



## Legislation Details (With Text)

**File #:** 1277-2009      **Version:** 2

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

**File created:** 9/23/2009      **In control:** Zoning Committee

**On agenda:** 10/26/2009      **Final action:** 10/29/2009

**Title:** To rezone 1729 NORTHWEST BOULEVARD (43212), being 1.76± acres located at the southwest corner of Northwest Boulevard and Chambers Road, From: C-4, Commercial District, To: CPD, Commercial Planned Development District and to declare an emergency (Rezoning # Z09-011).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1277-2009attachments.pdf, 2. ORD1277-2009Lbl.pdf, 3. City Council Data Form\_Z09-011.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
10/29/2009	2	CITY CLERK	Attest	
10/28/2009	2	MAYOR	Signed	
10/26/2009	1	Zoning Committee	Amended to Emergency	Pass
10/26/2009	1	Zoning Committee	Approved as Amended	Pass
10/26/2009	2	COUNCIL PRESIDENT	Signed	
10/19/2009	1	Columbus City Council	Read for the First Time	
10/8/2009	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
10/7/2009	1	Dev Zoning Reviewer	Reviewed and Approved	
10/7/2009	1	Dev Zoning Drafter	Sent for Approval	
10/7/2009	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
9/23/2009	1	Dev Zoning Drafter	Sent for Approval	

### Rezoning Application Z09-011

**APPLICANT:** The Kroger Co; c/o Christopher A. Rinehart, Atty.; Rinehart & Rishel, Ltd; 300 East Broad Street, Suite 190; Columbus, OH 43215.

**PROPOSED USE:** Fuel sales and parking.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (3-0) on August 13, 2009.

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested CPD, Commercial Planned Development District would provide for the construction of additional parking at the site and a fuel station. The proposed rezoning would include development commitments more stringent than the C-4, Commercial District that now exists on the site. The proposal is consistent with the *Fifth by Northwest Neighborhood Plan* (2009), zoning and development patterns of the area.

To rezone **1729 NORTHWEST BOULEVARD (43212)**, being 1.76± acres located at the southwest corner of Northwest Boulevard and Chambers Road, **From:** C-4, Commercial District, **To:** CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z09-011).

**WHEREAS**, application #Z09-011 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.85± acres from the C-4, Commercial District, to the CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Fifth by Northwest Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval because the requested CPD, Commercial Planned Development District would provide for the construction of additional parking at the site and a fuel station. The proposed rezoning would include development commitments more stringent than the C-4, Commercial District that now exists on the site. The proposal is consistent with the *Fifth by Northwest Neighborhood Plan* (2009), zoning and development patterns of the area, 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:

**1729 NORTHWEST BOULEVARD (43212)**, being 1.76± acres located at the southwest corner of Northwest Boulevard and Chambers Road, and being more particularly described as follows:

**LEGAL DESCRIPTION:**

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 1 North, Range 18 West, United States Military Lands, and being all of a 1.758 acre tract of land (1.757 acres by recent survey) and being portions of Lot Number Twenty-Two (22), Lot Number Twenty-Four (24), a portion of a vacated alley 20 feet in width (Road Record 19, Page 226) and all of Lot Number Twenty-Five (25) in John M. Pugh's Subdivision, as shown of record in Plat Book 4, Page 324, said 1.758 acre tract having been conveyed to Vogel Investment Company, Inc., by deed of record in Instrument No. 199801060003317, all references to Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a ¾-inch pipe I.D. iron pipe found at a point connecting a south right-of-way line of Chambers Road (variable width) with the southwesterly right-of-way line of Northwest Boulevard (100 feet wide) and at a corner of said 1.757 tract;

Thence S 58° 28' 31" E along the southwesterly right-of-way line of Northwest Boulevard, crossing a portion of said Lot No. 24 and along a northerly line of said 1.757 acre tract a distance of 94.8 feet at a railroad spike found in the west line of Lot Number Twenty-Three (23) in John M. Pugh's Subdivision, in the east line of said Lot No. 24, at the northwest corner of a 0.268 acre tract of land conveyed to Ravi Badhwar by deed of record in Official Record 25803, Page E 09 and at a northeasterly corner of said 1.757 acre tract;

Thence S 03° 23' 41" W along a portion of the west line of said Lot No. 23, along a portion of the east line of said Lot No. 24, along the west line of said 0.268 acre tract and along an east line of said 1.757 acre tract a distance of 117.46 feet to a ¾-inch I.D. iron pipe found at the southwest corner of said 0.268 acre tract, in the center of said vacated portion of said alley and at a corner of said 1.757 acre tract;

Thence S 86° 07' 29" E along the centerline of said vacated portion of said alley, along a portion of the south line of said 0.268 acre tract and along a north line of said 1.757 acre tract a distance of 52.00 feet to a ½-inch I.D. iron pipe found at the northwest corner of a 0.206 acre tract of land conveyed to Housing Network, Inc., by deed of record in Official Record 13950, Page B 02 and at a

northeast corner of said 1.757 acre tract;

Thence S 03° 06' 47" W crossing a portion of said Lot No. 22, along the west line of said 0.206 acre tract, along the west line of a 016 acre tract of land conveyed to Jeffrey R. and Mary J. Gossman by deed of record in Instrument No. 199802270044493, along the west line of a 0.23 acre tract of land conveyed to Steven R. and Susan H. Reeser by deed of record in Instrument No. 200407120161065, along the west line of a 0.33 acre tract of land conveyed to Northwood Properties, Inc. by deed of record in Instrument No. 200206170148997, along an east line of said 1.757 acre tract a distance of 184.22 feet to a ¾-inch I.D. iron pipe found in the north line of Chesapeake Avenue (50 feet in width), in the south line of said Lot No. 22, at the southwest corner of said 0.33 acre tract and at the southeast corner of said 1.757 acre tract;

Thence N 86° 10' 33" W along a north line of Chesapeake Avenue, along a portion of the south line of said Lot No. 22, along the south line of said Lot No. 25 and along the south line of said 1.757 acre tract a distance of 257.88 feet to a ¾-inch I.D. iron pipe found at the southwest corner of said Lot No. 25, at the southeast corner of Lot Number Twenty-Eight (28), in said John M. Pugh's Subdivision, at a corner of a 5.400 tract of land conveyed to The Kroger Co. by deed of record in Instrument No. 200502230033272 and at the southwest corner of said 1.757 acre tract;

Thence N 04° 05' 51" E along the east line of said Lot No. 28, along the west line of said Lot. No. 25, along a portion of the east line of Lot Number Twenty-Nine (29), in said John M. Pugh's Subdivision, along a portion of the west line of said Lot No. 24, along an east line of said 5.400 acre tract and along the west line of said 1.757 acre tract a distance of 274.83 feet to a ¾-inch I.D. iron pipe found at a corner of said 1.757 acre tract and at a corner of said 5.400 acre tract;

Thence N 33° 13' 38" E crossing a portion of said Lot No. 24, along a southeasterly line of said 5.400 acre tract and along a northwesterly line of said 1.757 acre tract a distance of 81.17 feet to a ¾-inch I.D. iron pipe found at the south right-of-way line of Chambers Road, at the northeast corner of said 5.400 acre tract and at the northwest corner of said 1.757 acre tract;

Thence S 86° 18' 12" E crossing a portion of said Lot No. 24, along the south right-of-way line of Chambers Road and along a north line of said 1.757 acre tract a distance of 77.73 feet to the place of beginning.

Containing 1.757 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey of said 1.757 acre tract, performed under his supervision in December, 2005. Basis of bearings is the north line of Chesapeake Avenue, also being the south line of said 1.757 acre tract, being S 86° 10' 33" E, as transferred from a GPS survey of Franklin County monuments FCGS 5028 and FCGS 1159 performed by the Franklin County Engineer's Office in 1991, and is based on the NAD83 Ohio State Plane Coordinate System, South Zone.

**To Rezone From:** C-4, Commercial District,

**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 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 CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plans being titled, "**KROGER N942 1375 CHAMBERS ROAD**," signed by Christopher A. Rinehart, Attorney for the Applicant, and dated September 11, 2009, and text titled, "**CPD TEXT**," signed by Christopher A. Rinehart, Attorney for the Applicant, and dated August 6, 2009, and the text reading as follows:

**CPD TEXT**

**CPD, COMMERCIAL PLANNED DISTRICT**

**1.757 ACRES +/-**

**EXISTING DISTRICT:** C-4, Regional Scale Commercial District

**PROPOSED DISTRICT:** CPD, Commercial Planned District

**PROPERTY ADDRESS:** 1729 Northwest Boulevard / Parcel ID: 010-192261

**PROPERTY OWNER:** The Kroger Co.  
4111 Executive Parkway  
Westerville, Ohio 43081

**APPLICANT:** The Kroger Co.  
4111 Executive Parkway  
Westerville, Ohio 43081

c/o: Christopher A. Rinehart, Esq.  
Rinehart & Rishel, Ltd.  
300 East Broad Street, Suite 190  
Columbus, Ohio 43215

**DATE OF TEXT:** August 6, 2009

**APPLICATION NUMBER:** Z09-011

**INTRODUCTION:**

The subject property consists of one (1) parcel totaling 1.757+/- acres located at 1729 Northwest Boulevard, Columbus, Ohio, 43212, and is part of an existing shopping center containing a grocery store ("Site"). The Site is currently developed as a shopping center and is zoned C-4, Regional Scale Commercial District. Applicant proposes to rezone the Site to CPD, Commercial Planned District, for the purpose of constructing a fuel station and adding additional parking, as shown on the submitted site plan, (Sheet L-1, dated September 11, 2009).

**1. PERMITTED USES:**

**A. Chapter 3356 (C-4), Regional Scale Commercial District**

1. Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall be those allowed in Chapter 3356 (C-4), of the Columbus City Code.

**B. Chapter 3357 (C-5), Highway Oriented Commercial Development**

1. Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall include an automobile service station as permitted by Chapter 3357 of the Columbus City Code.

**2. DEVELOPMENT STANDARDS:** The applicable development standards shall be as specified in Chapters 3356 and 3357 (as specifically related to automobile services stations), except as specifically set forth herein.

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

1. Building Setbacks: The minimum building setback from Chambers Road and/or Northwest Boulevard shall be as shown on the attached site plan.
2. Parking Setbacks: The minimum parking, loading and maneuvering setback shall be as shown on the attached site plan.

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

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

1. Landscaping shall be developed in accordance with the submitted site plan.
2. All landscaping shall be maintained in a healthy condition and dead material shall be replaced with new landscaping within six (6) months or the next planting season, whichever comes first.

3. Unless otherwise shown on the submitted site plan, minimum tree size at installation - ornamental tree 1 inch caliper; shade tree 2 ½ inch caliper; and evergreens 5 feet in height.

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

1. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.
2. The kiosk constructed at the filling station on the Site shall incorporate brick or brick-veneer on all four sides of the structure.

**E. Lighting, Outdoor Display Areas, and/or Other Environmental commitments**

1. Light standards shall not exceed 28 feet in height excepts lights located within 100 feet of a residentially used or zoned property shall not exceed 18 feet in height.
2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
3. For aesthetic compatibility, lights shall be from the same or similar type and color.
4. Outside storage shall be located in front of the kiosk along the sidewalk, four feet in depth and twelve feet in width and in a 4' x 4' area at the ends of the pump islands.
5. The maximum height for any outside storage area shall be three feet.
6. The outdoor display area shall contain only those items normally and customarily sold by a filling station and other seasonal items and products.

**F. Graphic and Signage Requirements**

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33, of the Columbus City Code as it applies to those uses designated as C-4, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.
2. Applicant shall submit a graphics plan with the Columbus Graphics Commission regarding proposed signs to be added or refaced on the Site.

**G. Miscellaneous Commitments**

1. Section 3357.18 shall apply if fuel sales are abandoned according to the definition included in this section of the Columbus City Code. The owner / lessee shall follow the requirements found in Section 3357.18 (a through e) in order to secure the site and maintain the aesthetics of the property.
2. One or more bicycle racks shall be installed at the filling station.
3. Utilities shall be located underground if permitted by the City of Columbus and/or the applicable utility.
4. No dumpsters will be located at the Site.

**H. Variances**

**1. Section 3342.19 Parking Space**

In order to develop the parking lot as shown on the submitted site plan, Applicant seeks a variance to this code provision for those parking spaces that will cross the existing property line.

**I. CPD Criteria**

**1. Natural Environment**

The Site is located in an existing shopping center.

**2. Existing Land Use**

The property is currently zoned C-4, Regional Scale Commercial District. The rezoning permits commercial use of the Site pursuant to existing C-4 standards as well as a limited C-5 use for an automobile service station and ancillary parking.

**3. Transportation and Circulation**

There will be direct vehicular access to the Site from the existing shopping center, as shown on the submitted site plan.

**4. Visual Form of the Environment**

As described in this text, the Site will be developed to complement the existing area.

**5. View and Visibility**

The Site is clearly visible from Chambers Road, Northwest Boulevard and the existing shopping center.

Consideration has been given to visibility and safety issues. This text and the attached site plan are a direct result of the same. Well-defined access will be provided to the Site.

**6. Proposed Development**

The proposed development is compatible and complementary to existing surrounding commercial uses. Significant commercial development has already occurred adjacent to the Site and the proposed development is complementary to such development.

**7. Behavior Patterns**

As indicated and set forth on the site plan, access to the Site will be facilitated from the existing shopping center. The proposed development is not expected to significantly alter existing traffic behavior patterns.

**8. Emissions**

No adverse emissions are expected from this development.

The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment.

**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.