



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0961-2005, Version: 2

REZONING APPLICATION: Z04-080

APPLICANT: Trinity Companies, LLC; c/o Michael Shannon, Atty.; Crabbe, Brown and James, LLP; 500 South Front Street, Suite 1200; Columbus, Ohio 43215.

PROPOSED USE: Office/warehouse and retail commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 12, 2005.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The proposed limitation and CPD texts include appropriate use restrictions and customary development standards that address transportation issues, setbacks, landscaping and buffering, protection of a watercourse located in the proposed L-M district, lighting restrictions, and a variance to reduce the building setback for a fuel center canopy. Staff can support deviation from the *Northeast Area Plan* recommendation that this site be developed with airport related office uses because the proposed L-M, Limited Manufacturing District is consistent with the adjacent Citygate complex and the CPD, Commercial Planned Development District can provide convenient neighborhood scale services to the surrounding business and residential community. The proposed height districts are consistent with those already established for nearby L-M and CPD zoning districts.

To rezone **1903 STELZER ROAD (43219)**, being 10.65± acres located on the west side of Stelzer Road, 300± feet south of City Gate Drive, **From:** R, Rural District, **To:** L-M, Limited Manufacturing and CPD, Commercial Planned Development Districts **and to declare an emergency (Z04-080).**

WHEREAS, application #Z04-080 is on file with the Building Services Division of the Department of Development requesting rezoning of 10.65± acres from R, Rural District to L-M, Limited Manufacturing and CPD, Commercial Planned Development Districts, 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 keep contractual obligations for the immediate preservation of the public peace, property, health and safety; and

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

WHEREAS, the City Departments recommend approval because staff can support deviation from the *Northeast Area Plan* recommendation that this site be developed with airport related office uses because the proposed limitation and CPD texts include appropriate use restrictions and customary development standards that address transportation issues, setbacks, landscaping and buffering, protection of a watercourse located in the proposed L-M district, lighting restrictions, and a variance to reduce the building setback for a fuel center canopy. The proposed L-M, Limited Manufacturing District is consistent with the adjacent Citygate complex and the CPD, Commercial Planned Development District can provide convenient neighborhood scale services to the surrounding business and residential community. The proposed height districts are consistent with those already established for nearby L-M and CPD zoning districts; 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:

1903 STELZER ROAD (43219), being 10.65± acres located on the west side of Stelzer Road, 300± feet south of City Gate Drive, and being more particularly described as follows:

L-M ZONING DESCRIPTION FOR 7.50± ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 17, United States Military Lands, being part of the 5.414 acre tract conveyed to Trinity Companies LLC by deed of record in Instrument Number 200103130050974, the 2.707 acre tract conveyed to Trinity Companies LLC by deed of record in Instrument Number 200202190044699, and the 2.707 acre tract conveyed to Riverbend Investment Co. by deed of record in Instrument Number 200009280197450, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the southeasterly corner of Parcel 18 WD as conveyed to the Franklin County Commissioners by deed of record in Instrument Number 200410260247434, in the centerline of Stelzer Road;

Thence North 86° 36' 09" West, a distance of 358.00 feet, with the southerly line of said Parcel 18 WD and 5.414 acre tract, to the TRUE POINT OF BEGINNING;

Thence North 86° 36' 09" West, a distance of 818.24 feet, continuing with the southerly line of said 5.414 acre tract, to the southwest corner thereof;

Thence North 03° 00' 41" East, a distance of 397.95 feet, with the westerly line of said 5.414 acre, 2.707 acre Trinity, and 2.707 acre Riverbend tracts, to the northwest corner of said 2.707 acre Riverbend tract;

Thence South 86° 40' 52" East, a distance of 822.12 feet, with the northerly line of said 2.707 acre Riverbend tract, to a point;

Thence South 03° 34' 11" West, a distance of 399.07 feet, across said 2.707 acre Riverbend, 2.707 acre Trinity, and 5.414 acre tracts, to the TRUE POINT OF BEGINNING, containing 7.50 acres of land, more or less.

This description was prepared from record data only, and is not to be used for deed transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

To Rezone From: R, Rural District,

To: L-M, Limited Manufacturing District.

CPD ZONING DESCRIPTION FOR 2.73± ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 17, United States Military Lands, being part of the 5.414 acre tract conveyed to Trinity Companies LLC by deed of record in Instrument Number 200103130050974, the 2.707 acre tract conveyed to Trinity Companies LLC by deed of record in Instrument Number 200202190044699, and the 2.707 acre tract conveyed to Riverbend Investment Co. by deed of record in Instrument Number 200009280197450, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the southeasterly corner of Parcel 18 WD as conveyed to the Franklin County Commissioners by deed of record in Instrument Number 200410260247434, in the centerline of Stelzer Road;

Thence North 86° 36' 09" West, a distance of 58.00 feet, with the southerly line of said Parcel 18 WD, to a point in the westerly right-of-way line of Stelzer Road at the southwesterly corner of Parcel 18 WD, being the TRUE POINT OF BEGINNING;

Thence North 86° 36' 09" West, a distance of 298.00 feet, continuing with the southerly line of said 5.414 acre tract, to a point;

Thence North 03° 34' 11" East, a distance of 399.07 feet, across said 5.414 acre, 2.707 acre Trinity, and 2.707 acre Riverbend tracts, to a point in the northerly line of said 2.707 acre Riverbend tract;

Thence South 86° 40' 52" East, a distance of 298.00 feet, with the northerly line of said 2.707 acre Riverbend tract, to a point in said westerly right-of-way line of Stelzer Road;

Thence South 03° 34' 11" West, a distance of 399.48 feet, across said 2.707 acre Riverbend, 2.707 acre Trinity, and 5.414 acre tracts, and with said westerly right-of-way line, to the TRUE POINT OF BEGINNING, containing 2.73 acres of land, more or less.

This description was prepared from record data only, and is not to be used for deed transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

To Rezone From: R, Rural District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of Sixty (60) feet is hereby established on the CPD, Commercial Planned Development District on this property and a Height District of One-hundred ten (110) feet is hereby established on the L-M, Limited Manufacturing 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 L-M, Limited Manufacturing and CPD, Commercial Planned Development Districts and Application among the records of the Building Services Division as required by Sections 3370.03 and 3311.12 of the Columbus City Codes; said text titled, "**L-M, LIMITED MANUFACTURING DISTRICT AND CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT TEXTS, 10.23± ACRES**," and CPD site plan titled, "**STELZER ROAD CPD SITE PLAN**," both signed on June 15, 2005 by Michael Shannon, attorney for the applicant, and the text reading as follows:

L-M, LIMITED MANUFACTURING DISTRICT AND CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT TEXTS, 10.23± ACRES

EXISTING DISTRICT: R, Residential

PROPOSED DISTRICT: LM, Limited Manufacturing and CPD, Commercial Planned Development

PROPERTY ADDRESS: 1903 Stelzer Road

OWNERS: Trinity Companies, LLC; Riverbend Investment Company, c/o CRABBE, BROWN & JAMES, LLP: Michael T. Shannon, Esq., 500 S. Front St., Suite 1200, Columbus, Ohio 43215, Mshannon@cbjlawyers.com.

APPLICANT: Trinity Companies, LLC, c/o CRABBE, BROWN & JAMES, LLP: Michael T. Shannon, Esq., 500 S. Front St., Suite 1200, Columbus, Ohio 43215, Mshannon@cbjlawyers.com.

APPLICATION NO.: Z04-080

DATE OF TEXT: June 15, 2005

I. INTRODUCTION:

The subject site ("Site"), comprised of three (3) parcels totaling 10.23± acres, is located at 1903-1933 Stelzer Road, within the jurisdiction of the Northeast Area Commission. Situated on the west side of Stelzer Road, the Site is approximately three hundred (300) feet south of the CityGate Business Park. These parcels, along with two contiguous parcels to the north and two contiguous parcels to the south, are the only remaining residential zonings on the west side of Stelzer Road in this area. Surrounding these

parcels to the north, west and south are properties either zoned L-M, Limited Manufacturing or CPD, Commercial Planned Development, to reflect the continual office/warehouse and commercial developments that have occurred consistent with the Northeast Area Plan.

Applicant proposes to rezone these three parcels fronting Stelzer Road from R, Residential to L-M and CPD. These two (2) sub-areas and proposed text are remarkably similar to the 8-acre rezoning at 2015 Stelzer Road, approved by the Northeast Area Commission and City Council in July 1999, which also consists of two sub-areas zoned L-M and CPD at the entrance to the CityGate complex.

II. SUB-AREA "A": L-M, LIMITED MANUFACTURING DISTRICT (7.50+ ACRES)

1. PERMITTED USES:

All uses of Columbus City Code §3363.01- §3363.08 (M, Manufacturing District), except uses as prohibited in Section 2 (Prohibited Uses), below. Additionally, all types of offices; residence(s) for a resident watchman; commercial radio transmitting or television station and appurtenances thereto; rooftop telecommunication installations and all accessory use(s) related to any permitted principal use shall be permitted.

(a) All permitted uses shall be constructed, equipped and operated with such approved devices and methods as to insure against the emission of obnoxious noise, vibrations, smoke, dust, fly ash, or other solid particulate matter, odor, glare, heat, sewage waste, and other obnoxious conditions.

(b) Retail sales of products on the premises incidental to the above-stated uses shall be allowed in Sub-Area A, provided however, that such retail sales shall not exceed fifty (50%) percent of the square footage of the structure.

(c) Underground storage tanks shall only be permitted for the purpose of providing distribution of liquid fuels, petroleum products, petroleum, and volatile oils to vehicles of uses in this sub-area. No individual user within this sub-area shall have more than an aggregate capacity of 20,000 gallons. The location of any such tanks shall be determined under the direction and supervision of the Fire Department.

2. PROHIBITED USES:

Adult entertainment, inclusive of bookstore; adult motion picture theater; adult-only entertainment facility; bars, cabarets and nightclubs; billboard(s); manufacturing, compounding, processing, assembling, packaging or treatment of goods, materials and products involving operations which are obnoxious or offensive by reason of odor, dust, smoke, gas, fumes, vibration, noise, fly ash, or other solid particulate matter, odor, glare, heat, sewage waste, or obnoxious conditions.

3. DEVELOPMENT STANDARDS:

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

1. Sub-Area A shall be designated in the H-110 Height District. Buildings and structures shall not exceed an absolute height of 65 feet. This absolute height restriction shall not include the additional height associated with building-mounted mechanicals or aerials. Mechanicals shall not exceed 10 additional feet above the 65-foot absolute height. Building-mounted antennas and aerials shall not exceed 20 additional feet above the 65-foot absolute height.

2. Lot coverage for structures and paved areas shall not exceed eighty-five (85%) percent.

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

1. The Applicant is proposing one full-service access point to Stelzer Road, near the southern boundary of the Site. Applicant is proposing a private drive along the southern perimeter to provide access to warehouse/office parcels in Sub-Area A. Applicant acknowledges that access easements may be necessary at the time of development of this Site, for proper access from Sub-Area B (CPD) to Sub-Area A (L-M).

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

1. A minimum of one tree shall be planted for every 10 parking spaces. The minimum size of all trees shall be 2.5 inch caliper for

deciduous; 6 feet high for evergreens; and 1.5 inch caliper for ornamentals. Caliper shall be measured 6 inches above grade. Trees may be equally spaced or grouped. Tree species shall be selected and planted in a manner that does not obstruct motorists' vision.

2. In accordance with §3342.17 (Parking Lot Screening), a minimum 10-foot landscaped buffer area shall be established along the northern boundary, where the Site abuts residential property. The landscape buffer shall consist predominately of pine trees, and be installed and maintained at a minimum height of 5 feet above the parking lot grade. Said buffer shall be maintained for as long as the adjacent property is zoned residentially.

3. Any dead materials shall be replaced within six (6) months or the next planting season, whichever occurs first.

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

1. All building exteriors shall be constructed of wood, brick, real or synthetic stone, real or synthetic stucco, glass, vinyl siding, wood shingles, textured or coated metal, concrete, marble, textured concrete, or a combination of these materials.

2. Any mechanical equipment or utility hardware on the roof of a building shall be screened from view from the right-of-way of Stelzer Road, to the height of the equipment, by the same material utilized on the building roof or exterior. Decorative cornices may be used. Color shall also match the building exterior or roof. Ground-mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping, or any fence or wall utilizing comparable and compatible materials as the building materials.

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

1. All external outdoor lighting shall be cutoff down-style fixtures (down-lighting), except there may be accent lighting (up-lighting) on landscaping in the front of structures and ground signs, provided the fixtures are screened with landscaping to prevent glare.

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

3. Except for decorative lighting, all light poles shall be metal and such light poles shall be of the same color. Light poles in the parking lots shall not exceed 28 feet in height. Light poles located within 100 feet of residentially-zoned property shall not exceed 18 feet in height.

4. All lighting shall be so positioned as to not be directed toward any abutting residentially-zoned area.

5. Wiring within the subject Site shall be underground.

6. Service area lighting shall be contained within the service yard boundaries and enclosure walls. No light spillover shall occur outside the service area.

7. Pedestrian lighting is permitted and the maximum height for any pedestrian lighting on the subject Site shall not exceed 16 feet in height. Bollard lighting is permitted and shall not exceed 48 inches in height.

8. Dumpsters, loading areas, outdoor storage areas, and propane tanks shall be screened by structures and/or landscaping to a minimum height of 6 feet. Deposited refuse should not be visible from outside the refuse enclosure, which shall be screened on all four (4) sides. Fiberglass, chain-link fencing, wood fencing, or corrugated metal will not be permitted for use as enclosures. No refuse collection areas shall be permitted between any street and the front of any building.

9. There shall be no outdoor public address system, outdoor call system, or other outdoor audible system permitted in this sub-area, except that a paging system shall be allowed for the purpose of paging employees only.

F. Graphics and Signage Commitments.

1. All signage shall conform to Chapters 3375 through 3383 of the Columbus City Code, as they apply to the M, Manufacturing District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments:

1. In accordance with §3318.13 (Parkland Dedication Ordinance), Applicant shall contribute parkland fees in the amount of \$400.00 per acre for this 10.65± acre site.
2. With regard to the open watercourse which traverses the Site, Applicant commits to maintain a 25-foot no-build zone on both sides of the watercourse, as measured from the top of the embankment.
3. No more than two (2) points of access shall be constructed over the watercourse.
4. Applicant shall preserve the existing tree buffer along the western perimeter of the Site, which buffer also extends partially along the north and south perimeters of the LM tract. This preservation includes all trees having a minimum 5-inch caliper at the time of approval of this rezoning request. Applicant shall be permitted to remove smaller brush-type matter, as well as dead or decaying matter, in order to improve and maintain a healthy appearance within the buffer.
5. Sixty (60) feet of right-of-way, from centerline of Stelzer Road, shall be dedicated to the City of Columbus. A portion of this right-of-way was previously deeded to the Franklin County Commissioners for dedication, and therefore the remaining land necessary to achieve a total of 60 feet from centerline will be dedicated through this rezoning.
6. Applicant shall install a southbound right turn lane with 100 feet of storage at the site's access on Stelzer Road.
7. Applicant shall construct the proposed access to Stelzer Road as a 3-lane access section.
8. Applicant shall contribute \$70,000.00 toward the cost of construction for improvements to the intersection of Stelzer and Johnstown Roads.

III. SUB-AREA "B": CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT (2.73 ± ACRES)

4. PERMITTED USES:

All uses permitted in the C-4, Commercial District (C.C.C. §3355.02) and C-5, Commercial District (C.C.C. §3357.01), except as prohibited and restricted below.

5. PROHIBITED USES:

Amusement arcades; Animal shelters; Astrology, fortune telling, and palm reading services; Billboards, Blood and organ banks; Bowling centers; Check cashing and loans; Coin-operated laundries; Community food pantry; Convention and visitors bureaus; Crematories; Drive-in motion picture theaters; Halfway houses; Hospitals; Linen and uniform supply; Missions/temporary shelters; Pawn brokers; Performing arts, Religious facilities; Repossession services; Spectator sports and related industries; Tobacconist; Warehouse clubs and supercenters.

6. DEVELOPMENT STANDARDS:

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

1. A minimum 60-foot building setback shall be established from Stelzer Road. A 25-foot building setback shall be permitted for the canopy of any gas or service station islands, should the Site be developed with a gas station or service station. Otherwise, the Code-required 60-foot building setback line shall be maintained.
2. A minimum 25-foot building setback shall be established along the north property line, as long as the abutting property to the north is residentially zoned.
3. A minimum 25-foot parking/maneuvering setback shall be established from Stelzer Road. A 10-foot parking/maneuvering setback shall be permitted only if the Site is developed with a gas station or service station.
4. Sub-Area B shall be designated as an H-60 Height District, subject further to an absolute height of 55 feet for buildings and structures, except that building-mounted antennas and aerials shall not exceed 20 additional feet above the absolute height of 55 feet.
5. Lot coverage for structures and paved areas shall not exceed eighty-five (85%) percent.

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

1. Stelzer Road:

(a) One access point shall be permitted to Stelzer Road, subject to review and approval by the City of Columbus Transportation Division. The access point shall be a full-service access point built entirely on Sub-Area B, and shall be located as far from the intersection of Stelzer Road and CityGate Drive as possible, consistent with design requirements. Applicant acknowledges that access easements may be necessary at the time of development of this Site, for proper access from Sub-Area B (CPD) to Sub-Area A (L-M).

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

1. A minimum of 1 tree shall be planted for every 10 parking spaces. The minimum size of all trees shall be 2.5 inch caliper for deciduous; 6 feet in height for evergreens; and 1.5-inch caliper for ornamentals. Trees do not have to be equally spaced, but may be grouped. Tree species shall be selected and planted in a manner that does not obstruct motorists' vision.

2. All parking areas adjacent to Stelzer Road shall have headlight screening parallel to the frontage with a minimum height of 30 inches measured from the elevation of the nearest section of the adjacent parking area. Parking lot screening shall be in the form of an evergreen hedge, earth mounding or low brick or stone walls.

3. In accordance with §3342.17 (Parking Lot Screening), a minimum 20-foot landscaped buffer area shall be established along the northern boundary, where the Site abuts residential property. Said buffer shall consist predominately of pine trees, and be installed and maintained at a minimum height of 5 feet above the parking lot grade, with a minimum opacity of seventy-five (75%) percent. Said buffer shall be maintained for as long as the adjacent property is zoned residentially.

4. Trees shall be planted within the front parking setback at the minimum rate of one tree for every 40 lineal feet of street frontage. The minimum size of all trees shall be 2.5 inches caliper for deciduous, 6 feet high for evergreens, and 1.5 inch caliper for ornamentals. Caliper shall be measured 6 inches above grade. Trees may be equally spaced or grouped.

5. Any dead materials shall be replaced within 6 months or the next planting season, whichever occurs first.

6. The entryway shall feature landscaping with a compilation of evergreen and/or deciduous shade and/or deciduous evergreen shrubs. Landscaping shall be integrated into the entry feature without blocking visibility at intersections.

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

1. All building exteriors shall be constructed of wood, brick, real or synthetic stone, real or synthetic stucco, glass, vinyl siding, wood shingles, textured or coated metal, concrete, marble, textured concrete, or a combination of these materials.

2. Any mechanical equipment or utility hardware on the roof of a building shall be screened from view from the right-of-way of Stelzer Road, to the height of the equipment, by the same material utilized on the building roof or exterior. Decorative cornices may be used. Color shall also match the building exterior or roof. Ground-mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping, or any fence or wall utilizing comparable and compatible materials as the building materials.

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

1. All external outdoor lighting shall be cutoff down-style fixtures (down-lighting), except there may be accent lighting (up lighting) on landscaping in the front of structures and ground signs.

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

3. Except for decorative lighting, all other light poles shall be metal and of the same color. Light poles in the parking lots shall not exceed 28 feet in height. Light poles located within 100 feet of residentially-zoned property shall not exceed 18 feet in height.

4. Canopy lighting shall be fully recessed, in accordance with CPD development standards.

5. All lighting shall be so positioned as to not be directed toward any abutting residentially-zoned area.
6. Wiring within the subject Site shall be underground.
7. Dumpsters, loading areas, outdoor storage areas, and propane tanks shall be screened by structures and/or landscaping to a minimum height of 6 feet. Deposited refuse should not be visible from outside the refuse enclosure, which shall be screened on all four (4) sides. Fiberglass, chain-link fencing, wood fencing, or corrugated metal shall not be permitted for use as enclosures. No refuse collection areas shall be permitted between any street and the front of any building.

F. Graphics and Signage Commitments.

1. All signage shall conform to Chapters 3375 through 3383 of the Columbus City Code, as they apply to the C-4, Commercial District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

G. Other CPD Requirements.

1. **Natural Environment:** The natural environment of Sub-Area B is flat terrain.
2. **Existing Land Use:** The property previously consisted of residential structures, which are being or have already been demolished.
3. **Circulation:** Access to and from Sub-Area B will be from Stelzer Road, as approved by the City of Columbus Division of Transportation.
4. **Visual Form of the Environment:** The area surrounding Sub-Area B is developed with single-family dwellings in Mifflin Township to the north and L-M on the west and south. The east side of Stelzer Road is zoned residential.
5. **Visibility:** Sub-Area B fronts on Stelzer Road and will be visible from the street frontage.
6. **Proposed Development:** Commercial development consisting of retail or service commercial uses is proposed.
7. **Behavior Patterns:** The Site is located on Stelzer Road, a major arterial, in close proximity to the intersection of a major business park and employment center. Vehicular access will be the principle means of access through curb cuts approved by the Transportation Division. Onsite vehicular and pedestrian circulation will be as approved through the plan review process.
8. **Emissions:** Development on Sub-Area B will conform to development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

H. Variances.

The use of the CPD mechanism permits a variance to the required Stelzer Road building setback line. Stelzer Road is a 4-2D arterial on the Columbus Thoroughfare Plan, with a designated right-of-way width of 120 feet, thus requiring a 60-foot building setback line rather than the 25-foot building setback line that is proposed herein. The requested 25-foot building setback shall only apply to the canopy of any gas or service station islands, should the Site be developed with a gas station or service station. Otherwise, the Code-required 60-foot building setback line shall be maintained.

I. Miscellaneous Commitments.

1. In accordance with §3318.13 (Parkland Dedication Ordinance), Applicant shall contribute parkland fees in the amount of \$400.00 per acre for this 10.65± acre site.
2. With regard to the open watercourse which traverses the Site, Applicant commits to maintain a 25-foot no-build zone on both sides of the waercourse, as measured from the top of the embankment.
3. No more than two (2) points of access shall be constructed ove the watercourse.
4. Sixty (60) feet of right-of-way, from centerline of Stelzer Road, shall be dedicated to the City of Columbus. A portion of this right-of-way was previously deded to the Franklin County Commissioners for dedication, and therefore the remaining land necessary to

achieve a total of 60 feet from centerline will be dedicated through this rezoning.

5. Applicant shall install a southbound right turn lane with 100 feet of storage at the site's access on Stelzer Road.
6. Applicant shall construct the proposed access to Stelzer Road as a 3-lane access section.
7. Applicant shall contribute \$70,000.00 toward the cost of construction for improvements to the intersection of Stelzer and Johnstown Roads.
8. Applicant shall install sidewalks along the Site's Stelzer Road frontage, in accordance with and as required by Columbus City Code.

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.**