



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 0926-2008, **Version:** 2

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### **Rezoning Application # Z07-036**

**APPLICANT:** Topvalco, Inc.; c/o David L. Hodge, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

**PROPOSED USE:** Retail shopping center.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on May 8, 2008.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested CPD, Commercial Planned Development District will allow a new grocery store development with mixed-use commercial components that is consistent with the established zoning and development patterns of the area and with the land use recommendations of the *University Neighborhoods Revitalization Plan* (1996), the *Plan for High Street* (2000), the *University /High Street Development & Design Guidelines* (2002), and the *Weinland Park Neighborhood Plan* (2006), and the request has been approved by the University Area Review Board. The CPD text includes development standards that address landscaping, outdoor display and lighting controls, and includes variances to the Urban Commercial Overlay standards for window glass along the High Street façade, trash compactor screening, and High Street access. Additional variances for loading area, maneuvering, a 50% parking reduction, and a loading space reduction are included in the request.

To rezone **1350 NORTH HIGH STREET (43201)**, being 3.48± acres located at the southeast corner of North High Street and East Seventh Avenue, **From:** C-4, Commercial, and R-4 Residential Districts, **To:** CPD, Commercial Planned Development District (Rezoning # Z07-036).

**WHEREAS**, application #Z07-036 is on file with the Building Services Division of the Department of Development requesting rezoning of 3.48± acres from C-4, Commercial, and R-4 Residential Districts to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the University 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 new grocery store development with mixed-use commercial components that is consistent with the established zoning and development patterns of the area, and with the land use recommendations of the *University Neighborhoods Revitalization Plan* (1996), the *Plan for High Street* (2000), the *University /High Street Development & Design Guidelines* (2002), and the *Weinland Park Neighborhood Plan* (2006), 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:

**1350 NORTH HIGH STREET (43201)**, being 3.48± acres located at the southeast corner of North High Street and East Seventh Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus in Section 3, Township 1, Range 18, United States Military Lands and being all or portions of the following tracts of land:

1. a portion of Lot No. 3 as shown upon the plat of Donaldson and Butler Amended Addition, of record in Plat Book 2, Page 199;
2. all of Lot Numbers 4, 9, 10, 11, 12, 5 and 6 as shown upon said plat of Donaldson and Butler Amended Addition, said lots being located west of Pearl Street;
3. all of Lot Nos. 5, 6, 13, 14, 15, 16 and 17 as shown upon said plat of Donaldson and Butler Amended Addition, said lots being located east of Pearl Street;
4. portions of Lot Nos. 2, 3 and 8 as shown upon the plat of Fannie Thompson's Amended Plat of John G. Thompson's and Others Subdivision, of record in Plat Book 5, Page 494;
5. all of Lot Nos. 1, 4, 5, 6 and 7 as shown upon said plat of Fannie Thompson's Amended Plat of John G. Thompson's and Others Subdivision;
6. all of alleys vacated by Ordinance Nos. 723-67 and 1233-81, City of Columbus;
7. a portion of Pearl Street (Sixteen (16) feet in width), to be vacated;

all references to Recorder's Office, Franklin County, Ohio. Said tract bounded and described as follows:

Beginning at a mag nail found at the northeast corner of said Lot No. 7 as shown upon said plat of Fannie Thompson's Amended Plat of John G. Thompson's and Others Subdivision also being the south line of East Seventh Avenue at the intersection with the west line of Courtland Avenue;

thence S 03° 26' 31" W along the west line of Courtland Avenue, along the east line of said alley vacated by Ordinance No. 723-67 and along the east lines of said Lot Nos. 6, 5, 13, 14, 15, 16 and 17 as shown upon said plat of Donaldson and Butler Amended Addition, said lots being located east of Pearl Street a distance of 452.80 feet to a point at the southeast corner of said Lot No. 17 and at the northeast corner of a tract of land conveyed to Robert G. & Esther I. Logan by deed of record in Deed Book 3778, Page 49;

thence N 86° 41' 34" W along the south line of said Lot No. 17, along the north line of said Logan tract of record in Deed Book 3778, Page 49, along the north line of a tract of land conveyed to Robert G. & Esther I. Logan by deed of record in Deed Book 3347, Page 81 and crossing a portion of said Pearl Street a distance of 126.00 feet to a point in the west line of said Pearl Street and in the east line of said Lot No. 9 as shown on said plat of Donaldson and Butler Amended Addition,

thence S 03° 29' 31" W along a portion of the west line of said Pearl Street, along a portion of the east line of said Lot No. 9, along the east line of said Lot No. 4 as shown on said plat of Donaldson and Butler Amended Addition and along a portion of the east line of said Lot No. 3 as shown on said plat of Donaldson and Butler Amended Addition a distance of 60.28 feet to a point at the intersection of the west right of way line of Pearl Street with the north right of way line of Sixth Avenue (variable width);

thence N 86° 39' 29" W along the north right of way line of Sixth Avenue and crossing a portion of said Lot No. 3 a distance of 130.75 feet to a point;

thence N 61° 22' 35" W along the north right of way line of Sixth Avenue and crossing a portion of said Lot No. 3 a distance of 18.36 feet to a point in the west line of said Lot No. 3 and at the intersection of the north right of way line of Sixth Avenue with the east right of way line of High Street (variable width);

thence N 8° 10' 29" W along the west right of way of High Street, along a portion of the west line of said Lot No. 3, along the west line of Lot Nos. 4, 9, 10, 11, 12, 5 and 6 as shown on said plat of Donaldson and Butler Amended Addition, said lots being located west of Pearl Street, along the west line of Lot No. 1 as shown on said plat of Fannie Thompson's Amended Plat of John G. Thompson's and Others Subdivision and along a portion of the west line Lot No. 2 as shown on said plat of Fannie Thompson's Amended Plat of John G. Thompson's and Others Subdivision a distance of 440.95 feet to a point at the intersection of the east right of way line of High Street with the south right of way line of Seventh Avenue;

thence N 55° 05' 16" E along the south right of way line of Seventh Avenue and crossing a portion of said Lot No. 2 a distance of 22.25 feet to a point;

thence N 74° 58' 57" E along the south right of way line of Seventh Avenue and crossing a portion of said Lot No. 2 a distance of 144.66 feet to a point;

thence N 81° 21' 46" E along the south right of way line of Seventh Avenue, crossing a portion of said Lot No. 2 and crossing portions of Lot Nos. 8 and 3 as shown on said plat of Fannie Thompson's Amended Plat of John G. Thompson's and Others Subdivision a distance of 66.44 feet to a point;

thence S 86° 42' 14" E along the south right of way line of Seventh Avenue, crossing a portion of said Lot No. 3, along a portion of the north line of said Lot No. 3 and along the north lines of Lot Nos. 4, 5, 6 and 7 as shown on said plat of Fannie Thompson's Amended Plat of John G. Thompson's and Others Subdivision a distance of 142.77 feet to the point of beginning;

containing 3.482 acres of land, more or less and being subject to all easements and restrictions of record.

The above description was prepared by Jay R. Miller, Ohio Surveyor No. 8061, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from best available Court House information in July, 2007. Basis of bearings is the east line of North High Street, being N 08° 10' 29" W, as transferred from a GPS survey of Franklin County monuments FCGS GRANDVIEW and FCGS VAN ECC performed by the Franklin County Engineers Office in 1991, and is, based on the NAD83 Ohio State Plane Coordinate System, South Zone.

Jay R. Miller  
Ohio Surveyor No. 8061

**To Rezone From:** C-4, Commercial, and R-4 Residential Districts,

**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 Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**PRELIMINARY SITE PLAN**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," both signed by David L. Hodge, Attorney for the Applicant, dated ~~May~~ **19 July 18**, 2008, and the text reading as follows:

#### **COMMERCIAL PLANNED DEVELOPMENT TEXT**

**PROPOSED DISTRICT:** CPD, Commercial Planned Development

**PROPERTY ADDRESS:** 1350 North High Street

**OWNER:** Topvalco, Inc.

**APPLICANT:** Topvalco, Inc.

**DATE OF TEXT:** ~~May 19~~ **July 18**, 2008

**APPLICATION NUMBER:** Z07 - 036

1. **INTRODUCTION:** This proposal is a commercial redevelopment, neighborhood shopping center and grocery store **with accessory outdoor seating**. ~~that~~ **Redevelopment of this property** has long been considered a priority by all of the land use plans that have analyzed this property. The property is approximately 3.4+/- acres located along the east side of North High Street between Sixth Avenue and Seventh Avenue and is currently zoned C-4, Regional Scale Commercial Development, and R-4, Residential. The applicant is proposing to raze the existing grocery building, to rebuild the grocery store on the southern perimeter of the property, and to add a detached commercial structure along the northwest portion of the property that will ultimately provide buildings, a land plan, and aesthetic appropriate to the university area.

2. **PERMITTED USES:** Those uses permitted in Chapter 3356, Regional Scale Commercial Development, of the Columbus City Code.

3. **DEVELOPMENT STANDARDS:** Development shall occur as indicated in this written text. If not referenced herein, the applicable development standards of Chapter 3356, Regional Scale Commercial Development, and Chapter 3372 Urban Commercial Overlay of the Columbus City Code shall apply.

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

Building setbacks shall be a minimum of zero and a maximum of ten (10') feet.

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

N/A

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

1. The interior of any parking lot shall be landscaped at a ratio of one shade tree for every ten (10) parking spaces.
2. Minimum size of all plant material at installation shall be four (4") inch caliper for perimeter deciduous trees, 2 ½" caliper for interior deciduous trees, 1 ½" caliper for ornamental trees, five (5') feet high for evergreen, and two gallon for shrubs. Caliper shall be measured six (6") inches above grade.
3. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months or the next planting season, whichever occurs first.

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

**Excluding a trash compactor / dumpsters and recycling receptacles,** No materials, supplies, equipment or products shall be permitted to remain on any portion of the parcel outside the permitted structure except for garden, landscaping and nursery products that are displayed for retail sale by a permitted use and the following: outdoor display for retail sale, limited to the sidewalk in front of a grocery store, as long as said sidewalk has a minimum depth of nine (9') feet. At least five feet of said sidewalk shall remain free of display materials to permit pedestrian / A.D.A. transit.

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

1. All external lighting, except pedestrian lighting, shall be cut-off fixtures (down-lighting). However, buildings and landscaping may be illuminated with up-lighting from a concealed source.
2. All external outdoor fixtures, except pedestrian lighting and up-lighting, shall be from the same or similar manufacturer type or family to ensure aesthetic compatibility.
3. Building mounted lighting within service areas shall be designed in such a way that no light spillage off-site occurs.
4. Landscaping at entries to parking lots and buildings may be up-lighted by ground mounted concealed fixtures.

**F. Graphics and Signage Commitments**

All signage and graphics shall conform to Article 15 of the Columbus City Graphics Code, as it applies to the C-4, Commercial district, or as otherwise approved by the University Area Review Board. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous Commitments**

1. The site shall be developed in accordance with this Commercial Planned Development text and in substantial conformance with the Commercial Planned Development site plan attached hereto. Any slight adjustment to said site plan is subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.
2. Bicycle parking shall be provided.

3. A recycling receptacle shall be provided.

#### **H. CPD Criteria**

##### **1. Natural Environment**

The site is currently primarily developed with a dated Kroger grocery store, zoned in the C-4, Regional Scale Commercial classification. To accommodate this significant improvement, the applicant has acquired six properties located along the southeast side of the site that are zoned in the R-4 Residential district.

##### **2. Existing Land Uses**

To the south, west and north are properties zoned in the C-4, Regional Scale Commercial classification for commercial uses. Also to the north, and along the east are residential uses, zoned in the R-4 Residential district. One property to the south is zoned in the P-1 Parking district providing a parking lot for the property to the south of Sixth Avenue.

##### **3. Transportation and Circulation**

The site will have access to North High Street, Sixth Avenue, Seventh Avenue and Courtland Avenue.

##### **4. Visual from the development**

The site shall be developed in accordance with the text, and due to its location within the University Impact District, aesthetics will be closely scrutinized by the University Area Review Board who must approve design features and grant a Certificate of Appropriateness prior to the issuance of a building permit.

##### **5. Views and Visibility**

In the development of the subject property and the location of the building and access points, consideration has been given to the visibility and safety of the motorists and pedestrians.

##### **6. Proposed Development**

Commercial as permitted under this text

##### **7. Emissions**

No adverse affects from emissions shall result from the proposed development.

##### **8. Behavior Patterns**

The proposed development will service the existing residential and university areas.

#### **I. Variances Requested**

1. The applicant is requesting a variance to Columbus City Code Section 3342.13, Loading area, where the Columbus City Code requires a loading space to be twelve (12') feet in width and fifty (50') feet in length, and the applicants loading area will encroach into portions of right-of-way as approved by the Division of Transportation.

2. The applicant is requesting a variance to Columbus City Code Section 3342.15, Maneuvering, where the Columbus City Code requires sufficient on-lot maneuvering area, and some of the applicants maneuvering area will be in portions of right-of-way as approved by the Division of Transportation.

3. The applicant is requesting a variance to Columbus City Code Section 3342.28, Minimum number of parking spaces required, where parking shall not be required for ~~grocery store~~ outdoor display areas, **outdoor seating**, or office areas ~~within~~ **associated with** the grocery store. A maximum of a 50% reduction in the minimum number of parking spaces required shall be provided for the

grocery, retail, and restaurant uses. Any further variance to the parking requirements shall be submitted to the Columbus Board of Zoning Adjustment.

4. The applicant is requesting a variance to Columbus City Code Section 3342.29, Minimum number of loading spaces, where three (3) are required and the applicant will be providing two (2).
5. The applicant is requesting a variance to Columbus City Code Section 3372.611(C), Design standards, where the Columbus City Code requires that for each primary building façade, at least sixty (60%) percent of the area between the height of two (2') feet and ten (10') feet above the nearest sidewalk grade shall be clear / non-tinted glass permitting a view of the building's interior to a minimum depth of four (4') feet, and for a secondary building frontage, that the pattern of window glass continue from the primary frontage for a minimum distance of ten (10') feet, and the applicants building design will comply with this requirement for the detached retail / restaurant building at the northwest corner of the property and for the attached retail / restaurant at the southwest corner of the property and will provide in at least thirty (30%) percent of the area between the height of six (6') feet and fourteen (14') feet of the High Street Kroger façade, clear / non-tinted window glass permitting a view of the building's interior, and an alternative window glass in the other thirty (30%) percent to be approved by the University Area Review Board prior to the issuance of a building permit.
6. The applicant is requesting a variance to Columbus City Code Section 3372.611(E) where all dumpsters are required to be screened from public view. The applicant is providing a compacter located within the loading area that will not be entirely screened from public view.
7. The applicant is requesting a variance to Columbus City Code Section 3372.615, Parking and circulation, where the applicant will be providing a curb-cut onto High Street as approved by the Division of Transportation.

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