



Legislation Details (With Text)

File #: 0210-2014 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 1/21/2014 **In control:** Zoning Committee

On agenda: 2/10/2014 **Final action:** 2/12/2014

Title: To rezone 3310 EAST BROAD STREET (43213), being 1.58± acres located at the northeast corner of East Broad Street and North James Road, From: C-4, Commercial District, To: CPD, Commercial Planned Development District and to declare an emergency (Rezoning # Z13-018).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0210-2014Attachments, 2. Notice Of Public Hearing - Council Mtg20140210

Date	Ver.	Action By	Action	Result
2/12/2014	2	CITY CLERK	Attest	
2/11/2014	2	MAYOR	Signed	
2/10/2014	2	COUNCIL PRESIDENT	Signed	
2/10/2014	1	Zoning Committee	Approved as Amended	Pass
2/10/2014	1	Zoning Committee	Amended to Emergency	Pass
2/3/2014	1	Columbus City Council	Read for the First Time	

Rezoning Application Z13-018

APPLICANT: Speedway; c/o Robert Sweet; McBride Dale Clarion; 5725 Dragon Way, Suite 220; Cincinnati, OH 45722.

PROPOSED USE: Fuels sales facility with convenience retail.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on January 9, 2014.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The requested CPD, Commercial Planned Development District, will allow redevelopment of the site with a fuel sales facility and convenience retail. Staff supports the intended use of the property and site design in relation to the Community Commercial Overlay (CCO) requirements. The intersection of Broad and James is identified as a key node in the *Eastmoor: Main and Broad Corridor Revitalization Plan* (2007), and both the Plan and Overlay seek to establish a new precedent for development at this key intersection. With the location of the store, a much stronger presence is established at the corner, but the use of obstructed-view display windows along the Broad Street façade is contrary to an important aspect of the required CCO design elements. Staff notes and appreciates the significant progress the project has seen since inception, but remains opposed based on this issue.

To rezone **3310 EAST BROAD STREET (43213)**, being 1.58± acres located at the northeast corner of East Broad Street and North James Road, From: C-4, Commercial District, To: CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z13-018).

WHEREAS, application #Z13-018 is on file with the Department of Building and Zoning Services requesting rezoning of 1.58± acres from C-4, Commercial District, to CPD, Commercial Planned Development District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend disapproval of said zoning change because the use of obstructed-view display windows along the Broad Street façade is contrary to an important aspect of the required CCO design elements. Staff supports the intended use of the property and site design, and appreciates the significant progress the project has seen since inception, but remains opposed based on this issue; 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 the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

3310 EAST BROAD STREET (43213), being 1.58± acres located at the northeast corner of East Broad Street and North James Road, and being more particularly described as follows:

**LEGAL DESCRIPTION
(COMBINED AS SURVEYED)**

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lot 1 and the Reserve as shown and designated upon the plat “Bexley Haven” a subdivision of record in Plat Book 17, Page 90 and Lots 19, 20 and 21 as shown and designated upon the plat “Broadland Place”, a subdivision of record in Plat Book 19, Page 39, all references herein being to the records located in the Recorder’s Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an 1” pinch top iron pin found at the intersection of the northerly right-of-way line of East Broad Street (width varies) and the westerly right-of-way line of Ashburton Drive (50.00 feet in width), as shown on said plat “Broadland Place”;

Thence South 82°09’51”West, along said northerly right-of-way line, a distance of 93.62 feet to a mag nail set at the southeasterly corner of that 0.016 acre tract as described in a deed to the City of Columbus, Ohio, or record in Instrument No. 199905130121734;

Thence continuing along said northerly right-of-way line and the perimeter of said 0.016 acre tract the following courses:

1. North 03°30’45” East, a distance of 15.30 feet to a mag nail set;
2. South 82°09’51” West, a distance of 46.80 feet to a mag nail set;
3. South 03°30’45” West, a distance of 14.78 feet to an iron pin set at the southwesterly corner of said tract and the northeasterly corner of that 0.015 acre tract as described in a deed to the City of Columbus, Ohio, of record in instrument No. 200007070134563;

Thence South 82°51’11” West, continuing along said northerly right-of-way line and the northerly perimeter of said 0.015 acre tract, a distance of 178.41 feet to an iron pin set,

Thence North 61°49'27" West, continuing along said northerly right-of-way line and said northerly perimeter, a distance of 35.28 feet to a mag nail set in the easterly right-of-way line of James Road (60.00 feet in width);

Thence along said easterly right-of-way line with the arc of a non-tangent curve to the right, having a radius of 447.74 feet, a central angle of 09°36'33", an arc distance of 75.09 feet, the chord of which bears North 01°28'25" West, a chord distance of 75.00 feet to a mag nail set at the point of tangency;

Thence North 03°19'51" East, continuing along said easterly right-of-way line, a distance of 100.00 feet to an iron pin set at the intersection of said easterly right-of-way line and the southerly line of a 20 foot wide alley as shown on said plat "Bexley Haven";

Thence North 82°09'51", along the southerly line of said 20 foot alley and along the southerly line of a 16 foot wide alley as shown on said plat "Broadland Place", a distance of 359.16 feet to a 1" pinch top iron pin found at the intersection of said southerly line and the westerly right-of-way line of Ashburton Drive;

Thence South 03°34'51" West, along said westerly right-of-way line, a distance of 200.00 feet to the place of beginning and containing 1.575 acres of land.

Bearings herein are based on GPS observations establishing a bearing of South 03°34'51" West, for the westerly right-of-way line of Ashburton Drive.

To Rezone From: CPD, Commercial Planned Development, and L-C-4, Limited Commercial Districts

To: CPD, Commercial Planned Development District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development District on this property.

SECTION 3. That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map 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 as required by Section 3311.12 of the Columbus City Codes; said plans being titled, "**SITE COMPLIANCE PLAN SHEETS 100088-Z1 & 100088-Z2**," "**BUILDING ELEVATIONS - SHEET 100088-ELEV**," and "**LANDSCAPE RENDERING - SHEET 100088-X2**," all signed by Jamie D. Leesberg, Professional Engineer, and text titled, "**CPD TEXT**," signed by Jeffrey J. Wild, Director of Real Estate, Construction, and Engineering for Speedway, all dated January 17, 2014, and the text reading as follows:

CPD TEXT

CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT

EXISTING DISTRICT: C-4, Regional Scale Commercial District with CCO, Community Commercial Overlay

PROPOSED DISTRICT: CPD, Commercial Planned Development District

PROPERTY ADDRESS: 3310 East Broad Street, Columbus, Ohio 43213

OWNER: TMJM LLC

APPLICANT: Speedway

DATE OF TEXT: January 17, 2014

APPLICATION NUMBER: Z13-018

1. INTRODUCTION: The site consists of three (3) parcels (Parcel No(s). 010-088348, 010-092949, and 010-092948) which total approximately 1.57+/- acres. The site is located on the north side of Broad Street, bounded by North James Road to the west, and North Ashburton Drive to the east. An existing alley borders the site to the north. Properties that make the development site are zoned "C-4" Commercial District (Effective 2/27/1928). The applicant proposes to raze

all existing structures, remove the billboard, dissolve bisecting easements, and redevelop the properties with a convenience store and fuel sales facility. The proposed convenience store is approximately 4,600 square feet with eight double-sided fuel dispensers. A split fueling canopy is proposed. The larger canopy is a 3,400+/- square foot canopy over five double-sided pumps. The smaller canopy is a 2,100+/- square foot canopy over three double-sided pumps. Additional site amenities include a privacy fence along a portion of the northern property line, a dumpster enclosure, underground storm water detention system, and underground fuel tanks.

2. PERMITTED USES: A convenience store with gasoline sales and minimal outdoor display sales (ice machines and propane tank storage racks).

3. DEVELOPMENT STANDARDS: Except as otherwise listed herein, the development standards established by Chapter 3356 (C-4, Commercial District) shall apply.

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

1. The setback for the convenience store, fuel canopy, and dumpster enclosure shall be as follows:

Convenience Store

- 33' from North James Road right-of-way line
- 15' from East Broad Street right-of-way line
- 178' from North Ashburton Drive right-of-way line
- 123' from northern unnamed alley right-of-way

Five Dispenser Fuel Canopy

- 30' from North James Road right-of-way line
- 117' from East Broad Street right-of-way line
- 160' from North Ashburton Drive right-of-way line
- 40' from northern unnamed alley right-of-way line

Three Dispenser Fuel Canopy

- 177' from North James Road right-of-way line
- 30' from East Broad Street right-of-way line
- 98' from North Ashburton Drive right-of-way line
- 82' from northern unnamed alley right-of-way line

Dumpster Enclosure

- 204' from North James Road right-of-way line
- 163' from East Broad Street right-of-way line
- 86' from North Ashburton Drive right-of-way line
- 10' from northern unnamed alley right-of-way line

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

1. The access points are shown on the submitted site plan, which include:

- a. Limited access driveways along North James Road and East Broad Street.
- b. A full access driveway is proposed along North Ashburton Road. A southbound right turn lane shall be constructed at the intersection of North Ashburton Road and East Broad Street is proposed.

2. All circulation, curb cuts and access points shall be subject to the review and approval of the City's Public Service Department.

3. Right-of-way dedication/vacation:

- Along North James Road:
60' from centerline is required. A 30' dedication shall be completed prior to site compliance review.
- Along East Broad Street:
60' from centerline is required. A 10' dedication shall be completed prior to site compliance review.
- Along East Broad Street:
A 235 square feet right-of-way vacation. Area is illustrated Site Work Note B4 on the site compliance plan.
- Additional right-of-way will need to be dedicated along the North Ashburton Road frontage to accommodate the installation of a southbound right turn lane and sidewalk construction along the street frontage. Exact amount of right-of-way to be determined upon preparation of construction drawings by the developer and as approved by the City of Columbus, Department of Public Service.

C. Building Design and/or Interior/Exterior Commitments:

1. The convenience store is constructed of quick brick material and provides architectural details quoins on the corners of the building. A pitched roof with asphalt shingles is required. Dormers are provided along the East Broad Street Elevation.
2. All heating, ventilating, air conditioning and other building mechanical systems and equipment will be ground mounted and fully screened from view with a brick enclosure. The enclosure will be designed to match the architectural style of the building.
3. The convenience store proposes entrances along the East Broad Street, northern (Front), and North Ashburton Drive elevations.
4. The East Broad Street elevation proposes architectural columns and an entrance feature around the door. Display windows are provided in areas where coolers and storage rooms are located. Display windows are identified as windows with clear glass, lighted, and an opaque background. Windows have a minimum width for seasonal displays or promotions in compliance with the graphics provision of the City of Columbus Zoning Code unless varied by the Graphics Commission.
5. Fueling canopies are a flat roofed structure with a stucco fascia. Canopy columns will have an 8' tall quick brick wrap with a stone cap. A red accent stripe is proposed along the top portion of the canopy.
6. A soldier course is integrated into the architectural design of the site. The soldier course can be found on the convenience store, canopy columns, and mechanical screen wall.

D. Lighting, Outdoor Display Areas and/or Environmental Commitments.

1. No outside display of tires/batteries; and outdoor display/sales area shall be limited as follows:
 - a. At the ends of fuel pump islands with the maximum footprint of displays being four (4) feet by four (4) feet by five (5) feet in height.
 - b. Propane display and ice machine shall be permitted along the northern and western elevations of the building and shall not be subject to the five (5) foot height limitation, provided that adequate sidewalk space remains for pedestrian use. Propane tank storage racks shall be located in an approved location by the Columbus Fire Department.
2. All canopy lights shall be recessed in the fuel canopy and in the building soffit. All pole lighting shall be cut off fixtures, directed downward and away from property lines.

3. An eight (8) foot vinyl privacy fence along a portion of the north property line shall be provided.

E. Graphics Commitments.

1. All graphics and signage shall comply with provisions of the “C-4” Regional Scale Commercial District as written in the City of Columbus Zoning Ordinance.
2. Any modifications to graphics and signage requirements shall comply with the provisions of a Graphics Plan as approved by the Columbus Graphics Commission.

F. Miscellaneous.

1. Site Plans: The subject site shall be developed in accordance with the submitted site plan sheets identified as 100088-Z1; 100088-Z2; 100088-ELEV; and 100088-X2. The plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of Building and Zoning Services or his designee upon the submission of the appropriate data regarding the proposed adjustment.

2. Abandonment: The property owner will comply with the abandonment provisions in Section 3357.18.

3. Variances:

a. 3372.704A: To allow the setbacks along East Broad Street, James Road, and Ashburton Road as identified in Section 3.A.1 of this document.

b. 3372.704B: To allow setbacks from non-primary and interior lot lines as identified in Section 3.A.1.

c. 3372.704D: To allow the parking spaces to encroach 10’ into the required setback.

d. 3372.705B: To allow a reduction in principal building width along East Broad Street from 60% (required) to 30% and a reduction in principal building width along North James Road from 60% (required) to 25% of the street frontage.

e. 3372.705D: To allow an entrance to face a non-primary street.

f. 3372.705F: To allow adjustments to the amount and location of clear glazing/animated features on primary facades.

g. 3372.705G: To allow a detached fuel canopy.

h. 3372.707A&B: To allow the landscaping as proposed.

i. 3372.707F: To allow the proposed dumpster location.

j. 3372.708B: To allow light fixtures within 25’ of a residential district to exceed 14’ in height. The light poles Speedway proposes to use are 17’.

G. CPD Requirements:

1. Natural Environmental and Existing Land Uses: The property is developed as a convenience store with fuel sales and is generally flat.

2. Existing Land Use: The property is currently developed and operated as a convenience store with fuel sales.

3. Transportation and Circulation: The curb cuts and internal circulation patterns are shown on the submitted Site Plan.

4. Visual Form of the Environment: Consideration has been given to the visibility and safety of the motorists and pedestrians in the development of the property.

5. Proposed Development: Demolition and construction of new convenience store with fuel sales.

6. Behavior Pattern: Existing development in the area has established behavior patterns for the motorists.

7. Emissions: No adverse effects from emissions shall result from the proposed development.

**SECTION 4. ~~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.**