



# City of Columbus

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

## Legislation Text

---

**File #:** 0965-2005, **Version:** 1

---

**REZONING APPLICATION:** Z05-018

**APPLICANT:** The Kroger Company; c/o David Perry, Agent; 145 East Rich Street; Columbus, OH 43215.

**PROPOSED USE:** Commercial uses, including fuel center and carwash.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant's request for the CPD, Commercial Planned Development District to develop a fuel center and carwash is consistent with the surrounding development pattern. The CPD text includes development standards that address site access and design, operation of the carwash, lighting restrictions, outside speakers, buffering and landscaping along Forest Hills Boulevard, and requires substantial compliance with the registered CPD site plan for the fuel center.

To rezone **5601 FOREST HILLS BOULEVARD (43231)**, being 1.03± acres located on the west side of Forest Hills Boulevard, 560± feet north of East Dublin-Granville Road, **From:** C-4, Commercial District, **To:** CPD, Commercial Planned Development District (Z05-018).

**WHEREAS**, application #Z05-018 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.03± acres from C-4, Commercial 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 the applicant's request for the CPD, Commercial Planned Development District because the proposed convenience retail store with a fuel center and carwash is consistent with the surrounding zoning and development pattern. The CPD text includes development standards that address site access and design, operation of the carwash, lighting restrictions, outside speakers, buffering and landscaping along Forest Hills Boulevard, and requires substantial compliance with the registered CPD site plan for the fuel center; 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:

**5601 FOREST HILLS BOULEVARD (43231)**, being 1.03± acres located on the west side of Forest Hills Boulevard, 560± feet north of East Dublin-Granville Road, and being more particularly described as follows:

**1.03± ACRE LEGAL DESCRIPTION FOR 5601 FOREST HILLS BOULEVARD, COLUMBUS, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Quarter Township 3, Township 2, Range 17, United States Military Lands, being also part of a 58.1353 acre tract as conveyed to Columbus Mall, Inc. by deed of record in Deed Book 3735, Page 427, Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning at an iron pin in the westerly right-of-way line of Forest Hills Boulevard, said iron pin also being a southeasterly corner of

the said 58.1353 acre tract and the northeasterly corner of a 2.5017 acre tract conveyed to Lawrence D. Stanley by deed of record in Deed Book 3690, Page 89, Recorder's Office, Franklin County, Ohio;  
Thence N 01° 01' 21" W, along the westerly line of Forest Hills Boulevard, 25.52 ft. to the True Place of Beginning;

Thence N 88° 22' 0" W, 224.42 ft. to a point;

Thence N 00° 28' 33" W, 199.71 ft. to a point;

Thence N 89° 22' 00" E, 224.42 ft. to a point in the westerly right-of-way line of Forest Hills Boulevard;

Thence along the westerly line of Forest Hills Boulevard with a curve to the left, said curve having a radius of 380.00 ft. and a delta angle of 05° 44' 32", the chord of said curve being S 01° 50' 55" W. 38.07 ft. to a point of tangent;

Thence S 01° 01' 21" E, continuing along the westerly line of Forest Hills Boulevard, 161.69 ft. to the True Point of Beginning, containing 1.03 acre, more or less.

**To Rezone From:** C-4, Commercial 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 text titled, "**CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT (1.03 ± ACRES)**," and CPD site plan titled, "**SITE PLAN**," both signed on May 17, 2005 by David Perry, agent for the applicant, and Donald Plank, attorney for the applicant, the text reading as follows:

**CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT (1.03 ± ACRES)**

**EXISTING DISTRICT:** C-4, Commercial

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

**PROPERTY ADDRESS:** 5601 Forest Hills Boulevard, Columbus, OH

**OWNERS:** Westerville Square, Inc., c/o Dave Perry, Agent for Property Owner, The David Perry Co., 145 East Rich Street, Columbus, OH 43215 and Donald Plank, Esq., Attorney for Property Owner, Plank & Brahm 145 East Rich Street, Columbus, OH 43215

**APPLICANT:** Kroger Co. c/o Dave Perry, Agent for Applicant, The David Perry Co., 145 East Rich Street, Columbus, OH 43215 and Donald Plank, Esq., Plank & Brahm, 145 East Rich Street Columbus, OH 43215.

**DATE OF TEXT:** May 17, 2005

**APPLICATION NUMBER:** Z05-018

**INTRODUCTION:**

The site is 1.03± acres located on the west side of Forest Hills Boulevard, 560± feet north of East Dublin-Granville Road (SR 161). The site is part of the 50 acre Columbus Square Shopping Center, which is zoned C-4, Commercial. Applicant proposes to rezone the 1.03 +/- acres to permit retail motor vehicle fuel sales and a car wash. The area of the rezoning is partially undeveloped and partially existing shopping center parking. However, the parking to be removed for the fuel center is not code required parking. The plan titled "Site Plan", dated 05/17/05, hereinafter referred to as "The Plan", is submitted with this application and is hereby incorporated by reference as the development plan for the fuel use, subject to final engineering and design, and as the concept plan for the car wash

area, subject to the car wash being either a single or two bay automatic wash, if developed. If a car wash is not developed, the car wash area may continue to be used for surface parking, in whole or part, or may be developed with a C-4, Commercial Use.

1. **PERMITTED USES:** The following uses shall be permitted:

a) All uses of Section 3356.03, C-4, Permitted Uses.

b) Motor vehicle fuel sales with convenience retail sales and/or a car wash. Car wash use shall be limited to either a single or double bay automatic car wash and the car wash shall be located west of the fuel use. The car wash must be developed at the same time as the fuel or after the fuel use already exists. The car wash cannot be developed prior to the fuel use.

2. **DEVELOPMENT STANDARDS:** Except as specified herein and as represented on The Plan, the applicable development standards shall be as specified in the C-4, Commercial District.

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

1. Setbacks and location of the gas pump canopy, fuel pump islands and attendant's kiosk shall be as depicted on The Plan, subject to minor adjustment with final site engineering. The canopy and kiosk setback from Forest Hills Boulevard shall be a minimum of 50 feet. The car wash shall be located west of the gas canopy and may be either a single bay or 2 bay car wash.

2. The site shall be designated a H-35 Height District, but the gas station canopy shall not exceed eighteen (18) feet, six (6) inches above grade to the top of the canopy.

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

1. External vehicular access points and external vehicular circulation patterns are depicted on The Plan for the site and are applicable if the site is developed with motor vehicle fuel sales, with or without a car wash, subject to review and approval by the Division of Transportation in conjunction with a Certificate of Zoning Clearance.

2. The fuel center/car wash shall not have direct vehicular access to Forest Hills Boulevard.

3. Ingress and egress along the north, west and south property lines is subject to change with final design of the car wash, subject to approval of the Division of Transportation.

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

1. Street trees shall be planted in the Forest Hills parking setback at approximately 40 feet on center with four (4) trees as illustrated on the Plan. Headlight screening to a minimum height of 30 inches shall be provided in the Forest Hills parking setback. Headlight screening shall include mounding with a minimum height of 30 inches, tapered at the north and south ends as needed to maintain adequate sight distance, and shall additionally include tree planting of eleven (11) evergreen trees located generally as depicted on The Plan.

2. All trees and landscaping shall be well maintained. Weather permitting, dead items shall be replaced within three (3) months.

3. The minimum size of plant material at the time of planting shall be as follows: Deciduous - 2 ½ inch caliper, Ornamental - 1 ½ inch caliper, Evergreen - 5 to 6 feet tall. The minimum size of shrubs shall be 2 gallon. Caliper shall be measured 6" above grade.

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

1. The fuel station attendant's kiosk shall not exceed 120 square feet in area, unless a bathroom is provided within the kiosk, in which case the kiosk may exceed 120 square feet to provide a bathroom.

2. Exterior building materials of the fuel station attendant's kiosk shall be brick or materials having the appearance of brick, other than glass, window framing materials and the door for access to the kiosk.

3. See Section I.5. for car wash design standards.

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

1. All parking lot or ground mounted lighting shall use fully shielded cut-off fixtures (down lighting), except there may be ground mounted accent lighting (up lighting) provided the fixtures are screened with landscaping to prevent glare.
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 parking lot light poles shall substantially match the existing light poles in the shopping center. Parking lot light poles shall not exceed the height of the existing light poles in the shopping center. If any new parking lot light poles are installed, applicant shall provide the height of existing parking lot light poles on the site plan for Certificate of Zoning Clearance to document that any proposed parking lot lighting does not exceed the height of existing parking lot lighting. No new parking lot light pole located within 100 feet of the east property line shall exceed 18 feet in height.
4. Building mounted area lighting within the site shall utilize fully shielded cut-off style fixtures and be designed in such a way to minimize any offsite light spillage.
5. All new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.
6. Canopy lighting over gasoline pump islands shall be fully recessed in the canopy.
7. Outdoor product display shall be limited to a five (5) foot perimeter around the attendant's kiosk. Outside product display shall not exceed a height of three (3) feet, except for vending machines, which may also be located in the five (5) foot perimeter area. There shall be no outside storage.

**F. Graphics and Signage Commitments.**

1. All graphics shall conform to Article 15 of the Columbus City Code, as it applies to the C-5, Commercial District for the fuel center or car wash development. Graphics for a C-4 use 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-5 or C-4 District, as applicable, shall be submitted to the Columbus Graphics Commission.
  - a. Any ground sign for the fuel and/or car wash use shall be monument-style.
  - b. The monument-style sign shall not exceed eight (8) feet in height.

**G. Other CPD Requirements**

1. Natural Environment: The natural environment of the site is flat and is part of the existing shopping center.
2. Existing Land Use: The property is presently part of an existing large shopping center.
3. Circulation: Access to and from the site will be via existing curbcuts for the shopping center as long as the site is developed for the sale of motor vehicle fuels with or without a car wash.
4. Visual Form of the Environment: The area surrounding the site is zoned and developed with commercial uses to the north, west and south. Forest Hills Boulevard abuts the site to the east.
5. Visibility: Forest Hills Boulevard is a collector right of way and is one of several primary access points to the shopping center.
6. Proposed Development: Commercial development consisting of motor vehicle fuel sales, and attendant's building, convenience retail sales and car wash.
7. Behavior Patterns: For C-5 uses permitted by this ordinance, the site will be accessed from existing shopping center curb-cuts and also by internal circulation within the shopping center.
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.

#### **H. Deviation from C-4 Standards.**

1. Section 3342.28(5). Code required parking for the fuel center is reduced from 2 spaces to 0. Large areas of parking in the shopping center are adjacent to the fuel area.
2. Section 3342.15. The rezoning site may be split from the balance of the shopping center. If it is split and if the parking along the north zoning line remains, i.e. if or until a car wash is developed, the parking spaces will maneuver across the property line established by the split. Maneuvering area would occur across the property line and would be provided for by easement.
3. Section 3342.07. No exclusive by-pass lane shall be required for a car wash. Car wash stacking shall be designed with a minimum of one (1) point of exit from the stacking lane, as illustratively depicted on the two (2) bay car wash plan.

#### **I. Miscellaneous**

1. The hours of operation for the fuel station shall be limited to 6AM to 12 midnight, seven (7) days a week.
2. There shall be no dumpster located within the area rezoned by this rezoning application. All refuse disposal will be coordinated with dumpsters and/or compactors at the shopping center.
3. Exterior speakers for either the fuel station or car wash uses shall be used only for normal business use and at a volume that minimizes perception of the speakers off-site of the Columbus Square Shopping center.
4. There is existing non-code required parking within the area being rezoned. The existing parking may be removed in whole or in part.
5. Additional Car Wash Standards:
  - a. The car wash building shall be oriented north/south with vehicle entry from the north and vehicle exit from the south end of the car wash bay(s).
  - b. All drying equipment shall be located within and inside of the car wash building.
  - c. The exterior building materials of the car wash building shall be traditional and natural in appearance and shall consist of wood, brick, stone, stucco, EIFS and/or split face block. Vinyl siding is permitted but shall be limited to an upgraded quality and thickness of 0.044 mils or greater.
  - d. The primary roof shall be pitched or sloped with a minimum slope of 6:12. If shingles are used for roofing, they shall be dimensional shingles. Mansard roof fronts with a flat roof not visible from Forest Hills Boulevard shall also be permitted.
  - e. Landscaping island(s) shall be designed and placed on the site to discourage vehicles from crossing the car wash stacking lane area to enter/exit the fuel area, such as the north/south island depicted on the two bay car wash site plan.
  - f. The hours of operation of the car wash, if any, shall be limited to 7AM - 9PM, seven (7) days a week.
  - g. A car wash, if developed, must be located west of the fuel center.
6. The Board of Zoning Adjustment shall be the body to hear any and all variance requests to site development standards, unless included in a council variance application, including any and all specific site development standards contained in this ordinance, other than as may be under the jurisdiction of the Columbus Graphics Commission.
7. The CPD area may be split, in whole or in part, from the shopping center to establish a separate parcel. If split, all applicable easements shall be granted between the split parcel and the residual shopping center parcel to provide common vehicular and pedestrian circulation and common use of the shopping center parking.
8. The plan titled "Site Plan" dated 05/17/05, hereinafter referred to as "The Plan", is submitted with this application and is hereby

incorporated by reference as the development plan, in conjunction with this Text, for the fuel area of the site. The Plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Development or his/her designee upon submission of the appropriate data regarding the proposed adjustment. The two bay automatic car wash plan is illustrative of a two bay automatic car wash. A single bay car wash may also be developed, at developer's discretion. The area west of the fuel center may also be left as parking or developed with C-4, Commercial uses, subject to applicable C-4 requirements. The Plan, as applicable to the fuel use, is only applicable to site development if the site is developed with the fuel use. Depiction of a portion of the shopping center outside the fuel center area on the referenced drawing does not create any condition or restriction on property outside the area being rezoned.

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