STAFF REPORT DEVELOPMENT COMMISSION ZONING MEETING CITY OF COLUMBUS, OHIO JUNE 12, 2014

4.	APPLICATION: Location:	Z13-008 (13335-00000-00069) 3386 EAST POWELL ROAD (43085) , being 19.93± acres located 100± feet west of Hickory Ridge Court and 810± feet south of East Powell Road (31844202024000 and four others; Far North Columbus Communities Coalition).
	Existing Zoning:	R, Rural District (annexation pending).
	Request:	L-C-4, Limited Commercial District.
	Proposed Use:	Limited commercial development.
	Applicant(s):	NP/FG LLC and NP Limited Partnership; c/o Dave Perry, David
	Property Owner(s):	Perry Company, Inc.; and Donald Plank, Atty.; Plank Law Firm; 145 East Rich St., 3 rd Floor; Columbus, OH 43215. NP/FG LLC and NP Limited Partnership et al; c/o Dave Perry, David Perry Company, Inc.; 145 East Rich Street, 3 rd Floor; Columbus, OH 43215.
	Planner:	Shannon Pine, 645-2208, <u>spine@columbus.gov</u>

BACKGROUND:

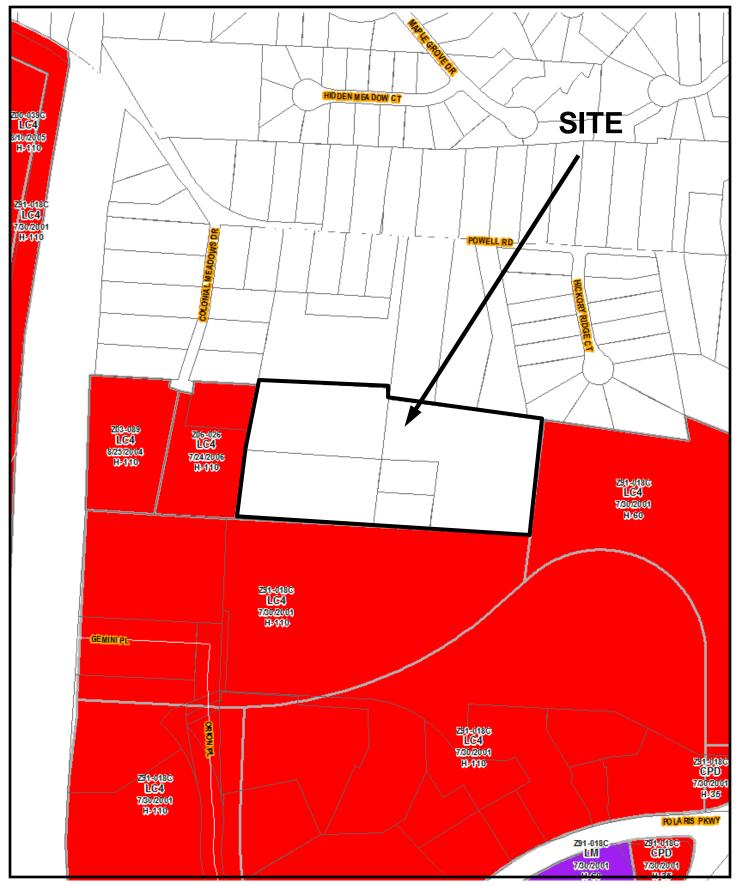
- This application was tabled at the May 2013 Development Commission meeting. Since then, six acres of property undergoing annexation from Orange Township have been added to the site, and development standards have been revised to address Staff's previous concerns. The 19.93± acre site is developed with single-unit residences in the R, Rural District as a result of recently approved/pending annexations from Orange Township. The requested L-C-4, Limited Commercial District will allow commercial development consistent with surrounding commercial districts.
- To the north is single-unit residential development in Orange Township. To the east is the former Polaris Amphitheater in the L-C-4, Limited Commercial District. To the south and west is undeveloped property in the L-C-4, Limited Commercial District.
- The limitation text includes use restrictions and development standards that address access, maximum building height, landscaping, screening, lighting, and underground utility lines. A setback exhibit to help illustrate the building limitations is also included with this L-C-4 request.
- The subject site is within the Subarea J2 of the Far North Plan (1994). The Plan is currently being updated, but the current recommendation for this location is for preservation of existing residential development or compatible residential infill as an alternative. The Plan also recommends measures be taken to preserve and protect mature trees and appropriate existing vegetation during the development process. Since the Far North Plan's adoption, 11 acres at the northeast corner of I-71 and Gemini have been annexed and zoned L-C-4. Both sites are controlled by NP Limited as an extension of the larger southern property. This proposal is similar in nature as it sits

between the more recently zoned L-C-4 site to the west and the former amphitheater site, also zoned L-C-4. Staff had expressed concerns about the previous version regarding building height, setbacks, and tree preservation. Since that time the applicant has made key property acquisitions which mitigate setback concerns, and has increased the minimum setbacks in relationship to building height. Additionally, a commitment has been made regarding preservation of existing vegetation within one of the primary setback areas.

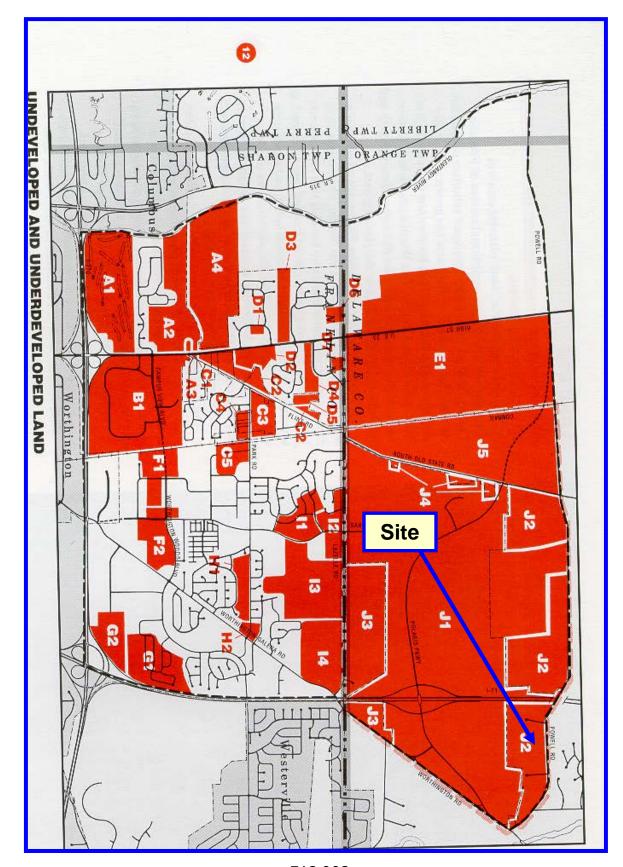
• The site is located within the boundaries of the Far North Columbus Communities Coalition, whose recommendation is for approval of requested L-C-4 District.

<u>CITY DEPARTMENTS' RECOMMENDATION</u>: Approval.

Staff supports commercial zoning at this location due to its proximity to recently zoned L-C-4 property to the west and the former amphitheater site to the east. The proposed L-C-4, Limited Commercial District will allow commercial development consistent with the surrounding commercial districts, and previous concerns regarding setbacks, tree preservation, and building height in relation to the adjacent residential property have been resolved.



Z13-008 3386 East Powell Road Approximately 19.93 acres Request: R to L-C-4



Z13-008 3386 East Powell Road Approximately 19.93 acres Request: R to L-C-4

adjacent single-family residential development from the negative impacts of commercial and industrial development. Provide pedestrian and bicycle connections between

Polaris employment and shopping locations and the adjacent residential areas and the mass transit terminal.

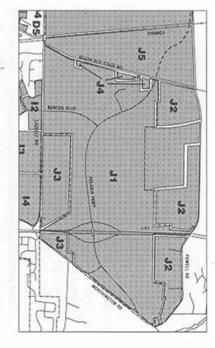
Subarea J.2: This subarea incorporates the developed and undeveloped land located in Delaware County between Powell Road and the northern boundary of Polaris Centers of Commerce. The subarea is partially developed in various densities as single-family homes. Single family development abuts the subarea on the north. The subarea is zoned Planned Commercial (PC), Neighborhood Commercial (NC), Planned Residential (PRD), and Farm Residential (FR-1) under the jurisdiction of Orange Township. The subarea is one of the residential components of the fringe village.

 Preserve existing residential development as the best long-term land use for the area.

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- Support infill residential development that is compatible with existing residential development. The sanitary sewer agreement between the city of Columbus and Delaware County will determine the residential density for this portion of the subarea.
- Provide appropriate pedestrian and bicycle linkages from the subarea to schools, parks, and employment and shopping components of the fringe village.

Subarea J.3: The subarea consists of the unincorporated land that is situated in Delaware County between the southern boundary of Polaris and Lazelle Road. It is partially developed as large-lot single-family homes. Subarea J.3 is zoned Farm Residential (FR-1) under the jurisdiction of Orange Township. The subarea is one of the residential components of the fringe village.



- Support land uses that are compatible with the existing and planned development in Polaris. Appropriate development includes offices, institutional uses, and public or private recreational facilities. Retail development is not appropriate for this area.
- Support a mixture of single-family and multi-family residential development as an alternative land use for the subarea. The sanitary sewer agreement between the city of Columbus and Delaware County will determine the residential density for this portion of the fringe village.
- The entire subarea should be planned and developed as one project. Incremental development of this land is not
- appropriate. Development proposals should limit the number of curb cuts along Lazelle Road to improve efficiency of traffic movement.
- Provide appropriate pedestrian and bicycle linkages from the subarea to schools, parks, and the employment and shopping components of the fringe village.

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Z13-008 3386 East Powell Road Approximately 19.93 acres Request: R to L-C-4



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DEVELOPMENT TEXT

L-C-4, LIMITED COMMERCIAL DISTRICT

19.934 ± Acres

EXISTING DISTRICT:

R, Rural District

PROPOSED DISTRICT:

L-C-4, Limited Commercial

PROPERTY ADDRESS:

3386 East Powell Road, Columbus, OH 43035

OWNER(S):

NP/FG, LLC and NP Limited Partnership c/o Dave Perry, Agent, David Perry Company, Inc., 145 East Rich Street, FL 3, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 145 East Rich Street, FL 3, Columbus, OH 43215 and Face Fixers, Inc., c/o James DeAscentis, 3400 East Powell Road, Lewis Center, OH 43035

APPLICANT:

NP Limited Partnership and NP/FG, LLC c/o Dave Perry, Agent, David Perry Company, Inc., 145 East Rich Street, FL 3, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 145 East Rich Street, FL 3, Columbus, OH 43215

DATE OF TEXT:

May 27, 2014

APPLICATION NUMBER:

Z13-008

1. INTRODUCTION:

Applicant proposes to rezone 19.934 +/- acres to the L-C-4, Limited Commercial District for commercial uses related to the Polaris Centers of Commerce development. The site abuts Sub-Area J-1 of the Far North Plan, which sub-area supports commercial land

use and recognizes the Polaris Centers of Commerce and other commercial development as the appropriate land use. Since the original Polaris Centers of Commerce rezoning (1991), numerous additional commercial rezoning applications have been approved as additional property became available to expand the commercial development, including property that abuts Sub-Area J-1, as this property does. The site also abuts 5.5 +/- acres now zoned L-C-4 (Z06-026) to the west. The construction of a second interstate interchange on I-71 (Gemini/I-71) for the Polaris Centers of Commerce provides interstate access to the former amphitheater and this abutting property. Interstate access and the extension on Gemini Place, a major east/west arterial, makes this site part of a large area appropriate for commercial development. The 2013 Far North Plan (pending adoption) recommends Regional Mixed Use for the site. The area for rezoning is 20 acres of approximately 120 +/- acres for commercial development. This proposal is consistent with other approved rezoning applications that provided expansion area from the original Polaris rezoning. Extensive deed restrictions have been established on property presently in the Polaris Centers of Commerce and all property in the Polaris Centers of Commerce is subject to use and design review (Polaris Design Review Board) approval of both the site plan and architecture. It is applicant's intention to establish the same or comparable deed restrictions and design review on this property. The referenced drawing "North Property Line Setback Exhibit" dated , illustrates required setbacks from the north property line.

2. <u>PERMITTED USES</u>: 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.

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. <u>DEVELOPMENT STANDARDS</u>: 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, except as follows. See also the exhibit titled "North Property Line Setback Exhibit", dated ______, referenced in Section G.4., for illustration of required setbacks and permitted heights in relation to the north property line of this rezoning.

- a) Building and Structure Height: East 760 +/- feet of north property line of area being rezoned:
 - No building or structure (or any portion thereof) shall be permitted less than fifty (50) feet from the east 760 +/- feet of the north property line of the area being rezoned and, specifically, where directly abutting and adjacent to the south property line of property addressed as 3380 E Powell Road, PID 27-31844202023000, ("Grosh"); 3440 E Powell Road, 27-31844202022000, ("Addis"); 3462 E Powell Road, PID 27- 31844202021000, ("Flowers" and "Carroll"), and 8028 Hickory Ridge Court, PID 27- 31844202014000, ("Grosh").
 - 2) Any building or structure (or any portion thereof) located more than fifty (50) feet and up to seventy-five (75) feet from the east 760 +/- feet of the north property line of the area being rezoned and, specifically, where directly abutting and adjacent to the south property line of property addressed as 3380 E Powell Road, PID 27- 31844202023000, ("Grosh"); 3440 E Powell Road, 27-31844202022000, ("Addis"); 3462 E Powell Road, PID 27- 31844202021000, ("Flowers" and "Carroll"), and 8028 Hickory Ridge Court, PID 27- 31844202014000, ("Grosh"), shall not exceed thirty-five (35) feet in height.
 - 3) Any building or structure (or any portion thereof) located more than seventy-five (75) feet but less than one-hundred (100) feet from the east 760 +/- feet of the north property line of the area being rezoned and, specifically, where directly abutting and adjacent to the south property line of property addressed as 3380 E Powell Road, PID 27- 31844202023000, ("Grosh"); 3440 E Powell Road, 27-31844202022000, ("Addis"); 3462 E Powell Road, PID 27- 31844202021000, ("Flowers" and "Carroll"), and 8028 Hickory Ridge Court, PID 27- 31844202014000, ("Grosh"), shall not exceed sixty (60) feet in height.
 - 4) A building or structure (or any portion thereof) located more than one-hundred (100) feet from the east 760 +/- feet of the north property line of the area being rezoned, and, specifically, where directly abutting and adjacent to property addressed as 3380 E Powell Road, PID 27- 31844202023000, ("Grosh"); 3440 E Powell Road, 27-31844202022000, ("Addis"); 3462 E Powell Road, PID 27- 31844202021000, ("Flowers" and "Carroll"), and 8028

Hickory Ridge Court, PID 27- 31844202014000, ("Grosh"), may exceed sixty feet in height, as permitted in the H-110.

b). Building and Structure Height: West 635 +/- feet of north property line of area being rezoned:

No building or structure (or any portion thereof) shall be permitted less than twenty-five (25) feet from the west 635 +/- feet of the north property line of the area being rezoned and, specifically, where directly abutting and adjacent to the south property line of property addressed as 3400 E Powell Road, PID 27- 31844202032000, ("Face Fixers, Inc."), as long as adjacent property to the north is zoned and used for single family dwellings.

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 otherwise set forth in Section A.1, and 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.

c)See also the exhibit titled "North Property Line Setback Exhibit", dated ______, referenced in Section G.4., for illustration of required setbacks and permitted heights in relation to the north property line of this rezoning.

3) Parking Setback:

a) There shall be a minimum thirty (30) foot parking setback from all public streets.

b) A minimum fifty (50) foot landscaped parking setback shall be provided along and parallel to the east 760 +/- feet of the north property line of the area being rezoned and, specifically, where adjacent to property addressed as 3380 E Powell Road, PID 27- 31844202023000, ("Grosh"); 3440 E Powell Road, 27-31844202022000, ("Addis"); 3462 E Powell Road, PID 27- 31844202021000, ("Flowers" and "Carroll"), and 8028 Hickory Ridge Court, PID 27- 31844202014000, ("Grosh"). The minimum fifty (50) foot landscaped parking setback shall consist of preservation of existing trees and supplemental planting and fencing (See Section 3.C.10).

c)A minimum eighteen (18) foot landscaped parking setback shall be provided along and parallel to the west 635 +/- feet of the north property line of the area being rezoned and, specifically, where directly abutting and adjacent to the south property line of

property addressed as 3400 E Powell Road, PID 27- 31844202032000, ("Face Fixers, Inc."), as long as adjacent property to the north is zoned and used for single family dwellings.

d) See also the exhibit titled "North Property Line Setback Exhibit", dated _____, referenced in Section G.4., for illustration of required setbacks and permitted heights in relation to the north property line of this rezoning.

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

1) There shall be no vehicular access to East Powell Road.

2) The site does not directly abut any public street for vehicular access. Vehicular access will be provided through the adjacent commercially zoned property to the east, west or south.

3) No building permit shall be issued for construction of a building in the area being rezoned until a Traffic Impact Study (TIS) for the property being rezoned or including the property being rezoned and other property is completed and approved by applicable review offices.

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) The minimum fifty foot (50) foot landscaped setback (A.3.b.) along and generally parallel to the east 760 +/- foot north property line of the area being rezoned, meaning specifically, where adjacent to property addressed as 3380 E Powell Road, PID 27-31844202023000, ("Grosh"); 3440 E Powell Road, 27-31844202022000, ("Addis"); 3462 E Powell Road, PID 27- 31844202021000, ("Flowers" and "Carroll"), and 8028 Hickory Ridge Court, PID 27- 31844202014000, ("Grosh"), shall be left in its current natural state with existing trees to remain. Additional tree planting of appropriate types and quantities of deciduous and/or evergreen plant material, as determined by an arborist or

landscape architect at the time contiguous site development is proposed, shall be planted within the 50 foot parking setback. A wood, board on board fence, a minimum of eight (8) feet tall and approximately 90% opaque, shall be built and maintained along the north property line where contiguous with the referenced property owners.

8) The minimum eighteen (18) foot landscaped parking setback along and parallel to the west 635 +/- feet of the north property line of the area being rezoned and, specifically, where directly abutting and adjacent to the south property line of property addressed as 3400 E Powell Road, PID 27- 31844202032000, ("Face Fixers, Inc.") shall contain a wood, board on board fence, a minimum of eight (8) feet tall and approximately 90% opaque, shall be built and maintained generally along the north property line where contiguous with the referenced property owners. In addition to the fence, landscaping consisting of 6 foot evergreen trees planted 12 feet on center shall be provided in the 18 foot parking setback.

9) See also the exhibit titled "North Property Line Setback Exhibit", dated _____, referenced in Section G.4., for illustration of required setbacks and permitted heights in relation to the north property line of this rezoning.

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

11) 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, as determined by the Polaris Design Review Board. There shall be no exposed smooth face concrete block.

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

1) There shall be no parking lot lighting within fifty feet (50) feet of the east 760 +/feet of the north property line of the area being rezoned, meaning, specifically where adjacent to property addressed as 3380 E Powell Road, PID 27- 31844202023000, ("Grosh"); 3440 E Powell Road, 27-31844202022000, ("Addis"); 3462 E Powell Road, PID 27- 31844202021000, ("Flowers" and "Carroll"), and 8028 Hickory Ridge Court, PID 27- 31844202014000, ("Grosh").

2) There shall be no parking lot lighting within eighteen (18) feet of the west 635 +/- feet of the north property line of the area being rezoned, meaning, specifically where adjacent to the south property line of property addressed as 3400 E Powell Road, PID 27- 31844202032000, ("Face Fixers, Inc."), as long as adjacent property to

the north is zoned and used for single family dwellings.

3) All new or relocated utility lines shall be installed underground, unless the applicable utility company requires above ground installation.

F. Graphics and Signage Commitments.

1) 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) A monetary payment at the rate of \$400.00/acre shall be made to the Recreation and Parks Department in conjunction with a request for a Certificate of Zoning Clearance, to comply with the Parkland Dedication Ordinance (PDO).

2) <u>Severability</u>. 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) <u>Future Zoning Applications</u>. 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.

4). The drawing titled "North Property Line Setback Exhibit", dated and signed by David B. Perry, Agent, and Donald Plank, Attorney, illustrates required setbacks and permitted building and structure heights, as noted on the referenced drawing. The 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 Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment.

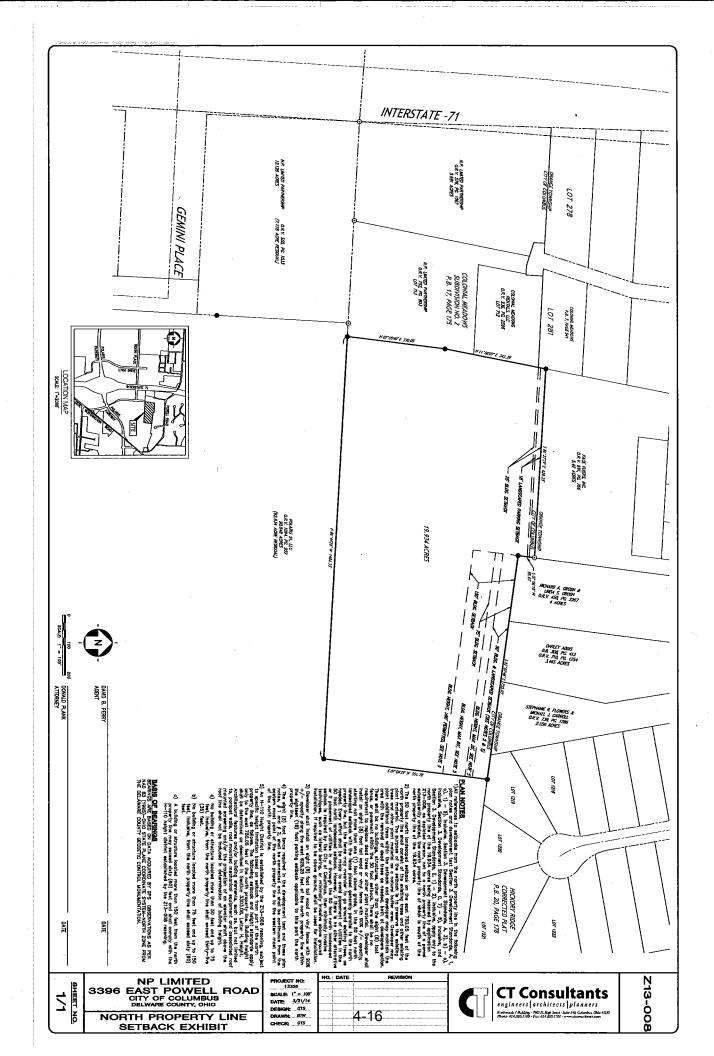
The undersigned, being the owner of the subject property together with the applicant in the subject application, or their authorized representatives, do hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by above

restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that he fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Codes, except as noted herein.

Date:

Signature: _____ David B. Perry, Agent

Signature: _____Date:_____Donald Plank, Attorney





STANDARDIZED RECOMMENDATION FORM

City of Columbus, Ohio • Department of Building & Zoning Services 757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • <u>www.columbus.gov</u>

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW

Case Number	213-008 (revised 3/31/14) 13335-00000-00069
Address	3386 E. Powell Rd
Group Name	FNCCC
Meeting Date	5/6/2014
Specify Case Type	 BZA Variance / Special Permit Council Variance Rezoning Graphics Variance / Plan / Special Permit
Recommendation (Check only one)	Approval Disapproval
- Addition	following conditions regarding set backs: al 50 feet of setback for 110 foot building height
Vote Signature of Authorized Repro	22-0 For Esentative Janes J- Palmisono Presidont - FNCCC RECOMMENDING GROUP TITLE 614/430-7840 DAYTIME PHONE NUMBER

Please FAX this form to Zoning at (614) 645-2463 within 48 hours of your meeting day; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 757 Carolyn Avenue, Columbus, Ohio 43224.