



Legislation Text

File #: 0588-2023, **Version:** 1

Rezoning Application: Z22-051

APPLICANT: Havery Run LLC; c/o Laura MacGregor Comek, Atty.; 17 South High Street, Suite 700; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on October 13, 2022.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is undeveloped in the CPD, Commercial Planned Development and L-AR-1, Limited Apartment Residential districts. The proposed CPD, Commercial Planned Development District will permit a mixed-used development with up to 364 apartment units and 47,900 square feet of commercial space. The CPD text commits to a site plan and includes development standards addressing setbacks, site access, landscaping, building design, lighting, and graphics commitments. Included in the text are code modifications to eliminate parking lot and certain perimeter landscaping, allow internal drive aisles, and reduce the minimum numbers of parking spaces required from 492 to 374. The site is located within the boundaries of the *Interim Hayden Run Corridor Plan* (2004), which recommends "Community Commercial" and "Neighborhood Center" land uses at this location, which primarily supports multi-unit residential and commercial uses. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). C2P2 Design Guidelines recommend that buildings be parallel to and facing the street with entrance doors connected to the public sidewalk network, using high quality, durable materials, and ground floor uses that address the street. The Plan states that open space should be integrated into new developments, serving as an organizational element or a central green space and that structured parking be considered for mixed-use projects with bicycle parking beyond what is provided by code be provided, and parking lots hidden from view. The requested CPD, Commercial Planned Development District will allow a mixed-use development that is compatible with the development standards of adjacent developments. The proposal is consistent with the land use recommendations of the Plan and with C2P2 Design Guidelines. A concurrent Council variance (Ordinance #0589-2023; CV22-063) has been filed to permit the proposed ground floor residential uses in this CPD district.

To rezone **5191 RIGGINS RD. (43016)**, being 16.47± acres generally located at the southeast corner of Riggins Road and Avery Road, From: CPD, Commercial Planned Development and L-AR-1, Limited Apartment Residential districts, To: CPD, Commercial Planned Development District (Rezoning #Z22-051).

WHEREAS, application #Z22-051 is on file with the Department of Building and Zoning Services requesting rezoning of 16.47± acres from CPD, Commercial Planned Development and L-AR-1, Limited Apartment Residential districts, 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 a mixed-use development that is compatible with the development standards of adjacent developments, and is consistent with the land use recommendations of the *Interim Hayden Run Corridor Plan*, and the design recommendations of the C2P2 Design Guidelines; 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:

5191 RIGGINS RD. (43016), being 16.47± acres generally located at the southeast corner of Riggins Road and Avery Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military District 3012, also being part of the remainder of a 24.492 acre tract as conveyed to Havery Run, LLC in Instrument Number 201809190127000 and being more particularly described as follows;

Commencing at Franklin County Geodetic Survey Monument 8855 found at an angle point in the original centerline of Avery Road (R/W Varies), the northwest corner of dedication for a portion of Avery Road as recorded in the Avery Road and Riggins Road Dedication in Plat Book 120, Page 82, and also being in the east line of Virginia Military Survey District 3453 and the west line of Virginia Military Survey District 3012;

Thence S 05°27'36" E, with the centerline of said Avery Road, being the west line of Virginia Military Survey District 3012 and the east line of Virginia Military Survey District 3453, 241.95 feet ±;

Thence N 84°32'24" E, across the right-of-way of said Avery Road, with the southerly right-of-way line of said Riggins Road, 97.84 feet ± to the northwest corner of the remainder of said 24.492 acre tract, the intersection of the easterly right-of-way line of said Avery Road and the southerly right-of-way line of said Riggins Road;

Thence with the west line of the remainder of said 24.492 acre tract and the easterly right-of-way line of said Avery Road, the following three (3) courses and distances:

1. S 01°57'36" E, 98.85 feet ±;
2. With a curve to the left, a central angle of 03°30'01", a radius of 971.00 feet, an arc length of 59.32 feet, and a chord bearing and distance of S 03°42'36" E, 59.31 feet ±;
3. S 05°27'36" E, 100.55 feet ± to the TRUE POINT OF BEGINNING for the land herein described as follows;

Thence N 84°32'19" E, across the remainder of said 24.492 acre tract, with the south line of a 2.815 acre tract as conveyed to United Dairy Farmers, Inc. in Instrument Number 202106030097672, 574.94 feet ±;

Thence with the south line of said 2.815 acre tract, with a curve to the right, a central angle of 32°10'22", a radius of 242.50 feet, an arc length of 136.17 feet, and a chord bearing and distance of S 79°22'30" E, 134.39 feet ±;

Thence S 63°17'19" E, with the south line of said 2.815 acre tract, across the remainder of said 24.492 acre tract, 543.01 feet ±;

Thence with a curve to the left, a central angle of 03°51'41", a radius of 1294.50 feet, an arc length of 87.24 feet, and a chord bearing and distance of S 65°13'09" E, 87.22 feet ± on the east line of the remainder of said 24.492 acre tract, the west line of a 2.637 acre tract of land as conveyed to Havery Run, LLC in Instrument Number 201612020164882;

Thence the west line of said 2.637 acre tract, with a curve to the left, a central angle of 24°20'23", a radius of 249.68 feet, an arc length of 106.07 feet ±, and a chord bearing and distance of S 03°50'05" E, 105.27 feet ±;

Thence S 15°58'51" E, with the east line of the remainder of said 24.492 acre tract, the west line of said 2.637 acre tract, 77.87 feet ± to the southeast corner of the remainder of said 24.492 acre tract, the southwest corner of said 2.637 acre tract, and being in the north line of a 19.076 acre tract of land as conveyed to Riggins Run Apartments I LLC in

Instrument Number 201612020164883;

Thence S 74°01'09" W, with the south line of the remainder of said 24.492 acre tract, the north line of said 19.076 acre tract, the north line of the remainder of a 17.961 acre tract of land as conveyed to Havery Run, LLC in Instrument Number 201612020164882 1271.66 feet ± on the southwest corner of the remainder of said 24.492 acre tract, the northwest corner of the remainder of said 17.961 acre tract and the easterly right-of-way line of said Avery Road;

Thence N 05°27'36" W, with the west line of the remainder of said 24.492 acre tract and the easterly right-of-way line of said Avery Road, 784.26 feet ± to the TRUE POINT OF BEGINNING, containing 16.47 acres ±;

The above description was prepared by Advanced Civil Design Inc. and based on existing Franklin County records, along with actual field survey work. A drawing of the above description is attached hereto and made a part thereof.

All references used in this description can be found at the Recorder's Office Franklin County, Ohio.

To Rezone From: CPD, Commercial Planned Development District and L-AR-1, Limited Apartment Residential District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of sixty (60) 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, "**PRELIMINARY DEVELOPMENT PLAN, RIGGINS RUN PHASE IV,**" and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" both dated February 7, 2023, and signed by Laura MacGregor Comek, Attorney for the Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

Address: 5191 Riggins Rd.

Owner: HAVERY RUN LLC; c/o Laura MacGregor Comek, Esq.
17 S. High St., Ste. 700, Cols. Ohio 43215

Acres: 16.47

Parcel(s): 010-298469

Date: February 7, 2023

Application #: Z22-051

Introduction: This application is intended to revise 16.47 +/- acres (the "Site") of the prior rezoning of 101.77 +/- acres (Z14-010; Ord. 23733-2015) located along Avery and Riggins Road. The larger development has progressed per the prior zoning, in phases, since Council approval in 2015. The Site was planned around a significant new regional improvement i.e., extension of proposed Hayden's Crossing Boulevard from Avery Road, through the development and connecting with Riggins Road in the City of Hilliard. As development of the residential components approach Riggins Road, a few minor design, and operational adjustments are needed to realize the plan of a true mixed-use community.

1. Introduction: The applicant seeks to rezone 16.47 +/- acres from the previously approved CPD (Subarea 1 from the prior zoning) and a small slice of L-AR1 that exists pursuant to a minor adjustment in lot split legal descriptions following the prior Z14-010 passage, to CPD allow adjusted development standards and residential on the first floor of certain buildings to realize a true mixed-use development.

2. Permitted Uses: a. The permitted uses for the Site shall be all uses allowed in Chapter 3356 (C-4) and 3357.0, (C-5) of the Columbus City Code, and residential on the first floor of commercial including club house/amenity center and leasing office, however excepting therefrom:

a. Automobile and Light Truck Dealers
Automotive Sales, Leasing and Rental
Community Food Pantry
Missions/Temporary Shelters
Motor Vehicle, Boat and Other Motor Vehicle Dealers Outdoor Power Equipment Stores
Pawn Brokers
Recreational Vehicle Dealers
Truck, Utility Trailer, and RV Sales, Rental and Leasing Drive in Motion Picture Theatres
Farm Equipment and Supply Stores
Halfway House

b. No billboards shall be permitted.

3. Development Standards: Except as otherwise noted herein or on the attached plan titled "CPD Site Plan," the applicable development standards of Chapter 3356 (C-4) shall apply to this site.

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

1. The building setback shall be a minimum of fifteen (15) feet along Avery Road, and the parking setback shall be a minimum of zero feet along the northern, southern, and eastern boundaries of the site.
2. Notwithstanding the foregoing paragraphs, no building or parking setback shall be required from any property line that is created within and internal to the total site such that the parcel created continues to function as part of the overall site.
3. Maximum height of buildings shall be 60 feet.
4. There shall be a maximum, aggregate commercial building square footage for this Site of 47,900 including a club house/amenity center and leasing office, and not including ancillary patio seating. There shall be a maximum of 364 residential units.

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

1. Access shall be as depicted on the attached CPD Site Plan.
2. The exact location of access points as shown on the CPD Site Plan may be modified subject to the review and approval of the City's Department of Public Service without the need for rezoning.
3. Internal drive aisles may be developed without regard to interior parcel lines, such that the parcels function seamlessly as part of the overall site. Cross-access easements will be provided.
4. Parking for the Site may be calculated on an aggregate basis.
5. The Owner/Developer agrees to construct a traffic signal at the intersection of Riggins Road and Basinghall Road with this proposed development.

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

1. All open areas on each developed parcel not occupied by buildings, structures, outside display areas, parking areas, street right-of-way paved areas, driveways, signs, walkways, and off-street loading areas shall be landscaped with lawns, grasses, seasonal plantings, mulch, trees, or shrubs.
2. The frontage along Avery Road shall include street trees spaced one per 40 feet. In addition, there shall be a minimum 2-foot-high earth mound, which may undulate, and shall include additional plantings of 3 ornamental trees and 2 deciduous trees for every 100 feet of frontage, which trees may be evenly spaced or grouped. Vehicular access points along Avery Road, shall include shrubs and seasonal plantings.
3. Applicant has provided a significant setback / green belt for the area south of the Site. No additional landscaping shall be required pursuant to CCC 3312 or 3321.

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

The appearance and architecture of the main commercial shopping center and any multi-tenant buildings greater than 10,000 square feet (not including outlot buildings) shall be consistent and compatible throughout. Building materials for all buildings shall be primarily of brick, brick veneer, stone or stucco stone, metal, stucco, synthetic stucco (EIFS), wood, vinyl, and glass. No exposed or painted concrete block shall be permitted. Commercial decorative finish to block may be used for the sides and rear of buildings, not fronting to streets.

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

1. Light poles and lights shall be black, dark brown or bronze in color and coordinated with the overall architectural scheme for the subarea.
2. Light poles shall have a maximum height of 28 feet, however light poles within 50 feet of a residentially zoned property shall be limited to 14 feet in height.

F. Graphics and/or Signage Commitments.

1. The Developer may submit a graphics plan for part or all of this development. If no graphics plan is submitted, all signage and graphics shall conform to Chapter 3372 as pertains to the C-4 district and the Regional Commercial Overlay, and the design standards set forth in this text. Any variance to the standards of this text or Columbus City Code shall be submitted to the Columbus Graphics Commission.
2. The exterior appearance of monument signage bases and / or framing shall be compatible with the architecture of the buildings and structures within the subarea to create a cohesive appearance throughout the subarea. All ground signs shall be monument style with masonry bases constructed of stone, stone veneer, brick, brick veneer, stucco, or stucco stone, or otherwise match the architectural material of the buildings on the same lot.
3. The prior zoning (Z14-010; 2733-2015) provided for three monument ground signs (two along Riggins Road, one for Avery Road) to be permitted for the main commercial shopping center south of Hayden's Crossing Boulevard. This Site contains only the single monument sign along Avery Road frontage, which shall remain the same. This CPD does not impact the remaining lands or the two monument signs along the Riggins Road frontage. Outparcels and commercial development north of Riggins Road are not impacted in this CPD, and thus continue to have code permitted signage consistent with the standards set forth herein.
4. Any illuminated signs shall be internally illuminated or may be externally illuminated if focused only on the sign. Ground mounted external illumination, if used, shall be screened with landscaping.
5. No pole signs shall be permitted.

G. Miscellaneous Commitments.

1. There shall be multiple points of pedestrian connectivity to/among other subareas and to the adjacent streets and sidewalks. There shall be an interconnected system of paths and sidewalks throughout the development. Where provided, such pedestrian connections shall be a minimum of 5 feet in width. Sidewalks and/or multi-use paths shall be provided on both sides of all streets (not alleys or drive aisles), and also be a minimum of 5 feet in width. Where pedestrian paths and sidewalks cross internal drive aisles or streets, striped cross walks shall be provided. Final locations of all aisles, paths, sidewalks, and roads/alleys, etc., to be determined at the time of final engineering.

2. The developer has fully complied with the parkland dedication ordinance from the prior zoning Z14-010/ ORD #2733-2015.

3. All new wiring shall be underground.

4. The proposed development shall be developed in general conformance with the submitted CPD Site Plan. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Streets, are schematic and along with parking, subject to minor change. Any adjustment to the Site Plan shall be reviewed and may be approved by the Director of the Department of Building & Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

H. Other CPD Requirements

1. Natural Environment: The property is located along Avery Road (the Site's west boundary) and Riggins Road.

2. Existing Land Use: The property currently is agricultural.

3. Circulation: All access for the Site will be approved by the City of Columbus, Public Service Department.

4. Visibility: Consideration has been given to the visibility and safety of the motorists and pedestrians as both on and off the subject property in the development of this site.

5. Proposed Development: Commercial mixed-use development.

6. Behavior Patterns: Significant residential development in the area has brought about the need for commercial uses to service the existing residential population.

7. Emissions: No adverse effect from emissions should result from the proposed development.

I. Modifications to Development Standards Requested:

The following modifications to development standards are requested:

1. C.C.C. §3312.21 and 3321.09 to eliminate parking lot and certain perimeter landscaping.

2. C.C.C. §3312.25 to allow internal drive aisles to be developed without regard to interior parcel lines.

3. C.C.C. §3312.49 to reduce commercial parking from 492 to 374 spaces.

4. C.C.C. §3356.03 to allow residential units on the first floor of commercial (per concurrent CV22-063).

5. Additional variances to Zoning Code standards may be requested from the City of Columbus Board of Zoning Adjustment.

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