



REZONING APPLICATION

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

Case Planner → Dana Hitt 645-2395
dahitt@columbus.gov

OFFICE USE ONLY

Application # Z11-005
Fee: 1st acre (\$1,850 or \$3,200): _____
Each additional acre (\$185 or \$315) _____
Total: _____

Date of Submittal: 2/2/11
Planning Area: SECC
Received by: DH

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 4⁵¹⁴~~490~~ Winchester Pike, Columbus, OH Zip 43232
Is this application being annexed into the City of Columbus Yes No (circle one)
If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address 010-221380, 010-221381, 010-221382

Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s) L-C4, R, Rural Requested Zoning District(s) CPD

Recognized Area Commission Area Commission or Civic Association Southeast Community Coalition

Proposed Use or reason for rezoning request: commercial development

(continue on separate page if necessary)

Proposed Height District: H-35 Acreage 2.627 Ac
[Columbus City Code Section 3309.14]

APPLICANT:

Name Winham Investments LLC c/o Dave Perry, David Perry Co., Inc
Address 145 East Rich St., 3rd Flr. City/State Columbus, OH Zip 43215
Phone # 614-228-1727 Fax # 614-228-1790 Email dave@daveperryco.net

PROPERTY OWNER(S):

Name Winham Investments LLC c/o Dave Perry, David Perry Co., Inc
Address 145 East Rich St., 3rd Flr. City/State Columbus, OH Zip 43215
Phone # 614-228-1727 Fax # 614-228-1790 Email dave@daveperryco.net
 If applicable, check here if listing additional property owners on a separate page [Required]

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE) Attorney Agent

Name Donald Plank, Plank Law Firm
Address 145 East Rich St., 3rd Flr City/State Columbus, OH Zip 43215
Phone # 614-947-8600 Fax # 614-228-1790 Email: dplank@planklaw.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE Winham Investments LLC by David B. Perry, Agent
PROPERTY OWNER SIGNATURE Winham Investments LLC by David B. Perry, Agent
ATTORNEY / AGENT SIGNATURE Donald Plank

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
For all questions regarding this form and fees please call: 614-645-8637
Please make all checks payable to the Columbus City Treasurer



City of Columbus Zoning Plat



ZONING NUMBER

The Zoning Number Contained on This Form
is Herein Certified to Obtain Zoning, Rezoning,
and Variances, and is NOT to be Used for
the Securing of Building & Utility Permits

Parcel ID: 010221380

Zoning Number: 4514

Street Name: WINCHESTER PIKE

Lot Number: N/A

Subdivision: N/A

Requested By: DAVID PERRY CO., INC (DAVE PERRY)

Issued By: *Alfred Armon*

Date: 2/1/2011



SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 1044



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO



REZONING APPLICATION

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

AFFIDAVIT

(See instruction sheet)

APPLICATION # 211-005

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME DAVID B. PERRY, David Perry Co., Inc
of (1) MAILING ADDRESS 145 East Rich Street, 3rd Flr., Columbus, OH 43215

deposed 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) CERTIFIED ADDRESS FOR ZONING PURPOSES 4514 Winchester Pike
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 2/2/11

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS
 Check here if listing additional property owners on a separate page.

(4) Winham Investments LLC
c/o Dave Perry
David Perry Co., Inc
145 East Rich Street, 3rd Flr
Columbus, OH 43215

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

Winham Investments LLC
c/o Dave Perry, (614) 228-1727

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

(5) Southeast Community Coalition
c/o Judy White
PO Box 16, Brice, OH 43109

and that the attached document (6) 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(7)

SIGNATURE OF AFFIANT

(8) David B. Perry

Subscribed to me in my presence and before me this 31st day of JANUARY, in the year 2011

SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Panter
AUGUST 3, 2015

My Commission Expires:

This Affidavit expires six months after date of notarization.

SEE EXHIBIT A
Notary Seal Here



BARBARA A. PANTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

Exhibit A
4514 Winchester Pike
Z11-
January 31, 2011

APPLICANT:

Winham Investments LLC
c/o David B. Perry
David Perry Co., Inc
145 East Rich Street, 3rd Flr.
Columbus, OH 43215

PROPERTY OWNER:

Winham Investments LLC
c/o David B. Perry
David Perry Co., Inc.
145 East Rich Street, 3rd Flr.
Columbus, OH 43215

ATTORNEY FOR APPLICANT

Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215-5240

COMMUNITY GROUP/COALITION:

Southeast Community Coalition
c/o Judy White
PO Box 16
Brice, OH 43109

**SURROUNDING PROPERTY
OWNERS (125 Feet)**

Norman B and Carmen D Conley
550 Orchard Hill Drive
Lancaster, OH 43130

Columbia Gas of Ohio Inc
200 Civic Center Drive - Taxes
PO Box 117
Columbus, OH 43216

Rebco, Inc.
931 South High Street
Columbus, OH 43206

Merrill F. Schulz
3595 South Hamilton Road
Columbus, OH 43232

ALSO NOTIFY:

Winham Investments LLC
7921 Waterton Lane
Lakewood Ranch, FL 34202

Winham Investments LLC
c/o Gary Schulte
1091 Circle on the Green
Columbus, OH 43235

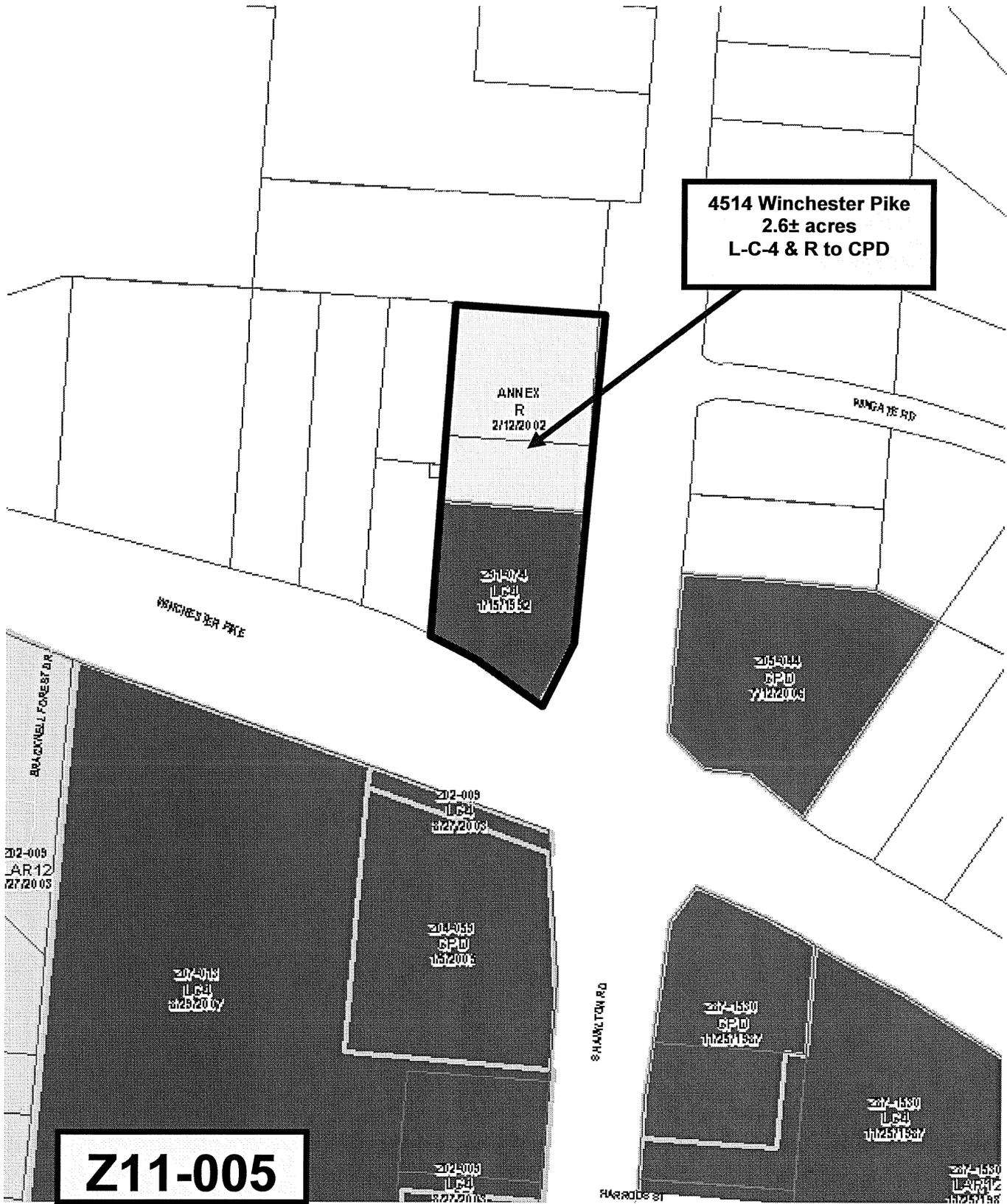
David Perry
The David Perry Company
145 East Rich Street, 3rd Fl.
Columbus, Ohio 43215

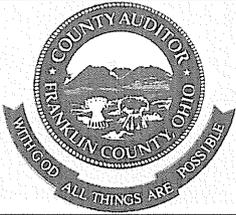
SHEET 2 of 2

January 31, 2011

Z11 - 005

4514 Winchester Pike

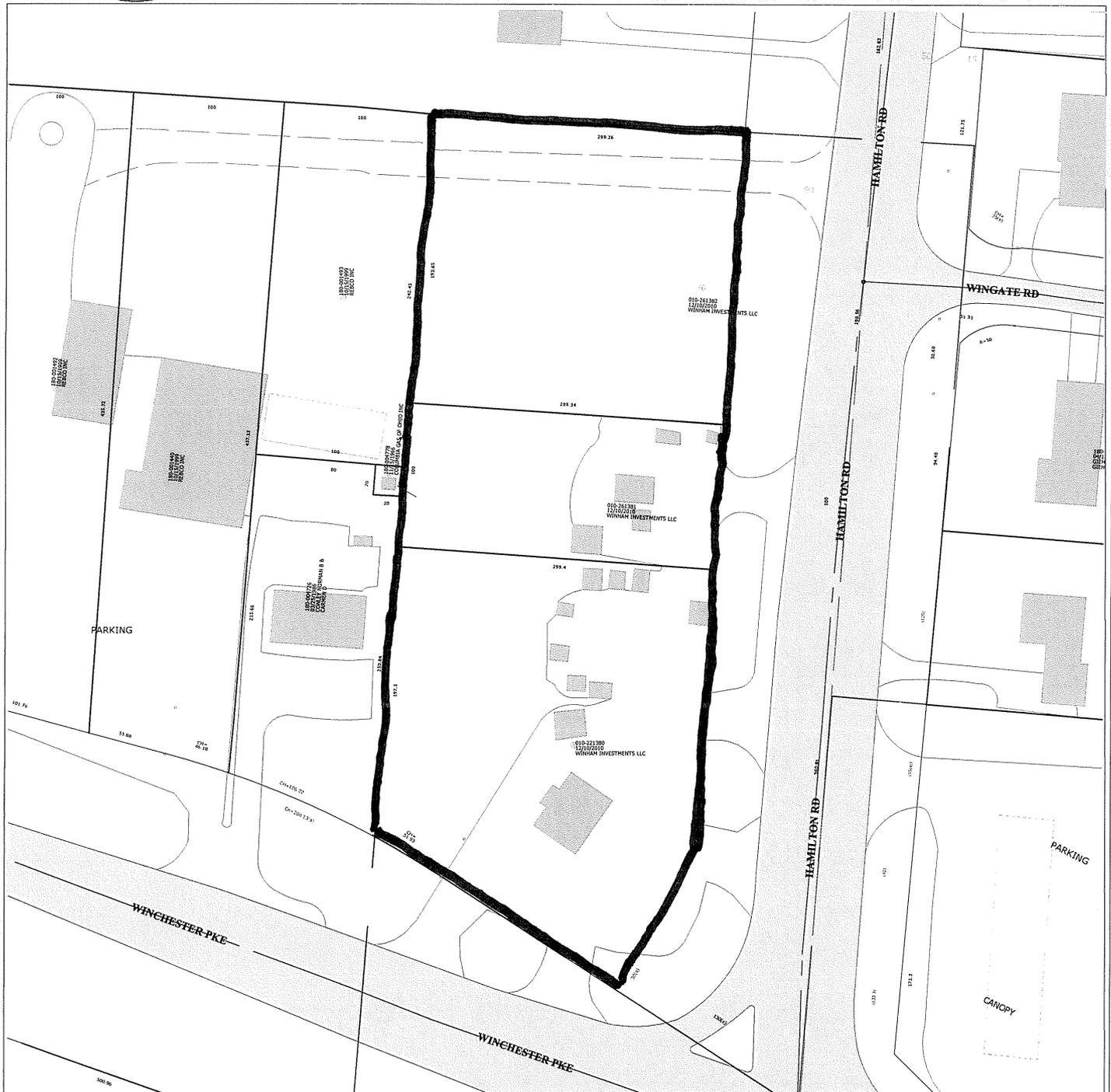




CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: z

DATE: 1/20/11



Disclaimer

Scale = 100

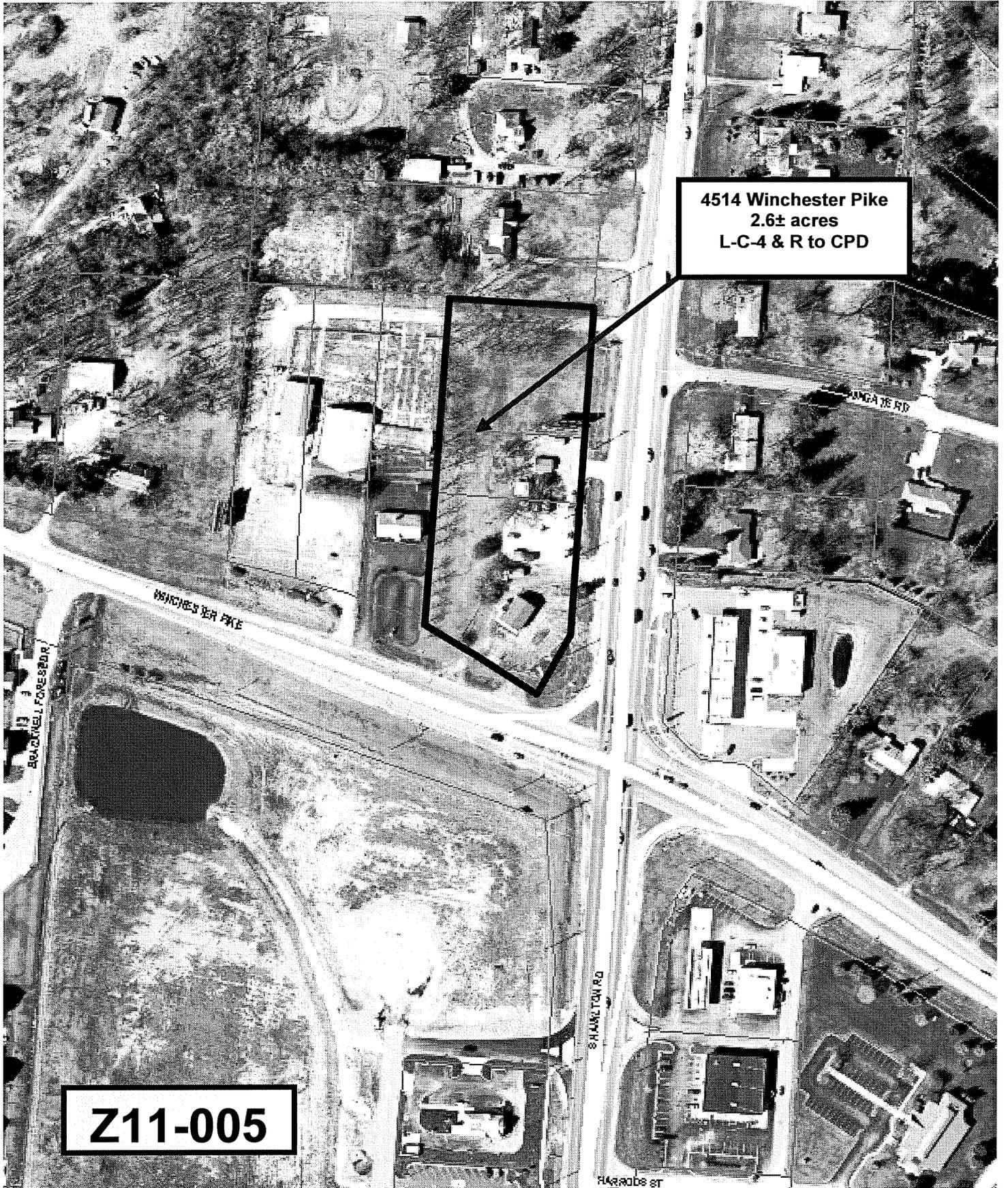


This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department



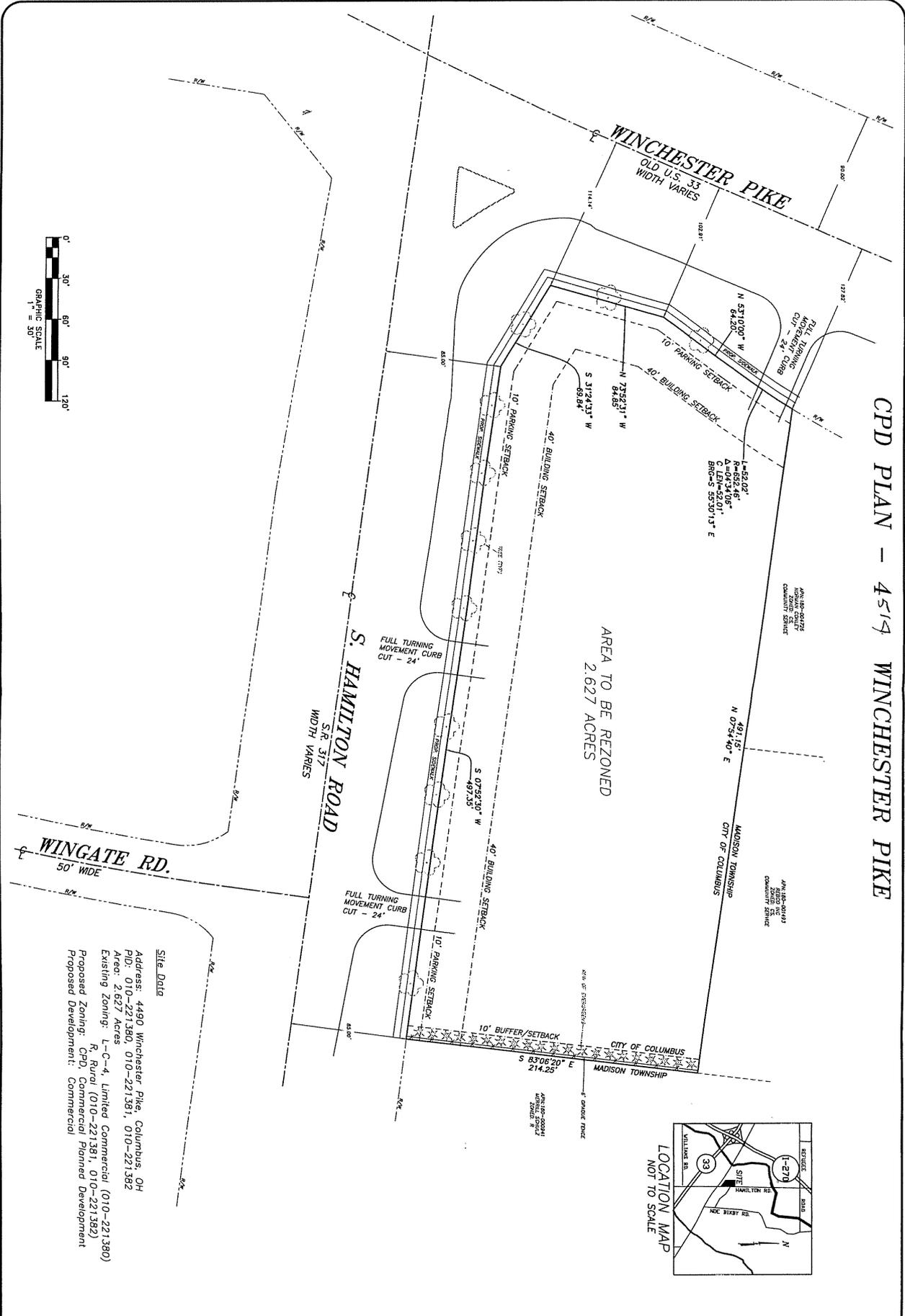
Z11-005



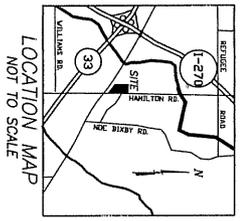
4514 Winchester Pike
2.6± acres
L-C-4 & R to CPD

Z11-005

CPD PLAN - 4514 WINCHESTER PIKE



Site Data
 Address: 4490 Winchester Pike, Columbus, OH
 P.L.N. 010-221380, 010-221381, 010-221382
 Area: 2.627 Acres
 Existing Zoning: L-C-4, Limited Commercial (010-221380)
 Proposed Zoning: R, Rural (010-221381), 010-221382
 Proposed Development: CPD, Commercial Planned Development
 Proposed Development: Commercial



<p>J. & J. SURVEYING SERVICES, INC. 8215 LIVINGSTON AVENUE REYNOLDSBURG, OHIO 43068 PH# (614) 866-9158 FAX# (614) 866-9132</p> <p>© 2011 J. & J. SURVEYING SERVICES, INC.</p>	<p>CPD PLAN - 4514 WINCHESTER PIKE</p>	<p>1" = 30'</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>SCALE</td><td>1" = 30'</td></tr> <tr><td>INCH</td><td>1/4" = 15'</td></tr> <tr><td>FEET</td><td>1" = 1'</td></tr> </table>	SCALE	1" = 30'	INCH	1/4" = 15'	FEET	1" = 1'									
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**CPD, Commercial Planned Development
4514 Winchester Pike
Columbus, OH 43232**

PROPOSED DISTRICT: CPD, Commercial Planned Development
EXISTING DISTRICT: L-C-4, Limited Commercial District (Z91-074) and
R, Rural District
ACRES: 2.627 +/- acres
PROPERTY ADDRESS: 4514 Winchester Pike, Columbus, OH 43232
OWNER(S): Winham Investments LLC c/o Dave Perry, David
Perry Co., Inc., 145 East Rich Street, 3rd Flr.,
Columbus, OH 43215 and Donald Plank,
Plank Law Firm, 145 East Rich Street, 3rd Flr.
Columbus, OH 43215
APPLICANT: Easton Hotel Holdings LLC c/o Dave Perry, David
Perry Co., Inc., 145 East Rich Street, 3rd Flr.,
Columbus, OH 43215 and
DATE OF TEXT: January 31, 2011
APPLICATION NUMBER: Z11- 005

INTRODUCTION: The site for rezoning is located in the northwest quadrant of the intersection of Winchester Pike and South Hamilton Road. The site has frontage on both Hamilton Road and Winchester Pike. The south parcel (010-221380) is zoned L-C-4, Limited Commercial (Z91-074). The other two (2) parcels are zoned R, Rural. The west property line of the site is also the City of Columbus Corporation line. All property to the west is in Madison Township and is zoned CS, Community Service. The CS District is comparable to C-4. The north property line of the site is also the City of Columbus Corporation line. The property to the north of the site is developed with a single family dwelling and is zoned R, Rural (Franklin County Zoning Resolution). Both Hamilton Road (4-2D) and Winchester Pike (4-2) are arterial right of ways on the Columbus Thoroughfare Plan. Commercial development is appropriate for the site and location. The site plan, titled " CPD Plan – 4514 Winchester Pike", dated _____, is referenced in Section I., Miscellaneous commitments.

1. PERMITTED USES: Permitted uses shall be all uses of Section 3356.03, C-4 Permitted Uses, except Billboards, Bars, Cabarets, Night Clubs, Bowling Centers, Drive-in Motion Picture Theater and Off-Premise Graphics, except as Off-Premise Graphic(s) may be approved by application for Special Permit to the Columbus Graphics Commission.

2. DEVELOPMENT STANDARDS: Unless otherwise specified in the following Development Standards, the Development Standards shall be as specified in Chapter 3356 of Columbus City Code (C-4, Commercial District), Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards.

A. Density, Lot and/or Setback Commitments.

1. The Hamilton Road building setback shall be minimum of forty (40) feet.
2. The Winchester Pike building setback shall be a minimum of forty (40) feet.
3. The parking setback from both Hamilton Road and Winchester Pike shall be a minimum of ten (10) feet.
4. There shall be a minimum ten (10) foot building and parking setback along the north property line of the site, where adjacent to the abutting Madison Township parcel to the north, as long as the north property line of the 2.627 Acre site abuts residentially zoned or used property
5. Height District shall be H-35.

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

1. There shall be a total of three (3) full-turning movement curbcuts to the site, with two (2) being located on Hamilton Road and one (1) being located on Winchester Pike, located approximately as depicted on the submitted site plan.

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

1. Street trees shall be provided along Hamilton Road and Winchester Pike at the rate of one (1) tree for every fifty (50) lineal feet of street frontage, excepting the driveway pavement.
2. The north ten (10) foot buffer setback shall contain a six (6) foot tall opaque wood fence located along the north property line and columnar arborvitae, or comparable plant material, planted 3 feet on center in the buffer strip.
3. All landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced with like materials within six months or the next available planting season, whichever occurs first. The size of the new material shall equal the size of the original material when it was installed.
4. The minimum size of all trees at installation shall be two (2) inch in caliper for deciduous trees, five (5) feet in height for evergreen trees, and one and one half (1 ½) inches in caliper for ornamental trees. Tree caliper shall be measured six (6) inches from the ground.
5. Parkland Dedication Ordinance fees of \$400/acre for the acreage of the site that is presently zoned R, Rural (1.455 +/- Acres), shall be paid in conjunction with the Site Plan Compliance Review process.

D. Building Interior-Exterior Commitments.

1. Mechanical equipment or other utility hardware on the roof of a building shall be screened to the height of the equipment, so the equipment isn't visible from the property lines of the site.

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

1. New wiring within the site shall be underground.
2. Refuse service shall be provided by private hauler.

F. Graphics and/or Signage Commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code, as it applies to the C-4 Commercial District. Any variance to the Graphics Code or request for Special Permit for Off-Premise Graphic(s) shall be submitted to the Columbus Graphics Commission for consideration.

G. Other CPD Requirements.

1. Natural Environment: The natural environment of the site is flat. The site has some small abandoned buildings that will be removed when the site is developed.
2. Existing Land Use: The site has some small abandoned buildings that will be removed when the site is developed.
3. Circulation: Access to and from the site will be via full turning movement curbcuts on South Hamilton Road (2) and Winchester Pike (1).
4. Visual Form of the Environment: The site is located at the intersection of two arterial right of ways. Other commercial uses are located at the intersection and long both roads. Property in Madison Township to the west of the site is zoned commercial.
5. Visibility: The site is located on both South Hamilton Road and Winchester Pike. There is good visibility of the site from both streets.
6. Proposed Development: Rezoning to CPD for commercial development.
7. Behavior Patterns: Vehicular access will be from both South Hamilton Road and Winchester Pike.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

H. Modification of Code Standards.

1. Section 3356.11, C-4 District Setback Lines, which Section requires a 60 foot and 50 foot building setback line on Hamilton Road and Winchester Pike, based on Columbus Thoroughfare Designations as 4-2D and 4-2 arterial right of ways, respectively, while

existing right of way for both Hamilton Road and Winchester Pike exceeds the 120 foot and 100 foot Thoroughfare Plan designations and applicant proposes 40 foot building setback lines along both streets.

2. Section 3312.53, Minimum Number of Loading Spaces, which Section requires one (1) Loading Space for retail uses exceeding 10,000 square feet, while and applicant proposes no loading space, as defined.

3. The site may be split for the purpose of having separate parcels for financing and multiple retail store pads. The overall 2.627 Acre site and uses shall comply with applicable code required parking, parking stall dimensions, parking and loading space maneuvering area, and required aisle dimensions, but lot splits shall be permitted that establish internal property lines without regard to the number of parking spaces on each resulting parcel, or the dimensions of parking, loading or stacking spaces, maneuvering area and/or aisle widths as long as total dimensional requirements are met, including across internal property lines. Easement(s) shall be provided for vehicle and pedestrian circulation throughout the 2.627 Acre parcel and easements shall be provided where applicable for any parking, stack or loading space, aisle, maneuvering area or by-pass lane that functions across property lines. The following code variances are provided:

a. 3312.09, Aisle, to permit a property line to divide a parking lot aisle(s), while the total width of the parking lot aisle shall comply with minimum aisle width.

b. 3312.25, Maneuvering, to permit parking spaces to have maneuvering area divided by a tax district line and to maneuver across a tax district line, while total code required maneuvering area shall comply.

c. 3312.29, Parking Space, to permit a tax district line to divide parking spaces, while the total parking space shall comply with required dimensions.

I. Miscellaneous Commitments.

1. Development of the site shall be in accordance with the site plan titled "CPD Plan – 4490 Winchester Pike", dated _____ and signed by David B. Perry, Agent for Applicant and Property Owner, and Donald Plank, Attorney for Applicant and Property Owner. 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 any of the drawings 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 undersigned, being the owner and/or applicant in the subject application, does hereby agree singularly and collectively for himself, his 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 Code, except as noted herein.

David B. Perry, Agent

Date

Donald Plank, Attorney

Date



REZONING APPLICATION

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

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # 211-005

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) DONALD PLANK, Plank Law Firm
of (COMPLETE ADDRESS) 145 East Rich Street, 3rd Flr., Columbus, OH 43215
deposes and states that (he/she) is the APPLICANT, AGENT or SOLELY AUTHORIZED ATTORNEY FOR SAME and the
following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which
is the subject of this application in the following format:

Name of business or individual
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

1. Winham Investments LLC 7921 Waterton Lane Lakewood Ranch, FL 34202 # of Columbus based employees: 0 Contact: Gary Shulte, (614) 431-9973	2. -----
3. -----	4. -----

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Donald Plank

Subscribed to me in my presence and before me this 31st day of JANUARY, in the year 2011

SIGNATURE OF NOTARY PUBLIC Barbara A. Parter

My Commission Expires: AUGUST 3, 2015

This Project Disclosure Statement expires six months after date of notarization.



BARBARA A. PARTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
For all questions regarding this form and fees please call: 614-645-8637
Please make all checks payable to the Columbus City Treasurer