



Legislation Details (With Text)

File #: 0749-2006 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 4/6/2006 **In control:** Zoning Committee

On agenda: 6/12/2006 **Final action:** 6/12/2006

Title: To rezone 4600 WINCHESTER PIKE (43232) being 2.1± acres located at the northeast corner of South Hamilton Road and Winchester Pike, From: C-2 and C-5, Commercial Districts, To: CPD, Commercial Planned Development District. (Rezoning # Z05-044)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0749-2006attachments.pdf, 2. ORD0749-2006bls.pdf, 3. City Council Data Form_Z05-044.pdf

Date	Ver.	Action By	Action	Result
6/14/2006	2	MAYOR	Signed	
6/14/2006	2	CITY CLERK	Attest	
6/12/2006	2	Zoning Committee	Approved as Amended	Pass
6/12/2006	2	Zoning Committee	Amended as submitted to the Clerk	Pass
6/12/2006	2	COUNCIL PRESIDENT	Signed	
6/12/2006	1	Zoning Committee	Taken from the Table	Pass
6/5/2006	1	Zoning Committee	Tabled to Certain Date	Pass
6/5/2006	1	Zoning Committee	Waive the 2nd Reading	Pass
5/22/2006	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
5/18/2006	1	Dev Zoning Reviewer	Reviewed and Approved	
5/18/2006	1	Dev Reviewer	Reviewed and Approved	
5/18/2006	1	Dev Zoning Drafter	Sent for Approval	
5/18/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
4/17/2006	1	Dev Zoning Drafter	Sent for Approval	

..Explanation

Rezoning Application Z05-044

APPLICANT: Thornton Oil, Inc., c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Commercial development including fuel sales.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (3-1) on October 13, 2005.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The proposal contains adequate buffering, lighting restrictions and outdoor display restrictions to ensure it will not negatively affect the adjacent residences. The proposal is consistent with the zoning and the development patterns of the area.

..Title

To rezone 4600 WINCHESTER PIKE (43232) being 2.1± acres located at the northeast corner of South Hamilton Road and Winchester Pike, From: C-2 and C-5, Commercial Districts, To: CPD, Commercial Planned Development District. (Rezoning # Z05-044)

..Body

WHEREAS, application #Z05-044 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.1± acres from the C-2 and C-5, Commercial Districts to the CPD, Commercial Planned Development District; and

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

WHEREAS, the City Departments recommend approval because the he proposal contains adequate buffering, lighting restrictions and outdoor display restrictions to ensure it will not negatively affect the adjacent residences. The proposal is consistent with the zoning and the 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:

4600 WINCHESTER PIKE (43232) being 2.1± acres located at the northeast corner of South Hamilton Road and Winchester Pike, and being more particularly described as follows:

PARCEL DESCRIPTION:

Situated in the State of Ohio, County of Franklin and being a part of lots 8 and 9 of Asbury Manor as per the recorded plat thereof recorded in the Office of the Recorder of Franklin County, Ohio and also being a part of a parcel owned by Smile Partnership, having a parcel ID #530-122741-00 and being part of a parcel owned by Thornton Oil Corporation, having a parcel ID#530-104454-00, said parcel being more particularly described as follows:

Commencing at the Northwest corner of Lot 8, being common to the Southwest corner of Lot 7 of said Asbury Manor on the easterly right of way line of Hamilton Road at a 1" iron pipe, flush with the surface;

Thence South 82 degrees 07 minutes 00 seconds East (plat bearing) 15.00 feet to the PLACE OF BEGINNING:

Thence South 82 degrees 07 minutes 00 seconds East 285.00 feet along the North line of said lot 8 being common the south line of lot 7 to a ¾" iron pipe, flush with the surface;

Thence South 60 degrees 11 minutes 32 seconds East 98.65 feet to a point on the west line of lot 10 at a rebar, 3" deep;

Thence South 37 degrees 24 minutes 02 seconds West 353.27 feet along the west line of Lot 10 to a 5/8" rebar with LS cap inscribed "Feldbusch PLS 7761";

Thence North 49 degrees 13 minutes 56 seconds West 98.26 feet along the North right of way line of Winchester Pike to a 5/8" rebar with LS cap inscribed "Feldbusch PLS 7761";

Thence North 80 degrees 12 minutes 31 seconds West 70.35 feet along the North right of way line of Winchester Pike to a 5/8" rebar with LS cap inscribed "Feldbusch PLS 7761";

Thence North 38 degrees 38 minutes 14 seconds West 79.43 feet along the North right of way line of Winchester Pike to a 5/8" rebar with LS cap inscribed "Feldbusch PLS 7761";

Thence North 09 degrees 50 minutes 33 seconds East 234.04 feet to the PLACE OF BEGINNING, containing 2.116 acres more or less.

This description prepared from a field survey performed by Michael F. Feldbusch, RLS, Ohio Reg. No. S-7761 dated June 24, 2005.

To Rezone From: C-2 and C-5, Commercial Development 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 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, "GEOMETRIC PLAN" and "LANDSCAPE PLAN," both signed by David L. Hodge, Attorney for the Applicant, and dated February 6, 2006; and text titled, "CPD TEXT," David L. Hodge, Attorney for the Applicant, and dated April 28, 2006, and the text reading as follows:

CPD TEXT

PROPOSED DISTRICT: CPD, Commercial Planned Development
PROPERTY ADDRESS: 4600 Winchester Pike
OWNER: Thornton Oil, Inc., et al.
APPLICANT: Thornton Oil, Inc.
DATE OF TEXT: April 28, 2006 June 8, 2006
APPLICATION NUMBER: Z05 - 044

1. INTRODUCTION: The site is currently zoned both C-5 and C-2. The applicant wants to redevelop the site with a convenience store, gasoline sales and restaurant drive-thru.
2. PERMITTED USES: The only permitted uses are those contained in Section 3356, C-4, Commercial District of the Columbus City Code along with gasoline sales. The following shall not be permitted on the property: testing or experimental laboratory, electric sub-station, motor bus terminal, new and used automobile sales, newspaper printing, auctioneer's auditorium, drive-in theater, funeral home, massage parlor, outdoor amphitheater, pawn shop, ice and other skating rinks, storage garage, and billboards.
3. DEVELOPMENT STANDARDS: Unless otherwise indicated in the submitted written text, the applicable development standards shall be those contained in Chapter 3356, C-4, Commercial District of the Columbus City Code.
 - A. Density, Height, Lot Coverage, and Setback Requirements:
 1. Building setback including canopy shall be 50 feet from Winchester Pike and South Hamilton Road.
 2. For structures and paved areas including sidewalks, lot coverage shall not exceed 85%
 - B. Parking Standards, Access, and Traffic:
 1. There shall be 50 feet of right-of-way from the centerline of Winchester Pike and 60 feet of right-of-way from the centerline of South Hamilton Road.
 2. All circulation, curbcuts and access points shall be subject to the review and approval of the City's Division of Transportation.

3. The applicant shall install a 5' sidewalk along its Winchester Pike and South Hamilton Road frontage.

C. Buffering, Landscaping, Open Space and Screening Commitments.

1. Street trees shall be planted within the front yard setback along South Hamilton Road and Winchester Pike at a ratio of one tree per thirty (30) feet of frontage.

2. Within the parking setback along South Hamilton Road and Winchester Pike, the developer shall install headlight screening to a minimum height of thirty-six (36) inches. The headlight screening may be in the form of a mounding, planting, or fencing, individually or in any combination thereof.

3. Landscaping shall be as indicated on the attached landscape plan.

4. For the purpose of headlight screening and buffering the applicant shall construct a 6-foot high cedar privacy fence along the property lines as shown on the landscape plan. Finished side of fence shall face adjacent properties. The fence shall extend as close to Winchester Pike and South Hamilton Road as safely as possible, without interfering with the site visibility triangle. The fence shall be painted or stained, kept free of graffiti, and shall be located 5 feet from adjacent property lines, and maintained in a manner such that it continuously serves as a buffer to adjacent properties. Wire meshing with no greater than ¼" opening, or other comparable material, shall be incorporated along the bottom of the fence to prevent trash from blowing off-site.

5. If at any time in the future an adjacent property is zoned and used commercially, the perimeter fence may be removed.

6. The applicant shall install landscape buffering consisting of a mixture of landscape materials as indicated on the landscape plan.

7. All landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced with like materials within six months or the next available planting season, whichever occurs first. The size of the new material shall equal the size of the original material when it was installed.

8. The minimum size of all trees at installation shall be 2 ½ inch caliper for deciduous, 5 feet in height for evergreen, and 1 ½ inch caliper for ornamental. Tree caliper is measured 6 inches from the ground.

D. Building design and/or Interior-Exterior treatment commitments.

1. Rooftop Mechanicals Screening. Any mechanical equipment or utility hardware on the roof of a building shall be substantially screened from view to prevent the equipment from being visible from the property line of the parcel, said screening shall be in the form of parapet walls and scuppers which may serve the additional purpose of noise screening. Ground mounted mechanical or utility equipment shall be substantially screened from view from ground level by landscaping or any fence or wall utilizing comparable and compatible materials as the building materials.

2. Building Height. Buildings constructed on the property shall not exceed 35 feet in height as measured from finished grade at the base of the building, excluding parapets or other roof or wall extensions the purpose of which are to add architectural detail and screening of rooftop mechanical equipment.

3. Canopy Height. The gasoline sales canopy shall not exceed 18 feet in height.

E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. Light poles shall not exceed 18 feet in height.

2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and not shine above the horizontal plane.

3. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturers type and color to ensure aesthetic compatibility.

4. Building-mounted area lighting within the parcel shall utilize fully shielded cut-off style fixtures and be designed in such

a way to minimize any off-site light spillage.

5. Outdoor display and/or sales shall be limited to the following areas:

- a. Outdoor displays shall only be permitted on an internal sidewalk.
 - b. The maximum height for any outside display and/or sales shall be three (3) feet, except for soda machines, ice chests, or other comparable sales devices.
 - c. The outdoor display areas shall contain only those items normally and customarily sold by a convenience store and other seasonal items and products, including but not limited to, firewood, mulch, flowers, and Christmas wreaths.
 - d. Outdoor display shall be prohibited at the outside ends of gasoline pump islands.
6. Dumpsters shall be screened from view on all four (4) sides to a height of six (6) feet, or the height of the dumpsters, whichever is greater. Said screening shall be constructed of either a board on board fence to match the perimeter fence, or of materials comparable and compatible with the materials used in constructed of the convenience store building.

F. Graphics 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 the C-4, Commercial District of the Columbus City Code, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments:

1. The menu board and/or ordering mechanism for the restaurant drive-thru shall not have a speaker system.
2. Music shall not be played through the parking lot public address system, the public address system will operate at or below city noise ordinance levels as enforced by the Health and/or Police Department, so as not to disturb adjacent property owners.
3. The Board of Zoning Adjustment (BZA) shall be the venue to vary development standards, including any and all specific site development standards depicted in this CPD text, on the CPD site plan, or the landscape plan.
4. The applicant shall specify that its private contract refuse and/or recycling hauler service the property between the hours of 8:00 a.m. and 10:00 p.m.

45. CPD Criteria:

- A. NATURAL ENVIRONMENT: The site is currently developed with a gasoline sales station and an office building.
- B. EXISTING LAND USES: To the north and east is residential development located in Madison Township. To the south is commercial development and multi-family. To the southeast and west are gasoline stations and convenience stores.
- C. TRANSPORTATION AND CIRCULATION: Access shall be from both South Hamilton Road and Winchester Pike as indicated on the CPD site plan.
- D. VISUAL FORM OF THE ENVIRONMENT: See the development text.
- E. VIEW AND VISIBILITY: In the development of the subject property and in the location of the buildings and access points, consideration has been given to the visibility and safety of the motorist and pedestrian.
- F. PROPOSED DEVELOPMENT: Convenience store with restaurant drive-thru.
- G. EMISSIONS: No adverse effects from emissions shall result from the proposed development.
- H. BEHAVIOR PATTERNS: The proposed development should not change the behavior patterns other than to attract customers from the proximate area. Existing development has established behavior patterns in the area.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.