



Legislation Text

File #: 0266-2018, **Version:** 1

Rezoning Application Z17-046

APPLICANT: NPMG, LLC c/o David Perry, Agent; David Perry Company, Inc.; 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: Limited commercial development with updated height district.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (7-0) on January 11, 2018.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a portion of an undeveloped parcel zoned in the L-C-4, Limited Commercial District, which was the initial commercial zoning established for Polaris-area development (Z91-018C). The requested L-C-4 district updates building height limitations by establishing a height district of H-110 on the site. The proposed limitation text otherwise maintains existing use and development standard 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 recognizes the updated height district to be appropriate and consistent with adjacent L-C-4 districts.

To rezone **2110 IKEA WAY (43219)**, being 2.85± acres located on the north side of Ikea Way, 1,200± feet west of East Powell Road, From: L-C-4, Limited Commercial District, To: L-C-4, Limited Commercial District (Rezoning # Z17-046).

WHEREAS, application No. Z17-046 is on file with the Department of Building and Zoning Services requesting rezoning of 2.85± 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 development pattern of the surrounding area., Furthermore, the updated height standards are consistent with adjacent 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:

2110 IKEA WAY (43219), being 2.85± acres located on the north side of Ikea Way, 1,200± 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 Lots 16 and 17, Quarter Township 4, Township 3, Range 18, United States Military Lands, being 1.201 acres out of Farm

Lot 16, being 1.648 acres out of Farm Lot 17, being 1.035 acres out of an 11.842 acre tract of land described in a deed to Polaris TG, LLC of record in Official Record Volume 1524, Page 537, being 1.814 acres out of a 34.966 acre tract of land described in a deed to NP/FG, LLC of record in Official Record Volume 1521, Page 2394, and being more particularly described as follows:

COMMENCING for reference at the southeast corner of Lot 1221 of Hickory Ridge Corrected Plat of record in Plat Book 20, Page 178 and being on the north line of said 34.966 acre tract;

Thence South 07°38'30" West, a distance of 450.00 feet crossing said 34.966 acre tract, to the TRUE POINT OF BEGINNING of the tract to be described;

Thence crossing said 34.966 acre tract and said 11.842 acre tract, with the following five (5) courses and distances:

- 1) South 07°38'30" West, a distance of 227.32 feet, to a point;
- 2) With the arc of a curve to the left having a radius of 500.00 feet, a central angle of 84°54'26", a chord bearing of North 89°09'14" West, a chord distance of 674.99 feet, and an arc length of 740.95 feet, to a point;
- 3) South 48°23'33" West, a distance of 24.76 feet, to a point;
- 4) North 06°59'59" East, a distance of 325.97 feet, to a point;
- 5) South 82°21'30" East, a distance of 690.07 feet, to the TRUE POINT OF BEGINNING, containing 2.849 acres of land, more or less.

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 text being titled "**DEVELOPMENT TEXT**," signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, dated January 12, 2018, and reading as follows:

DEVELOPMENT TEXT

L-C-4, Limited Commercial District

PROPERTY ADDRESS: 2110 Ikea Way, Columbus, OH 43240

PID: 31844202025006 (part of) & 31844202025008 (part of) (Delaware County)

AREA: 2.849 +/- ac

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

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

APPLICANT: NP/FG, LLC, c/o Dave Perry, David Perry Company,

Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, Ohio 43215

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

DATE OF TEXT: January 12, 2018

APPLICATION NUMBER: Z17-046

1. INTRODUCTION:

Applicant proposes to rezone 2.849 +/- acres from L-C-4 to L-C-4, Limited Commercial District to change the height district from H-60 to H-110. Property to the north, west and south from the site is in the H-110. The 2.849 +/- area is a remainder from other abutting rezoning ordinances with the H-110 height district. Commercial use of the site is permitted by the current L-C-4 zoning and commercial use is supported by the Far North Plan.

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

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

1. Billboards

2. 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.

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

4. 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.

5. 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.

6. 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.

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 follows:

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. No parking or maneuvering areas, except driveways, shall be constructed nearer than three (3) feet from any side or rear property line, except 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.

The site does not directly abut any public street. Vehicular access will be provided through adjacent commercially zoned property.

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. For all retaining walls an area to be planted with shrubs and/or vines shall be provided between the wall and any paved area.

8. 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 sides. There shall be no exposed smooth face concrete block.

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

N/A

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 Parkland Dedication Ordinance (PDO) is not applicable because the site is being rezoned from L-C-4 to L-C-4. 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).

2. 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.

3. 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.