



## Legislation Details (With Text)

**File #:** 1334-2015      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 5/12/2015      **In control:** Zoning Committee

**On agenda:** 6/1/2015      **Final action:** 6/3/2015

**Title:** To amend Ordinance No. 0221-2005, passed on April 25, 2005 (Z04-089), for property located at 5436 WESTERVILLE ROAD (43081), by repealing Section 3 and replacing it with a new Section 3 to amend the CPD, Commercial Planned Development District text to modify development standards and to replace the site plan and to declare an emergency (Rezoning No. Z04-089A).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#1334-2015.Attachments

Date	Ver.	Action By	Action	Result
6/3/2015	2	CITY CLERK	Attest	
6/2/2015	2	MAYOR	Signed	
6/1/2015	2	COUNCIL PRESIDENT	Signed	
6/1/2015	1	Zoning Committee	Amended to Emergency	Pass
6/1/2015	1	Zoning Committee	Approved as Amended	Pass

### REZONING AMENDMENT Z04-089A

Ordinance No. 0221-2005, passed on April 25, 2005 (Z04-089), rezoned 13.43± acres to from the R, Rural District to the CPD, Commercial Planned Development District. That legislation established a CPD text with specific land use prohibitions and development standards including setbacks, parking, landscaping, lighting, and graphics restrictions with a commitment to a site plan. This legislation will amend Section 3 of Ordinance No. 0221-2005, passed on April 25, 2005, to modify the development standards and CPD requirements in the CPD, Commercial Planned Development District text and site plan to allow a small addition to the existing building. The addition will enclose the service area already incorporated as a part of the existing building by an attached block dividing wall in conformance with the attached site plan. All other conditions and restrictions of Ordinance No. 0221-2005 remain in effect and are included with this legislation.

**CITY DEPARTMENT'S RECOMMENDATION:** Approval.

To amend Ordinance No. 0221-2005, passed on April 25, 2005 (Z04-089), for property located at **5436 WESTERVILLE ROAD (43081)**, by repealing Section 3 and replacing it with a new Section 3 to amend the CPD, Commercial Planned Development District text to modify development standards and to replace the site plan **and to declare an emergency** (Rezoning No. Z04-089A).

**WHEREAS**, Ordinance No. 0221-2005, passed on April 25, 2005 (Z04-089), established the CPD, Commercial Planned Development District on property located at **5436 WESTERVILLE ROAD (43081)**, being 13.43± acres located on the

east side of Westerville Road, 299± feet north of Old Dublin Granville Road; and

**WHEREAS**, it is necessary to amend the Commercial Planned Development District Text and site plan of said Ordinance to allow a minor alterations to the site plan to permit enclosure of an area within the perimeter of the building; and

**WHEREAS**, this amendment modifies the development standards and CPD requirements of the CPD, Commercial Planned Development District text and the site plan to allow a small addition to the existing building. The addition will enclose the service area already incorporated as a part of the existing building by an attached block dividing wall in conformance with the attached site plan; and

**WHEREAS**, all other conditions and restrictions of Ordinance No. 0221-2005 remain in effect and are unchanged by this legislation; and

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That Section 3 of Ordinance No. 0221-2005, passed on April 25, 2005 (Z04-089), is hereby repealed and replaced with a new Section 3 to read as follows:

**SECTION 3.** That the Director of the Department of ~~Development~~ **Building and Zoning Services** be, and he is hereby authorized and directed to make the said changes on the said original zoning map ~~in the office of the Building Services Division~~ and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the **Department of Building and Zoning Services Division** as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "SITE PLAN," signed by Kyle J. Stroh, Attorney for the Applicant, and dated ~~January 27, 2005~~ **May 4, 2015** and text titled, "CPD TEXT," signed by Kyle J. Stroh, Attorney for the Applicant, and dated ~~January 25, 2005~~ **May 4, 2015**, and the text reading as follows:

#### **CPD Text**

**PROPOSED DISTRICT:** CPD, Commercial Planned Development District  
**PROPERTY ADDRESS:** 5436 Westerville Road, Columbus, Ohio 43081  
**OWNER:** ~~5436 Westerville Road~~ **Pony Properties, LLC, c/o Don Jones** Chris Jones  
**APPLICANT:** Iron Pony Motorsports Group, Inc., c/o Chris Jones  
**DATE OF TEXT:** ~~January 25, 2005~~ **May 4, 2015**  
**APPLICATION NO.:** ~~Z04-089A~~

#### **1. INTRODUCTION:**

Applicant seeks reclassification of the subject property from Residential to Commercial Planned Development District. Upon being annexed to the City of Columbus in the early 1970's, the subject property was zoned residential, but has been used for commercial purposes since the structure thereon was built in 1976. Initially the property was used for a K-mart store that went out of business in or about 2003. The current owner purchased the property in mid-March 2004. In mid-October 2004, applicant relocated its motorsports superstore from its prior location at 5685 Emporium Square, Columbus, Ohio 43231. The property is approximately 13 acres. The adjacent lot, Lot No. 600-148041 is a commercial community shopping center/strip center with which the subject property shares common parking facilities. The property is surrounded by uses consistent with Applicant's request for a CPD classification.

**2. PERMITTED USES:** The subject property shall be used in a manner consistent with the uses permitted in the C-1, C-2, C-3, C-4, or C-5 commercial districts, with the exception of the prohibited uses specifically set forth

below. Regarding any primary or ancillary use relating to a motor vehicle repair shop or motor vehicle sales, service, maintenance or leasing, the subject property shall be limited to a maximum of ten (10) service bays.

The following uses are prohibited:

Business college  
Cabaret  
Dance hall  
Electric substation  
Funeral parlor  
Hotel  
Motel  
Motor bus terminal  
Motion picture theater  
Nightclub  
Off premises graphics  
Poolroom  
Private club  
Public parking garage for pay  
Public parking for pay  
Testing or experimental laboratory  
Trade school  
Commercial radio transmitting or television station and appurtenances including cellular towers

### 3. DEVELOPMENT STANDARDS:

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

Applicant does not intend to change the current density or lot coverage established by the current development, **other than enclosing the southern corners of the Building as set forth in the Site Plan attached hereto as Exhibit A.** Setbacks will be: zero feet (0') north property line; ninety feet (90') south property line; twenty-five feet (25') east property line; and sixty feet (60') (i.e. one-half the right-of-way) west property line.

Parking lot minimum setbacks will be: zero feet (0') north property line; ninety feet (90') south property line; ten feet (10') east property line; and five feet (5') west property line.

Lot coverage will be as shown **per the site plan attached as Exhibit A and will not exceed 85%.**

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

All circulation, curb cuts and access points shall be subject to the approval of the Division of Transportation.

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

All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.

All new trees, *if any*, shall meet the following minimum size at the time of planting: Shade trees 2 1/2" caliper; Ornamental trees 1 1/2" caliper; Evergreen trees 5 feet in height. Tree caliper is to be measured six (6) inches from the ground.

Applicant shall not remove any buffering between the site and any adjacent site that currently exist.

Applicant shall maintain all green space with grass, shrubs, trees and/or mulch. No green space will be left in

natural state, except along south property line where the natural buffer along the ditch/stream will be left in its current state, which green space is set forth on the site plan.

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

Applicant will not change the site configuration that currently exists **other than enclosing the southern corners of the Building as set forth in Site Plan attached hereto as Exhibit A.**

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

Lighting

- Applicant will not change any outdoor or other lighting that currently exists.
- All new external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type and color to insure compatibility and shall be no higher than the lighting that currently exists, which is thirty-one (31) feet high.
- All new external outdoor lighting fixtures to be used shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
- All new external outdoor lighting fixtures to be used shall not exceed .1 foot-candle along the property line of a residentially used or zoned property.
- Accent lighting shall be permitted provide such light source is concealed.
- Any wall-mounted lighting shall be shielded to prevent offsite spillage.

Outdoor Display Areas

- Any outdoor display area shall be limited to either of two locations, which are on either side of the main front entrance to the building.
- The outdoor display areas along the front of the building shall not exceed, six (6) feet in depth and a maximum of fifteen (15) feet in width.
- The maximum height for any outside storage area shall be six (6) feet.
- Any outdoor display area shall contain only those items normally and customarily sold by the retail business or businesses being operated on the subject property.

F. Graphics and/or Signage Commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments.

Applicant agrees to make payment to the City's Recreation and Parks Department in conformance with the Parkland Dedication ordinance of \$400 per acre at time zoning ordinance for subject property is approved by council, but before the effective date of said ordinance.

#### 4. CPD REQUIREMENTS

A. Natural Environment:

The site has already been developed. Existing healthy trees 2.5 inches or more in caliper, measured six (6) inches from the ground, and located within the parking setbacks shall be maintained.

B. Existing Land Use:

Currently the land use is an existing motorsports superstore with parking facility.

C. Transportation and Circulation:

The site is located along Westerville Road, which is a 4-2D arterial with two existing curb cuts along Westerville Road, and an additional access drive to old Dublin-Granville Road.

D. Visual form of Environment:

Applicant intends to maintain existing structure and landscaping. No new development will take place on the site.

E. View and Visibility

Applicant believes its continued presence in this location enhances the surrounding neighborhood and visual environment.

F. Proposed Development

~~Not Applicable.~~ **Enclosure of the areas of the Building on the southern corners as set forth in the Site Plan attached hereto as Exhibit A.**

G. Behavior Patterns

The new use generates less vehicular and pedestrian traffic than the previous Kmart store.

H. Emissions

The subject property is bordered by a strip mall to the north and public park to the east/rear. To the south, the subject property contains a buffer of trees between it and several other properties which front along Dublin-Granville Road. All of said properties, including properties to the west on the other side of Westerville Road are commercial uses consistent with the subject property. Odors/emissions will essentially be non-existent and comparable to the prior use.

I. Site Plan

The Subject Property shall be maintained in accordance with the site plan **attached hereto as Exhibit A**. ~~At this time,~~ Applicant does not contemplate any **further** adjustment to the plan.

**SECTION 2.** ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~  
**That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**

