



## Legislation Details (With Text)

**File #:** 2239-2004      **Version:** 2

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

**File created:** 12/14/2004      **In control:** Zoning Committee

**On agenda:** 4/18/2005      **Final action:** 4/20/2005

**Title:** To amend Ordinance #0316-03 (Z02-093), passed March 10, 2003, by repealing Section 3 in its entirety and replacing it with a new Section 3 thereby modifying the CPD text and site plan to allow a new parking lot design with additional parking spaces for property located at 5700 FRANTZ ROAD (43016), and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2239-2004site.pdf, 2. ORD2239-2004prjdscl.pdf, 3. City Council Data FormZ02-093A.pdf

Date	Ver.	Action By	Action	Result
4/20/2005	2	MAYOR	Signed	
4/20/2005	2	CITY CLERK	Attest	
4/18/2005	1	Zoning Committee	Amended to Emergency	Pass
4/18/2005	2	COUNCIL PRESIDENT	Signed	
4/18/2005	1	Zoning Committee	Approved as Amended	Pass
4/11/2005	1	Columbus City Council	Read for the First Time	
4/6/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
4/6/2005	1	Dev Zoning Drafter	Sent for Approval	
4/6/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
4/6/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
4/1/2005	1	Dev Zoning Drafter	Sent for Approval	
2/22/2005	1	Dev Zoning Drafter	Sent for Approval	

### Rezoning Application Z02-93A

Ordinance #0316-03 (Z02-093), passed March 10, 2003, rezoned 5.88± acres located at 5700 Frantz Road from the CPD, Commercial Planned Development District to the CPD, Commercial Planned Development District, to increase the amount of allowable restaurant space in an existing shopping center. The rezoning established specific development standards and use restrictions in accordance with a CPD text and a registered site plan. The owner of the property has redesigned the parking lot to provide additional parking spaces for customers of the shopping center. The modified parking lot design has been reviewed and approved by the Transportation Division and the Board of Trustees of the adjacent Northbridge Condominium Association. This legislation will amend Ordinance #0316-03 (Z02-093), passed March 10, 2003, by repealing Section 3 in its entirety and replacing it with a new Section 3 thereby modifying the CPD text and site plan to allow a new parking lot design with additional parking spaces.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #0316-03 (Z02-093), passed March 10, 2003, by repealing Section 3 in its entirety and replacing it with a new Section 3 thereby modifying the CPD text and site plan to allow a new parking lot design with additional parking spaces for property located at **5700 FRANTZ ROAD (43016), and to declare an emergency.**

**WHEREAS**, Ordinance #0316-03, passed March 10, 2003, rezoned 5.88± acres located at 5700 Frantz Road from the CPD, Commercial Planned Development District to the CPD, Commercial Planned Development District, to increase the amount of allowable restaurant space in an existing shopping center; and

**WHEREAS**, that rezoning established specific development standards and use restrictions in accordance with a CPD text and a registered site plan; 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**, it is necessary to modify the CPD text and site plan requirements of Ordinance #0316-03 (Z92-093), passed March 10, 2003, to allow a new parking lot design that provides additional parking spaces; and

**WHEREAS**, the modified parking lot design has been reviewed and approved by the Transportation Division and the Board of Trustees of the adjacent Northbridge Condominium Association; now therefore:

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

**SECTION 1.** That existing Section 3 of Ordinance #0316-03 (Z02-093), passed March 10, 2003, be hereby repealed and replaced by a new Section 3 and reading as follows:

**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 official zoning map in the office of the Building services Division and shall register a copy of the approved CPD District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said text being titled, "**CPD TEXT**," and said plan being titled, "**CPD PLAN Z02-093A**," both signed by Jeffrey L. Brown, Attorney for the applicant, and dated February 14, 2005, and the text reading as follows:

**CPD TEXT**

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

**PROPERTY ADDRESS:** 5700 Frantz Road

**OWNER:** Mikar Management, Ltd.

**APPLICANT:** Same as owner

**DATE OF TEXT:** 2/14/05

**APPLICATION NUMBER:** Z02-093A

**1. INTRODUCTION:** The rezoning request allows for an increase in the amount of restaurant space permitted in the shopping center from 6,000 to 22,000 square feet and updates the development standards.

**2. PERMITTED USES:** Those uses permitted in Section 3356.03, C-4, Commercial of the Columbus City Code. The following uses are prohibited:

- a. Adult bookstore, adult motion picture theaters, or any adult-only entertainment use
- b. Automobile sales or service uses
- c. Nightclub or poolroom
- d. Hotel or motel
- e. Newspaper substation
- f. Assembly hall
- g. Trade school
- h. Business college
- I. Electric substation
- j. Funeral parlor
- k. Greenhouse or nursery
- l. Motor bus terminal
- m. Outdoor theater
- n. Off-premise graphic
- o. Bowling alley
- p. Book bindery
- q. Cabaret, dance hall
- r. Garage repair shop
- s. Ice house
- t. Nightclub or discotheque
- u. Plumbing shop
- v. Poolroom or arcade, amusement arcade
- x. Laboratory
- y. Tinsmith
- z. Tire repair shop
- aa. Veterinarian hospital, clinic or office
- bb. Sales of boats, campers, trailers or mobile homes
- cc. Recreational facilities such as miniature golf or swimming pools
- dd. Amusement arcades

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated the applicable development standards are contained in Chapter 3356 of the Columbus City Code.

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

N/A

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

1. All circulation, curb cuts and access points shall be subject to the approval of the Division of Transportation.
2. The developer shall provide joint access to the north driveway to the residential units to the north. Cost of maintenance of said driveway shall be shared jointly between the commercial property and the residential use to the north.
3. The existing development consists of 46,000 sq. ft. of space with 350 parking spaces. Up to 22,000 sq. ft. of the building may be used for restaurant space while maintaining the 350 parking spaces. If the developer wants to increase the amount of restaurant space beyond that figure, it may prepare a shared parking analysis subject to the requirements of the City's Transportation Division. If the Transportation Department agrees with the parking analysis then no additional parking shall be required. If the Transportation Division does not accept the parking analysis then the developer may file a variance request with the City's Board of Zoning Adjustment.

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

1. The developer shall maintain the existing headlight screening along Frantz Road (minimum height of 30 inches).
2. Along the east property line and at the northeast corner of the site, the developer shall install and maintain a six foot wood fence and add fifteen 8 to 12 foot tall flowering trees on the east side of the wood fence on the adjacent property provided that the owner grant permission for such plantings: the location of the fence and trees are shown on the submitted drawing.

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

4. All trees meet the following minimum size at the time of planting:

Shade trees 2 ½" caliper; Ornamental trees 1 ½" caliper; Evergreen trees 5 feet in height. Tree caliper is measured six (6) inches from the ground.

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

1. The rear elevation of the building shall be finished with the same materials as the front and side elevations of the building.

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

#### Lighting

1. All external lighting shall be cut-off fixtures (down-lighting) and shall be designed to prevent offsite spillage.

2. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturers type to insure compatibility.

3. Light poles in the parking light shall not exceed 28 feet in height.

F. Graphics and/or Signage Commitments.

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 and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

2. There shall be only one freestanding signs on the subject property. This restriction shall not apply to directional signage.

G. Miscellaneous Commitments.

1. SITE PLAN

The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted 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 or his designee upon submission of the appropriate data regarding the proposed adjustment.

## **CRITERIA**

1. Natural Environment

The site is developed with a shopping center building and parking.

2. Existing Land Use

To the north and east and across Frantz Road are residential uses.

3. Proposed Use: Commercial

4. Transportation and Circulation

The access points for this development have already been established.

5. Visual Form of the Environment

The visual form of the site has been established with the construction of the shopping center.

6. View and Visibility

The location of the curb cuts and buildings has been established by the prior development.

7. Emissions

The existing development does not create adverse emissions.

**5. VARIANCE**

Due to the mixed use nature of the tenants in the shopping center, additional parking spaces for the restaurant tenants are not necessary. The retail tenant has a different parking demand peak than the restaurant tenant. The reduction in parking is from 392 spaces to 350 spaces.

**SECTION 2.** That the existing Section 3 of the Ordinance #0316-03, passed on March 10, 2003, (Z02-093) is hereby repealed.

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

**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.**