



Legislation Details (With Text)

File #: 0828-2007 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 5/16/2007 **In control:** Zoning Committee

On agenda: 6/25/2007 **Final action:** 6/27/2007

Title: To Amend Ordinance No. 2503-00, passed on November 27, 2000 (Z00-069) for the property located at 9210 WORTHINGTON ROAD (43211), by repealing Section 3 in its entirety and replacing it with a new Section 3 thereby amending the Limitation Text Development Plan to reduce the parking setbacks along the west and north property lines and to declare an emergency. (Z00-069A)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD# 0898-2007 Attachments.pdf, 2. ORD# 0898-2007 Data Form.pdf

Date	Ver.	Action By	Action	Result
6/27/2007	2	CITY CLERK	Attest	
6/26/2007	2	MAYOR	Signed	
6/25/2007	1	Zoning Committee	Amended to Emergency	Pass
6/25/2007	2	Zoning Committee	Approved as Amended	Pass
6/25/2007	2	COUNCIL PRESIDENT	Signed	
6/18/2007	1	Columbus City Council	Read for the First Time	
6/4/2007	1	City Clerk's Office	Sent back for Clarification/Correction	
6/4/2007	1	Dev Drafter	Sent to Clerk's Office for Council	
5/30/2007	1	Dev Reviewer	Reviewed and Approved	
5/30/2007	1	Dev Drafter	Sent for Approval	
5/30/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
5/30/2007	1	Dev Drafter	Sent to Clerk's Office for Council	
5/24/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
5/16/2007	1	Dev Drafter	Sent for Approval	

AMENDMENT: Z00-069A

Ordinance No. 2503-00, passed on November 27, 2000 (Z00-069) rezoned 3.95 ± acres to the L-C-3, Limited Commercial District. That rezoning established specific development standards in accordance with a development text. This legislation will amend Ordinance No. 2503-00 to modify the "Limitation Text Development Plan" to revise the parking setback along Interstate 71, the west property line, from twenty-five (25) feet to ten (10) feet and the parking setback along the north property line from ten (10) feet to three (3) feet. All other conditions and restrictions of Ordinance No. 2503-00 remain in effect and are unchanged by this legislation.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To Amend Ordinance No. 2503-00, passed on November 27, 2000 (Z00-069) for the property located at **9210 WORTHINGTON**

ROAD (43211), by repealing Section 3 in its entirety and replacing it with a new Section 3 thereby amending the Limitation Text Development Plan to reduce the parking setbacks along the west and north property lines **and to declare an emergency.** (Z00-069A)

WHEREAS, Ordinance #2503-00, passed on November 27, 2000 (Z00-069), established the L-C-3, Limited Commercial District on property located at **9210 WORTHINGTON ROAD (43211)**, being 3.95± acres located on the west side of Worthington Road, 1,500± feet south of Orion Place; and

WHEREAS, it is necessary to amend the L-C-3 Limitation Text Development Plan identified in Section 3 of said Ordinance to allow minor alterations to the existing development standards; 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 as the Applicant is subject to contractual obligations in connection with this rezoning amendment, which obligations must be met as soon as possible to proceed with those contracts and ensure compliance with the Zoning Code for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, this ordinance will amend Ordinance #2503-00 by reducing the parking setback along Interstate 71, the west property line, from twenty-five (25) feet to ten (10) feet and the parking setback and landscape buffer along the north property line from ten (10) feet to three (3) feet; and

WHEREAS, all other development standards and commitments contained in Ordinance #2503-00 are unchanged by this ordinance and will remain in effect, now, therefore:

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

SECTION 1. That Section 3 of Ordinance #2503-00, passed on November 27, 2000 (Z00-069), be hereby repealed and replaced with a new Section 3 reading as follows:

SECTION 2. That the Director of the Department of Development 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 L-C-3, Limited Commercial District Limitation Text Development Plan among the records of the Building and Development Services Section as required by Section 3370.03 of the Columbus City Codes; said text being titled, "**LIMITATION TEXT DEVELOPMENT PLAN**," signed by Robert A. Meyer, Jr., Attorney for the Applicant, dated May 2, 2007, and reading as follows:

LIMITATION TEXT DEVELOPMENT PLAN

PROPOSED DISTRICT: L-C-3, Limited Commercial District

PROPERTY ADDRESS: 9210 Worthington Road (43211), being 3.95± acres located on the west side of Worthington Road, 1500± feet South of Orion Place.

OWNERS: ~~Lindsay A. Plymale and Sharon R. Plymale~~ **The Slane Company Ltd.**
~~William L. Crosby and Theresa M. Crosby~~

APPLICANT: ~~Grafton Properties, Inc., an Ohio corporation~~ **Preferred Real Estate Investments II, LLC**

DATE OF TEXT: ~~September 28, 2000~~ **May 2, 2007**

APPLICATION NUMBER: Z00-069(A)

1. Introduction:

The land being rezoned by this application to the L-C-3, Limited Commercial, District is 3.95 acres with frontage along Worthington Road and Interstate 71, said property more particularly described in the legal description submitted as part of the application (the Property").

2. Permitted Uses:

The permitted uses shall be those uses permitted in the C-1 and C-2 Commercial Districts as set forth in Chapters 3351 and ~~3352~~ **3353** respectively of the Columbus Zoning Code and, in addition, shall include the following C-3 Commercial District uses only: hotels, motels, restaurants, and associated ancillary uses thereto. The following uses shall be prohibited: drive-thru restaurants, apartments, and apartments over commercial uses.

3. Development Standards:

Except as otherwise modified herein, the development standards established by the C-2 Commercial District shall apply.

A. Density, Height, Lot and/or Setback Commitments:

1. **Building Height:** The height district shall be H-60, allowing for a sixty (60) feet height limitation.
2. **Building Lines:** The building setback line shall be fifty (50) feet from any road right-of-way. The building setback line shall be fifteen (15) feet from any side property line, and twenty-five (25) feet from any rear property line, except as otherwise set forth herein. All setbacks shall be measured from the right-of way as established by Section C.1. hereof.

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

1. **Access:** All access to the Property will be from Worthington-Galena Road.
2. **Loading Areas:**
 - a. Provision for truck maneuvering and loading areas 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 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 five (5) feet high and an opacity of not less than seventy percent (70%). 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.
 - b. 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 five (5) feet high and an opacity of not less than seventy percent (70%). 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.

3. Parking:

- a. Off street parking shall be provided in compliance with the provisions of Chapter 3342 of the Columbus Zoning Code.
- b. No parking or maneuvering areas, except driveways, shall be constructed nearer than ten (10) feet from any side or rear property line, **except for the north property line, in which case parking or maneuvering areas, except driveways, shall not be constructed nearer than three (3) feet from the north property line.**
- c. The parking setback line shall be established at thirty (30) feet from any road right-of-way (except as otherwise set forth herein). The parking setback line from Interstate 71 shall be established at ~~twenty-five~~ **ten (25 10)** feet.

4. Traffic-Related Matters:

- a. **Roadway Dedication.** Prior to zoning clearance, land along the Property with frontage on Worthington-Galena Road measured fifty feet (50') from the centerline of Worthington-Galena Road shall be dedicated to the City of Westerville, or other such governmental authority as may be required, by plat or deed for public right-of-way purposes, upon approval of this requested rezoning by the City Council of the City of Columbus.

- b. Road Improvements. Prior to the issuance of occupancy permits for any buildings constructed on the Property, Worthington-Galena Road shall be improved to three (3) lanes from the intersection of Lazelle Road and Hanawalt Road to the south property line of the Property subject to the approval by the City of Columbus and the City of Westerville's Engineers (or any other governmental authority as may be required) and the availability of right-of-way.

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

1. Screening: To create a high quality aesthetic impact the following standards shall be implemented.

- a. 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 areas from view, to a minimum height of five (5) feet and an opacity of not less than seventy percent (70%). All such landscaping shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- b. All heating, ventilating, air conditioning and other building mechanical systems and equipment, whether roof mounted or ground level, shall be fully screened from view from all public streets. As an exception to the foregoing, equipment requiring ventilation may be located within architectural elements having opacity of at least seventy percent (70%). Ground level equipment may be screened by landscaping.
- c. 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.

2. Landscaping: The basic landscape design approach shall be to soften streetscape view of parcel parking lots and enhance site entries. Plants shall be arranged to highlight building entries, soften building masses, provide scale to site development, screen and organize parking and service areas, and define parcel edges. All retaining walls an area to be planted with grass shrubs or vines shall be provided between the wall and any paved area. Landscaping shall be maintained in a healthy state. Any dead materials shall be removed and replaced with like materials within six (6) months or the next available planting season. The size of the new plant materials shall be equal to the size of the original material when installed. The minimum tree size shall be no less than 2 1/2' caliper for deciduous trees, 1 1/2" caliper for ornamental trees and 5 feet in height for evergreens.

3. Open Space: All open areas on each undeveloped 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 grass, vines, trees or shrubs.

- a. Side and Rear Buffers. ~~Each~~**The** parcel shall provide minimum ten (10) foot wide landscape buffer within the parcel and adjacent and parallel to the **rear and south** side property line, **and a minimum three (3) foot wide buffer adjacent to the north side property line.** The surface of the side and rear buffer areas shall be expressly reserved for the planting of grass, vines, trees or shrubs and no structures, 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. Storm retention areas may occur in said buffer area.
- b. Frontage Buffer. ~~Each~~**The** parcel shall provide a minimum thirty (30) feet wide landscape buffer area adjacent and parallel to any public street, except Interstate ~~71~~**71, where the buffer shall be ten (10) feet.** Except for graphics and driveways, the surface of the front buffer area shall be expressly reserved for the planting of grass, vines, trees or shrubs. Such plantings shall be at a minimum ratio of one tree or shrub per thirty (30) feet of frontage. All parking areas parallel to Worthington Road shall have headlight screening with a minimum height of thirty (30) inches. Storm water detention or retention areas may occur in said buffer areas. See also Access and Loading in Paragraph B herein.

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

None at this time.

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

1. Dumpsters: All dumpsters whenever located on the site shall be screened according to the requirements set forth herein.

2. Lighting: All on-site lighting shall be down lighting and shall utilize cut-off fixtures. Fixtures, reflectors, shields, bulbs, poles and pole heights shall be selected, arranged and placed so there is no glare off premises and shall direct and reflect light away from

any particular residential property or public right-of-way. Lighting shall be limited to twenty (20) feet in height.

3. Outdoor Display Areas: N/A

4. Other Environmental Matters: An asphalt path shall be installed on site, particularly adjacent and parallel to the Worthington Road right-of-way.

F. Graphics and/or Signage Commitments:

All signage and graphics shall conform to the Columbus Graphics Code as it applies to the C-2 Commercial District except as otherwise set forth herein. Any variances needed from the applicable graphics requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments:

1. Prior to receipt of a Zoning Clearance, applicant shall provide \$1,584.00 (\$400 per acre) to City of Columbus Treasurer for compliance with the parkland dedication ordinance, paying a fee in lieu of dedication.

• **SECTION 3.** ~~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.**