



## Legislation Details (With Text)

**File #:** 1760-2008      **Version:** 1

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

**File created:** 10/29/2008      **In control:** Zoning Committee

**On agenda:** 11/17/2008      **Final action:** 11/26/2008

**Title:** To rezone 2550 HILLIARD ROME ROAD (43026), being 0.75± acres located at the southeast corner of the intersection of Hilliard Rome and Roberts Roads, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z08-050)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD # 1760-2008 Attachments.pdf, 2. ORD # 1760-2008 Mailing Labels.pdf, 3. ORD # 1760-2008 Data Form.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
11/26/2008	1	CITY CLERK	Attest	
11/25/2008	1	ACTING MAYOR	Signed	
11/24/2008	1	Zoning Committee	Approved	Pass
11/24/2008	1	COUNCIL PRESIDENT	Signed	
11/17/2008	1	Columbus City Council	Read for the First Time	
11/7/2008	1	Dev Zoning Reviewer	Reviewed and Approved	
11/7/2008	1	Dev Zoning Drafter	Sent for Approval	
11/7/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/7/2008	1	Dev Drafter	Sent to Clerk's Office for Council	
10/29/2008	1	Dev Drafter	Sent for Approval	

### Rezoning Application Z08-050

**APPLICANT:** Tim McCarthy; Kirk A. Paisley, Meacham & Apel Architects; 6161 Riverside Drive; Dublin, OH 43017.

**PROPOSED USE:** Restaurant.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (7-0) on October 9, 2008.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 0.75± acre site is developed with a vacant building that was previously used as a convenience store with fuel sales, the only use allowed, and zoned in the CPD, Commercial Planned Development District. The applicant is requesting the CPD, Commercial Planned Development District to allow most C-4 uses, specifically to establish a restaurant. The proposed CPD includes development standards for setbacks, lighting, pedestrian access, lot coverage, landscaping and commits to a site plan and landscape plan. The request includes variances for a reduction in required parking spaces from 37 to 22 and a reduction in the parking setback along Hilliard Rome Road from 10 feet to zero (0) feet. The request is consistent with the area plan, the *West Columbus Interim Development Concept: 1991*, which recommends commercial uses for the site. The request, with the development standards included in the text, site plan, and landscape plan, is compatible with development in the area.

To rezone 2550 HILLIARD ROME ROAD (43026), being 0.75± acres located at the southeast corner of the intersection of Hilliard Rome and Roberts Roads, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z08-050)

**WHEREAS**, application #Z08-050 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.75± acres from the CPD, Commercial Planned Development District to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the City Departments recommend approval of said zoning change because the proposed development is consistent with the area plan and compatible with development in 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:

**2550 HILLIARD ROME ROAD (43026)**, being 0.75± acres located at the southeast corner of the intersection of Hilliard Rome and Roberts Roads, and being more particularly described as follows:

**LEGAL DESCRIPTION OF THE PROPERTY**

Situated in the State of Ohio, County of Franklin, Township of Norwich, City of Columbus, and being part of Survey No. 6554 and Survey No. 7029, Virginia Military Lands, and being part of Parcel I and part of Parcel II as conveyed by deed to Lark Investment, as recorded in Official Record 14537FO3 Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing for reference at a (found) Franklin County Monument "FCGS 6665" at the intersection of the centerline of Roberts Road with the centerline of Hilliard-Rome Road, thence South 87 Degrees, 30 Minutes, 00 Seconds East, along the centerline of Roberts Road, a distance of 340.35 feet to a (set) Pony Spike at the northwesterly corner of a 0.975 acre tract owned by Louise A. Lamkin;

Thence South 06 Degrees, 19 Minutes, 00 Seconds East, along the westerly line of the Lamkin tract and parallel to the centerline of Hilliard-Rome Road, passing a (found) 1' Iron Pin (bent) at 24.48 feet, a distance of 60.72 feet to a (Set) Iron Pin, said Iron Pin being the TRUE PLACE OF BEGINNING of this description;

Thence South 06 Degrees, 19 Minutes, 00 Seconds East, along to the westerly line of the Lamkin tract, a distance of 60.00 feet to a (set) Iron Pin;

Thence South 53 Degrees, 41 Minutes, 46 Seconds West, a distance of 124.48 feet to (found) 3/4 Inch Iron Pin;

Thence North 87 Degrees, 30 Minutes, 00 Seconds West, a distance of 170.53 feet to a (set) Iron Pin;

Thence North 06 Degrees, 19 Minutes, 00 Seconds West, a distance of 123.94 feet to a (set) Iron Pin;

Thence North 43 Degrees, 05 Minutes, 30 Seconds East, a distance of 19.52 feet to a (set) Iron Pin;

Thence South 87 Degrees, 30 Minutes, 00 Seconds East, parallel to the centerline of Roberts Road, a distance of 264.63 feet, returning to the TRUE PLACE OF BEGINNING and containing 0.781 acres more or less and being subject to all legal rights-of-way and easements of record.

**EXCEPTING**

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey No: 6544-7029, and being 0.0113

hectares (0.028 acres) out of a 0.3161 hectares (0.781 acres) tract conveyed to 2550 Hilliard Rome Road LLC by deed of record in Instrument No. 199901110007248, Recorder's Office, Franklin County, Ohio, said 0.028 acre tract being more particularly described as follows:

Beginning for reference at FCGS Monument #6665 located in the centerline of right-of-way of Hilliard-Rome Road and Roberts Road, thence South 06° 20' 23" East a distance of 63.612 m (208.70 feet) along the centerline of survey of said Hilliard-Rome Road to a point; thence North 83° 39' 37" East a distance of 18.288 m (60.00 feet) to a point in the existing easterly right-of-way line of said Hilliard-Rome Road being the southwesterly corner of the said 0.781 acre tract, the northwesterly corner of a 0.890 acre tract conveyed to CCC Real Estate Holdings LLC by deed of record in Instrument No. 200212230329696, Recorder's Office, Franklin County, Ohio, said point also being 18.288 m (60.00 feet) right of centerline of survey station 6+444.686 and being the TRUE PLACE OF BEGINNING of the herein described 0.028 acre tract;

Thence North 06° 20' 40" West a distance of 37.776 m (123.94 feet) along the westerly line of the said 0.781 acre tract and the existing easterly right-of-way line of said Hilliard-Rome Road to a point being a northwesterly corner of the 0.781 acre tract and being 18.288 m (60.00 feet) right of centerline of survey station 6+482.462;

Thence North 44° 03' 40" East a distance of 5.950 m (19.52 feet) along a northwesterly line of the said 0.781 acre tract and the existing right-of-way line of said Hilliard-Rome Road to a point being a northwesterly corner of the said 0.781 acre tract and being in the existing southerly right-of-way line of said Roberts Road, said point being 22.872 m (75.04 feet) right of Hilliard-Rome Road centerline of survey station 6+486.255;

Thence South 87° 32' 50" East a distance of 5.231 m (17.16 feet) along the northerly line of the said 0.781 acre tract and the existing southerly right-of-way line of said Roberts Road to a set iron pipe being 28.042 m (92.00 feet) right of Hilliard-Rome Road centerline of survey station 6+485.455;

Thence South 44° 03' 40" West a distance of 8.703 m (28.55 feet) across part of the said 0.781 acre tract and along a proposed right-of-way line of said Hilliard-Rome Road to a set iron pipe being 21.336 m (70.00 feet) right of centerline of survey station 6+479.908;

Thence South 03° 52' 43" East a distance of 35.490 m (116.44 feet) across part of the said 0.781 acre tract and along the proposed easterly right-of-way line of said Hilliard-Rome Road to a set iron pipe on the southerly line of the said 0.781 acre tract and the northerly line of the said 0.890 acre tract, said set iron pipe being 19.812 m (65.00 feet) right of centerline of survey station 6+444.450;

Thence North 87° 31' 37" West a distance of 1.539 m (5.05 feet) along the southerly line of the said 0.781 acre tract and the northerly line of the said 0.890 acre tract to the POINT OF BEGINNING, containing 0.0113 hectares (0.028 acres), subject to all legal rights-of-way and easements.

**To Rezone From:** CPD, Commercial Planned Development 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, "RAISING CANE'S CHICKEN FINGERS - SITE," and "RAISING CANE'S CHICKEN FINGERS - PL1," and dated October 22, 2008 and text titled, "CPD TEXT," and dated November 5, 2008, all signed by Kirk A. Paisley, agent for the Applicant, and the text reading as follows:

CPD TEXT

PROPOSED DISTRICT: CPD

EXISTING DISTRICT: CPD

PROPERTY ADDRESS: 2550 Hilliard Rome Road

PROPERTY OWNER: 2550 Hilliard Rome Road LLC

APPLICANT: Tim McCarthy; c/o Kirk Paisley, Meacham & Apel Architects

DATE OF TEXT: November 5, 2008

APPLICATION NUMBER: Z08-050

I. ALLOWABLE USES. Allowable uses on the subject site shall be those governed by Chapter 3356, C-4, Commercial District, City of Columbus Zoning Code. The following uses shall not be permitted:

- bowling alley
- skating rink
- stables
- billboards or off-premise graphics
- cabaret, dance hall, night club, private club or pool room
- portable and moveable free-standing signs

II. APPLICABLE DEVELOPMENT STANDARDS. Except as otherwise noted, the applicable development standards of Chapter 3356, C-4, Commercial District, shall apply to this property.

A. GENERAL AND SPECIFIC DEVELOPMENT STANDARDS: In addition, the following general and specific development standards shall apply:

1. Lighting.
  - a. All external outdoor lighting shall be cut-off fixtures (down lighting).
  - b. All external outdoor lighting fixtures to be used shall be from the same or a similar manufacturer.
  - c. All light poles and standards shall be brown, black or bronze in color and shall either be constructed of wood or brown, dark brown, black or bronze color metal.
  - d. Parking lot lighting shall be no higher than twenty-eight (28) feet.
2. Signage.
  - a. All signage shall be internally illuminated only.
  - b. All other signage requirements shall be as otherwise indicated in the City Graphics Code, Article 15, Title 33, Columbus City Code.
3. Setbacks.
  - a. The parking setback and building setback as shown on the site plan.
4. Environmental Treatment.
  - a. All parking areas adjacent to or across the street from residentially zoned and used property shall have headlight screening of thirty (30) inches minimum height along such frontage, as measured from the elevation of the nearest section of the adjacent parking area.
  - b. Lot coverage for structures and paved areas may not exceed eight-five percent (85%) of the net usable area (gross zoned acreage excluding publicly dedicated streets).
  - c. Loading areas shall be screened from view by opaque material and/or structures and/or landscaping to a minimum height of six (6) feet from the east and south property lines.
  - d. A wood fence shall be used as an accent feature around any retention areas along Roberts Road in front of the parking lot. The fence detail is shown on the submitted site plan.
5. Traffic.
  - a. The access points are shown on the submitted site plan.

6. Other Requirements.
  - a. All walkway/street intersections shall have wheel chair ramps. All medians, parking lot "end caps" and/or intersecting curbs shall have wheel chair ramps when intersecting walkways.
  - b. A thirty-five (35) foot height limitation shall be in effect.
  - c. The site will conform to the Columbus Public Health Healthy Places program and will incorporate the following amenities:
    - 1) Sidewalks constructed at 5 feet wide to increase walkability.
    - 2) Signage or texturized sidewalks at points where cars cross the sidewalk to alert drivers of pedestrian traffic.
    - 3) Safe pedestrian means via sidewalk and/or striped crosswalk from the building to the public sidewalk system for walkers and bus riders.
    - 4) Centrally located bike racks for employees or visitors that ride their bike.
7. Site Plan.
  - a. The property shall be developed in accordance with the submitted site plan. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the site plan shall be reviewed and approved by the Director of the Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment. The general layout and site concept shall, however, conform to the site plan.
8. Natural Environment.
  - a. The property is located on the south side of Roberts Road adjacent to and east of Rome-Hilliard Road.
9. Existing Land Uses.
  - a. The site is zoned CPD; to the north and south is property zoned LC4, with commercial uses; to the east and west is zoned CPD with commercial uses.
10. Transportation and Circulation.
  - a. The curbcuts and the internal circulation patterns are shown on the submitted sites plan.
11. View and Visibility.
  - a. 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.
12. Emissions.
  - a. No adverse affect from emissions shall result from the proposed development.
13. Variances.
  - a. A variance shall be in effect to allow for a parking setback of zero (0) along Hilliard Rome Road as shown on the site plan.
  - b. A variance shall be in effect to allow a decrease in the required amount of parking spaces by fifteen (15) spaces. The required number of parking spaces for the site is thirty-seven (37) spaces as required by Chapter 3342. The provided amount shall be twenty-two (22) spaces as shown on the site plan.

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