



## Legislation Text

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**File #:** 3182-2017, **Version:** 1

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### **Rezoning Application Z17-007**

**APPLICANT:** Prospect Wango, LLC; c/o Michael T. Shannon and Eric J. Zartman, Attys.; 500 South Front Street, Suite 1200; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on June 8, 2017.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned CPD, Commercial Planned Development District, and is developed with a shopping center, three free-standing eating and drinking establishments, and a gasoline sales facility. The requested CPD, Commercial Planned Development District will permit redevelopment of the site with a new 122,422 square foot shopping center with 275 dwelling-units located above while maintaining the free-standing eating and drinking establishments and gasoline sales facility. The site lies within the boundaries of the *Olentangy West Area Plan* (2013), which recommends community mixed-uses at this location. Additionally, the site is within the boundaries of the Olentangy River Road Regional Commercial Overlay. The CPD text includes provisions for permitted uses, building height, maximum number of dwelling units, parking setbacks, vehicular access, buffering and landscaping, pedestrian connectivity, and commits to a site plan. A variance to conform existing zero-foot parking setbacks along Harley Drive, Ackerman Road, and Old Ackerman Road is included. The redevelopment of the site into a new shopping center with residential units above is consistent with the Plan's recommendation and is compatible with the surrounding development pattern along Olentangy River Road. The commitments for pedestrian connectivity from the shopping center to the existing multi-use trail along Olentangy River Road, and augmented buffering along the frontage of the site bring the development more in compliance with the regional commercial overlay development standards.

To rezone **2855 OLENTANGY RIVER ROAD (43202)**, being 12.4± acres located on the west side of Olentangy River Road, 206± feet south of Harley Drive, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning # Z17-007).

**WHEREAS**, application # Z17-007 is on file with the Department of Building and Zoning Services requesting rezoning of 12.4± acres from CPD, Commercial Planned Development 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 District will allow redevelopment of the site that is more in compliance with regional commercial overlay standards, and that is consistent with the land use recommendations of the *Olentangy West Area Plan*; 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:

**2855 OLENTANGY RIVER ROAD (43202)**, being 12.4± acres located on the west side of Olentangy River Road, 206± feet south of Harley Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Range 18, Township 1, Quarter Township 3, of the United States Military District, being a 12.4± acre tract of land, said 12.4± acre tract being all of that 12.446 acre tract of land conveyed to Prospect Wango, LLC of record in Instrument Number 200601090005284 and Instrument Number 200005030087445, and being more particularly described as follows:

Beginning, for Reference, at the centerline intersection of Olentangy River Road and Old Ackerman Road;

Thence N 86° 25' 05" W, along the centerline of said Old Ackerman Road, 257.18± feet;

Thence N 02° 53' 04" W, across said Old Ackerman Road, 40.27± feet to the northerly right-of-way line thereof, The True Point of Beginning;

Thence along the southerly line of said 12.4± acre tract and the northerly line of said Old Ackerman Road, the following two (2) courses; N 86° 25' 05" W, 613.53± feet to a point of curvature; with a curve to the right, having a central angle of 90° 08' 41" and a radius of 20.00 feet, an arc length of 31.47± feet, a chord bearing and chord distance of N 41° 21' 11" W, 28.32± feet to a point of tangency;

Thence along the westerly line of said 12.4± acre tract, the following two (2) courses; N 03° 42' 44" E, 762.22± feet to an angle point; N 03° 22' 37" W, 253.76± feet to the northwesterly corner of said 12.4± acre tract and the southerly right-of-way line of Harley Drive;

Thence S 86° 18' 47" E, along a northerly line of said 12.4± acre tract, being the southerly right-of-way line of said Harley Drive, 29.80± feet;

Thence leaving said right-of-way line and along a easterly, northerly, easterly, northerly and westerly line of said 12.4± acre tract, the following five (5) courses; S 03° 23' 34" E, 183.56± feet to an angle point; S 85° 46' 07" E, 20.19± feet to an angle point; S 02° 43' 57" E, 26.25± feet to an angle point; S 85° 41' 03" E, 86.00± feet to an angle point; N 05° 00' 45" E, 179.07± feet to a northerly line of said 12.4± acre tract and the southerly right-of-way line of said Harley Drive;

Thence with a curve to the left, having a central angle of 22° 56' 49" and a radius of 322.30 feet, an arc length of 129.08± feet, a chord bearing and chord distance of S 72° 22' 36" E, 128.22± feet to a point of tangency;

Thence leaving said right-of-way line and along a easterly, and northerly line of said 12.4± acre tract, the following two (2) courses; S 16° 43' 11" E, 200.28± feet to an angle point thereof; N 83° 07' 13" E, 192.92± feet to the westerly right-of-way line of said Olentangy River Road;

Thence along the easterly line of said 12.4± acre tract and the westerly line of said Olentangy River Road, the following four (4) courses; S 16° 43' 11" E, 488.53± feet to a point of curvature; with a curve to the right, having a central angle of 81° 33' 42" and a radius of 30.00 feet, an arc length of 42.71± feet, a chord bearing and chord distance of S 23° 51' 20" W, 39.19± feet to a point of curvature; with a curve to the right, having a central angle of 08° 49' 37" and a radius of 166.14 feet, an arc length of 25.60± feet, a chord bearing and chord distance of N 68° 47' 38" E, 25.57± feet to a point of tangency; S 16° 43' 11" E, 72.37± feet to a point of curvature;

Thence leaving said westerly right-of-way line and along easterly and southerly lines of said 12.4± acre tract, the following six (6) courses; with a curve to the left, having a central angle of 101° 06' 46" and a radius of 20.00 feet, an arc

length of 35.30± feet, a chord bearing and chord distance of N 67° 17' 11" W, 30.89± feet to a point of curvature; with a curve to the left, having a central angle of 63° 52' 41" and a radius of 116.14 feet, an arc length of 129.48± feet, a chord bearing and chord distance of S 29° 36' 18" W, 122.88± feet to a point of tangency; S 02° 20' 08" E, 11.89± feet to an angle point; S 02° 26' 11" E, 20.25± feet to an angle point; S 74° 23' 12" W, 25.84± feet to an angle point;

Thence S 02° 22' 37" E, 127.41± feet to the True Point of Beginning. Containing 12.4± acres, more or less.

The above description was prepared by Advanced Civil Design, Inc. on March 27, 2017 and is created from information obtained from the Franklin County Auditor's Office and the Franklin County Recorder's Office.

**To Rezone From:** CPD, Commercial Planned Development District

**To:** CPD, Commercial Planned Development District

**SECTION 2.** That a Height District of one hundred and 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 plan being titled, "**REZONING PLAN**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," both dated November 15, 2017, and signed by Eric J. Zartman, Attorney for the Applicant, and the text reading as follows:

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

**PROPERTY ADDRESS:** 2855 Olentangy River Road

**PARCEL NO.:** 010-103163

**CURRENT DISTRICT:** CPD - Commercial Planned Development

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

**OWNER/APPLICANT:** Prospect Wango, LLC, c/o

**ATTORNEY:** Michael Shannon, Esq. CRABBE, BROWN & JAMES, LLP

**500 South Front Street, Suite 1200; Columbus, Ohio 43215**

**DATE OF TEXT:** 11/15/2017

**APPLICATION NO.:** Z17-007

#### **1. Introduction:**

The subject property (Site) consists of +/- 12.4 acres located on west side of Olentangy River between Old Ackerman Road and Harley Drive. The Site is situated within the Olentangy River Road Regional Commercial Overlay. The Site is not situated within an Area Commission. The Site is not a Historic Site.

The Site is improved with a 116,131 square foot shopping center with a grocery store and other tenants, three free-standing restaurants, and a gasoline station. Applicant submits this application to rezone the Site from CPD-Planned Commercial Development district to CPD-Planned Commercial Development district.

The Applicant proposes redevelopment of the shopping center and maintaining the existing free-standing restaurants and gasoline station as developed. Applicant proposes a small commercial center with approximately 136,364 square feet of commercial retail and restaurant use (this includes the free-standing eating/drinking establishments and gas station). Additionally, Applicant proposes five levels of multifamily residential above the first-floor shopping center, consisting of approximately 275 dwelling units.

## **2. Permitted Uses:**

Those permitted under Section 3356.03 C-4 Commercial District of the Columbus City Code plus one gasoline sales facility.

## **3. Development Standards:**

Unless otherwise indicated herein, the applicable development standards shall be those standards contained in Chapter 3356 (C-4) and Sections 3372.80 *et seq.* (RCO) of the Columbus City Code.

### **A. Density, Height, Lot And/Or Setback Commitments:**

1. The Height District shall be H-110. However, no building shall exceed 80 feet in height, excluding features such as rooftop screening, parapets, and other architectural elements.
2. Density shall be permitted as set forth on the Rezoning Plan and shall not exceed 275 dwelling units.
3. The parking setback from Old Ackerman Road, Ackerman Road, and Harley Drive shall be zero (0) feet. As a mitigating factor, the requested zero (0) foot parking setback is an existing condition.

### **B. Access, Loading, Parking And/Or Other Traffic Related Commitments:**

1. All curb cuts and access points shall be subject to the approval of the City's Department of Public Service.
2. Parking shall be provided as set forth on the Rezoning Plan.
3. At the northernmost site access point to Olentangy River Road, a northbound left turn lane and a southbound right turn lane shall be provided. Additionally, signage shall be posted to prohibit the eastbound left turn movement at this access point on weekdays during the hours of 4PM-6PM.
4. At the southernmost site access point to Olentangy River Road, a southbound right turn lane shall be provided.
5. The items above shall be required unless otherwise approved by the Department of Public Service.
6. The development shall include a 4-foot pedestrian path connecting the building to the bike path as depicted on the Rezoning Plan.
7. The Site shall be parked as a "small commercial center" pursuant to CCC § 3312.49(C), Table 2. The free-standing restaurants on the same parcel are included in the small commercial center gross square footage.

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

The development shall comply with the landscaping and screening development standards as required by the Regional Commercial Overlay.

### **D. Building Design And/Or Exterior Treatment Commitments:**

N/A

### **E. Lighting And/Or Other Environmental Commitments:**

N/A

**F. Graphics And Signage Commitments:**

N/A

**G. Miscellaneous:**

1. The Site shall be developed in accordance with the submitted Rezoning Plan. The Rezoning Plan may be slightly adjusted to reflect engineering, topographical, or other site development data developed at the time the development and engineering plans are completed. Any slight adjustment to the Rezoning Plan shall be subject to review and approval by the Director of Building and Zoning Services or his or her designee, upon submission of appropriate data regarding the proposed adjustment.
2. Parking data as reflected on the site plan is subject to minor adjustments while maintaining compliance with all parking requirements in the zoning code.
3. Variance(s) Requested: Applicant requests a variance from CCC § 3372.804 reduce the parking setback from Old Ackerman Road, Ackerman Road, and Harley Drive to zero (0) feet. As a mitigating factor, the requested zero (0) foot parking setback is an existing condition.

**H. CPD Requirements:**

1. **Natural Environment:** The natural environment of this sit is flat.
2. **Existing Land Use:** The Property is improved with a 116,131 square foot shopping center with a grocery store and other tenants, three free-standing restaurants, and a gasoline station.
3. **Circulation:** Access to and from the Property will be from Old Ackerman Road, Olentangy River Road and Harley Drive.
4. **Visual Form of the Environment:** The Property is located on the west side of Olentangy River Road between Old Ackerman Road and Harley Drive. To the south is a motel and apartment buildings; to the west an office building; to the north a motel and a transient apartment building; to the east Union Cemetery and a gasoline station.
5. **Visibility:** The Property will not negatively affect the visibility and safety of the motorists, bicyclist, and pedestrians. The footprint of the proposed development is similar to the existing footprint and the majority of the development's mass is in the rear of the parcel, away from Olentangy River Road. There will still be plenty of visibility for motorists, bicyclist, and pedestrians along Olentangy River Road, Harley Road, Ackerman Road, and Old Ackerman Road. Also, the proposed development will not negatively impact views from neighboring residential areas nor from parks and open space. The Site is predominantly bordered by commercial and manufacturing uses. The proposed development will not obstruct views from the apartment residential uses to the north east or the cemetery across Olentangy River Road.
6. **Proposed Development:** Redevelopment of the shopping center and keeping the free-standing restaurants and gasoline station as developed. The first floor of the redevelopment will be a shopping center of approximately 122,422 square feet. There will be five levels of multi-unit residential development above the first-floor shopping center. The development also proposes maintaining the existing 13,942 square feet of free-standing restaurant use.
7. **Behavior Patterns:** Vehicular access will be the principle means of access through curb cuts approved by the City of Columbus, Division of Transportation.

8.           **Emissions:** Development of this Property will conform to the City of Columbus requirements as further controlled by the development standards of this development text for light levels, sounds and dust. There will be no objectionable emission.

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