



City of Columbus

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

Legislation Text

File #: 0615-2007, **Version:** 3

Rezoning Application Z05-082

APPLICANT: William L. Willis, Jr., Trustee; c/o Jill Tangeman, Attorney; 52 East Gay Street; Columbus, OH 43215.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-1) on October 12, 2006.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 4.16± acre site is undeveloped and zoned in the R, Rural and L-AR-12, Limited Apartment Residential Districts. The applicant is requesting a CPD, Commercial Planned Development District, to permit unspecified commercial uses. The site is located within the boundaries of the *Rocky Fork-Blacklick Accord* (2003), which recommends commercial land use for the site. The Rocky-Fork Implementation Panel has recommended approval of this request. The CPD text commits to use restrictions and development standards including maximum lot coverage, setbacks, street trees, parking lot trees, landscaping, and lighting controls. The proposed rezoning is consistent with the *Rocky Fork-Blacklick Accord* (2003) and with the zoning and development patterns of the area.

To rezone **5181 WARNER ROAD (43081)**, being 4.16± acres located on the south side of Warner Road, 340± feet west of Hamilton Road, **From:** R, Rural and L-AR-12, Limited Apartment Residential Districts, **To:** CPD, Commercial Planned Development District **and to declare an emergency.** (Rezoning #Z05-082)

WHEREAS, application #Z05-082 is on file with the Building Services Division of the Department of Development requesting rezoning of 4.16± acres from the R, Rural and L-AR-12, Limited Residential Districts to CPD, Commercial Planned Development District; 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 begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, the City Departments recommend approval of said zoning change because the proposed rezoning is consistent with the *Rocky Fork-Blacklick Accord* (2003) and with the zoning and development patterns of the area. The 4.16± acre site is undeveloped and zoned in the R, Rural and L-AR-12, Limited Apartment Residential Districts. The applicant is requesting a CPD, Commercial Planned Development District, to permit unspecified commercial uses. The site is located within the boundaries of the *Rocky Fork-Blacklick Accord* (2003), which recommends commercial land use for the site. The Rocky-Fork Implementation Panel has recommended approval of this request. The CPD text commits to use restrictions and development standards including maximum lot coverage, setbacks, street trees, parking lot trees, landscaping, and lighting controls, 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:

5181 WARNER ROAD (43081), being 4.16± acres located on the south side of Warner Road, 340± feet west of Hamilton Road, and being more particularly described as follows:

**4.158 Acre Description
for Zoning Purposes**

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Section 3, Township 2, Range 16, United States Military Lands and being all of the 1.795 Acre, 1.951 Acre tract and a triangular tract conveyed to William L. Willis, Jr., Trustee (Inst. No. 200507140139086, 200507140139088, and 200507140139087 respectively) and part of original 33.918 Acre tract conveyed to Cardinal Title Holding Company (ORV 12417606) and being more particularly described as follows:

Commencing at the centerline intersection of N. Hamilton Road and Warner Road;

Thence, along the centerline of said Warner Road, North 86° 17' 30" West, 359.55 feet to the northeast corner of a 0.156 Acre tract conveyed to the City of Columbus (Inst. No. 200204040085095);

Thence, along the east line of said 0.156 Acre tract, South 1° 02' 58" West, 40.04 feet to the southeast corner of said 0.156 Acre tract, the northeast corner of said 1.795 Acre tract and being the **TRUE POINT OF BEGINNING**:

Thence, along the east line of said 1.795 Acre tract, South 1° 02' 58" West, 460.46 feet to the southeast corner of said 1.795 Acre tract;

Thence, along the south line of said 1.795 Acre tract and along part of the south line of said 1.951 Acre tract, along a north line of said original 33.918 Acre tract, North 86° 17' 30" West, 241.15 feet to a point;

Thence, across said original 33.918 Acre tract, the following three (3) courses:

- 1) South 3° 42' 30" West, 141.10' to a point;
- 2) North 83° 10' 48" West, 113.63' to a point;
- 3) North 9° 57' 37" East, 135.74' to a point at the southwest corner of said 1.951 Acre tract, the southernmost point of said triangular tract;

Thence, along the west line of said triangular tract, North 00° 29' 20" West, 501.30 feet to a point at the northwest corner of said triangular tract, also being the north line of said Warner Road;

Thence, along the north line of said triangular tract and the north line of said 1.951 Acre tract, along the centerline of said Warner Road, South 86° 17' 30" East, 183.30 feet to the northeast corner of said 1.951 Acre tract, the northwest corner of said 0.156 Acre tract;

Thence, along part of the east line of said 1.951 Acre tract, the west line of said 0.156 Acre tract, South 1° 02' 58" West, 40.04 feet to the southwest corner of said 0.156 Acre tract;

Thence, along the south line of said 0.156 Acre tract, along the north line of said 1.751 Acre tract, South 86° 17' 30" East, 170.00 feet to the place of beginning **CONTAINING 4.158 ACRES**.

The basis of bearings is the centerline of Warner Road held as South 86° 17' 30" East per Inst. No. 200204040085095. This description is for Zoning Purposes ONLY and is based from records only.

Myers Surveying Company, Inc.

Joseph P. Myers, P.S.

To Rezone From: R, Rural District and L-AR-12, Limited Apartment Residential 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, "**SITE PLAN**," and "**LANDSCAPE PLAN**" both signed by Jill Tangeman, attorney for the Applicant, and dated April 2, 2007; and text titled, "**DEVELOPMENT TEXT**," signed by Jill Tangeman, attorney for the Applicant, and dated October 11, 2006, and the text reading as follows:

DEVELOPMENT TEXT

CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT

4.158 +/- ACRES

EXISTING DISTRICTS:	R, Rural and L-AR-12, Limited Apartment Residential
PROPOSED DISTRICT:	CPD, Commercial Planned Development District
PROPERTY ADDRESS:	5181 Warner Road, Columbus, OH 43235
OWNER:	William T. Willis, Jr., Tr.
APPLICANT:	William T. Willis, Jr., Tr.
ATTORNEY FOR APPLICANT:	Jill S. Tangeman, Esq. Vorys, Sater, Seymour & Pease 52 East Gay Street Columbus, Ohio 43216 Phone: 614-464-5608 Email: jstangeman@vssp.com

DATE OF TEXT: April 27, 2007

APPLICATION NUMBER: Z05-082

INTRODUCTION:

The subject property ("Site") is 4.158 ± acres located on the south side of Warner Road, west of Hamilton Road. The site is in the Rocky Fork Blacklick Accord Planning area. The proposal is consistent with the recommendations of the Rocky Fork Blacklick Accord. Development shall be in accordance with the Plan attached hereto.

1. PERMITTED USES: All uses permitted in Columbus City Code Chapter 3356, C-4, Commercial District, except: Armored car service garage, Auctioneers auditorium Billboards, Cabaret, Drive-in theater, Electric Substation, public parking, motor bus terminal, Off-premise Graphics, other than as permitted by the Graphics Commission, Private Clubs, Outdoor amphitheater.

2. DEVELOPMENT STANDARDS: The applicable development standards shall be as specified in Chapter 3356, C-4, Commercial District, except as specifically set forth herein.

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

1. The minimum building setback along Warner Road shall be 75 feet.
2. The minimum parking setback along Warner Road shall be 10 feet.
3. The minimum building and pavement setback along the west property line shall be 10 feet as long as the adjacent property to the

west is zoned or used for residential purposes.

4. Lot Coverage for Building and Pavement shall not exceed seventy (70%) percent.
5. The proposed building shall not exceed 26,448 square feet.

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

1. Curb cuts shall be approved by the City of Columbus Transportation Division, but shall include one (1) full access curbcut on Warner Road.
2. Code required parking may be reduced with the administrative approval of the Division of Transportation upon submission of appropriate and applicable data regarding shared parking or other demonstration of parking needs being less than calculated code required parking.
3. Right-of-way will be dedicated to provide for 40 feet from center per the Thoroughfare Plan.
4. The first parking lot aisle off the eastern joint access drive shall be no closer than 95 feet from the front property line.

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

1. The parking setback along Warner Road shall include tree and shrub planting at a rate of four (4) trees and four (4) shrubs per 100 lineal feet of frontage. Trees shall be placed randomly to stimulate natural hedgerows. The trees are in addition to those required in C.2 below. The Applicant retains the right to place some of these trees in vehicular use areas of the sub-area to achieve the seventy (70%) percent lot coverage requirement of the Accord.
2. A street tree row shall be established along Warner Road. The street tree row shall require trees at the rate of one (1) tree for every 30 feet of lineal frontage. Trees may be planted in a natural hedgerow manner or straight line and may include grouping of trees. Such trees shall be those specified in the Columbus Street Tree Program guidelines from the City Forester. The trees shall be planted in the right of way, subject to approval of the City Forester and Public Service Department, or otherwise shall be planted adjacent to the right-of-way.
3. All parking areas adjacent to Warner Road shall have headlight-screening parallel to the frontage, with a minimum height of 36 inches measured from the elevation of the nearest section of the adjacent parking area. Said headlight screening shall be in the form of an evergreen hedge, earth mounding or wall. The height of headlight screening may be reduced as needed adjacent to curb cuts or to provide adequate vision clearance.
4. A minimum of one (1) tree shall be planted for every ten (10) parking spaces. Trees required by this section shall be integrated into parking areas in landscaping islands a minimum of five (5) feet wide.
5. Within the west ten (10) foot setback, trees will be preserved to the extent possible; **as reflected in submitted landscape plan.** In addition, a five (5) foot fence or wall with a minimum 75% opacity shall be provided, in addition to columnar evergreen plant material, such as Arborvitae, planted 3 - 5 feet on center, as recommended by a landscape architect and being a minimum height of 3 feet at planting. The fence and columnar plant material shall start at the same point as the actual setback of the building from Warner Road and extend south along the west property line to the south line of the rezoning area. Within the ten (10) foot west setback north of the building setback, evergreen plant material, approximately 30 inches tall at planting, shall be placed and shall extend north within the setback to a point ten (10) feet south of the south Warner Road right of way line.
6. All trees and landscaping shall be well maintained. Weather permitting, dead items shall be replaced within six months.
7. The minimum size of trees at the time of planting shall be as follows: Deciduous - 2 1/2 inch caliper; Ornamental - 1 1/2 inch caliper; Evergreen - 6 feet in height.
8. Mounding, if used, shall have a maximum slope of 3:1.

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

1. There shall be no roof-mounted mechanical equipment or utility hardware unless said mechanicals are screened by decorative cornices. 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.
2. Building illumination shall be permitted, provided such light source is concealed. No colored light shall be used to light the exterior of any building.
3. Building materials shall be traditional and natural in appearance, such as wood, brick, stone, stucco, EIFS and/or glass. Vinyl and other materials are permitted as long as they are natural in appearance. Vinyl siding shall be limited to an upgraded quality and a thickness of .044 mils or greater. A minimum of 50% of the exterior of any building, exclusive of windows, doors, roof, soffit and similar or comparable areas, shall be finished with wood or masonry building materials, such as brick, stone, EIFS, and/or stucco or comparable materials.
4. The primary roof of all buildings shall be pitched or sloped with a minimum slope of 6:12 or, if flat, shall have decorative cornices or the appearance of a sloped roof on all four (4) sides of the building. If shingles are used for roofing, they shall be dimensional shingles.
5. Buildings shall be finished on all sides/elevations with the same or similar level and quality of finish.
6. As shown on the submitted site plan, the building shall be 'L'-shaped to help screen the rear service area and the length of the building shall be oriented in a north/south direction on the site. The building shall be located approximately parallel to the west property line. The Warner Road frontage of the building shall be a commercial tenant space and shall be designed with windows and a pedestrian entrance. Other commercial tenant spaces will also be located on and accessed from the east side of the building.

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

1. All parking lot lighting fixtures shall be fully shielded cut-off fixtures (down lighting) or decorative lantern or luminaire-style fixtures.
2. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to insure aesthetic compatibility.
3. Except for decorative lighting, all other light poles shall be metal or fiberglass and such light poles shall be of the same color. Light poles in the parking lots shall not exceed a maximum of 18 feet within 100 feet of the west property line and a maximum of 20 feet where located farther than 100 feet from the west property line. No parking lot light pole shall be located within thirty (30) feet of the west property line.
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 off-site light spillage.
5. Ground mounted lighting is permitted but the source of light shall be screened to prevent glare.
6. All new or relocated utility lines shall be installed underground, unless a public utility does not permit underground installation in a particular location or instance.
7. All lighting shall be positioned as to not be directed toward any residential area.

F. Graphics and Signage Commitments.

1. All graphics shall conform to Article 15 of the Columbus City Code, as it applies to the C-4 Commercial District. Any variance to the applicable requirements of the C-4 district shall be submitted to the Columbus Graphics Commission.
2. All ground-mounted signage shall be monument-style, except for incidental on-premise mounted directional signs, if any. This provision shall not preclude incorporation of signage into entrance features or mounting of signage on entrance feature walls or fencing.

G. Miscellaneous.

1. Bicycle parking will be provided.

H. Modifications.

1. 3342.15, Maneuvering. On-site maneuvering area for parking spaces may be reduced due to property lines, but total code required maneuvering shall be provided by easement on adjacent property.
2. 3342.28, Minimum number of Parking Spaces Provided, may be administratively reduced by the Division of Transportation upon submission of appropriate and applicable data regarding shared parking or other demonstration of parking needs being less than calculated code required parking.

I. Other CPD Requirements

1. Natural Environment: The natural environment of the site is flat.
2. Existing Land Use: The property has recently been annexed and is developed with a single family dwelling that will be razed.
3. Circulation: Access to and from the site will be via Warner Road and also internal access between adjacent commercially zoned property to the south and east.
4. Visual Form of the Environment: The area surrounding the site is zoned for commercial use to the north, east and south. Property under development for condominiums is located to the west.
5. Visibility: The site is visible from Warner Road.
6. Proposed Development: Commercial development.
7. Behavior Patterns: Vehicular access from Warner Road and internal circulation with adjacent commercial property.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

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.~~