends "Community Commercial" land uses for this location and supports retail, office, and institutional uses that serve multiple neighborhoods, but generally do not attract residents from outside the area. Economic Development Division staff has

also noted this location as potentially attractive as an office site. As such, the Planning Division has reviewed anticipated employment data related to the proposed uses, and finds the proposal to be generally consistent with both the Plan and City priorities. This request does not represent an introduction of an incompatible use to the surrounding neighborhood, and is consistent with the zoning and development pattern of the area.

To rezone **8350 LYRA DR. (43240)**, being 7.77± acres located at the southern terminus of Lyra Drive, 920± feet south of Polaris Parkway, **From:** L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z21-075) **and to declare an emergency.**

WHEREAS, application #Z21-075 is on file with the Department of Building and Zoning Services requesting rezoning of 7.77± acres from L-C-4, Limited Commercial 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 will allow commercial development that is generally consistent with the *Far North Area Plan* and the priorities of the Economic Development Division, and is compatible with the zoning and development pattern of the area;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance 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:

8350 LYRA DR. (43240), being 7.77± acres located at the southern terminus of Lyra Drive, 920± feet south of Polaris Parkway, and being more particularly described as follows:

Subarea A, 5.396 Acres

Situated in the State of Ohio, County of Delaware, City of Columbus, being a part of Farm Lot 11 and 12, Section 4, Township 3, Range 18, United States Military Lands and being 0.101 acres out of Farm Lot 12, also being 5.295 acres out of Farm lot 11, also being all out of a 7.767 acre tract as conveyed to National Retail Properties, LP in Official Record 835, Page 227, all deed references are on record at the Recorder's Office of Delaware County, Ohio, and being more particularly described as follows:

Commencing at the northeasterly corner of said 7.767 acre tract, also being the southeasterly corner of a 2.126 acre tract of land as conveyed to Columbus Hotel Suites, LLC, of record in Deed Book 1632, Page 1615, also being on the westerly line of a 2.096 acre tract of land as conveyed to NP Limited Partnership, of record in Instrument Number 200800033580;

Thence, South 22°16'59" East with the westerly line of said 2.096 acre tract, a distance of 224.55 feet to point on the west line of the limited access right-of-way line of Interstate 71;

Thence, South 3°30'46" West with said right-of-way, a distance of 119.73 feet to a point being THE TRUE POINT OF BEGINNING for the parcel herein described;

Thence, South 3°30'46" West continuing with said right-of-way, a distance of 360.27 feet to a point;

Thence, South 4°58'30" West continuing with said right-of-way, a distance of 562.31 feet to a point on the easterly line of a 2.352 acre tract of land as conveyed to The Village at Polaris Park Twenty-Third Amendment as recorded in Plat Cabinet 3, Slide 491;

Thence, North 23°26'34" West with the easterly line of said 2.352 acre tract, also with the easterly line of a 0.984 acre tract of land as conveyed to The Village at Polaris Park Twenty-First Amendment as recorded in Plat Cabinet 3, Slide 474, also with the easterly line of a 6.101 acre tract of land as conveyed to The Village at Polaris Park Nineteenth Amendment as recorded in Plat Cabinet 3, Slide 457, a distance of 1089.05 feet to a point on the south line of Farm Lot 12 and the north line of Farm Lot 11, said point also being the northeasterly corner of said 6.101 acre tract, said point also being a southeasterly corner of a 2.657 acre tract of land as conveyed to Claris LTD, of record in Instrument Number 201100002012;

Thence, North 29°14'40" East, a distance of 6.84 feet to an easterly corner of said 2.657 acre tract;

Thence, with an easterly line of said 2.657 acre tract and with a curve to the left having a central angle of 4°47'26", having a radius of 145.00 feet, an arc length of 12.12 feet, a chord bearing North 63°09'51" West, a distance of 12.12 feet to a point;

Thence, North 65°32'43" West continuing with an easterly line of said 2.657 acre tract, a distance of 10.00 feet to a point on the southerly right-of-way line of Lyra Drive as recorded in Plat Cabinet 1, Slide 632;

Thence, North 24°27'17" East with the easterly right-of-way of Lyra Drive, a distance of 57.77 feet to a point;

Thence, crossing through said 7.767 acre tract, the following courses and distances:

South 65°12'01" East, a distance of 59.27 feet to a point;

South 23°26'34" East, a distance of 100.69 feet to a point;

Thence, South 85°41'55" East, a distance of 404.04 feet to THE TRUE POINT OF BEGINNING, containing 5.396 acres of land, more or less;

Subarea B, 2.372 Acres

Situated in the State of Ohio, County of Delaware, City of Columbus, being a part of Farm Lot 11 and 12, Section 4, Township 3, Range 18, United States Military Lands and being 0.101 acres out of Farm Lot 12, also being 5.295 acres out of Farm lot 11, also being all out of a 7.767 acre tract as conveyed to National Retail Properties, LP in Official Record 835, Page 227, all deed references are on record at the Recorder's Office of Delaware County, Ohio, and being more particularly described as follows:

Beginning at the northeasterly corner of said 7.767 acre tract, also being the southeasterly corner of a 2.126 acre tract of land as conveyed to Columbus Hotel Suites, LLC, of record in Deed Book 1632, Page 1615, also being on the westerly line of a 2.096 acre tract of land as conveyed to NP Limited Partnership, of record in Instrument Number 200800033580;

Thence, South 22°16'59" East with the westerly line of said 2.096 acre tract, a distance of 224.55 feet to point on the west line of the limited access right-of-way line of Interstate 71;

Thence, South 3°30'46" West with said right-of-way, a distance of 119.73 feet to a point;

Thence, crossing through said 7.767 acre tract, the following courses and distances:

North 85°41'55" West, a distance of 404.04 feet to a point;

North 23°26'34" West, a distance of 100.69 feet to a point;

Thence, North 65°12'01" West, a distance of 59.27 feet to a point on the easterly right-of-way line of Lyra Drive as recorded in Plat Cabinet 1, Slide 632;

Thence, North 24°27'17" East with the easterly right-of-way line of Lyra Drive, a distance of 2.23 feet to a point on the northerly right-of-way line of Lyra Drive;

Thence, North 65°31'45" West with the northerly right-of-way line of Lyra Drive, a distance of 8.15 feet to a point at the southwesterly corner of said 2.126 acre tract;

Thence, North 67°43'01" East with the southerly line of said 2.126 acre tract, a distance of 459.78 feet to THE TRUE POINT OF BEGINNING, containing 2.372 acres of land, more or less;

To Rezone From: L-C-4, Commercial District

To: CPD, Commercial Planned Development District

SECTION 2. That a Height District of one-hundred 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 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, "**CPD SITE PLAN**," dated December 1, 2021, elevations titled, "**EXTERIOR ELEVATIONS SD2 AND SD3**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," both dated November 18, 2021, and all signed by Eric Zartman, Attorney for the Applicant, and the text reading as follows:

Application: Z21-075

Address: 8350 Lyra Drive

Parcels: 31843401021002

Property Size: +/- 7.77 acres (Subarea A: +/- 5.40 acres; Subarea B: +/- 2.37 acres)

Current District: LC4

Proposed District: CPD

Civic Association: Far North Columbus Communities Coalition

Owner: National Retail Properties LP

Applicant: Carvana

Attorney: Michael Shannon, Underhill & Hodge LLC

Date: November 18, 2021

I. Introduction: The subject property is generally located west of Interstate 71 and south of Polaris Parkway. The property is zoned LC4 and is located within Subarea 1-B of a larger 1019-acre Polaris Centers of Commerce rezoning legislation that was originally approved in 1991. There were a series of minor amendments to that original legislation in 1998, 2000, and 2001. The site has operated as a Magic Mountain Fun Center for many years.

Carvana is the fastest-growing auto retailer in the U.S. and it has done so with its unique e-commerce fulfillment center business model. Customers log into Carvana's website where they shop inventory, finance, purchase, and schedule delivery or pick-up at Carvana a location which showcases the iconic, 8-tier vehicle vending machine. There are no "for sale" vehicles located on-site because all purchases must be made online. This business model decreases the impact on traffic because the transactions occur online and only three to four pickups are scheduled per hour. This business model is low intensity compared to traditional auto retailers because Carvana operates on smaller properties, less building footprint, less parking spaces, no service or parts center, and no fuel pumps.

The Applicant proposes rezoning the property from LC4 to CPD with the establishment of two subareas. The Applicant proposes development of Subarea A for the operation of Carvana's next vending machine fulfillment center in the Polaris Centers of Commerce. The Applicant does not have a specific proposal for Subarea B other than establishing the subarea for future commercial development.

SUBAREA A (+/- 5.40 acres):

II. Permitted Uses:

A. Those uses permitted within Section 3356.03, C-4, Permitted Uses, of the Columbus City Code, except for the uses prohibited in Section II.B below.

B. The following uses shall be prohibited:

1. Billboards.

2. Off premise graphics except for (i) graphics which identify an overall development on the subject property (such as a large office park or shopping center) and the management of the development and (ii) graphics identifying uses within the Subarea in which the graphics are located or a Subarea contiguous to the Subarea in which the graphics are located or (iii) as approved by the Columbus Graphics Commission as part of a Graphics Plan.

3. Outside display of items with the exception of items offered for sale and accessory to a permitted use, such as hardware, lumber, or landscaping sales uses, etc.

4. Storage of hazardous wastes except for small quantities generated or used in connection with testing labs or other permitted use under controlled conditions in compliance with all laws regulating such materials.

III. Development Standards: Unless otherwise indicated in this Text or on the submitted development plan ("CPD Site Plan"), the applicable development standards are contained in Chapter 3356 C-4 Commercial District of the Columbus City Code shall apply.

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

Building and parking setbacks shall be as depicted on the CPD Site Plan.

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

1. Access shall be as depicted on the CPD Site Plan.

2. Subarea A shall provide cross access to Subarea B in the event Subarea B is developed.

3. The minimum building and parking setback shall be 25 feet from Lyra Drive and Interstate 71.

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

1. Buffering, landscaping, open space and screening shall be as depicted on the CPD Site Plan.

2. Landscaping shall not be required along west perimeter of parking lot.

3. Screening shall not be required along west property line.

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

Building, design, and interior-exterior treatments shall substantially conform to the submitted Elevations if Subarea A is developed as proposed auto sales use.

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

N/A.

F. Graphic and Signage Commitments:

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-4, Commercial District. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission.

G. CPD Criteria:

1. Natural Environment. The site is almost entirely developed. A stream corridor runs through the adjacent property on the west and it does slightly cross into the site. The southern tip of the property is wooded.

2. Existing Land Use. The property is zoned LC4 and has operated as a Magic Mountain Fun Center for many years.

3. Transportation and Circulation. The site is accessed via Lyra Drive. The internal circuitry shall be as shown on the submitted CPD Site Plan.

4. Visual Form of the Environment. This site and the rest of the properties along Lyra Drive are commercial properties. Interstate 71 is adjacent to the site on the east. There are residential properties on the west but there is substantial separation and screening with the heavily wooded stream corridor.

5. View and Visibility. The site will be visible from Interstate 71.

6. Proposed Development. The Applicant proposes rezoning the property from LC4 to CPD to allow the operation of Carvana's next vending machine fulfillment center in the Polaris Centers of Commerce.

7. Behavior Patterns. The development and behavior pattern of this area supports commercial uses.

8. Emission. No adverse effect from emissions shall result from the proposed development.

H. Modification of Code Standards:

1. 3312.21(B)(3) - Parking lot perimeter landscaping - This section requires a portion of a parking lot located within 80 feet of residentially zoned property to provide perimeter landscaping. The CPD Text modifies this code section to eliminate the requirement for parking lot perimeter landscaping along the west perimeter of the parking lot.

2. 3321.09 - Screening. This section requires property with a nonresidential zoning classification which abuts residentially zoned property to provide screening. The CPD Text modifies this code section to eliminate the requirement for screening along the west property line.

I. Miscellaneous:

1. Subarea A shall be developed in accordance with the submitted site plan titled "CPD Site Plan." The CPD Site Plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the Site 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.

2. The buildings shall be constructed in accordance with the submitted building elevations titled, “Exterior Elevations,” if Subarea A is developed as proposed auto sales use. The building elevations may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development plan and when engineering and architectural drawings are completed. Any slight adjustments to the building elevations shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding proposed adjustment.

SUBAREA B (+/- 2.37 acres):

II. Permitted Uses:

A. Those uses permitted within Section 3356.03, C-4, Permitted Uses, of the Columbus City Code, except for the uses prohibited in Section II.B below.

B. The following uses shall be prohibited:

1. Billboards.

2. Off premise graphics except for (i) graphics which identify an overall development on the subject property (such as a large office park or shopping center) and the management of the development and (ii) graphics identifying uses within the Subarea in which the graphics are located or a Subarea contiguous to the Subarea in which the graphics are located or (iii) as approved by the Columbus Graphics Commission as part of a Graphics Plan.

3. Outside display of items with the exception of items offered for sale and accessory to a permitted use, such as hardware, lumber, or landscaping sales uses, etc.

4. Storage of hazardous wastes except for small quantities generated or used in connection with testing labs or other permitted use under controlled conditions in compliance with all laws regulating such materials.

5. Used car lots, except used car lots used in conjunction with the sale of new cars.

III. Development Standards: Unless otherwise indicated in this Text or on the submitted development plan (“CPD Site Plan”), the applicable development standards are contained in Chapter 3356 C-4 Commercial District of the Columbus City Code shall apply.

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

N/A.

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

1. The minimum building and parking setback shall be 25 feet from Lyra Drive and Interstate 71.

2. Access to Subarea B shall be provided via cross access from Subarea A in the event Subarea B is developed.

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 Areas, and/or other Environmental Commitments:

N/A.

F. Graphic and Signage Commitments:

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-4, Commercial District. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission.

G. CPD Criteria:

1. Natural Environment. The site is almost entirely developed. A stream corridor runs through the adjacent property on the west and it does slightly cross into the site. The southern tip of the property is wooded.
2. Existing Land Use. The property is zoned LC4 and has operated as a Magic Mountain Fun Center for many years.
3. Transportation and Circulation. The site is accessed via Lyra Drive. The internal circuitry shall be as shown on the submitted CPD Site Plan.
4. Visual Form of the Environment. This site and the rest of the properties along Lyra Drive are commercial properties. Interstate 71 is adjacent to the site on the east. There are residential properties on the west but there is substantial separation and screening with the heavily wooded stream corridor.
5. View and Visibility. The site will be visible from Interstate 71.
6. Proposed Development. The Applicant does not have a specific proposal for Subarea B other than establishing the subarea for future commercial development.
7. Behavior Patterns. The development and behavior pattern of this area supports commercial uses.
8. Emission. No adverse effect from emissions shall result from the proposed development.

H. Modification of Code Standards:

N/A.

I. Miscellaneous:

Subarea B shall be developed in accordance with the submitted site plan titled "CPD Site Plan". However, Subarea B shall be permitted to develop with uses and development standards as set forth in Chapter 3356, subject to restricted uses and developments standards as set forth within this CPD Text and the CPD Site Plan. The CPD Site Plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the Site 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.

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.**