



Legislation Text

File #: 1966-2022, **Version:** 1

Rezoning Application: Z20-030

APPLICANT: SC Thurber Village Limited; c/o Eric Leibowitz, Agent; 250 Civic Center Drive, #500; Columbus, OH 43215.

PROPOSED USE: Commercial and multi-unit residential developments.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 13, 2022.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a retail shopping center and parking lot in the C-3, Commercial District. The requested AR-3, Apartment Residential District will permit a multi-unit residential development and the requested CPD, Commercial Planned Development District will permit a commercial development with two commercial buildings (15,500 square feet and 22,500 square feet). The CPD text commits to a site plan, permits C-3, Commercial District uses, and includes development standards addressing setbacks, access, parking, landscaping, building design, lighting, and graphics commitments. Modifications to code standards for landscaping and screening, parking setback line, minimum numbers of parking and loading spaces required, screening, and C-3 district setback lines are included in this request. While there is no adopted land use plan in place at this location, *Columbus Citywide Planning Policies* (C2P2) Design Guidelines apply to the site, and call for high quality building materials, landscaping between residential and non-residential uses, enhanced aesthetic appeal, and bicycle parking. The requested AR-3, Apartment Residential and CPD, Commercial Planned Development districts will allow a mixed-use development that is consistent with C2P2 Design Guidelines and the established development pattern of the neighborhood. The request is comparable to recent redevelopment proposals of shopping centers in urban areas. A concurrent Council variance (Ordinance #1967-2022; CV20-033) has been filed for the AR-3, Apartment Residential District portion of the site, which commits to a site plan with a maximum of 230 dwelling units (85.82 du/acre). Variances to permit use of the structured parking in the AR-3 portion of the site for up to 48 commercial parking spaces for the commercial uses on the adjacent CPD, Commercial Planned Development District, and to reduce the driveway width, landscaping and screening, parking setback line, minimum number of parking spaces required, building lines, and rear yard are included in the request.

To rezone **777 NEIL AVE. (43215)**, being 5.03± acres located at the southwest corner of Neil Avenue and Buttles Avenue, From: C-3, Commercial District, To: AR-3, Apartment Residential District and CPD, Commercial Planned Development District (Rezoning #Z20-030).

WHEREAS, application #Z20-030 is on file with the Department of Building and Zoning Services requesting rezoning of 5.03± acres from C-3, Commercial District, to AR-3, Apartment Residential and CPD, Commercial Planned Development districts; 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 AR-3, Apartment Residential District and CPD, Commercial Planned Development District will allow a mixed-use development and that is

consistent with C2P2 Design Guidelines and the established development pattern of the neighborhood. The request is comparable to recent redevelopment proposals of shopping centers in urban areas; 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 #0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

777 NEIL AVE. (43215), being 5.03± acres located at the southwest corner of Neil Avenue and Buttles Avenue, and being more particularly described as follows:

AR-3, Apartment Residential District, 2.7 acres:

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 9 Township 5 North, Range 22 West, Scofield's Survey of the Refugee Lands being part of Parcel G-1 & all of Parcel G-2 as delineated in Re-subdivision of Goodale Urban Renewal Plat Number 1 as recorded in Plat Book 37 Page 19A, conveyed to SC Thurber Village Limited in Instrument Number 200503160048524, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a point, being the northwesterly corner of said parcel G-2 also being the intersection of the easterly right-of-way line of Thurber Drive East (60') as delineated in said Plat and the southerly right-of-way line of Buttles Avenue (70') as delineated in said Plat;

Thence along the southerly right-of-way line of said Buttles Avenue and the northerly line of said Parcels G-1 & G-2, South 86°50'47" East, 295.00 feet to a point;

Thence across said Parcel G-1, South 03°06'43" West, 332.00 feet to a point;

Thence continuing across said Parcel G-1, South 26°50'47" East, 108.90 feet to a point, being on the southerly line of said Parcel G-1 and the northerly line of Collins Avenue (60') as delineated in said Plat;

Thence along the southerly line of said Parcel G-1 and the northerly line of said Collins Avenue, South 61°07'14" West, 163.19 feet to a point;

Thence along the southerly line of said Parcel G-1, being the intersection of the northerly line of said Collins Avenue and the easterly line of said Thurber Drive East, along a curve to the right having a radius of 10.00 feet, a delta angle of 89°58'58", an arc length of 15.70 feet, and a chord bearing and distance of North 73°52'46" West, 14.14 feet to a point, being the southwest corner of said Parcel G-1;

Thence along the westerly line of said Parcel G-1 tract and the easterly line of said Thurber Drive East Avenue, North 28°52'46" West, 244.57 feet to a point;

Thence continuing along the westerly line of said 5.025 acre tract, and the easterly line of said Thurber Drive East, along a curve to the right having a radius of 445.00 feet, a delta angle of 19°52'47", an arc length of 154.40 feet, and a chord bearing and distance of North 18°56'23" West, 153.63 feet to a point being the southwest corner of said Parcel G-2, and a northwesterly corner of said Parcel G-1;

Thence along the westerly line of said Parcel G-2, and the easterly line of said Thurber Drive East, along a curve to the right having a radius of 445.00 feet, a delta angle of 12°04'15", an arc length of 93.75 feet, and a chord bearing and distance of North 02°57'54" West, 93.58 feet to a point;

Thence continuing along the westerly line of said Parcel G-2 and the easterly line of said Thurber Drive East, North 03°04'14" East, 67.00 feet to a point said point being the POINT OF BEGINNING, containing 2.7 acres, more or less.

To Rezone From: C-3, Commercial District,

To: AR-3, Apartment Residential District.

CPD, Commercial Planned Development District, 2.3 acres:

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 9 Township 5 North, Range 22 West, Scofield's Survey of the Refugee Lands being part of Parcels G-1 as delineated in Re-subdivision of Goodale Urban Renewal Plat Number 1 as recorded in Plat Book 37 Page 19A, conveyed to SC Thurber Village Limited in Instrument Number 200503160048524, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

COMMENCING at a point, being the northwesterly corner of said parcel G-2 also being the intersection of the easterly right-of-way line of Thurber Drive East (60') as delineated in said Plat and the southerly right-of-way line of Buttles Avenue (70') as delineated in said Plat;

Thence along the southerly right-of-way line of said Buttles Avenue and the northerly line of said Parcels G-1 & G-2, South 86°50'47" East, 295.00 feet to a point, said point being the TRUE POINT OF BEGINNING for the tract here-in described;

Thence along the southerly right-of-way line of Buttles Avenue and the northerly line of said Parcel G-1, South 86°50'47" East, 226.86 feet to a point, said point being the northeasterly corner of said Parcel G-1, also being the intersection of the southerly right-of-way line of said Buttles Avenue and the westerly right-of-way line of Neil Avenue (80') as delineated in said Plat;

Thence along the easterly line of said Parcel G-1 and the westerly right-of-way line of said Neil Avenue, South 08°14'26" East, 373.13 feet to a point, said point being the southeast corner of said Parcel G-1 also being the intersection of the westerly right-of-way line of said Neil Avenue and the northerly right-of-way line of Collins Avenue (60') as delineated in said Plat;

Thence along the southerly line of said Parcel G-1 and the northerly line of said Collins Avenue, North 86°52'56" West, 53.23 feet to a point;

Thence continuing along the southerly line of said Parcel G-1, and the northerly right-of-way line of said Collins Avenue, along a curve to the left having a radius of 335.00 feet, a delta angle of 31°59'48", an arc length of 187.08 feet, and a chord bearing and distance of South 77°07'08" West, 184.66 feet to a point;

Thence along the southerly line of said Parcel G-1 and the northerly line of said Collins Avenue, South 61°07'14" West, 17.91 feet to a point;

Thence across said Parcel G-1, North 26°50'47" West, 108.90 feet to a point;

Thence continuing across said Parcel G-1, North 03°06'43" East, 332.00 feet to a point, said point being the POINT OF BEGINNING, containing 2.3 acres, more or less.

To Rezone From: C-3, Commercial District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of sixty (60) feet is hereby established on the AR-3, Apartment Residential District and a Height District of thirty-five (35) 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 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, “**ZONING PLAN**,” and text titled, “**DEVELOPMENT TEXT**,” both signed by Eric Leibowitz, Agent for the Applicant, dated June 17, 2022, and the text reading as follows:

DEVELOPMENT TEXT

EXISTING ZONING: C-3, Commercial District

PROPOSED ZONING: CPD, Commercial Planned Development and AR-3, Apartment Residential District

PROPERTY ADDRESS: 777 Neil Avenue, Columbus, OH 43215

APPLICANT: SC Thurber Village Limited c/o Eric Leibowitz, Agent, 250 Civic Center Drive, #500, Columbus, OH 43215.

OWNER: SC Thurber Village Limited c/o Eric Leibowitz, 250 Civic Center Drive, #500, Columbus, OH 43215

DATE OF TEXT: June 17, 2022

APPLICATION NUMBER: Z20-030

INTRODUCTION:

Applicant’s development site is 5.1 +/- acres (PID: 010-140811), being the block bounded by Neil Avenue (east), Collins Avenue (south), Thurber Drive East (west) and Buttles Avenue (north). The site is presently zoned C-3, Commercial and is developed with an older retail shopping center and large parking lot. By rezoning application Z20-030, applicant proposes to rezone 2.3 +/- acres adjacent to Neil Avenue, Buttles Avenue and Collins Avenue from C-3 to CPD, Commercial Planned Development, for new commercial development, and 2.7 +/- acres adjacent to Thurber Drive East, Buttles Avenue and Collins Avenue for new residential development. The site plan titled “Zoning Plan”, dated June 17, 2022, hereafter “Site Plan”, is submitted with this application as the CPD site plan at full site development. See illustrative exhibits: Thurber Village Phasing Plan - Phase 1 and Thurber Village Phasing Plan - Phase 2, both dated 06/17/2022. Site development requires phased construction for development of the CPD and AR-3 areas. See also Council Variance Application #CV20-033.

CPD, COMMERCIAL PLANNED DEVELOPMENT (2.3 +/- acres):

1. PERMITTED USE: The permitted uses shall be all uses of Section 3355.03, C-3, Permitted Uses.

2. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3355, C-3, Commercial District and Chapter 3312, Off-Street Parking and Loading, of the Columbus City Code.

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

1. The Neil Avenue, Buttles Avenue, and Collins Avenue building setback lines shall be a minimum of 10’, 10’, and 9’ from the existing adjacent right of way lines of each street, except a generator and transformer, including screen wall(s) up to 8’ tall, as depicted on the Site Plan, shall be permitted at a 0’ setback along Collins Avenue. The Neil Avenue building setback line shall be reduced by the amount of any future right of way resulting in less than a 10’ building setback.

2. The Neil Avenue, Buttles Avenue, and Collins Avenue parking setback lines shall be a minimum of 10’, 10’, and 9’ from the existing adjacent right of way lines of each street, except pavement pads for a generator and transformer shall be permitted at a 0’ setback along Collins Avenue, and pavement for the loading area shall be permitted at 0’ setback from Collins Avenue, as depicted on the Site Plan, The Neil Avenue parking setback line shall be reduced by the amount of any future right of way resulting in less than a 10’ parking setback.

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

1. Direct vehicular access shall be from Buttles Avenue and Collins Avenue. There shall be no direct vehicular access to Neil Avenue.
2. A total of 78 parking spaces shall be located within the CPD area at full development. Additional parking totaling 48 parking spaces exclusively for the commercial use(s) shall be provided in the AR-3 area adjacent to the west side of the CPD area as provided in concurrent CV20-033. 78 on-site spaces (CPD area) and 48 off-site parking spaces (AR-3 area), totaling 126 parking spaces, shall be the total required parking for all C-3 retail uses of the CPD area. The 48 parking spaces for commercial use in the AR-3 area are exclusive to the commercial/CPD area and are not counted in residential parking (312 spaces) to be provided in the AR-3 area for the apartment building. The parking garage in the adjacent AR-3 area will be built as a development phase after the commercial development of the CPD area. A Site Compliance Plan(s) for the CPD area shall be approved based on a minimum of 78 parking spaces within the CPD area except the Site Compliance Plan for the first 15,500 square feet of retail use(s) (Building B) shall be approved with 52 parking spaces within the CPD area. Interim commercial parking may be provided in the adjacent AR-3 area as the CPD area is redeveloped and the existing shopping center building is razed in phases. The Site Plan depicts the site at full site development. Development will occur in phases with the existing CVS retail store at the south end of the existing shopping center remaining in the AR-3 area until the new retail building (Building B) is approved for occupancy. See illustrative exhibits: Thurber Village Phasing Plan - Phase 1 and Thurber Village Phasing Plan - Phase 2, both dated 06/17/2022.
3. No loading spaces, as Loading Space is defined in Sections 3312.51 and 3312.53, shall be required. Loading areas may have maneuvering across the future CPD / AR-3 property line. Loading area shall be approved by the Division of Traffic Management/Public Service Department in conjunction with a final Site Compliance Plan.
4. The Public Service Department has approved the traffic study titled "777 Neil Avenue Redevelopment Revised Traffic Impact Study", dated February 25, 2022. The eastbound and westbound left turn lanes that are recommended by this study for the intersection of Neil Avenue and Buttles Avenue are being implemented with the Signal Installation - Neil Avenue Signals project (540007-100029) per street construction plan 3718-E. The developer will be responsible to pay the City of Columbus a total contribution of \$14,640.69 for the cost of implementing these turn lanes prior to approval of the Final Site Compliance Plan.

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

1. Street trees at 40' +/- on-center shall be provided along all public street frontages where not already existing. It is the purpose of this section to fill-in street trees where not presently existing.
2. Parking lot screening and landscaped setback shall not be required along the common zoning line/future property line of the CPD where the 2.3 +/- acre CPD area is adjacent to the 2.7 +/- acre AR-3 area to the west.
3. Parking lot screening, where indicated between Building A and B along the Neil Avenue frontage, shall be 4' tall.
4. Developer shall install a landscape feature to provide screening in front of the surface parking area fronting Neil Avenue. The landscape feature shall consist of a hardscape wall and plantings (evergreen, deciduous and/or a combination thereof are permitted) that will be at least 48 inches tall at installation with no less than 75% opacity. Any combination of hardscape wall and plantings may be used to achieve the height and opacity specifications referenced herein.

D. Building design and/or Interior-Exterior treatment commitments.

1. Primary building materials shall be brick, brick veneer, stone, stone veneer, manufactured stone, metal, fiber cement

siding or comparable material, EIFS, precast concrete panels (rear and side only), wood (including synthetic wood products), and/or glass in any combination of materials. Nothing herein shall prohibit the use of the aforementioned materials or other materials as secondary or trim materials.

2. Building architecture shall be four (4) sided, meaning buildings shall have the same level and quality of finish on all sides.

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

The maximum height of parking lot lighting shall be 18 feet.

F. Graphics and Signage Commitments.

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-3, Commercial District. Any ground sign shall be monument-style. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

G). Other CPD Requirements.

1. Natural Environment: The site is the block bounded by Neil Avenue, Buttles Avenue, Thurber Drive East and Collins Avenue.

2. Existing Land Use: The 5.1 +/- acre site is developed with an older retail shopping center. The site is proposed to be rezoned to the CPD and AR-3 districts and redeveloped with commercial and residential uses. The CPD and AR-3 areas will be split by lot split for separate parcels. See illustrative exhibits: Thurber Village Phasing Plan - Phase 1 and Thurber Village Phasing Plan - Phase 2, both dated 06/17/2022. Various types of residential uses are located across the public streets abutting the site.

3. Circulation: Vehicular access to the CPD area will be from Buttles Avenue and Collins Avenue. There shall be no direct vehicular access to Neil Avenue.

4. Visual Form of the Environment: The proposed commercial uses are permitted under the existing zoning. Use of the CPD allows building to be placed closer to public streets than is otherwise permitted and allows applicant to comprehensively plan the commercial redevelopment. The uses are appropriate for the location. Neil Avenue is an Urban Commuter Corridor on the Columbus Multi-Modal Thoroughfare Plan and provides north/south vehicular movement from downtown and north.

5. Visibility: The site is visible from Neil Avenue, Buttles Avenue, Thurber Drive East and Collins Avenue.

6. Proposed Development: Commercial development as permitted by this text and as depicted on the referenced Site Plan.

7. Behavior Patterns: Vehicular access will be from Buttles Avenue and Collins Avenue.

8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

H). Modification of Code Standards.

1. Section 3312.21(B)(1)(3)(D)(1), Landscaping and Screening, to not provide landscape screening or landscape setback along the common zoning line/future property line of the CPD area with the abutting AR-3 area to the west and to permit hardscape treatment of portions of the Neil Avenue parking setback, as depicted on the Site Plan.

2. Section 3312.27(4), Parking Setback Line, to reduce the 10' Neil Avenue parking setback by the amount of any future right of way dedication resulting in less than a 10' Neil Avenue parking setback.

3. Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 126 spaces to 78 parking spaces for all C-3 retail uses within the total CPD area, subject to an additional 48 parking spaces being provided for commercial use within the parking garage located in the AR-3 area adjacent to the west side of the CPD area. 78 parking spaces within the CPD area and 48 off-site parking spaces in the AR-3 area, totaling 126 spaces, shall be the total required parking for all C-3 retail uses of the CPD area at full site development. The parking garage in the adjacent AR-3 area will be built as a development phase after the commercial development of the CPD area. A Site Compliance Plan(s) for the CPD area shall be approved based on a minimum of 78 parking spaces within the CPD area with construction of Building A and Building B. The Site Compliance Plan for the first 15,500 square feet of retail use(s) (Building B) shall be approved with 52 parking spaces within the CPD area. Interim commercial parking may be provided in the adjacent AR-3 area as the CPD area is redeveloped and the existing shopping center building is razed in phases.

4. Section 3312.53, Minimum Number of Loading Spaces Required, to reduce code required loading spaces to zero (0), with loading areas being provided subject to design approval by the Division of Traffic Management/Public Service Department.

5. Section 3321.09(B), Screening, to not provide screening to the abutting residentially zoned property (AR-3) to the west.

6. Section 3355.09, C-3 District Setback Lines, to reduce the Neil Avenue, Buttles Avenue, and Collins Avenue building setback lines from 50 feet (Columbus Multi-Modal Thoroughfare Plan), 25', and 25' to 10', 10', and 9' feet, respectively, except a generator and transformer, including screen wall(s) up to 8' tall, as depicted on the Site Plan, shall be permitted at a 0' setback along Collins Avenue. The Neil Avenue building setback line shall be reduced by the amount of any future right of way resulting in less than a 10' building setback.

I. Miscellaneous.

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. Development of the site shall be in accordance with the Site Plan titled "Zoning Plan", dated 06/17/2022, and signed by Eric Leibowitz, Agent for Applicant. The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Plan 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. The Site Plan depicts the site at full development. Site development requires phased construction as the CPD and AR-3 areas are developed. Interim phased demolition of the existing shopping center and interim phased new construction shall occur. Interim commercial parking may be provided in the adjacent AR-3 area as the CPD area is redeveloped. Construction of Building B shall be permitted to start prior to complete demolition of the existing shopping center. Phasing of site development shall be permitted, including new construction prior to demolition of the existing shopping center. See illustrative exhibits: Thurber Village Phasing Plan - Phase 1 and Thurber Village Phasing Plan - Phase 2, both dated 06/17/2022.

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