



# City of Columbus

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

## Legislation Text

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**File #:** 1508-2017, **Version:** 1

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### **Rezoning Application Z16-088**

**APPLICANT:** Polaris 91, LLC; c/o David Perry, David Perry Company, Inc., Agent; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Updated setbacks for commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-1) on April 13, 2017.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped and is zoned L-C-4, Limited Commercial District. The requested L-C-4 district proposes adjustments to the height and setback restrictions to be consistent with an adjacent L-C-4 district (Z13-008). The proposed limitation text otherwise maintains the customary use, height, building and parking setback, access, screening, landscaping, building design, lighting, and parkland dedication commitments. The site is located within the planning area of the *Far North Plan* (2014), which recommends regional mixed uses at this location. City staff considers the updated setback and height standards to be appropriate and consistent with other nearby L-C-4 districts.

To rezone **2090 IKEA WAY (43240)**, being 7.15± acres located on the north side of Ikea Way, 1170± feet west of East Powell Road, From: L-C-4, Limited Commercial District, To: L-C-4, Limited Commercial District (Rezoning # Z16-088).

**WHEREAS**, application No. Z16-088 is on file with the Department of Building and Zoning Services requesting rezoning of 7.15± acres from L-C-4, Limited Commercial District, To: L-C-4, Limited Commercial 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 L-C-4, Limited Commercial District, is considered consistent and compatible with the land use, density, and pattern of the surrounding area, and the updated setbacks and height standards are consistent with other nearby L-C-4 districts.; 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:

**2090 IKEA WAY (43240)**, being 7.15± acres located on the north side of Ikea Way, 1,170± feet west of East Powell Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lot 16, Quarter Township 4, Township 3, Range 18, United States Military Lands, being 7.152 acres out of Farm Lot 16, being 7.152 acres out of a 90.848 acre tract of land described in a deed to Polaris 91, LLC of record in Official Record Volume 1094, Page 959, and

being more particularly described as follows:

**BEGINNING** at the northeast corner of an 8.014 acre tract of land described in a deed to NP/FG, LLC of record in Official Record Volume 1190, Page 1288 and being on the south line of Lot 1219 of Hickory Ridge Corrected Plat of record in Plat Book 20, Page 178;

Thence South 82°21'30" East, a distance of 694.52 feet with the south line of Lots 1219, 1220 and 1221 of said Hickory Ridge Corrected Plat and with the north line of said 90.848 acre tract, to the southeast corner of said Lot 1221;

Thence crossing said 90.848 acre tract with the following two (2) courses and distances:

1. South 07°38'30" West, a distance of 450.00 feet, to a point;
2. North 82°21'30" West, a distance of 690.07 feet, to the east line of said 8.014 acre tract;

Thence North 07°04'29" East, a distance of 450.02 feet with the east line of said 8.014 acre tract, to the **TRUE POINT OF BEGINNING** containing 7.152 acres of land, more or less.

Parcel Number: 31844202025001

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

**To:** L-C-4, Limited Commercial District

**SECTION 2.** That a Height District of one hundred and ten (110) feet is hereby established on the L-C-4, Limited Commercial 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 L-C-4, Limited Commercial District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said plan being titled "**NORTH PROPERTY LINE SETBACK EXHIBIT,**" and said text being titled, "**DEVELOPMENT TEXT,**" both signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, dated May 25, 2017, and reading as follows:

**DEVELOPMENT TEXT**  
**L-C-4, Limited Commercial District**

**PROPERTY ADDRESS:** 2054 Ikea Way, Columbus, OH 43240

**PID:** 27-31844202025001 (part of) (Delaware County)

**AREA:** 7.152 +/- ac

**EXISTING ZONING:** L-C-4, Limited Commercial District

**PROPOSED ZONING:** L-C-4, Limited Commercial District

**APPLICANT:** Polaris 91, LLC c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, LPA, 411 E. Town Street, FL 2, Columbus, Ohio 43215

**PROPERTY OWNER:** Polaris 91, LLC c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, LPA, 411 E. Town Street, FL 2, Columbus, Ohio 43215

**DATE OF TEXT:** May 25, 2017

**APPLICATION NUMBER:** Z16-088

1. INTRODUCTION:

The 7.152 +/- acres is zoned L-C-4, Limited Commercial by Ordinance 1413-01, passed July 30, 2001 (Z91-018C). Applicant proposes to rezone the site to modify setback language from the original 1991 ordinance that established commercial zoning for the Polaris development in the City of Columbus. Recent rezoning, including adjacent property to the west (Ordinance 1544-2014, Z13-008), have contained the same setback language as is proposed for this site. The site is designated as “Regional Mixed Use” in the Far North Plan (2014). The “Regional Mixed Use” designation supports commercial land use and recognizes the Polaris Centers of Commerce and other commercial development as the appropriate land use, as permitted under the current and the proposed zoning.

2. PERMITTED USES: The following uses shall be permitted:

All uses of Section 3356.03, C-4 Permitted Uses, except the following:

A. Billboards

B. 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. Off-premise graphics are subject to approval by the Columbus Graphics Commission.

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

D. Outside storage 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.

E. 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.

F. Halfway House.

3. DEVELOPMENT STANDARDS: Except as specified herein, the applicable development standards shall be as specified in the C-4, Commercial District.

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

1. Building Height: The height district shall be H-110, allowing for a 110-foot height limitation in accordance with Sections 3309.14 and 3309.142 of the Columbus Zoning Code, except as follows:

a) Building and Structure Height (permitted height measured from the north property line of the 7.152 +/- acres being rezoned):

1) No building or structure (or any portion thereof) shall be permitted less than fifty (50) feet from the north property line of the area being rezoned and, specifically, where directly abutting and adjacent to the south property line of property addressed as Hickory Ridge Court (unimproved lot, no street address) PID 27- 31844202014000, (“Grosh”); 8440 Hickory Ridge Court, PID: 27-31844202013000, (“Smith”); and 8043 Hickory Ridge Court, PID 27-31844202012000 (“Byers”).

2) Any building or structure (or any portion thereof) located more than fifty (50) feet and up to seventy-five (75) feet from the north property line of the area being rezoned and, specifically, where directly abutting and adjacent to the south

property line of property addressed as Hickory Ridge Court (unimproved lot, no street address) PID 27-31844202014000, (“Grosh”); 8440 Hickory Ridge Court, PID: 27-31844202013000, (“Smith”); and 8043 Hickory Ridge Court, PID 27-31844202012000 (“Byers”), shall not exceed thirty-five (35) feet in height.

3) Any building or structure (or any portion thereof) located more than seventy-five (75) feet and up to one-hundred fifty (150) feet from the north property line of the area being rezoned and, specifically, where directly abutting and adjacent to the south property line of property addressed as Hickory Ridge Court (unimproved lot, no street address) PID 27-31844202014000, (“Grosh”); 8440 Hickory Ridge Court, PID: 27-31844202013000, (“Smith”); and 8043 Hickory Ridge Court, PID 27-31844202012000 (“Byers”), shall not exceed sixty (60) feet in height.

4) A building or structure (or any portion thereof) located more than one-hundred fifty (150) feet from the north property line of the area being rezoned and, specifically, where directly abutting and adjacent to the south property line of property addressed as Hickory Ridge Court (unimproved lot, no street address) PID 27-31844202014000, (“Grosh”); 8440 Hickory Ridge Court, PID: 27-31844202013000, (“Smith”); and 8043 Hickory Ridge Court, PID 27-31844202012000 (“Byers”), may exceed sixty (60) feet in height, and permitted height shall be as permitted in the H-110 height district, including the application of Section 3309.142, Height District Exceptions.

## 2. Building Lines:

a) The building setback line shall be fifty (50) feet from any public street, fifteen (15) feet from any side property line, and ten (10) feet from any rear property line, except as otherwise set forth in Section A.1, and as follows in 2b):

b) No building setback shall be required from any property line, other than a property line abutting a public street, that is created within and internal to a larger site for which a Certificate of Zoning Clearance has been issued and the parcel created by the property line continues to function as part of the overall site for which the Certificate of Zoning Clearance was issued.

## 3. Parking Setback:

a) There shall be a minimum thirty (30) foot parking setback from all public streets.

b) A minimum fifty (50) foot landscaped parking setback shall be provided along and parallel to the north property line of the area being rezoned and, specifically, where directly abutting and adjacent to the south property line of property addressed as Hickory Ridge Court (unimproved lot, no street address) PID 27- 31844202014000, (“Grosh”); 8440 Hickory Ridge Court, PID: 27-31844202013000, (“Smith”); and 8043 Hickory Ridge Court, PID 27- 31844202012000 (“Byers”). The minimum fifty (50) foot landscaped parking setback shall consist of preservation of existing trees and supplemental planting and fencing (See Section 3.C.7).

c) No parking or maneuvering areas, except driveways, shall be constructed nearer than three (3) feet from any side or rear property line, except as required above (b) and as follows:

1) Internal aisles for vehicular circulation within parking lots to provide internal connection and circulation between adjacent parking lots are permitted.

2) No parking or maneuvering setback shall be required from any property line, other than a property line abutting a public street, that is created within and internal to a larger site for which a Certificate of Zoning Clearance has been issued and the parcel created by the property line continues to function as part of the overall site for which the Certificate of Zoning Clearance was issued.

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

1. There shall be no vehicular access to East Powell Road.

2. The site does not directly abut any public street for vehicular access. Vehicular access will be provided through the adjacent commercially zoned property to the east, west or south.

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

1. Screening with landscaping (or screening materials which may consist of any combination of earth mounding, landscaping, walls, and/or fences) shall be provided so as to hide trash collection areas and waste storage area from view, to a minimum opacity of not less than 100%. All such landscaping shall be properly trimmed and all screening shall be maintained in a neat and tidy manner. All service areas shall be separated from public circulation and parking areas.

2. Where freestanding walls are used for screening, they shall be integrated into the building design and/or landscaping plan so as to appear to be a natural element of the building and/or lot on which such building is located.

3. Provision for handling all truck service shall be totally within each parcel. No off-street loading areas or loading docks shall be located on or along the front wall of any building, within the front yard of any parcel or nearer than fifteen (15) feet from any side or rear property line. Off-street loading areas or loading docks located on or along the side wall of any building shall in no event be located nearer than twenty-five (25) feet from the front of the building and such facilities and all activities therein shall be screened from view from all public streets with buildings or view-obscuring treatment such as landscaped mounds, a wall or fence, dense planting, strips of trees or shrubs, or a combination thereof so as to achieve a minimum height of 6 feet high and an opacity of not less than seventy five percent (75%). All such view-obscuring measures shall be maintained in good condition and appearance by the owner of the property containing such freight loading area at all times.

4. Any freight loading area located within fifty (50) feet of a residentially zoned property used for residential purposes shall be screened from such residential property by buildings or view-obscuring treatment such as landscaped mounds, a wall or fence, dense planting, strips of trees or shrubs, or a combination thereof so as to achieve a minimum height of 6 foot high and an opacity of not less than seventy five percent (75%). All such view-obscuring measures shall be maintained in good condition and appearance by the owner of the property containing such freight loading area at all times.

5. Each parcel shall provide minimum three (3) foot wide landscape buffer areas within the parcel, if not in conflict with a more restrictive standard of this text, and adjacent and parallel to the side and rear property lines, except where abutting the fifty (50) foot north buffer setback, where no building setback is required, where aisles connect adjacent parking lots and where no parking setback is required. The surface of the side and rear buffer areas shall be expressly reserved for the planting of lawns, trees or shrubs and no structures (except approvable graphics), equipment of any nature (except utility equipment, which shall be either underground or fully screened) or paved areas (except driveways) shall be permitted within the side and rear buffer areas.

6. Each parcel shall provide in the front of the parcel, along any public street, a minimum thirty (30) foot wide landscape buffer area, unless otherwise permitted in this development text, outside of but adjacent and parallel to any public street. Except for graphics and driveways, the surface of the front buffer area shall be expressly reserved for the planting of lawns, trees or shrubs. Storm water detention or retention areas may occur in said buffer areas.

7. The minimum fifty foot (50) foot landscaped setback (Section A.3.b.) along and generally parallel to the north property line of the area being rezoned, and, specifically, where directly abutting and adjacent to the south property line of property addressed as Hickory Ridge Court (unimproved lot, no street address) PID 27-31844202014000, (“Grosh”); 8440 Hickory Ridge Court, PID: 27-31844202013000, (“Smith”); and 8043 Hickory Ridge Court, PID 27-31844202012000 (“Byers”), is subject to the following:

a) The setback shall be left in its current natural state, including the existing earthen mound within the fifty (50) foot setback.

b) The existing eight (8) foot tall wood “board on board” style fence located approximately at the top of the mound shall be repaired and maintained, as needed, or the fence may be replaced, in whole or in part, with an eight (8) foot tall “board on board” wood fence.

1) If the fence is repaired, fence pickets shall be replaced as needed on the south side of the fence, and, additionally, as many fence pickets as possible shall be placed on the north side of the fence, consistent with wind load limitations of the existing fence and fence structure, to cover joints between fence pickets on the south side of the fence, to improve fence opacity.

2) If the fence is replaced, the fence shall be double-sided with fence pickets placed on opposite sides of the fence structure to cover joints between the fence pickets, fence pickets shall start no more than one (1) foot above grade, and the fence shall be designed to be approximately 85% opaque, exclusive of space from grade to bottom of the fence pickets.

c) Existing trees of one (1) inch caliper or greater within the fifty (50) foot setback shall be maintained, except if it is necessary to remove trees in conjunction with additional tree planting. Additional tree planting of appropriate types, quantities, and size(s) of deciduous and/or evergreen plant material, as determined by an arborist or landscape architect at the time contiguous site development is proposed, may be planted within the fifty (50) foot setback, and particularly south of the fence.

8. For all retaining walls an area to be planted with shrubs and/or vines shall be provided between the wall and any paved area, except where adjacent to a retaining wall, if any, along the fifty (50) foot landscaped setback along the north property line.

9. All open areas on each developed parcel not occupied by buildings, structures, outside storage areas, parking areas, street right-of-way paved areas, driveways, walkways and off-street loading areas shall be suitably graded and drained and shall be landscaped with lawns, trees and shrubs.

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

Buildings shall be finished with the same level and quality of finish on all four (4) sides. There shall be no exposed smooth face concrete block.

#### E. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments.

1. There shall be no parking lot lighting within fifty feet (50) feet of the north property line of the area being rezoned, meaning, specifically, where directly abutting and adjacent to the south property line of property addressed as Hickory Ridge Court (unimproved lot, no street address) PID 27- 31844202014000, (“Grosh”); 8440 Hickory Ridge Court, PID: 27-31844202013000, (“Smith”); and 8043 Hickory Ridge Court, PID 27-31844202012000 (“Byers”).

2. All new or relocated utility lines shall be installed underground, unless the applicable utility company requires above ground installation.

#### F. Graphics and Signage Commitments.

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

#### G. Miscellaneous.

1. The drawing (“Plan”) titled “North Property Line Setback Exhibit”, dated May 24, 2017, and signed by David B.

Perry, Agent, and Donald Plank, Attorney, illustrates required setbacks from the north property line, permitted building height, the required existing earthen mound in the north 50' setback and the approximate location of the existing eight (8) foot wood fence. The Plan may be slightly adjusted to reflect engineering, architectural, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to any of the drawings shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustment.

2. Applicable Parkland Dedication Ordinance (PDO) fees shall be paid prior to approval of a final Site Compliance Plan. Limited Commercial zoning (L-C-4) was originally established on this property by Ordinance 943-91, passed April 29, 1991, pre-dating the Parkland Dedication Ordinance (PDO).

3. Severability. If for any reason any one or more articles, sections, sentences, clauses or parts of this Text are held invalid by any court of law or duly authorized public body, such determination shall not affect, impair or invalidate the remaining provisions of this Text, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Text held invalid and the invalidity of any section, sentence, clauses or parts of the Text in any one or more instances shall not prejudice in any way the validity of the Text in any other instance.

4. Future Zoning Applications. A zoning classification (L-C-4) and development standards which are thought to be appropriate are being established for the site with this Limitation Text. Development of the site will occur over an extended period of time and it may be necessary from time to time to augment the development standards and to provide for additional uses which cannot be foreseen but are compatible with the uses allowed. Any portion of the site being rezoned with this application may be rezoned independently or in conjunction with other abutting property in the future.

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