



## Legislation Text

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**File #:** 3023-2016, **Version:** 2

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### **Rezoning Application Z16-058**

**APPLICANT:** Connie J. Klema, Atty.; PO Box 991; Pataskala, OH 43062.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (3-0-1) on November 10, 2016.

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned in the C-4, Commercial District, and had been developed with a surface parking lot and a fast food establishment that was recently demolished. The site is subject to Board of Zoning Adjustment application BZA16-036 which granted variances for increased building height, reduced minimum number of stacking, parking, and loading spaces, increased light pole height, and reduced building setbacks for an 8-story mixed-use building containing 3,576 square feet of restaurant space with an enclosed pick-up unit, 8,408 square feet of retail space, 11,132 square feet of office space, 105 apartment units, and 210 garage parking spaces. The requested CPD, Commercial Planned Development District will accommodate the approved variances for the mixed-use building, with an allowance of one C-5, Commercial District use for a public electric vehicle charging station, and a commitment that one parking space will be provided for each residential unit. This CPD district does not alter the planned development of the property that was approved by the Board of Zoning Adjustment, but does propose the one C-5 public electric vehicle charging station use, eliminates the height variance with the requested H-110 Height District, and allows for future lot splits that could divide parking spaces and drive aisles within the building. All other aspects of the proposed development remain unchanged. Although the site will be adding a number of residential units and additional commercial space, it will also be adding a 105-space public parking garage which is a net increase in the amount of on-site public parking from the former 42-space surface lot that existed on the property (a gain of 62 spaces). While the proposed building height is slightly taller than recently-approved mixed-use buildings in the Short North, it will match the character of this rapidly redeveloping urban area.

To rezone **975 NORTH HIGH STREET (43215)**, being 1.08± acres located at the northwest corner of North High Street and West Second Avenue, From: C-4, Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z16-058) **and to declare an emergency.**

**WHEREAS**, application No. Z16-058 is on file with the Department of Building and Zoning Services requesting rezoning of 1.5± acres from AR-2, Apartment Residential, and C-4, Commercial Districts, to CPD, Commercial Planned Development District; and

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

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

**WHEREAS**, the Columbus Public Health Healthy Places program reviews applications for active living features, and recognizes that this mixed-use development has many features which promote an active lifestyle; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the proposed uses and site design are consistent with the zoning and development patterns of the area, and the Victorian Village Commission has recommended approval on the CPD Text and plans;

**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:

**975 NORTH HIGH STREET (43215)**, being 1.08± acres located at the northwest corner of North High Street and West Second Avenue, and being more particularly described as follows:

**Tract I:**

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being Lot No. 3 of a subdivision by Laura A.E. Lawson, as guardian of Frank L. Potts and Mollie D. Potts, of the east part of Lot No. 5, of Joseph R. Starr's farm, as the said Lot No. 3, is numbered and delineated upon the recorded plat of said subdivision of record in Plat Book No. 3, page 165, Recorder's Office, Franklin County, Ohio, excepting therefrom however 10 feet off of the east end thereof heretofore conveyed to the City of Columbus, Ohio, for the purpose of widening and improving North High Street of said city.

**Tract II:**

Situated in the City of Columbus, County of Franklin and State of Ohio:

Being Reserve "A" and Reserve "B" of E. G. Roberts' Subdivision of Lot Number 4 and a part of Lot No. 17 of Joseph R. Starr's Administrator's Subdivision of the Starr farm in said City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, in Plat Book 4, page 38, Recorder's Office, Franklin County, Ohio, bounded and described as follows:

Commencing at the Northwest corner of High Street and Second Avenue in said City; thence in a Northerly direction along the West line of said High Street 174.36 feet to the Northeast corner of said Reserve "A"; thence along the Northline of Reserve "A" and the north line of Reserve "B" 226 feet to an alley; thence Southerly along the West line of Reserve "B" 14 feet to the North line of Lot 2 in said E.G. Roberts' Subdivision; thence Easterly along the South line of Reserve "B" 70.70 feet to the Southeast corner of Reserve of Reserve "B" and the west line of Reserve "A"; thence Southerly along the West line of Reserve "A" 156.30 feet to the Southwest corner of said Reserve "A" and the North line of Second Avenue; thence Easterly along the North line of Second Avenue 190.83 feet to the place of beginning, being all of Reserve "B" and all of Reserve "A", as shown on the original plat of said Addition, excepting 10 feet off the East side of said Reserve "A" heretofore conveyed to the City of Columbus, Ohio, for the purpose of widening High Street.

**To Rezone From:** 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 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 SITE PLAN FOR WHITE CASTLE COLUMBUS, OH SHEET C100**," dated November 1, 2016, and "**FINAL SITE COMPLIANCE PLAN FOR WHITE CASTLE COLUMBUS, OH SHEET C103**," dated August 22, 2016, and both signed by Shawn L. Goodwin, Professional Engineer, and text titled, "**DEVELOPMENT TEXT**," dated November 1, 2016, and signed by Attorney Connie J. Klema, Applicant, and the text reading as follows:

#### **DEVELOPMENT TEXT**

**PROPERTY ADDRESS: 975 N. High Street, Columbus, Ohio 43215**

**DATE OF CPD TEXT: November 1, 2016**

**ZONING APPLICATION: Z16-058**

**OWNER: W C Partners, LLC; 600 Stonehenge Parkway, 2<sup>nd</sup> Floor; Dublin, Ohio 43017**

**APPLICANT: Connie J. Klema, Attorney; P.O. Box 991, Pataskala, Ohio 43062**

**EXISTING ZONING: C-4**

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

**1. INTRODUCTION:** 975 N. High Street (the "Property") is located on north High Street in the Victorian Village, "Short North" area of Columbus. The Property is a combination of what had been two parcels: one parcel that was improved with a White Castle restaurant and drive through with private parking lot that fronts on High Street and is bordered by Second Avenue on its south, and the second parcel, which borders the White Castle parcel on its north, fronts on High Street and was a paved public parking lot. The Property, as combined, is approximately 1.08 acres. The White Castle restaurant has been razed.

The Property is located on the High Street corridor in the Short North where development of existing and newly constructed buildings providing mixed uses of commercial, retail and residential have continued to develop from the 1980's to the present. The density of people residing, working and visiting this Short North area encourages an internal, local environment. This design concept, which was established over a century ago, supports a local functioning environment that weaves commercial establishments that provide services, goods, and entertainment into the residential neighborhood that needs them. As a result, there is a high density of people that live, work and walk in the neighborhood and those who drive to it to see and be a part of the neighborhood. To accommodate the development project proposed for the Property that, like its neighborhood, will accommodate retail, restaurants, commercial, office, and residential uses, and in addition, a public parking garage, the owner seeks to re-zone the property to Commercial Planned District in accordance with the following Text:

#### **PROPERTY**

**1. Site Plan:** The Site Plan dated November 1, 2016, submitted with this rezoning (the "Site Plan") delineates the proposed structure, setbacks, accesses, and parking areas which shall be permitted under this CPD. In the event the Site

Plan is altered, said alteration shall meet those standards contained in Chapter 3356 and this Text, when applicable, unless permitted otherwise by variance.

**2. Permitted Uses:** Uses permitted in Columbus City Code (C.C.C.) Section 3356.03 (C-4 District) and the use permitted in C.C.C. Section 3357.01 (C-5 District) to provide retail electric filling station(s) to individual's vehicles.

**3. Development Standards:** Unless otherwise indicated herein, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Regional Scale Commercial District, of the Columbus City Code.

#### **A) DENSITY, HEIGHT, LOT AND/OR SETBACK COMMITMENTS**

**1.** The maximum number of residential units shall not exceed 105 and shall be conditioned on each residential unit having one parking space.

**2. Height District:** The Site shall be designated in the H-110 height district per C.C.C. 3309.14 (C). The building height shall not exceed 106', and customary rooftop equipment, parapet walls, elevator accesses, and screening will not be considered in calculating height.

**3. Building Setbacks:** The minimum building setback from High Street shall be zero (0) feet and from Second Avenue shall be zero (0) feet to conform to similar structure setbacks in and adjacent to the High Street Corridor.

#### **B) ACCESS, LOADING, PARKING AND/OR OTHER TRAFFIC RELATED COMMITMENTS:**

**1. Access & Loading:** There are two vehicular access points from Second Avenue bordering the south side of the Property; one to the parking garage and one to the restaurant drive through as depicted on the Site Plan. Vehicular exiting from the drive through shall be to Second Avenue, and vehicular exiting from the parking garage shall be to the public alley bordering the west side of the Property as depicted on the Site Plan. One loading space at the frontage of the Property shall be provided in the High Street right-of-way as depicted on the Site Plan.

**2. Parking:** There shall be 210 parking spaces, 1 space per each residential unit and 105 spaces for employees and customers of commercial uses.

#### **C) BUILDING DESIGN AND/OR EXTERIOR TREATMENT COMMITMENTS:**

The building exteriors will be constructed in accordance with the plans and elevations approved by the Victorian Village Commission on August 25, 2016 or as amended and approved at a later date by the Victorian Village Commission. Said exteriors include Petrarch Epoxy Resin panels on the east and north wings of the building and Belden Brick on the parking garage and the lower levels of the east wing.

All flat roofed areas will contain parapets concealing visibility of mechanical equipment from street levels unless otherwise approved by the Victorian Village Commission.

#### **D) LIGHTING AND/OR OTHER ENVIRONMENTAL COMMITMENTS:**

**1. Lighting:** Ground mounted lighting shall use shielded cutoff fixtures (down lighting) except for accent/lighting/up lighting on landscaping in front of structures and ground signs as approved by the Victorian Village Commission.

**2.** External outdoor lighting fixtures shall be aesthetically compatible as approved by the Victorian Village Commission.

#### **E. GRAPHIC AND SIGNAGE COMMITMENTS:**

All graphics shall conform to Article 15 of the Columbus City Code as it applies to the C-4 Commercial District, and pursuant to Code shall be approved by the Victorian Village Commission or recommended for approval by variance.

#### **F. MISCELLANEOUS:**

For the proposed mixed-use building containing 3,576± square feet of restaurant (with drive-through) space, 8,408± square feet of retail space, 11,132± square feet of office space, and 105 residential units, the site shall be developed in

accordance with the submitted Site Plan. The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed, including a reduction in the building envelope. Any such adjustments to the Site Plan 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 the proposed adjustment.

Variances of the C-4 District with this CPD:

1. 3312.11-Drive-up stacking area: To reduce the drive-up stacking space requirements for 1 unit from 8 to 7 and to eliminate the by-pass lane.
2. 3312.49-Minimum number of parking spaces required: To permit the provision of 210 parking spaces to be apportioned with 1 space per each residential unit and 104 spaces for employees and customers of commercial spaces.
3. 3321.03-Lighting: To permit light fixtures located on the garage roof to exceed 28 feet in height from the ground level.
4. 3312.53(B)(2) Loading Space: To reduce the requirement from one loading space on site to no loading space on site.
5. 3356.11-Set back: To reduce the building setback requirement from 60 feet to zero along High Street, and from 25 feet to zero along 2<sup>nd</sup> Avenue.

CPD Modification of Code Standards for Division of Property:

It is anticipated that the Property, as developed under the CPD, will be split to form separate tax parcels. The CPD shall permit the division of the Property without the requirement of area zoning variances in accordance with the following requirements:

1. Traffic & Parking: All parking spaces, aisle ways, access points, maneuvering areas, parking decks, and all such other improvements serving the traffic and parking in the building, shall be developed in accordance with the Site Plan and CPD Text and any part or portion of any of these improvements may be divided by a property line subject to applicable easements that require and provide use of these improvements as delineated in this CPD Text and on the Site Plan.
2. Interior & Exterior Walkways & Doors: All sidewalks, walkways, aisles, entries, exits, doorways, overhead doors, service areas, and all such other improvement that provide ingress to, egress from, and access in and through the building that serve the public and those residing and working in the building shall be developed in accordance with the Site Plan and CPD Text and any part or portion of these improvements may be divided by a property line subject to the applicable easements that require and provide use of these improvements as delineated in the CPD Text and on the Site Plan.
3. Residential Units, Office Units, and Commercial-Retail Units: All units in the building, whether used for residential, office, commercial, retail, restaurant, or other uses as provided in this CPD, shall be developed in accordance with the Site Plan and CPD Text and may be divided, one unit from the other, by a property line subject to the applicable easements that require and provide use of these improvements as delineated in the CPD Text and on the Site Plan.

**G) CPD Requirements.**

**1. Natural Environment:** The Property will be developed in conformity with the Site Plan unless altered in accordance with those standards contained in Chapter 3356 and this Text, or by variance, when applicable. The natural environment of the Property is flat and does not present drainage issues, has no wetland, streams or existing vegetation.

**2. Existing Land Uses:** The Property is located in a densely populated area that has a mixture of residential and commercial uses. The Property has been used commercially for many years, both as a restaurant and as a public parking lot and is part of the mixed-use neighborhood. The CPD zoning will provide the guidelines and requirements for existing and new development activities on the Property.

**3. Transportation and Circulation Facilities:** The access and exit points to and from the restaurant drive through and the public parking garage and the parking garage were designed in accordance with the information gleaned from traffic

studies, engineering reports, and review and approval by the City of Columbus Division of Traffic Management. Any alterations to the drive through and public and private parking garage will be in accordance with those standards contained in Chapter 3356 and this Text, after review and approval by the City of Columbus Division of Traffic Management.

**4. Visual Form of the Environment:** The proposed development of the Property serves to provide public parking, services and residences in an area of intense urban development with many commercial, housing and community related needs. The size, height, scale and density of the existing, surrounding environment support and blend with the residential and commercial mix of uses in this vibrant City corridor and the proposed development.

**5. View and Visibility:** The development of the Property was designed to safely accommodate and not diminish the visibility and safety of the motorist, bicyclist, and pedestrian.

**6. Proposed Development:** The proposed development serves to replace what had been 42 public parking spaces with 104, provides one parking space for every residential unit, and provides office and commercial uses to serve the neighborhood.

**7. Behavior Patterns:** The proposed development is a result of the ways people typically use the existing Short North area for residential, working, shopping, and recreation. Before the proposed development, the Property provided one restaurant, a paved parking lot for private use, and 42 public parking spaces. With the development, the Property provides 1 parking space for every residential unit, public parking spaces, and thousands of square feet for retail, commercial and office uses.

**8. Emissions:** The Property's development will not negatively contribute to the emission of light, sound, smell or dust.

**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.**