

10-31-03 *Wednesday*

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
JUNE 12, 2003**

- 12. APPLICATION:** **Z03-010**
- Location:** **5333 WARNER ROAD (43081)**, being ~~11.2±~~ **16.01±** acres located on the south side of Warner Road, east and west of the Hamilton Road extension.
- Existing Zoning:** L-ARLD and L-AR-12, Limited Apartment Residential, L-C-3, Limited Commercial, and L-M-2, Limited Manufacturing Districts.
- Request:** ~~L-C-4, Limited Commercial~~ and CPD, Commercial Planned Development District.
- Proposed Use:** Unspecified commercial and fuel sales development.
- Applicant(s):** Cardinal Title Holding Co.; c/o Michael T. Shannon, Atty.; 500 South Front Street, Suite 1200; Columbus, Ohio 43215.
- Property Owner(s):** Cardinal Title Holding Co. and Daniel J. Kerscher, Trustee; c/o Michael T. Shannon, Atty.; 500 South Front Street, Suite 1200; Columbus, Ohio 43215.
- Planner:** John Turner, 645-2485; jmtturner@columbus.gov

BACKGROUND:

- o The 16-acre undeveloped site lies on the east and west sides of the Hamilton Road extension south of Warner Road. The site is currently zoned within the L-C-3, Limited Commercial and L-AR-12, Limited Apartment Residential Districts (Z97-090A); the L-ARLD, Limited Apartment Residential District (Z92-060B); and L-M-2, Limited Manufacturing District (Z90-166). The applicant requests the CPD, Commercial Planned Development Districts to develop commercial and gasoline sales uses.
- o To the north of the site at the northeast and northwest intersection of Warner and Hamilton Road extension is undeveloped land pending rezoning (Z02-042) for a retail, office, and gasoline sales development in the CPD, Commercial Planned Development District. To the east at the southeast corner of Warner and Hamilton Road is land zoned in the CPD, Commercial Planned District (Z00-038) also for gasoline sales, retail, and office uses. To the east and west of the site is undeveloped land zoned for multi-family uses in the L-AR-12 and L-ARLD, Limited Apartment Residential Districts (the site incorporates a portion of those existing zoning districts). The Hamilton Road/ State Route 161 interchange is to the south of the site zoned for retail uses in the L-C-4, Limited Commercial District at the interchange and office-warehouse uses within the L-M-2, Limited Manufacturing District (between the retail uses and the site). The land at the interchange is currently undeveloped.
- o The proposed development is divided into six separate sub-areas, as illustrated on the enclosed map. The applicant requests the CPD, Commercial Planned Development District for Sub-areas A, B, C to develop unspecified commercial uses. A concept plan illustrating the proposed development is included within the Staff Report Packet. A CPD Site Plan is included illustrating the building setbacks (note: only the CPD Site Plan will be included

within the final zoning ordinance, the concept plan is not a part of the final ordinance). The development standards incorporated within the CPD Text include the following:

- A. All C-4 uses are permitted except those excluded within the Permitted Uses section;
 - B. Parking setback is 30 feet from Hamilton Road (Code is 10 feet); building setback is 50 feet as required by Code;
 - C. Lot coverage for building and pavement is maximum of 70%;
 - D. Maximum square footage for any one building is 10,000 square feet;
 - E. Building design commitments including pitched roofs and building materials;
 - F. Variances to loading spaces, outside seating requirements, and driveway and maneuvering.
 - G. Option to trade parking space requirements between all Sub-areas (including those not adjacent to one another).
- o The applicant also requests the CPD, Commercial Planned Development District for Sub-areas D1, D2, and D3 to develop unspecified commercial uses and gasoline sales. These sub-areas are currently zoned in the L-C-3, Limited Commercial District. The concept plan illustrates the proposed development in these sub-areas, with a CPD Site plan illustrating the building setbacks. The development standards incorporated within the CPD Text include the following:
 - A. All C-4 uses are permitted except those excluded within the Permitted Uses and all C-5 uses (including gasoline sales, drive-thru, and car wash uses);
 - B. A Variance to the minimum building setbacks (for all buildings and canopies) from 50 required by code to 25 feet along Hamilton Road and 30 feet along Warner Road. Parking setback of 25 feet along Hamilton Road, 10 feet from Warner Road (code is 10 feet);
 - C. Lot coverage for building and pavement is maximum of 75%;
 - D. Building design commitments including pitched roofs and building materials;
 - E. Variances to loading spaces, outside seating requirements, and driveway and maneuvering.
 - F. Option to trade parking space requirements between all Sub-areas (including those not adjacent to one another).
- o Landscaping requirements are also incorporated into the CPD Texts. The Text for Sub-area A, B, and C requires: the installation of 4 trees and 4 shrubs per 100 linear feet of frontage (with the option of placing the trees within the parking areas instead), one street tree per 30 feet, minimum headlight screening of 36 inches (hedge, mound, or wall), and internal landscaping requirements based on lot coverage. The Text for Sub-areas D1-3 is slightly different, requiring: the installation of 4 trees per 100 feet of frontage (no shrubs, no option of planting trees elsewhere on site), one street tree per 30 feet, minimum 30 inch hedgerow along the frontage (instead of 36 inch headlight screening, no option for mounding or wall), minimum of one tree per 10 parking spaces. These two landscaping provisions differ from the requirements of the existing CPD district (Z00-038), at the southeast corner of Warner and Hamilton Roads, which recommends: 8 trees and 4 shrubs per 100 lineal feet, one street tree per 30 feet, headlight screening of 36 inches, and internal landscaping requirements based on lot coverage. Additionally, the Z00-038 texts establishes a 10 foot building and parking setback and landscaping commitments between the commercial areas

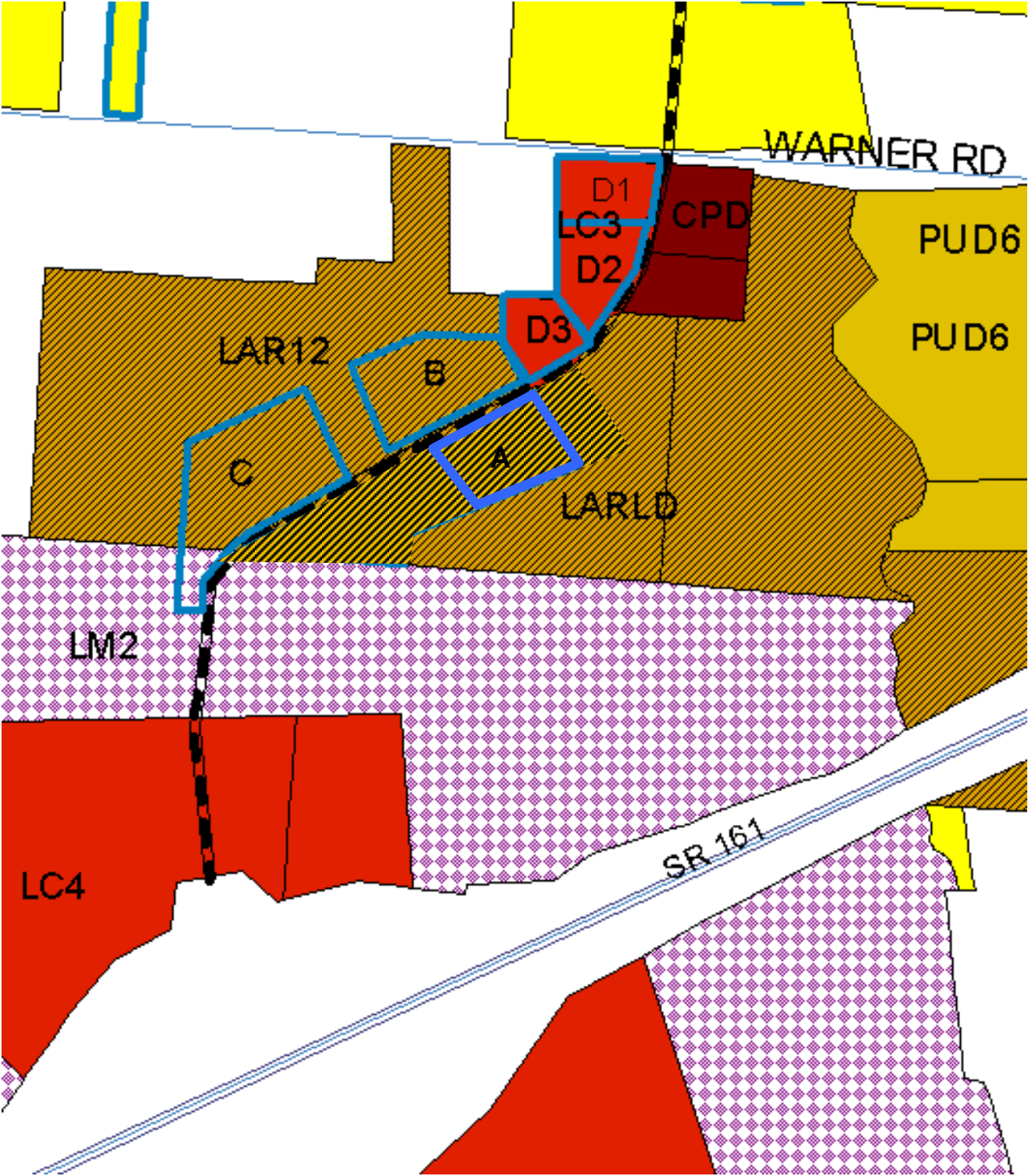
and adjacent apartment areas.

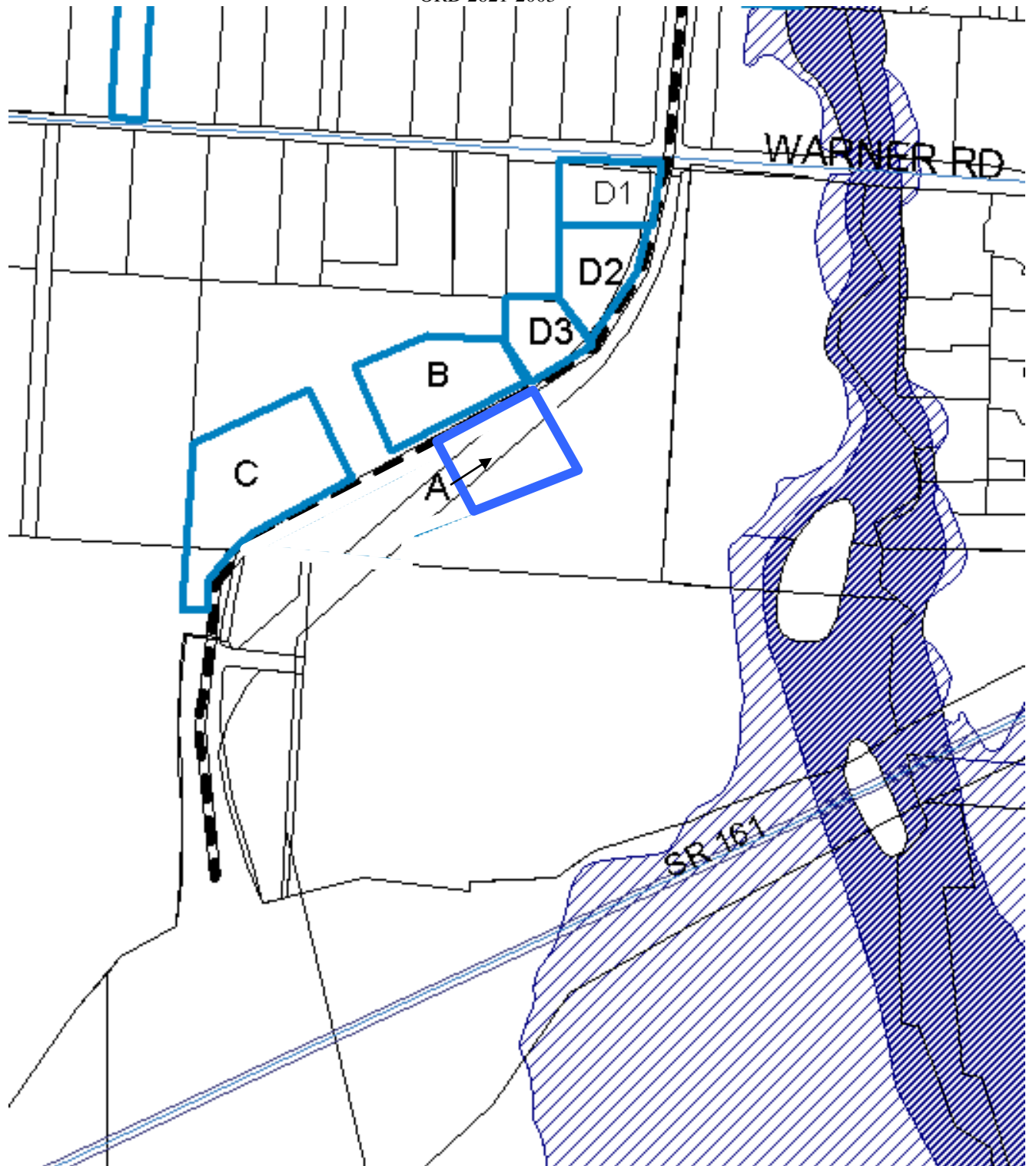
- o The site is located within the boundaries of the *Rocky Fork-Blacklick Accord (1997)*, which requires all rezoning applications to receive a recommendation from the Rocky Fork-Blacklick Accord Implementation Panel prior to Development Commission. The *Accord* requires applicants to submit site plans and development texts to Accord Planning Staff for review; a copy of the most recent Accord Planning Staff Report is enclosed. The applicant has met with the Accord Panel at the March, April, and May Meetings. As of the preparation of this report, the Panel has not made a recommendation to the Development Commission. The applicant is scheduled to attend a special June 5th Panel Meeting to discuss this (and Z03-009) case. Staff expects a recommendation from the Panel to be available on the night of the Development Commission Meeting.
- o *The Rocky Fork-Blacklick Accord (1997)* identifies the site as existing multi-family area. The Accord does not establish specific development guidelines for commercial uses within this area of the plan (development standards are established for commercial uses elsewhere within the planning area). The Accord Staff Report, included with this report, provides an analysis of the proposal with the general concepts of the *Accord* document.
- o The applicant submitted a traffic access study to the Division of Traffic on May 30th. As of the preparation of this report, the findings of the study have not been fully reviewed. Staff expects the review to be completed by the night of the Development Commission Meeting.

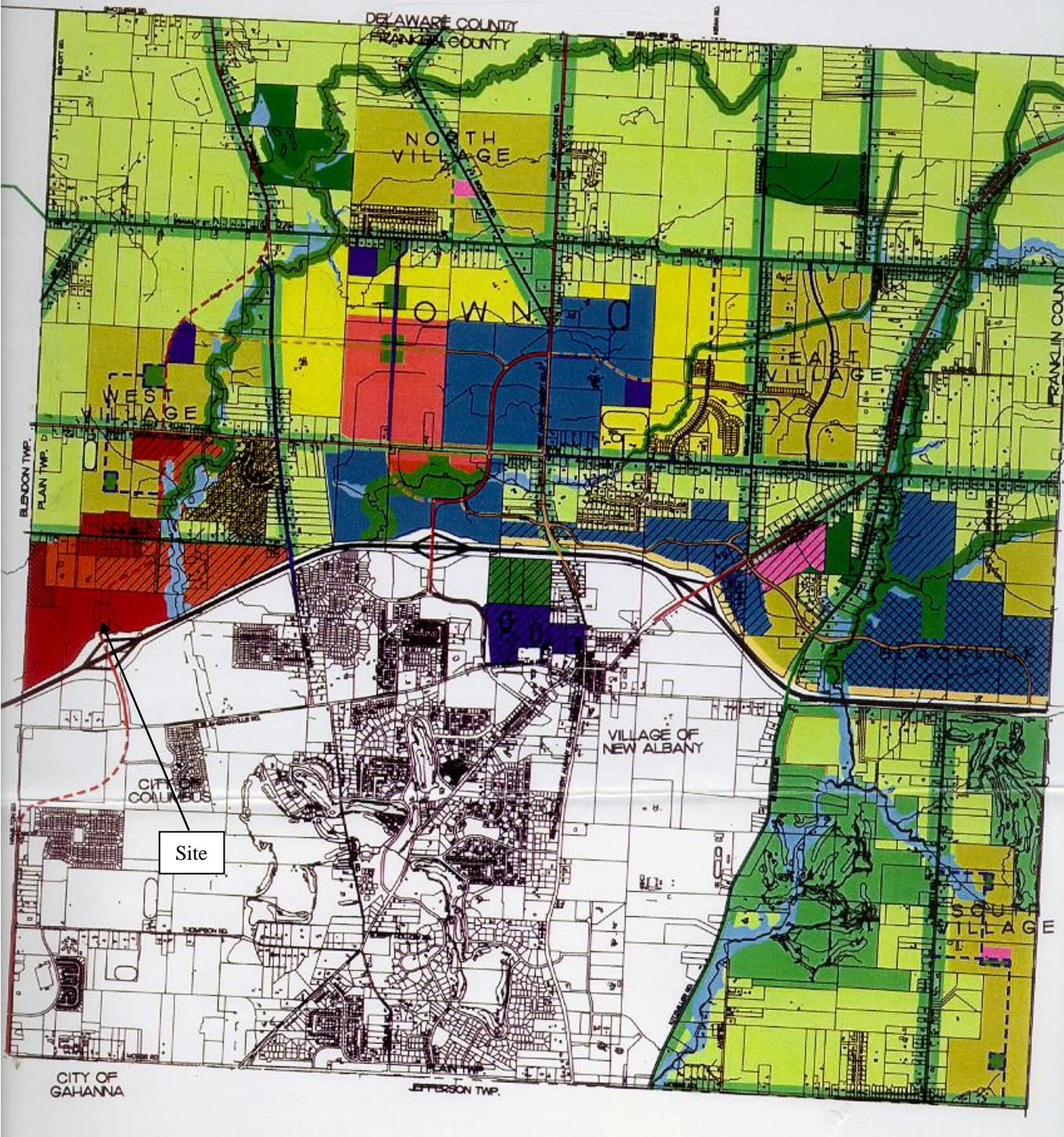
CITY DEPARTMENTS' RECOMMENDATION: **Approval.

As of the preparation of this report, the Rocky-Fork Accord Implementation Panel has not made a recommendation regarding this application. The applicant is scheduled to attend a special June 5th Panel Meeting to discuss this (and Z03-009) case, Staff will not finalize its recommendation until a recommendation is received by the Accord Panel. The site is located along a recently completed section of Hamilton Road. Previous zonings have established a commercial node to the south of the site at the Route 161 and Hamilton Road interchange, and a smaller commercial node to the north of the site at the Warner and Hamilton Roads intersection, all of which is undeveloped. These two nodes are separated by undeveloped office -manufacturing and apartment residential zonings along Hamilton Road. The applicant requests the CPD, Commercial Planned Development District to develop commercial uses along the frontage that is currently zoned for apartment residential uses, thereby establishing commercial and manufacturing uses along the half mile Hamilton Road corridor from Route 161 to Warner Road.

**** The Rocky Fork Accord Implementation Panel recommended Conditional Approval at June Development Commission Meeting. The Applicant agreed to the Conditions, changing the Staff Recommendation from "No Position" to "Approval".**







OFFICE	EXISTING SCHOOLS	TOWN RESIDENTIAL	ARTERIAL ROADS-MAJOR
FREEWAY OFFICE	EXISTING COMMERCIAL	EXISTING VILLAGE RESIDENTIAL	ARTERIAL ROADS-MINOR
TOWN MIXED USE	EXISTING MULTI-FAMILY	VILLAGE RESIDENTIAL	COLLECTOR ROADS
VILLAGE MIXED USE	EXISTING PARKS	RURAL RESIDENTIAL	RURAL ROADS
COMMERCIAL	FREEWAY SETBACK	NATURAL FEATURES CORRIDOR	PROPOSED ROADS ARE SYMBOLIZED WITH A DASHED LINE
MULTI-FAMILY	FLOOD PLAIN	RURAL CORRIDOR	0 1000 2000 3000 FEET SCALE
CIVIC/SCHOOLS	FREEWAY MIXED USE	FREEWAY OFFICE/WAREHOUSE	

THE MASTER PLAN
ROCKY FORK/BLACKLICK ACCORD
REVISED 2001

MEMORANDUM

TO: John Turner, Council Activities Staff

FROM: Jon Pawley, Senior Planner

DATE: June 10, 2003

SUBJECT: Re-Zoning Application Z03-010
5333 Warner Road

This memorandum is to certify that rezoning application No. Z03-010, 5333 Warner Road, was considered by the Rocky Fork-Blacklick Accord Implementation Panel at their June 5, 2003 Accord meeting. The Panel's recommendation at the meeting was for **conditional approval** of this application as submitted to the Panel (motion to approve was carried 6-1).

Conditions of approval were:

- 1.) That issues, questions and concerns outlined in the Accord staff report (see attached) be resolved to the satisfaction of RFBA staff;
- 2.) That permitted uses for the requested CPD zoning be based on those uses allowed in the C-3 commercial district with additional limited C-4 uses (C-4 uses as approved to the satisfaction of RFBA staff), for all sub-areas except D-1, which may remain with a base zoning of C-5;
- 3.) The approved uses shall not include more than one (1) auto-oriented use for sub-areas A, B, C, D-2 and D-3 combined.

Overall, the Implementation Panel was not in objection to the proposed change in land-use from residential multi-family to commercial planned development with limitations on use at this location. The Panel also did not oppose the potential use of gasoline sales in sub-area D-1 (corner location).

Thank you for your time and attention regarding this matter, please feel free to contact me if you have any questions. To the best of my knowledge, the contents of this memo represent a true and accurate summary of the Accord's action. A formal Record of Proceeding for the June 5, 2003 meeting will be prepared for Panel consideration in July.

cc: RFBA Panel members
Michael T Shannon, Esq.

**THE ROCKY FORK-BLACKLICK ACCORD
STAFF REPORT
JUNE 2003**

Rezoning Application Case No: Z03-010

APPLICANT: Cardinal Title Holding Co., c/o
Crabbe, Brown & James, LLP
LOCATION: 5233 Warner Road, Columbus, OH 43081
16.013 acres located on the south side of Warner
Road, east & west of Hamilton Road.
PROPERTY OWNER: Cardinal Title Holding Co.

REQUEST:

The applicant is requesting that zoning for six (6) sub-areas totaling approximately 16 acres be changed from LARLD, LAR12, LC3 and LM2, to CPD, Commercial Planned Development, to permit various commercial uses. All six sub-areas comprising this application were previously zoned in the city of Columbus (Z90-166, Z92-060, and Z97-090). The Rocky Fork-Blacklick Accord master plan designates the majority of this location as "Existing Multi-Family" with some "Existing Commercial", to reflect the zoning that was established prior to the Accord being adopted. The Accord categorizes interchanges off the New Albany Expressway (SR-161) as "principle gateways to the planning area".

CONSIDERATIONS:

There are no specific commercial standards in the Accord outside of the Town Center that staff can use for a comparative analysis in checklist form. In the past, staff and the panel have evaluated commercial zonings in this portion of the Accord on adherence to key principles and strategies (when applicable), and by evaluating the Accord land-use plan, surrounding zoning, and impacts on land-use.

The applicant has submitted two separate applications for this area (Z03-009 and Z03-010), and has included housing unit information in a joint analysis. While staff understands this approach, the applications will be considered individually in case either application is altered or withdrawn.

PLAN REVIEW:

The applicant has been before the Accord Panel three separate times (March, April and May). The application was tabled twice and was reviewed as a sketch plan once. The applicant has made the following changes to the re-zoning request since the May Accord meeting:

- Added language to the text to reflect a 10,000 square foot maximum on building size, and language pertaining to 70% maximum lot coverage of the sub-areas.
- The application has been modified to change all sub-areas to a CPD, Commercial Planned Development, from the original request of LC4 and CPD.

Staff has reviewed the application as submitted (5/2/03). Following is a list of aspects staff finds to be difficult to interpret or incomplete. This is followed by specific questions staff has in regards to the material:

- Zoning text Introduction pages 1 & 2 still refer to changing the rezoning to LC4, not CPD.
- Item B4 (pp 6 & 10) limits the start of development of the sub-areas until the Hamilton Road extension is under construction from State Route 161. This appears to apply to an earlier zoning and is outdated.

ORD 2621-2003

- Item E7 (p 8) Refers to canopy lighting for gasoline sales in sub-area B. Staff was under the impression that the applicant was not requesting gasoline sales in this sub-area.
- There has been no new development text provided for sub-areas D1, D2, and D3. Prior to the May Accord meeting, the applicant indicated that text for these sub-areas would be revised to reflect the limitation of gasoline sales to one of the three sub-areas (instead of all three), and to correct deficiencies in the landscaping standards. Staff is not clear if this review is to focus on the old text for these sub-areas (April 28, 2003), or if new text was omitted by error.

Specific questions/comments staff has regarding the application include:

- Side yard setbacks (pavement and building) are not included for any sub-area. These sub-areas would abut residential development.
- Under the uses permitted section for each sub-area, the text states “all uses except...” with a long list of exceptions. Staff would appreciate the applicant making it more clear to the Panel what uses will be permitted, particularly in light of the fact that the re-zoning request is for a CPD, with C4 and C5 (sub-areas D1, D2, D3?) standards.
- Language in the text states “headlight screening may be reduced as needed adjacent to curb cuts to provide adequate vision clearance”. Staff agrees with the notion of this sentence, but finds it to be vague in determining the actual number of feet this reduction will be.
- Language in the text asserts that landscape requirements may be offset by preservation of existing vegetation. Staff is unclear exactly what constitutes preserving existing vegetation (trees, shrubs, weeds?) Also, to what extent is this offset actually accomplished (one-for-one)?
- Language in the text also asserts that placement of trees required in the setback area may be placed in the internal parking area to maintain 70% lot coverage. This connection is unclear, as any trees would be placed on impervious surfaces and would not add to the 70% lot coverage calculation.
- Lot coverage in the text should be calculated per sub-area, not total area. Not all sub-areas are adjacent to one other (in fact one sub-area is across the street). The Panel has previously considered a total area approach, but typically when there were natural features in the area and when the sub-areas were adjacent.
- The amount of pavement allowable in advance of building setback, and Hamilton Road setbacks, are not consistent with previous zoning activity in the vicinity.
- The applicant indicates there is a maximum square footage is 10,000 sq ft. in all sub-areas. The Accord standard that has been applied to commercial buildings is 200’ maximum building length.
- In the Introduction of the development text, it is correctly stated that a CPD was approved at the northeast corner. What is not stated is that one of the considerations the Panel deliberated over when recommending approval was that across the street there was an LC3 zoning, with no gas sales. That same LC3 zoning is now potentially changing to a much more intense commercial zoning with this application.

In terms of the Accord Principles and Strategies, staff finds that the area covered by the application is:

- Outside of the floodplain and natural features areas,
- Not on a rural road
- Not in a village or town area
- Development has paid its own way with respect to Hamilton Road.

In addition to issues identified above, following are key considerations of a broader nature for the Panel to consider:

1. Can the issues and questions raised in this report be adequately addressed, without further consideration by the Panel?
2. Is commercial use appropriate at this location. This is an area predominately designated in the Accord as “existing residential” to reflect current zoning, and is also identified as one of the gateways to the Accord. There are specific commercial standards in Town and Village districts in the Accord; would commercial uses be better served at these locations, or are they appropriate as proposed with relative freeway access;
3. If commercial use is appropriate at this location, the Panel will need to weigh;
 - a.) How much commercial (all six sub-areas, or only at major intersections) and,
 - b.) What is the appropriate intensity of commercial use for this location (example, auto oriented uses, gasoline sales, retail, office, etc).

SPECIAL NOTE:

This review is based on the proposed application’s conformance or lack thereof to the Rocky Fork-Blacklick Accord. Nothing noted in this review is intended to speak to the application’s conformance with other city zoning requirements and policies.

ORD 2621-2003

Patti Austin
City of Columbus
Transportation Division
109 North Front Street
Columbus, Ohio 43215

Re: Z03-010
5233 Warner Road

Dear Ms. Austin:

On behalf of my client, I would like to thank you for your continued cooperation and assistance in evaluating the proposed traffic generation and access points for the above-referenced zoning. Please be advised that we respectfully request a conditional approval from the Traffic Division for the project. We will agree that the access study and related traffic issues must be approved to the satisfaction of your Department before going to City Council for final consideration of the ordinance.

Thank you.

Very truly yours,
CRABBE, BROWN & JAMES, LLP

Michael T. Shannon, Esq.

cc: Tim Kelley
 Robert Weiler
 John Turner
 Jon Pawley
 Larry Creed
 Michael Meeks

**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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # 203-010

Being first duly cautioned and sworn (NAME) Laura Macgregor Corneli, ESQ.
of (COMPLETE ADDRESS) 500 S. Front St., Cols., 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 all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Cardinal Title Holding Co. c/o Crabbe Brown & James LLP
500 S. Front St., 12th Fl
Cols., Oh 43215

SIGNATURE OF APPLICANT

Subscribed to me in my official capacity before me this 5th day of February, in the year 2003

SIGNATURE OF NOTARY PUBLIC

Carola A. Stewart

My Commission Expires:

CAROL A STEWART

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

NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JUNE 28, 2004

Notary Seal Here