



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 1523-2008, **Version:** 1

Rezoning Application # Z07-021

APPLICANT: Jennie Boehm, Tr.; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on January 10, 2008.

WESTLAND AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District will allow regional-scale commercial development that is consistent with surrounding commercial uses. The site is located within the planning area of *The Westland Plan* (1994), which recommends this location be used as open space or park land because a stream runs through the site. Deviation from the Plan is warranted given the surrounding commercial development, and because approval from the Army Corps of Engineers to relocate the stream has been secured. The CPD text contains use restrictions and customary development standards for setbacks, landscaping and lighting controls, and includes a conservation easement over the relocated stream. The request is consistent with the zoning and development patterns of the area.

To rezone **5719 WEST BROAD STREET (43228)**, being 4.38± acres located at the southeast corner of West Broad Street and Galloway Road, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District (Rezoning # Z07-021).

WHEREAS, application #Z07-021 is on file with the Building Services Division of the Department of Development requesting rezoning of 4.38± acres from R, Rural District to CPD, Commercial Planned Development District; and

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

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

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District will allow regional-scale commercial development with similar development standards of the surrounding commercial development, and includes a conservation easement over the relocated stream. The request is consistent with the 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:

5719 WEST BROAD STREET (43228), being 4.38± acres located at the southeast corner of West Broad Street and Galloway Road, and being more particularly described as follows:

This description is for PARCEL ONE (Auditor's Number 570-255270-000) in the name of Val and Jennie Boehm (Official Record 199901200015522, Franklin County Recorder) and PARCEL TWO (Auditor's Number 570-255269-000) in the name of Jennie M. Boehm and Val B. Boehm (O.R. 200402020022729) for the purpose of rezoning the properties located at the southeast corner of Galloway Road and West Broad Street (U.S. 40), in Virginia Military Survey 1474, City of Columbus, Franklin County, Ohio and is

further described as follows:

BEGINNING at Franklin County Monument Box FCE 5272 at station 144+00 Galloway Road, said box is N13o21'47"E, 1058.67 feet, along the original centerline of Galloway Road from Franklin County Monument Box FCE 8843, said line is 5.86 feet west of the existing centerline of Galloway Road;

Thence N13o21'47"E, 29.67 feet, to the TRUE POINT OF BEGINNING for this description and a corner of PARCEL ONE; thence N13°21'47"E, 41.43 feet, continuing along the original centerline of Galloway Road to the northwest corner of PARCEL ONE and the original centerline of West Broad Street (U.S. 40) (said point is 10.43 feet on the same line from the existing centerline of U.S. 40);

Thence N87°09'29"E, 405.00 feet, along the old centerline of West Broad Street, passing the centerline of Galloway Road at 8.80 feet, and the northeast corner of PARCEL ONE at 208.34 feet to the northeast corner of PARCEL TWO and the northwest corner of a property in the name of Baker Levin Farms LLC (O.R. 200704240071166);

Thence S13°44'29"W, 408.25 feet, along the west line of the said Baker Levin Farms LLC property, passing an iron pin set at the south Right-of-way of West Broad Street at 41.55 feet, to a one inch diameter iron pipe found exposed 4 inches at the southwest corner of the said Baker Levin Farms LLC property and a corner of a property in the name of Dam Good Enterprises, Inc. (O.R. 200307010199835);

Thence S46°34'53"W, 326.06 feet, along a northwest line of said Dam Good Enterprises, Inc. property to a ¾ inch diameter iron pipe found at the southernmost corner of PARCEL TWO;

Thence S87°42'59"W, 153.27 feet, along the north line of the said Dam Good Enterprises, Inc. property to an iron pin set in the east Right-of-way of Galloway Road, said pin is N87o42'59"E, 62.30 feet from a MAG Nail set in the original centerline of Galloway Road;

Thence N12°38'23"E, 395.60 feet, along the Right-of-way of Galloway Road, to a point located at Station 142+50, 55.00 feet right, of the Galloway Road Right-of-way survey;

Thence N13°21'47"E, 188.32 feet, along the Right-of-way of Galloway Road to an iron pin set in the south Right of-way of West Broad Street;

Thence S87°09'29"W, 57.28 feet, to the TRUE POINT OF BEGINNING.

A portion of PARCEL ONE (0.762 acres) was transferred to the Franklin County Commissioners by Deed Record 22933F10 as part of the Right-of-way acquisition for Galloway Road. This transfer was acknowledged as an exception in O.R. 199007200181039 with a complete description and described as an exception without the description in O.R. 199901200015522. This description does not include the transferred parcel.

Said property, consisting of PARCEL ONE and PARCEL TWO contains 4.364 acres. The BASIS OF BEARINGS is the centerline of Galloway Road established by the Franklin County Engineer's Galloway Road Right-of-way Plans dated January 8, 1992. All monuments set are 5/8 inch diameter steel rebar with plastic identification caps labeled *ELLIOTT PS7759*. This description is based on a survey performed in October 2005 by Casey Elliott, PS7759 State of Ohio. This survey and description meet the MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN OHIO, as described in Chapter 4733-37 of the Ohio Administrative Code.

To Rezone From: R, Rural 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 plan being titled, "**PLAT OF SURVEY,**" and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" both signed by Jeffrey L. Brown, Attorney for the Applicant, dated September 4, 2008, and

the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD, Commercial Planned Development District

EXISTING DISTRICT: R, Rural

ACRES: 4.377 ± acres

PROPERTY ADDRESS: 5719 W. Broad Street

OWNER: Val & Jennie Boehm

APPLICANT: Val & Jennie Boehm

DATE OF TEXT: 9/4/08

APPLICATION NUMBER: Z07-021

1. INTRODUCTION: This property consists of 4.377± acres located at the southeast corner of the intersection of W. Broad Street & Galloway Road. This site is presently zoned R-Residential. Applicant is requesting rezoning to CPD, Commercial Planned Development District.

2. PERMITTED USES: The permitted uses are those listed in Chapter 3356 , C-4 Commercial District of the Columbus City Code with the following exclusions:

- Animal Shelter
- Armored car facility
- Investigation, guard and security services
- Automotive sales, leasing and rental
- Astrology, fortune telling and palm reading
- Blood and organ banks
- Cabarets and night clubs
- Community food pantry
- Crematory
- Display advertising
- Drive-in motion picture theater
- Funeral Homes and services
- Halfway house
- Missions/temporary shelters
- Outdoor power equipment stores
- Pawn Broker
- Performing Arts, spectator sports and related industries
- Repossession services

3. DEVELOPMENT STANDARDS: The applicable development standards are contained in Chapter 3356 of the Columbus City Code (C-4, Commercial) uses unless otherwise indicated within this text.

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

1. The minimum parking and maneuvering setback along W. Broad Street and Galloway Road shall be twenty-five (25) feet.
2. The minimum building setback shall be fifty (50) feet from the W. Broad Street and Galloway Road rights-of-way.
3. Lot coverage for building and paved areas shall not exceed eighty percent (80%) of the lot area.

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

1. At the time of development the property owner shall dedicate to the City at no cost 60 feet from centerline of Galloway Road and 60 feet from the centerline of West Broad Street as shown on the submitted CPD drawing titled "Plat of Survey".
2. At the time of development, the following traffic improvements shall be installed by the developer:

- a. At the right-in/right-out curbcut on West Broad Street - an east bound right turn lane.
 - b. At the full service curbcut on Galloway Road. If Galloway Road has been improved to include dual north bound left turn lanes then the developer shall install a south bound left turn lane on Galloway Road.
3. All traffic improvements shall be subject to the review and approval of the City's Transportation Division.
- C. Buffering, Landscaping, Open Space, and Screening Commitments.
1. Any surface parking lot adjacent to a public street shall be screened from its respective right-of-way with a minimum three (3) foot high continuous planting hedge, earth mound, or combination thereof, except in the following locations (a) areas of ingress and egress to roadways; (b) where prohibited by Public Utilities; and (c) at the point of outflow of a drainage ditch. The height of screening material shall be measured from the adjacent parking lot pavement.
 2. The developer shall install street trees forty (40) feet on center within the pavement setback along all public streets.
 3. Tree plantings shall be required within on-site parking and service areas. The number of trees shall be one (1) tree for every ten (10) parking spaces. Such trees shall be at least two and one half (2 1/2) inches in caliper at installation. Existing trees of two (2) inches in caliper or greater may offset two-thirds (2/3) of this requirement.
 4. Unless otherwise specified, minimum size of all trees at installation shall be two and one half (2 1/2) inches in caliper for deciduous shade trees, five (5) feet high for evergreen trees, and one and one-half (1 1/2) inch caliper for ornamental trees. Tree caliper shall be measured six (6) inches from the ground.
 5. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months, weather permitting.
 6. Existing trees within the stream protection area shall remain except that dead and diseased trees may be removed as may be required by good forestry practice.
 7. The developer shall install a three rail white horse fence within the parking setback along the subjects site frontages of Galloway Road and West Broad Street except for the access points and along the stream bed.
 8. The applicant shall establish a conservation easement over the relocated stream channel which is delineated as the stream preservation area on the CPD drawing titled "Plat of Survey".
- D. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.
1. All external lighting in the area shall be cut-off type (down lighting) or decorative fixtures and shall provide no light spillage to off-site parcels. Buildings and landscaping at entry locations may be up-lit or down-lit, provided that lighting does not spill over into the public right-of-way. Ground mounted lighting must be shielded and landscaped.
 2. All external outdoor lighting fixtures shall be from the same or similar manufacturer's type to ensure compatibility throughout the development.
 3. Parking lot lighting standards shall not exceed twenty (20) feet in height. The type of light shall be color corrected High Pressure Sodium (HPS).
 4. All new or relocated utility lines shall be installed underground.
 5. Mechanical equipment or other utility hardware on the roof of a building shall be screened from view from ground level. Mechanical and all other equipment on the ground shall be fully screened from view from ground level by landscaping material or wall or fence material.
- E. Graphics and Signage Commitments.

All signage and graphics shall conform with the Graphics Code, Article 15 of the Columbus City Code, as it applies to the C-4

Commercial District. Any variance to those requirements shall be submitted for approval by the Columbus Graphics Commission.

1. All free standing signs shall be monument style with a maximum height of 15 feet.

F. Architectural Standards.

1. Exterior walls: The predominant exterior wall materials shall be brick, stucco, and stucco over cement block, dryvit, or wood. Synthetic material may be used only if they are natural in appearance. Metal shall be allowed as accent features only.

2. Prefabricated metal buildings, untreated masonry block structures, and buildings constructed to appear as if the exterior finish is entirely glass are not permitted.

3. Exposed concrete block and poured concrete walls are prohibited. The use of reflective and mirrored glass is prohibited.

G. Miscellaneous Commitments.

1. CPD Site Plan:

The submitted site shall be developed in accordance with the submitted CPD drawing titled "Plat of Survey".

2. CPD Criteria:

a. Natural Environment: The site is located on the southeast corner of W. Broad Street and Galloway Road. The site is flat.

b. Existing Land Use: The site is vacant.

c. Circulation: Access to the site will be from east bound W. Broad Street and Galloway Road as approved by the City's Transportation Division.

d. Visual Form of the Environment: The site is surrounded by vacant land to the East; single family to the South; commercial parking use to the Southwest; motel and trailer sales to the west; Kroger Superstore and Gas station to the Northwest; Walgreen and Chase Bank to the North, both having drive thru windows; Mini Storage to the Northeast.

e. Visibility: The site fronts on and is visible from Broad Street and Galloway Road.

f. Proposed Development: The size, type and character of the proposed development will meet the standards set forth in this development text.

g. Traffic Behavior Patterns: Traffic will access the site from the east and west directions from Broad Street and North and south direction from Galloway Road.

h. Emissions: There will be no objectionable emission from the site.

i. Recreation and Parks: Prior to obtaining zoning clearance the owner/developer shall comply with the City's parkland dedication ordinance by contributing cash at the rate of \$400.00 per acre.

2. Variance: Reduce W. Broad Street minimum building setback requirement found in Columbus City Code Section 3356.11 from sixty (60) feet to fifty (50) feet.

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