



City of Columbus

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

Legislation Text

File #: 0957-2015, **Version:** 2

Rezoning Application # Z12-038

APPLICANT: Scioto Downs, Inc.; c/o Sean Mentel, Atty.; 100 South Fourth Street, Suite 100; Columbus, OH 43215.

PROPOSED USE: Casino, horse racing track, and commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on March 12, 2015.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District, will secure proper zoning for the existing horse racing track, casino, and accessory uses, and allow for expansion of the existing facility and future commercial development. The site lies within the planning area of the *South Central Accord* (1997), which calls for commercial development for this location. The CPD text commits to traffic-related standards and includes variances for parking lot landscaping, parking lot hard surface requirements for overflow parking, parking reductions in the form of shared parking ratios, and accommodation of the existing on-site outdoor animal facilities. The request is consistent with the land use recommendations of the *South Central Accord*, and the planned development pattern for this area.

To rezone **6000 SOUTH HIGH STREET (43207)**, being 203.8± acres located at the northeast corner of South High Street and London-Groveport Road, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z12-038).

WHEREAS, application #Z12-038 is on file with the Department of Building and Zoning Services, requesting rezoning of 203.8± acres from R, Rural District, to CPD, Commercial Planned Development District; and

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

WHEREAS, the Far South Columbus 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 is consistent with the land use recommendations of the *South Central Accord*, and will secure proper zoning for the existing horse racing track, casino, and accessory uses while allowing for future commercial development; and

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 No. 0179 -03, passed

February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

6000 SOUTH HIGH STREET (43207), being 203.8± acres located at the northeast corner of South High Street and London-Groveport Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Hamilton, being a part of Section 33, Township 4, Range 22, Congress Lands, also being in the name of Scioto Downs, Inc. of record in Instrument Number 200308080251644 and 200704020055939, also being in the name of State of Ohio, Department of Transportation of record in Instrument Number 200704020055939 and 201012160171173, also being in the name of Edward J. Herrmann, Bishop of record in Deed Volume 3689, Page 713 on file in the Recorder's Office, Franklin County, Ohio. All together being 208.316 acres of land conveyed to Scioto Downs, Inc., and adjacent public road right-of-way, being more approximately described as follows:

Beginning at a ¾" iron pipe found on the northerly property line of a 210.917 acre tract, being in the name of Scioto Downs, Inc. (Instrument Number 200308080251644), also being on the existing corporation line (Ord #1740-78, M.R. 170, PG 789) and being on the south line of a 495.945 tract conveyed to Tamarack Enterprises II (Instrument Number 200108080182912), also being located 54.96' more less from a 1" diameter iron pipe found with a yellow plastic cap inscribed "Bird & Bull, Inc." at the northwest corner of said 210.917 acre tract, the centerline of South High Street (U.S. Route 23) at station no. 463+92.64 of the centerline survey PIC-23-17.66 and FRA-23-(0.00-5.37) and the southwest corner of said 495.945 tract conveyed to Tamarack Enterprises II (Instrument Number 200108080182912);

Thence easterly, along the north line of said 210.917 acre tract, also being the south line of said 495.945 acre tract, also following the existing corporation line (Ord #1740-78, M.R. 170, PG 789), a distance of 2,761.4 feet, more or less, to a point in the westerly line of Parsons Avenue;

Thence southerly, along the westerly line of Parsons Avenue a distance of 1,050 feet, more or less, also following the existing corporation line (Ord #1740-78, M.R. 170, PG 789) to a point in the westerly line of Parsons Avenue;

Thence easterly, a distance of 75 feet, more or less, to a point along the south line of a 181 acre tract conveyed to City of Columbus, also being the intersection of the existing corporation line described within Ord #1740-78 and Ord #972-95;

Thence southerly, along the easterly right-of-way line of Parsons Avenue, a distance of 868 feet, more or less, to a point along the easterly right-of-way of Parsons Avenue, also following the existing corporation line (Ord #972-95, O.R. 29162 A08);

Thence southwesterly, along the easterly right-of-way line of Parsons Avenue, a distance of 304 feet, more or less, to a point along the easterly right-of-way of Parsons Avenue, also following the existing corporation line (Ord #972-95, O.R. 29162 A08);

Thence southerly, along the easterly right-of-way line of Parsons Avenue, a distance of 494 feet, more or less, to a point along the easterly right-of-way of Parsons Avenue, also following the existing corporation line (Ord #972-95, O.R. 29162 A08);

Thence southwesterly, along the easterly right-of-way line of Parsons Avenue, a distance of 464 feet, more or less, to a point along the easterly right-of-way of Parsons Avenue, also following the existing corporation line (Ord #972-95, O.R. 29162 A08);

Thence southwesterly, along the easterly right-of-way line of Parsons Avenue, a distance of 690 feet, more or less, also following the existing corporation line (Ord #972-95, O.R. 29162 A08); to a point along the southerly right-of-way of London Groveport Road, and being on southeasterly corner of the 6.031 acre tract conveyed to State of Ohio, Department of Transportation (Instrument Number 201012160171173);

Thence westerly, along the southerly right-of-way line of London Groveport Road, a distance of 1,889 feet, more or less, also following the existing corporation line (Ord #972-95, O.R. 29162 A08) to a point on the southerly right-of-way of London Groveport Road, also being 27 feet, more or less, east of the easterly right-of-way of South High Street (U.S. 23) and being a point within the 19.479 acre tract conveyed to Edward J. Herrmann, Bishop (Deed Volume 3689, Page 713);

Thence northerly, over and across said tracts 19.479 acre tract and 210.917 acre tract, a distance of 75 feet, more or less, to a point along the easterly right-of-way of South High Street, also being a point along the northerly right-of-way of London Groveport Road;

Thence northwesterly, along the easterly right-of-way of South High Street, a distance of 73 feet, more or less, to a point along the easterly right-of-way of South High Street.

Thence northerly, along the easterly right-of-way of South High Street, a distance of 248 feet, more or less, to a point along the easterly right-of-way of South High Street and a point on the existing corporation line described within Ord #1740-78, M.R. 170, PG 789;

Thence northerly along the easterly right-of-way line of South High Street, a distance of 3,406 feet, more or less, over and across said 210.917 acre tract, also following the existing corporation line (Ord #1740-78, M.R. 170, PG 789), to the point of beginning, containing about 208.316 acres, more or less.

EXCEPTING THEREFROM:

**DESCRIPTION OF 4.481 ACRES FOR
CONVEYANCE OF PARSONS AVENUE
FROM SCIOTO DOWNS, INC.
TO THE CITY OF COLUMBUS OHIO**

Situated in the State of Ohio, Franklin County, City of Columbus, Township 4 North, Range 22 west, Section 33, Congress Lands, and being 4.481 acres for public right of way out of that 173.806 acre tract conveyed to Scioto Downs, Inc. in Instrument Number 200308080251644, Recorder's Office, Franklin County Ohio, and being more particularly described as follows:

Beginning for reference at Franklin County Survey Monument #5555 on the east line of Section 33 in the centerline of Parsons Avenue; Thence South 4°02'55" West, along the centerline of Parsons Avenue, 1611.63 feet to a solid iron pin found at the northeast corner of the 173.806 acre tract and the true point of beginning;

Thence continuing with the centerline of Parsons Avenue as delineated in a plan titled "Establishing, Altering, Widening and Relocating Parsons Avenue Section A" on file in the Franklin County Engineer's Office", and the east line of the 173.806 acre tract, South 4°02'04" West, 622.94 feet to Franklin County Survey Monument #1129;

Thence continuing with the east line of the 173.806 acre tract, and leaving said centerline of Parsons Avenue, South 4°03'09" West, 432.32 feet to a point, said point being located 10.00 feet west of Franklin County Survey Monument #1128 found on the centerline of Parsons Avenue;

Thence continuing with the east line of the 173.806 acre tract, South 3°34'04" West, 1279.12 feet to a point, said point being at the common line between Scioto Downs, Inc.'s 140 acre and 33.888 acre tracts combined in Instrument 200308080251644;

Thence continuing with the east line of the 173.806 acre tract, South 3°34'04" West, 308.34 feet to an iron pipe found (bent) at the southeast corner of the 173.806 acre tract, the northeast corner of a 37.111 acre (record) tract conveyed to Scioto Downs, Inc. in Instrument Number 20070402055939;

Thence North 86°39'59" West, along the south line of the Scioto Downs, Inc.'s 173.806 acre tract and the north line of

Scioto Downs, Inc.'s 37.111 acre tract, 243.21 feet (passing an iron pipe found with a plastic cap stamped "Bird & Bull" found on the former right of way of Parsons Avenue at 235.56 feet), to a rebar set with a plastic cap stamped "CEC", said rebar being 64.16 feet measured perpendicular to the centerline of Parsons Avenue;

Thence North 22°17'53" East, 386.72 feet to a rebar set with a plastic cap stamped "CEC" at a point of non-tangent curve to the left, being 60 feet west of and radial to a centerline point of spiral to curve of Parsons Avenue;

Thence with the arc of the non-tangent curve to the left, being 60 feet west and parallel to the centerline of Parsons Avenue, having a radius of 1849.86 feet, an arc length of 407.16 feet, a delta angle of 12°36'40", and being subtended by a chord bearing North 12°52'54" East, a chord distance of 406.34 feet to a rebar set with a plastic cap stamped "CEC" at a point of non-tangency, said point being located 60 feet west of and radial to a point of curve to spiral in the centerline of Parsons Avenue;

Thence North 4°34'06" East, being non tangent to the previously described curve to the left, 196.81 feet to a rebar set with a plastic cap stamped "CEC", being 60 feet west of and perpendicular to a point of spiral to tangent of Parsons Avenue;

Thence North 3°33'08" East, being 60' parallel and west of the centerline of Parsons Avenue, 624.37 feet to a rebar set with a plastic cap stamped "CEC", being 60 feet west of and perpendicular to Franklin County Survey Monument #1128;

Thence North 2°43'43" East, being 60 feet west of and parallel to the centerline of Parsons Avenue, 432.92 feet to a point 60 feet west of and perpendicular to Franklin County Survey Monument #1129;

Thence North 4°02'04" East, being 60 feet west of and parallel to the centerline of Parsons Avenue and the east line of the 173.806 acre tract, 122.99 feet to a rebar set with a plastic cap stamped "CEC";

Thence South 85°57'56" East, 10.00 feet to a rebar set with a plastic cap stamped "CEC", being 50 feet west of and parallel to the centerline of Parsons Avenue and the east line of the 173.806 acre tract;

Thence North 4°02'04" East, being 50 feet west of and parallel to the centerline of Parsons Avenue, and the east line of the 173.806 acre tract, 500.00 feet to a rebar set with a plastic cap stamped "CEC" in the north line of the 173.806 acre tract;

Thence South 85°54'11" East, along the north line of the 173.806 acre tract, 50.00 feet to the point of beginning.

Containing 4.481 acres of land, of which 3.368 acres is within the existing road right of way.

For the purpose of this description, a bearing of South 7°33'00" East between Franklin County Geodetic Survey Monuments "Frank 17" and "Frank 117" was derived using Ohio State Plane - South Zone, North American Datum of 1983 (2007 adjustment) coordinate values published by the Franklin County Engineer and National Geodetic Survey.

Civil & Environmental Consultants, Inc.

To Rezone From: R, Rural 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 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, "**ZONING EXHIBIT**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," signed by Sean Mentel, Attorney for the Applicant, both dated March 27, 2015, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD, Commercial Planned Development District

PROPERTY ADDRESS: 6000 South High Street

OWNER: Scioto Downs, Inc.

APPLICANT: Scioto Downs, Inc.

DATE OF TEXT: 3/27/2015

APPLICATION NUMBER: Z12-038

INTRODUCTION: The site (approximately 203.8 acres) is known as Scioto Downs Harness Racetrack. The property was annexed into the City of Columbus on February 27, 2012 and is currently zoned R. This CPD Text is designed to allow for the development of the existing Video Lottery Terminal facility, the existing horseracing track and future entertainment, retail and lodging venues. This rezoning request allows for existing uses as well as potential future uses.

PERMITTED USES: Unless otherwise indicated herein, the permitted uses in, on or upon the subject property shall be those allowed in Chapter 3356 (C-4) and the following uses;

1. Retail fuel sales, filling stations and automobile service stations;
2. Carry-outs;
3. Car washes;
4. Fast-food businesses

DEVELOPMENT STANDARDS: Unless otherwise indicated herein, the applicable development standards are contained in Chapters 3356 (C-4 Commercial District) of the Columbus City Code ("CCC").

A. Density, Height, Lot Coverage, and Setback Requirements: N/A

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

1. Due to the mixed use nature of the development it is appropriate to consider the effect of a shared parking analysis on determining the required number of parking spaces. The existing racetrack facilities shall meet the following parking ratios:

Restaurant, 1 parking space for every 175 sq. ft. of gross floor area

Racing Grandstands, 1 parking space for every 60 sq. ft. of gross floor area

Office Space, 1 parking space for every 450 sq. ft. of gross floor area

The casino and entertainment area shall be subject to a parking ratio of 1 parking space for every 300 sq. ft. of gross floor area.

Future development shall be subject to 75% of the parking ratios established in CCC 3312.49 unless a proposed use or the required parking for such use is within 300' of a right-of-way line. If a proposed use or the required parking for such use is within 300' of a right-of-way line, this use shall provide the full parking requirement established by C.C.C. 3312.49 unless a variance to the parking requirements established by C.C.C. 3312.49 is acquired.

C. Building design and/or Interior-Exterior treatment commitments: N/A

D. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments:

1. The free standing pole light fixtures on the site shall be in conformance with the light design shown on the site plan and will not exceed thirty-five (35) feet in height.

E. Graphics and Signage requirements:

1. 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 any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

F. Traffic Commitments:

1. If any additional access point would be requested to accommodate future development on this site, a traffic study would need to be prepared to identify any necessary improvements needed to mitigate the impacts of such an access point on the area roadway network. Such a traffic access study would need to meet the requirements of the City of Columbus, Department of Public Service and the Ohio Department of Transportation, where applicable.

2. Prior to submittal and approval of a site compliance plan which would exceed 15 gross acres of developed area beyond the areas of this site that were developed prior to the effective date of the subject rezoning application, a revised traffic impact study shall be prepared to evaluate the impact of the next 25 gross acres of proposed development on this site. This revised traffic study will need to evaluate the existing access points, the intersection of US 23 & State Route 317/State Route 665, and any potential new access points that would be needed to accommodate the next 25 gross acres of development on this site. For the purposes of this future analysis, all site traffic generated from developments constructed after the effective date of this subject rezoning application shall be considered site-generated traffic and not considered background traffic at off-site intersections. If a future access point would be proposed to London-Groveport Road and/or Parsons Avenue, additional analyses of the intersection of London-Groveport Road and Parsons Avenue and/or Parsons Avenue and Rathmell Road may be required as part of this revised traffic impact study. The requirements of this traffic impact study shall meet the requirements of the City of Columbus, Department of Public Service; Ohio Department of Transportation; and Franklin County Engineer's Office, where applicable. If this revised traffic impact study would identify improvements that would be necessary to mitigate the impacts of the next phase of this development, these improvements shall be implemented in conjunction with the submittal of a site compliance plan which would exceed 15 gross acres of developed area beyond the areas of this site that were developed prior to the effective date of the subject rezoning application.

3. Prior to submittal and approval of a site compliance plan which would exceed 40 gross acres of developed area beyond the areas of this site that were developed prior to the effective date of the subject rezoning application, a revised traffic impact study shall be prepared to evaluate the impact of the remainder of the developable area on this site. This revised traffic impact study will need to evaluate the existing access points, the intersection of US 23 & State Route 317/State Route 665, and any potential new access points that would be needed to accommodate the remainder of the developable area on this site. For the purposes of this future analysis, all site traffic generated from developments constructed after the effective date of this subject rezoning application shall be considered site-generated traffic and not considered background traffic at off-site intersections. If a future access point would be proposed to London-Groveport Road and/or Parsons Avenue, additional analyses of the intersection of London-Groveport Road & Parsons Avenue and/or Parsons Avenue & Rathmell Road may be required as part of this revised traffic impact study. The requirements of this traffic impact study shall meet the requirements of the City of Columbus, Department of Public Service; Ohio Department of Transportation; and Franklin County Engineer's Office, where applicable. If this revised traffic impact study would identify improvements that would be necessary to mitigate the impacts of this development, these improvements shall be implemented in conjunction with the submittal of a site compliance plan which would exceed 40 gross acres of developed area beyond the areas of this site that were developed prior to the effective date of the subject rezoning application.

G. Miscellaneous Information/Commitments:

1. Site Plan: The subject site shall be in general conformance with the submitted CPD Plan titled "Zoning Exhibit." The 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 plan shall be reviewed and may be approved by the Director of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment. The landscaping as depicted on the site plan is conceptual, and is subject to G.4. below.
2. Variance: The applicant requests a variance to Columbus City Code Section 3356.05, Veterinarians. Scioto Downs operates as a horseracing track and therefore races, confines and treats horses. The applicant requests that open air confinement of animals be permitted, stables be permitted, and there be no limitations on outdoor therapeutic exercise areas, nor limitations on therapeutic equipment.
3. Variance: The applicant requests a variance to Columbus City Code Section 3312.43, Required Surface for Parking. Scioto Downs will host events during the year that will cause the need for additional parking at the facility, due to these conditions the Applicant requests that the parking lots labeled as overflow parking areas on the site plan are permitted to have surfaces of gravel or of grass.
4. Variance: The applicant requests a variance to Columbus City Code Section 3312.21(A), Interior Landscaping. The applicant requests that trees planted in the perimeter surrounding a parking lot be counted for purposes of meeting the tree to parking space ratio.
5. Variance: The applicant requests a variance to Columbus City Code Section 3312.49(B), Bicycle Parking. The site is not practically accessible by bicycle as US 23 and Parsons Avenue do not provide bicycle lanes. Due to these conditions the Applicant requests that the property not be subject to the bicycle parking requirement.
6. Variance: The applicant requests a variance to Columbus City Code Section 3321.03(A)(1), Lighting. The applicant requests to increase the permitted maximum height of light poles from 28 feet to 35 feet subject to the limitations in this text.
7. Retail fuel sales, filling stations and automobile service stations shall comply with the following:
 - a. Outside Display shall be limited to the following locations:
 1. At the ends of the fuel pump islands with the maximum footprint of displays being four (4) feet by four (4) feet.
 2. Along the elevation of the building and shall not be subject to the height limitation, provided that adequate sidewalk space remains for pedestrian use.
 - b. Abandonment: The property owner will comply with the abandonment provisions in Columbus City Code Section 3357.18.

CPD CRITERIA:

Natural Environment: The natural environment is flat.

Existing Land Use: The subject site is currently developed with Scioto Downs Harness Racetrack, a 52-year old harness racing facility. The facility consists of three main public buildings that include a grandstand, which seats approximately 2500 guests, the Clubhouse, which seats approximately 500 guests and the Penthouse, which seats approximately 250 guests. The subject site is also currently developed with a Video Lottery Terminal facility, which includes gaming space for the Video Lottery Terminals, multiple eating and drinking venues and multiple offices, housed within an approximately 135,000 square feet structure. The subject site has two (2) billboards located on the western boundary

along US 23.

Transportation and Circulation: Vehicular Access and circulation will be as indicated in the Site Plan. Primary access to the facility will be from South High Street. Primary racing support access will be from Parsons Road. A future shared use path will extend along the western and southern boundaries of the site.

Visual Form of the Environment: The existing environment consists of the racetrack and the Video Lottery Terminal facility. The site is entirely non-residential in use.

View and Visibility: The proposed development will give priority to the public realm, and will ensure that views of the facility from all surrounding vantage points is beautiful considering the unique architecture of the racetrack and Video Lottery Facility, as well as the main sign on South High Street.

Proposed Development: The proposed development of the site is a horseracing track, a casino and other ancillary entertainment, restaurant, service and lodging facilities that may become practical.

Behavior Patterns: The proposed development will enhance the appeal and economy of businesses along South High Street by creating an entertainment destination location and creating hundreds of new jobs at the site.

Emissions: No adverse effects from emissions should result from the proposed development.

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.