



# City of Columbus

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

## Legislation Text

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**File #:** 1985-2019, **Version:** 2

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### **Rezoning Application: Z19-032**

**APPLICANT:** Scene 75 Tuttle, LLC, c/o Jeffrey J. Madison and Christopher Burch, Attys.; 2 Miranova Place, Suite 220; Columbus, OH 43215.

**PROPOSED USE:** Revised development standards and an additional use for a regional mall.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on July 11, 2019.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a regional mall and an eating and drinking establishment zoned in the CPD, Commercial Planned Development District, and stormwater detention/open space in the L-R, Limited Rural District. The applicant requests a new CPD district to remove use prohibitions that are no longer permitted in the C-4, Commercial District; add **ancillary** bowling alleys ~~and movie theaters~~ to the list of permitted uses; establish subareas based on the parcel ownership within the mall property enabling each subarea to be rezoned independently; redefine signage allowances for anchor tenants; and revise development standards, mainly to reformat into current CPD text outline form and remove superfluous commitments including preconstruction restrictions and items that have since been codified. The requested L-R, Limited Rural District is being retained with this request as it was included as open space and stormwater detention for the existing CPD district. The CPD text proposes C-4, Commercial District uses with restrictions, carries over the existing CPD plans and exhibits, and includes development standards addressing setbacks, traffic and access, landscaping, screening, lighting, and graphics commitments. The L-R text reestablishes this area as exclusively open space and stormwater detention areas for the development within the CPD district. The request will permit appropriate modifications to the existing Tuttle Crossing Mall development in regard to permitted uses and signage allowances while establishing individual subareas that can be rezoned in the future independently from each other. The request also carries over L-R district limitations and the existing CPD plans and exhibits which contain extensive buffering and screening in consideration of the adjacent single-unit residential development. The proposed CPD, Commercial Planned Development and L-R, Limited Rural districts remain consistent with the established development pattern in the area while providing additional regional commercial opportunities for the existing mall development.

To rezone **5033 TUTTLE CROSSING BLVD. (43016)**, being 76± acres located at the southeast corner of Tuttle Crossing Boulevard and Interstate 270, From: CPD, Commercial Planned Development District and L-R, Limited Rural District, To: CPD, Commercial Planned Development District and L-R, Limited Rural District (Rezoning #Z19-032) **and to declare an emergency.**

**WHEREAS**, application #Z19-32 is on file with the Department of Building and Zoning Services requesting rezoning of 76± acres from CPD, Commercial Planned Development District and L-R, Limited Rural District, to CPD, Commercial Planned Development District and L-R, Limited Rural 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 proposed CPD, Commercial Planned Development and L-R, Limited Rural districts remain consistent with the established development pattern in the

area while providing additional regional commercial opportunities for the existing mall development. The requested CPD, Commercial Planned Development District will permit appropriate modifications to the existing Tuttle Crossing Mall development in regard to permitted uses and signage allowances while establishing individual subareas that can be rezoned in the future independently from each other. The request also carries over L-R district limitations and the existing CPD plans and exhibits which contain extensive buffering and screening in consideration of the adjacent single-unit residential development;

**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:

**5033 TUTTLE CROSSING BLVD. (43016)**, being 76± acres located at the southeast corner of Tuttle Crossing Boulevard and Interstate 270, and being more particularly described as follows:

**Subarea 4-1**

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

Being Lot Number Fourteen (14) as the same is numbered and delineated upon the recorded plat of The Mall at Tuttle Crossing, a Subdivision of Part of Lot 10 and a Resubdivision of Part of Reserve "I" Thereof, as Recorded in Plat Book 83, Pages 25, 26 and 27, Franklin County Records.

Commonly known as 5033 Tuttle Crossing Boulevard, Dublin, Ohio 43016

Parcel No. 010-233226-00

**Subarea 4-2**

**TRACT ONE (1)**

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

Being RESERVE "H" of THE MALL AT TUTTLE CROSSING, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 82, pages 47 and 48, Recorder's Office Franklin County, Ohio, and containing 0.899 acre of land, more or less.

**TRACT TWO (2)**

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

Being Lot Number Fifteen (15) and RESERVE "J" of THE MALL AT TUTTLE CROSSING, A SUBDIVISION OF PART OF LOT 10 AND A RESUBDIVISION OF PART OF RESERVE "I" THEREOF, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 83, pages 25 through 27, inclusive, Recorder's Office, Franklin County, Ohio, said Lot 15 containing 35.812 acres, more or less, and said Reserve "J" containing 1.479 acres, more or less.

Excepting therefrom Reserves H, I, and J, and the following area known as Subarea 6A:

Situated in the State of Ohio, County of Franklin, City of Columbus, being 5.211 acres of Tuttle Crossing Southeast, a subdivision of record in Plat Book 71, Pages 35 and 36, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning, FOR REFERENCE, at the southeasterly corner of Lot 9; thence South 77° 13' 22" West, along the southerly line of Lot 9, a distance of 100.00 feet to the TRUE PLACE OF BEGINNING:

Thence South 77° 13' 22" West, continuing along said southerly line, of 707.71 feet to a point;  
Thence with the arc of a curve to the left (being 3.58 feet easterly parallel to the easterly line of Lot 7), having a radius of 2,963.58 central angle of 10° 46' 46", the chord of which bears North 18° 03' a chord distance of 556.75 feet to a point;  
Thence South 65° 45' 57" East, a distance of 306.31 feet to a point;  
Thence South 37° 33' 51" East, a distance of 121.16 feet to a point;  
Thence North 77° 13' 22" East, 260.00 feet north of and parallel to the southerly line of Lot 9, a distance of 400.00 feet to a point;  
Thence South 42° 46' 38" East, a distance of 127.02 feet to a point;  
Thence South 12° 46' 38" East, a distance of 150.00 feet to the TRUE PLACE OF BEGINNING and containing 5.211 acres of land.  
Together with those Non-Exclusive appurtenant easements created in a certain Construction, Operation and Reciprocal Easement Agreement by and among Tuttle Crossing Associates, Sears Roebuck and Co., J.C. Penney Properties, Inc., Marshall Field & Company and Lazarus, Inc., dated October 31, 1995 and recorded December 1, 1995 in Official Record Volume 30642, Page C06.  
Together with the use of those beneficial non-exclusive easements of record in Official Record 16478G01 and Official Record 31068H13.

Commonly known as 5043 Tuttle Crossing Boulevard, Dublin, Ohio 43016  
Parcel No. Part of 010-233227

#### **Subarea 4-3**

Being Lot Number Eleven (11) as the same is numbered and delineated upon the recorded plat of The Mall at Tuttle Crossing A Subdivision of Part of Lot 10 and a Resubdivision of Part of Reserve "I" Thereof, of record in Plat Book 83, pages 25 through 27, inclusive, Recorder's Office, Franklin County, Ohio.

Prior Instrument Reference: Official Record Volume 30080, page E-14, Recorder's Office, Franklin County, Ohio.

Commonly Known as 5123 Tuttle Crossing Boulevard, Dublin, Ohio 43016  
Parcel No. 010-233223

#### **Subarea 4-4**

Situated in the State of Ohio, City of Columbus, County of Franklin, and described as follows:  
Being Lot Number Twelve (12) as the same is numbered and delineated on the recorded plat of the Mall at Tuttle Crossing, a Subdivision of Part of Lot 10 and a Resubdivision of Part of Reserve "I" thereof, of record in Plat Book 83, pages 25 through 27, inclusive, Recorder's Office, Franklin County, Ohio.  
Prior Instrument Reference: Official Record Volume 30080, Page E-14 and  
Official Record Volume 30114, Page D-07, Recorder's Office, Franklin County, Ohio.  
Last Deed Reference: December 1, 1995, Official Record Volume 30642, Page C-02, Recorder's Office, Franklin County, Ohio.

Commonly Known as 5083 Tuttle Crossing Boulevard, Dublin, Ohio 43016  
Parcel No. 010-233224

#### **Subarea 4-5**

##### **PARCEL 1:**

Situated in the City of Columbus, County of Franklin and State of Ohio, described as follows:  
And known as Lot Number Thirteen (13) as the same is numbered and delineated upon the recorded plat of the Mall at Tuttle Crossing Subdivision of Part of Lot 10 and a Resubdivision of Part of Reserve "I" of record in Plat Book 83, Pages

25 through 27 inclusive, Recorder's Office, Franklin County, Ohio.

**PARCEL 2 (Easement):**

Easements appurtenant to and for the benefit of the above described land created by the Construction, Operation and Reciprocal Easement Agreement by and among Tuttle Crossing Associates, Sears, Roebuck and Co., J.C. Penney Properties, Inc., Marshall Field & Company and Lazarus, Inc., of record in Official Record 30642C06, Franklin County records.

**PARCEL 3 (Easement):**

Easements appurtenant to and for the benefit of Parcel 2 created by the Ingress/Egress Easement granted to Sears, Roebuck & Co., recorded in Official Record 30643A13, Franklin County records.

Commonly known as 5053 Tuttle Crossing Boulevard, Dublin, Ohio 43016

Parcel Number: 010-233225

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

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

**Subarea 6A**

Situated in the State of Ohio, County of Franklin, City of Columbus, being 5.211 acres of Tuttle Crossing Southeast, a subdivision of record in Plat Book 71, Pages 35 and 36, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning, FOR REFERENCE, at the southeasterly corner of Lot 9; thence South 77° 13' 22" West, along the southerly line of Lot 9, a distance of 100.00 feet to the TRUE PLACE OF BEGINNING:

Thence South 77° 13' 22" West, continuing along said southerly line, of 707.71 feet to a point;

Thence with the arc of a curve to the left (being 3.58 feet easterly parallel to the easterly line of Lot 7), having a radius of 2,963.58 central angle of 10° 46' 46", the chord of which bears North 18° 03' a chord distance of 556.75 feet to a point;

Thence South 65° 45' 57" East, a distance of 306.31 feet to a point;

Thence South 37° 33' 51" East, a distance of 121.16 feet to a point;

Thence North 77° 13' 22" East, 260.00 feet north of and parallel to the southerly line of Lot 9, a distance of 400.00 feet to a point;

Thence South 42° 46' 38" East, a distance of 127.02 feet to a point;

Thence South 12° 46' 38" East, a distance of 150.00 feet to the TRUE PLACE OF BEGINNING and containing 5.211 acres of land excepting therefrom any rights-of-way and Reserves H & I.

Parcel No. Part of 010-233227 and all of 010-233228

**To Rezone From:** L-R, Limited Rural District

**To:** L-R, Limited Rural District

**SECTION 2.** That a Height District of sixty (60) feet is hereby established on the CPD, Commercial Planned Development District and a Height District of thirty-five (35) feet is hereby established on the L-R, Limited Rural 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 L-R, Limited-Rural District and Application among the records of the Department of Building and Zoning Services as required by Sections 3311.12 and 3370.03 of the Columbus City Codes; said plans being titled, "**EXHIBIT A PAGES 1-3 - EAST RING ROAD BUFFER PLAN AND SHANNON HEIGHTS WALL EXTENSION,**" "**EXHIBIT B - BRICK SCREEN WALL CHARACTER SKETCH/SECTION,**" "**EXHIBIT C PAGES 1-2 - CAMDEN PLACE APARTMENTS ENTRY AND SCREENING IMPROVEMENTS AND CAMDEN PLACE I-270 BUFFER PLAN,**" "**EXHIBIT D -RETENTION/DETENTION POND EDGE TREATMENT CHARACTER SKETCH,**" "**EXHIBIT E - MALL DEVELOPMENT,**" and "**EXHIBIT F - THE MALL AT TUTTLE CROSSING,**" and said text being titled, "**CPD & L-R TEXT,**" all signed by Christopher Burch, Attorney for the Applicant, and dated July 8, 2019, and the text reading as follows:

**(SEE ATTACHMENT FILE TITLED, “ORD1985-2019\_ CPD & L-R \_TEXT”)**

**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.**