

THE CITY OF
COLUMBUS
 ANDREW J. GINTHER, MAYOR

DEPARTMENT OF
 DEVELOPMENT

Zoning Report

Site Information

Address	ALSTON ST
Mailing Address	PO BOX 16000 COLUMBUS OH 43216-6000
Owner	MORSO HOLDING CO
Parcel Number	010280872
In Columbus?	Yes
County	FRANKLIN

Zoning Information

Zoning	Z97-083A, Commercial, CPD, 7/20/1999, H-110
Historic District	None
Short North Special Parking Area	Out
Council Variance	CV07-047, Passed
Board of Zoning Adjustment (BZA) Variance	None
Commercial Overlay	None
Planning Overlay	None
Graphics Variance	None
Area Commission	Northeast Area Commission
Historic Site	No
Flood Zone	Out
Airport Overlay Environs	None

Pending Zoning Action

Zoning	None
Board of Zoning Adjustment (BZA) Variance	None
Council Variance	None
Graphics Variance	None

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

Board of Zoning Adjustment Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: BZA17-142 Date Received: 18 DEC. 2017
Application Accepted by: JF Fee: \$1900-
Commission/Civic: NORTH EAST AC
Existing Zoning: _____
Comments: _____

TYPE(S) OF ACTION REQUESTED (Check all that apply):

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections:

3312.49 minimum number of parking spaces required to reduce from 204 to 179

LOCATION

Certified Address: 4190 Alston St. City: Columbus, OH Zip: 43219

Parcel Number (only one required): 010-280872

APPLICANT (If different from Owner):

Applicant Name: Olshan Properties Phone Number: 212-217-6687 Ext.: _____
Address: 600 Madison Ave., 14th Floor City/State: New York, NY Zip: 10022
Email Address: modell@olshanproperties.com Fax Number: _____

PROPERTY OWNER(S) ☐ Check here if listing additional property owners on a separate page

Name: Morso Holding Co. Phone Number: _____ Ext.: _____
Address: Three Limited Parkway City/State: Columbus, OH Zip: 43230-1467
Email Address: _____ Fax Number: _____

ATTORNEY / AGENT (Check one if applicable): ☒ Attorney ☐ Agent

Name: Jeffrey L. Brown Phone Number: 614-221-4255 Ext.: 614-221-4409
Address: 37 W. Browd St., #460 City/State: Columbus, OH Zip: 43215
Email Address: jlbrown@smithandhale.com Fax Number: 614-221-4409

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Olshan Properties by: _____

PROPERTY OWNER SIGNATURE Morso Holding Co. by: _____

ATTORNEY / AGENT SIGNATURE _____

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make checks payable to the Columbus City Treasurer



DEPARTMENT OF BUILDING
AND ZONING SERVICES

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AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jeffrey L. Brown

of (1) MAILING ADDRESS 37 W. Broad St., #460, Columbus, OH 43215

deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 4190 Alston Street

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Morso Holding Company

3 Limited Parkway
Columbus, OH 43230-1467

APPLICANT'S NAME AND PHONE #
(same as listed on front application)

Olshan Properties

212-217-6687

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR
OR CONTACT PERSON AND ADDRESS

(5) North ~~East~~ Area Commission

Mrs. Porter

3130 McCutcheon Place
Columbus, OH 43219

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER NAME

(6a) PROPERTY ADDRESS

(6b) PROPERTY OWNER MAILING ADDRESS

(6) PROPERTY OWNER NAME	(6a) PROPERTY ADDRESS	(6b) PROPERTY OWNER MAILING ADDRESS

☐ (7) Check here if listing additional property owners on a separate page.

(8) SIGNATURE OF AFFIANT _____

Sworn to before me and signed in my presence this _____ day of _____, in the year _____

Notary Seal Here

(8) SIGNATURE OF NOTARY PUBLIC _____

My Commission Expires _____

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Please make checks payable to the Columbus City Treasurer

APPLICANT

Olshan Properties
600 Madison Ave., 14th Flr.
New York, NY 10022

PROPERTY OWNER

Morso Holding Co.
3 Limited Parkway
Columbus, OH 43230-1467

ATTORNEY

Jeff Brown
Smith & Hale LLC
37 West Broad Street, Suite 460
Columbus, OH 43215

AREA COMMISSION

Northeast Area Commission
c/o Alice Porter
3130 McCutcheon Place
Columbus, OH 43219

SURROUNDING PROPERTY OWNERS

Richs Department Stores Inc
7 W Seventh Street
Cincinnati, OH 45202-2471



DEPARTMENT OF BUILDING
AND ZONING SERVICES

Board of Zoning Adjustment Application

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STATEMENT IN SUPPORT OF VARIANCE(S)

APPLICATION #

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). The board shall take into account all of the following facts and conditions when considering variances:
1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
 2. Whether the variance is substantial.
 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).
 5. Whether the property owner purchased the property with knowledge of the zoning restriction.
 6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code demonstrates practical difficulty as contemplated by that section, in the following ways (use separate page if needed or desired):

see attached sheet

Signature of Applicant

Date

12/18/17

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.

The Board of Zoning Appeals reviews variance requests under the standard of practical difficulties. The Ohio Supreme Court outlined the practical difficulties standard in the Duncan case. There are seven factors that make up the Duncan standards and the Ohio Supreme Court has emphasized that "no single factor controls a determination of practical difficulties. The key to the standards is whether the area zoning requirements, as applied to the property owner in question is reasonable:

1. The 1st Duncan factor – whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

Easton Town Center is a mixed use development with several structure parking facilities as well as numerous surface parking lots. The proposed hotel meets the zoning code requirements of 1 parking space per hotel rooms but given the mixed use nature of Easton Town Center a different parking requirement was established at 1.5 parking spaces per room.

Given the type of hotel and usage of hotels in the area, the proposed number of parking spaces is sufficient for the hotel's parking needs.

2. The 2nd Duncan factor – whether the variance is substantial.

The proposed reduction of 13% is not substantial.

3. The 3rd Duncan factor – whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

The essential character of the area would not change. Easton Town Center is a mixed use development with structure parking facilities.

4. The 4th Duncan factor – whether the variance would adversely affect the delivery of governmental services.

The granting of the variance would not adversely affect the delivery of governmental services. Utilities are available to the site. Police and fire protection are already provided to the site.

5. The 5th Duncan factor – whether the property owner purchased the property with knowledge of the zoning restriction.

The applicant is aware of the parking requirement.

6. The 6th Duncan factor – whether the property owner's predicament feasibly can be obviated through some method other than a variance.

The variance request is the only way to resolve this issue.

7. The 7th *Duncan* factor – whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Finally, the spirit and intent behind the zoning resolution would be observed and substantial justice would be done by granting the variance. This area is a mixture of retail, offices, hotels and restaurants. Because of the walkability of the development the typical Easton customer parks his car once and then walks to numerous tenants to complete his shopping trip. In addition hotel customers use alternative forms of transportation to get to the hotels at Easton. The proposed hotel would be compatible with the development in the area.

Given this analysis the applicant meets all the Duncan factors establishing practical difficulties and the variances should be granted by the board.

olshon.duncan (nct)
12/18/17 S:Docs

Z97-083A

8. The landscaping required in this section shall count toward satisfying the landscaping requirements contained in Chapter 3342 of the Columbus City Code.

2B.04 Building Design and/or Interior-Exterior Treatment Commitments:

N/A

2B.05 Dumpsters, Lighting, Outdoor Display Areas, and/or Other Environmental Commitments:

1. All waste and refuse shall be containerized and fully screened from view by a solid wall or fence.
2. All external lighting in Subarea 2B shall be cutoff type fixtures (down-lighting), and shall provide no light spillage to off-site parcels. However, buildings and landscaping may be uplit or downlit provided that landscaping lighting does not spill over into the public right-of-way.
3. No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside a permitted structure.

2B.06 Graphics and Signage Commitments:

1. All signage and graphics shall conform to Article 15 of the Columbus City Code, as it applies to the C-4, Commercial District. Any variance to the sign requirement shall be submitted to the Columbus Graphics Commission.
2. Entry features may be established within the subarea and may contain signage. Minimum setback for entry features shall be 5 feet from right-of-way line. In no case, shall entry features interfere with maintaining safe clear sight distances at intersections. Depending on the final form of the entry features, appropriate variances from the Columbus Zoning Code may be required.

2B.07 Miscellaneous

Special Development Standards for Subarea 2B

The intent of the development plan for Subarea 2B is to create a regional shopping experience and a town center -- a mixture of restaurants and retail opportunities. A development core will be created that will cross property lines with uses and parking.

Setbacks

Within Subarea 2B there shall be no required setback from any public streets for buildings, parking, maneuvering, or loading areas except as specified in Section 2B.01.

Parking

Due to the mixed use nature of the proposed development it would be impossible to have each use on its own tax parcel with all its required parking and loading spaces. In addition the mixture of the proposed uses would make it appropriate to consider the effect of a shared parking analysis on determining the required number of parking spaces.

The following parking ratios shall be provided unless varied by a shared parking analysis or by the Board of Zoning Adjustment:

Retail	1 parking space for every 250 sq. ft. of gross floor area
Restaurant	1 parking space for every 75 sq. ft. of gross floor area

Z97-083A

Office (general and medical)	1 parking space for every 333 sq. ft. of gross floor area
Theater	1 parking space for every 4 seats
Hotel with conference facility	1.5 parking spaces per hotel room (no additional parking shall be required for meeting rooms or restaurant spaces within the hotel/conference center)
Health Club	1 parking space for every 250 sq. ft. of gross floor area
Place of Assembly/Entertainment	1 parking space for every 75 sq. ft. of gross floor area
Temporary outdoor skating rink as part of the Town Center	No additional parking shall be required

In order to arrive at the final required parking figure it is necessary to reduce the parking demand for each use by recognizing three reduction factors that are used in the ULI shared parking analysis. The reduction factors are vacancy allowance, non-auto transportation (walk, COTA, cab, bike) and captive market allowance (% of people visiting more than one business).

Reduction Factor	Place of					
	Retail	Restaurant	Office	Theater	Health Assembly/Club	Entertainment
Vacancy	2%	0%	9%	10%	2%	2%
Non-auto transportation	4%	4%	4%	4%	10%	10%
Captive market allowance	18%	15%	15%	15%	18%	18%

The parking figures calculated from the ratios are then reduced by the appropriate reduction factor for each use to arrive at the total required number of parking spaces.

If the applicant wished to provide fewer parking spaces than calculated by the above method then the applicant shall prepare a shared parking analysis for the proposed project pursuant to the requirements of the Division of Traffic Engineering. The Division of Traffic Engineering shall review this shared parking analysis and if the division approves the study then the applicant shall provide the number of parking spaces shown in the study. If the division does not approve the study, then the applicant may file a variance request with the Board of Zoning Adjustment.

Public parking garages may be constructed in Subarea 2B. The number of parking spaces within any garage(s) shall count toward meeting the overall parking requirement of the entire development in Subarea 2B.

The applicant may establish off-site parking areas which are located within 750 feet of the permitted use and committed to that use and/or tax parcel by a legal document. These off-site parking areas may be counted in determining the total required parking for that use and/or tax parcel. The applicant shall have the right to relocate these off-site parking areas so long as the same number of required parking spaces are reestablished subject to the above conditions.

Loading spaces: Due to the mixed use nature of this subarea it would be impossible for each use to have its own loading space on its own tax parcel (the required number of loading spaces shall be determined after discussions with the Division of Traffic, but the total number of loading spaces shall not exceed the current City Code requirement). These loading spaces do not have to be on the same tax parcel as the use it serves.

2.53 ACRES

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 2, Township 1, Range 17, United States Military Lands, being part of that 4.678 acre tract conveyed to MORSO Holing Co. by deed of record in Instrument Number 200605010081301, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Easton Loop East with Worth Avenue, of record in Plat Book 99, Page 55;

Thence South 87° 41' 33" East, with the centerline of said Worth Avenue, a distance of 140.89 feet to a point;

Thence South 02° 18' 27" East, across the right-of-way of said Worth Avenue, a distance of 40.00 feet to a point in the southerly right-of-way line thereof, the northerly line of said 4.678 acre tract, being the TRUE POINT OF BEGINNING;

Thence with said southerly right-of-way line, said northerly line, with the arc of a curve to the left, having a central angle of 24° 26' 57", a radius of 540.00 feet, an arc length of 230.43 feet, a chord bearing of North 80° 04' 59" East and chord distance of 228.68 feet to a point;

Thence across said 4.678 acre tract, the following courses and distances:

South 26° 49' 01" East, a distance of 118.20 feet to a point;

South 02° 18' 27" West, a distance of 253.73 feet to a point;

North 87° 41' 33" West, a distance of 177.50 feet to a point;

North 02° 18' 27" East, a distance of 47.00 feet to a point; and

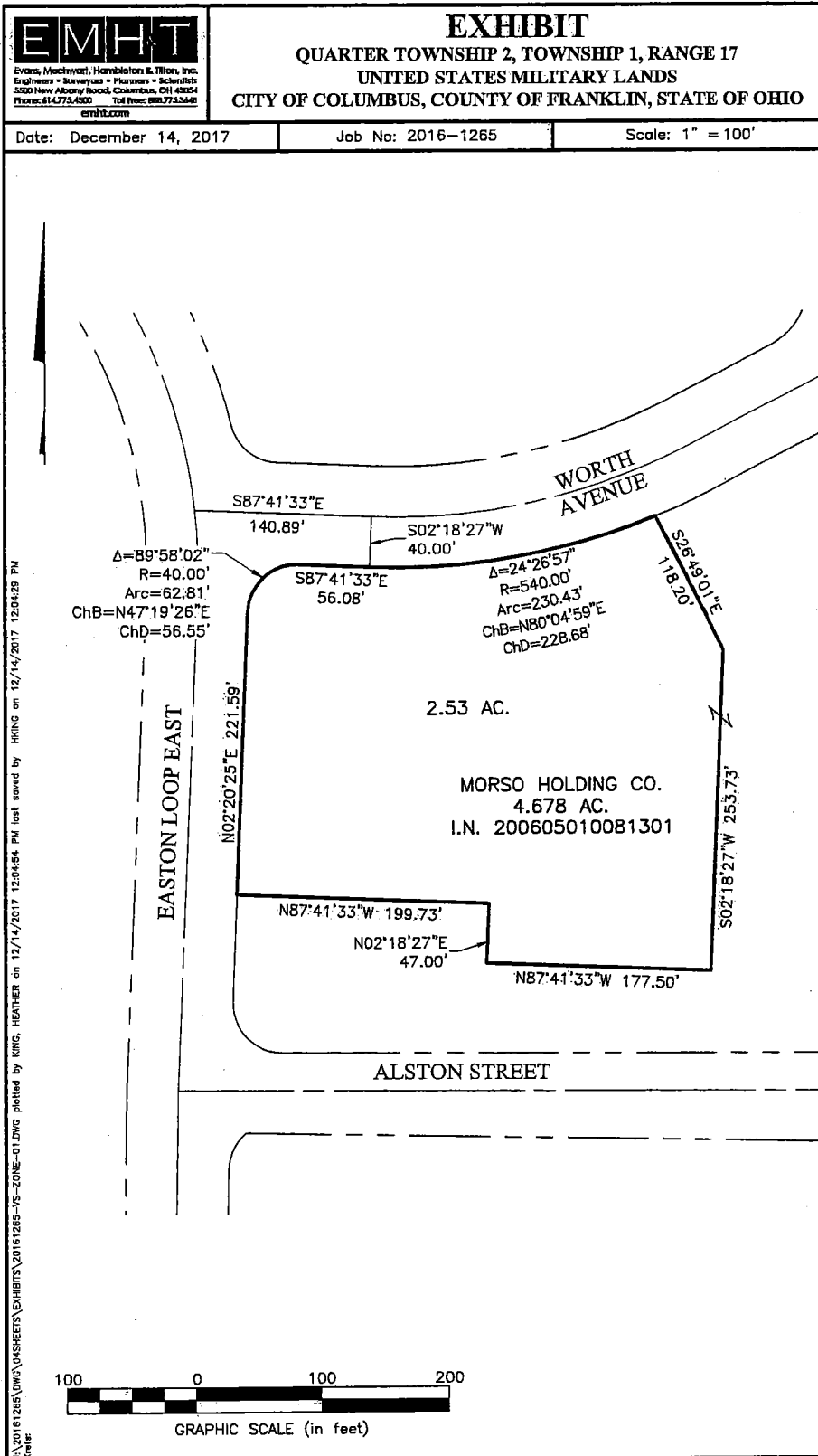
North 87° 41' 33" West, a distance of 199.73 feet to a point in the easterly right-of-way line of said Easton Loop East;

Thence North 02° 20' 25" East, with said easterly right-of-way, the westerly line of said 4.678 acre tract, a distance of 221.59 feet to a point of curvature;

Thence with continuing with said easterly right-of-way line, said westerly line, with the arc of a curve to the right, having a central angle of 89° 58' 02", a radius of 40.00 feet, an arc length of 62.81 feet, a chord bearing of North 47° 19' 26" East and chord distance of 56.55 feet to a point of tangency in the southerly right-of-way line of said Worth Avenue;

Thence South 87° 41' 33" East, with said southerly right-of-way line, the northerly line of said 4.678 acre tract, a distance of 56.08 feet to the TRUE POINT OF BEGINNING, containing 2.53 acres, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



★ SITE

Indicates Public
Parking Garage

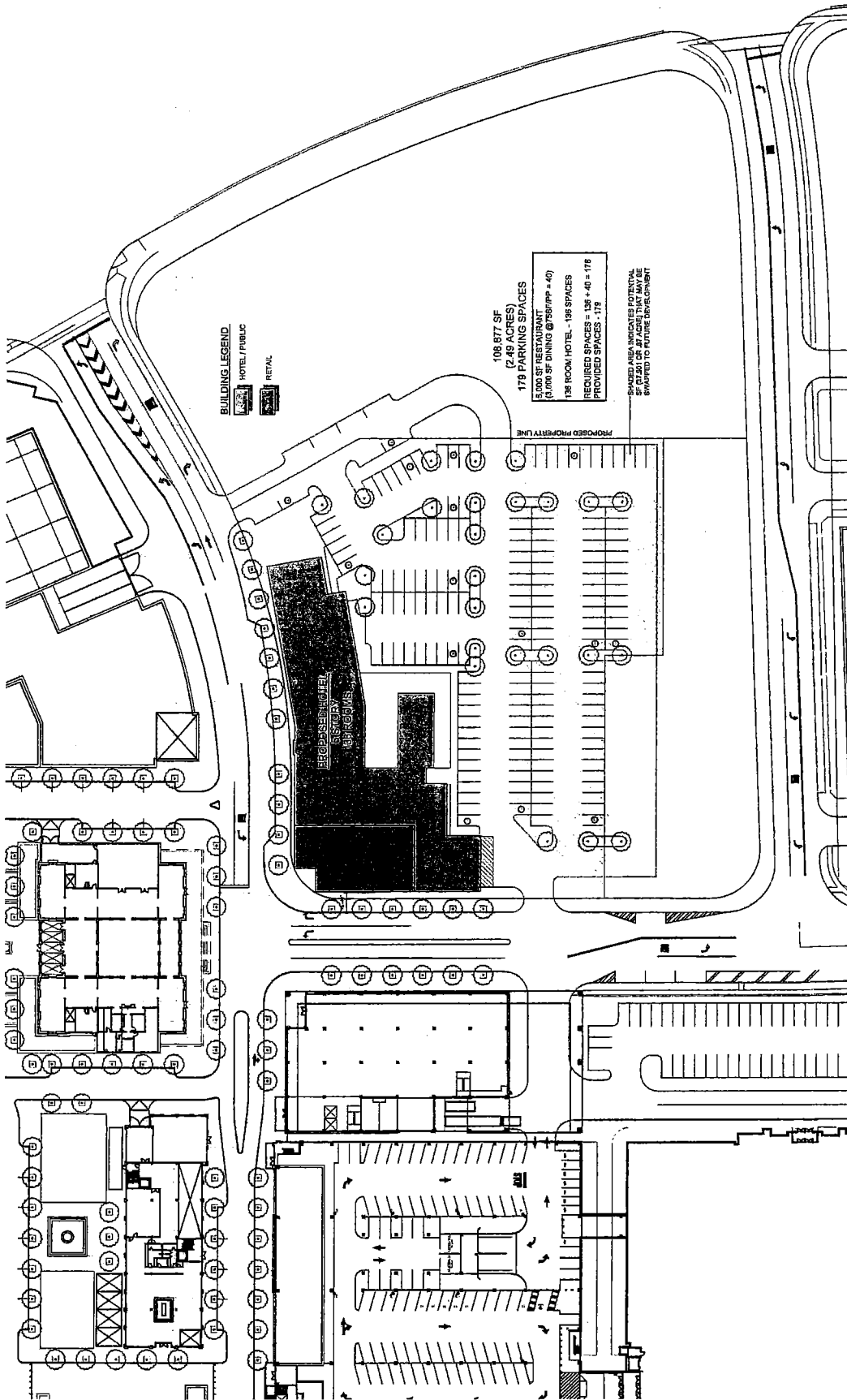


Option 10.1 - Parking Aerial

Site Plan / Parking Plans

 Group One PARTNERS

Aloft Hotel
Easton, Ohio



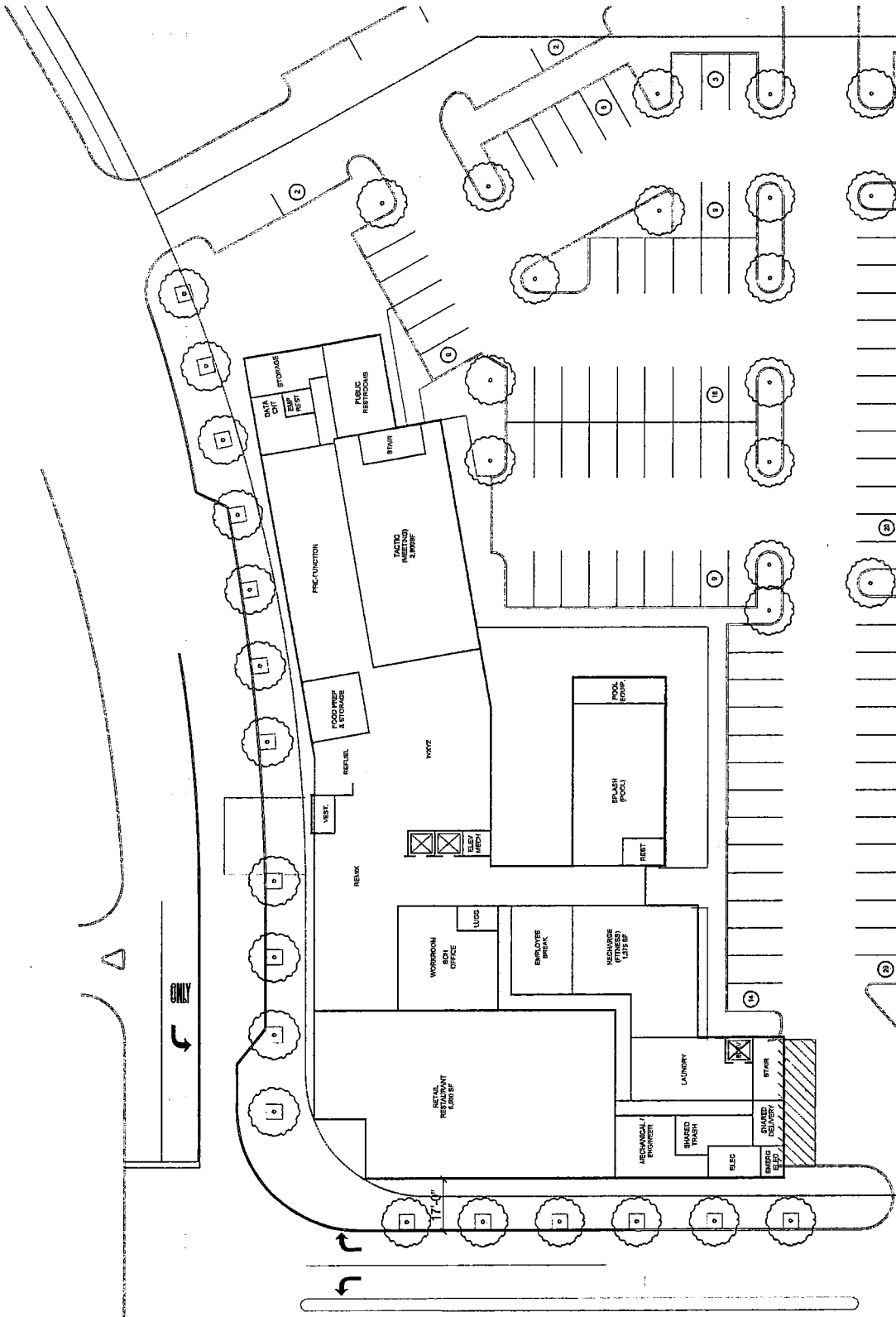
Option 10.1 - Proposed Site Plan - No Build

Sheep Creek Subdivision

2017-18

Allegan County
Easton, Ohio

Maplewood



Option 10.1 - Ground Floor Plan

2/28/17 10:10 AM

11 Group One

11 Group One