



City of Columbus

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

Legislation Text

File #: 0946-2007, Version: 1

Rezoning Application # Z06-086

APPLICANT: H & G, LLC; c/o Jeffrey L. Brown and David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Retail commercial development and retail filling station with convenience store.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on April 12, 2007.

WESTLAND AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant requests the CPD, Commercial Planned Development District to modify the current CPD Plan and to allow additional permitted uses. The requested CPD District is consistent with recommendations of the *Westland Area Plan* (1991) that this site be developed as a village center. It includes design elements such as buffering, landscaping, screening, building treatment/materials, outdoor display, and lighting and graphics controls that are compatible with the commercial development located to the east across Galloway Road.

To rezone **6151 HALL ROAD (43119)**, being 9.4± acres located at the southwest corner of Hall and Galloway Roads, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning # Z06-086).

WHEREAS, application #Z06-086 is on file with the Building Services Division of the Department of Development requesting rezoning of 9.4± acres from 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 Westland Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD District is consistent with recommendations of the *Westland Area Plan* (1991) that this site be developed as a village center. It includes design elements such as buffering, landscaping, screening, building treatment/materials, outdoor display, and lighting and graphics controls that are compatible with the commercial development located to the east across Galloway Road, 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:

6151 HALL ROAD (43119), being 9.4± acres located at the southwest corner of Hall and Galloway Roads, and being more particularly described as follows:

SITUATED in the City of Columbus, County of Franklin, State of Ohio, and in the Virginia Military Survey No. 1473 and being a part of a 50 acre tract conveyed to Elizabeth Wirth and Margaret Worthington by Certificate of Transfer in Deed Book 3412 pg. 685, Franklin County Deed Records.

All records referred to are recorded in the Franklin County Recorders Office. All iron pins set are 5/8 rebars w/ caps. The basis of

bearings for this survey is a north line of the said 50 acre tract, being the line from Franklin County Engineers (F.C.E.) monument 2249 and F.C.E. monument 2250 as being South 86 degrees 25 minutes 55 seconds East, as shown in the warranty deed 4.7749 acre to the Franklin County Commissioners, recorded in OR 25166 H-04 for the purpose of re-routing Galloway Rd. (County Rd. 141, 40 feet wide).

BEGINNING at F.C.E. monument 2249 at the intersection of Hall Rd. (County Rd. 125, 30 feet wide) and old Galloway Rd. south, said monument being the north west corner of tile said 50 acre tract and on the north line of V.M.S. 1473 and the south line of V.M.S. 5742

THENCE South 3 degrees 20 minutes 39 seconds West, a distance of 40.00 feet along the centerline of the said old Galloway Rd. and the west line of the said 50 acre tract, to a set mine spike, being the TRUE place of beginning for this tract.

THENCE crossing the said 50 acre tract, following the north and west new right of way lines of the said 4.7749 acre tract and as shown on the plans for the re-routing of Galloway Rd., pages 6-9, 11-13, the following nine (9) courses and distances.

South 86 degrees 25 minutes 55 seconds East a distance of 189.38 feet to a iron pin set;

South 83 degrees 34 minutes 09 seconds East, a distance of 500.63 feet to a iron pin set;

South 12 degrees 00 minutes 57 seconds West, a distance of 252.28 feet to a iron pin set;

South 29 degrees 39 minutes 59 seconds West, a distance of 186.23 feet to a iron pin set;

South 47 degrees 20 minutes 44 seconds West, a distance of 141.87 feet to a iron pin set;

South 58 degrees 24 minutes 46 seconds West, a distance of 248.77 feet a a iron pin set;

South 51 degrees 16 minutes 02 seconds West, a distance of 211.99 feet to a iron pin set;

North 47 degrees 18 minutes 54 seconds West, a distance of 114.84 feet to a iron pin set;

North 86 degrees 39 minutes 21 seconds West, a distance of 20.00 feet to a iron pin set in the centerline of Old Galloway Rd. and the west line of the said 50 acre tract.

THENCE North 3 degrees 20 minutes 39 seconds East, along the centerline of Old Galloway Rd. and the west line of the said 50 acre tract, a distance of 757.77 feet to the PLACE OF BEGINNING containing 9.3728 acres, more or less, according to a survey made in March 1994 by Paul K Moore and Associates.

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, "**CPD PLAN**," "**LOT # 2 REZONING PLAN**," "**LOT # 2 LANDSCAPE PLAN**," and "**LOT # 2 ELEVATIONS**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," all signed by David L. Hodge, Attorney for the Applicant, dated June 5, 2007, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD

PROPERTY ADDRESS: 6151 Hall Road
OWNER: H & G, LLC
APPLICANT: H & G, LLC
DATE OF TEXT: 6/5/07
APPLICATION NUMBER: Z06 -086

1. INTRODUCTION: The site is located at the southwest corner of Hall Road and relocated Galloway Road. The site was rezoned in 2003 for commercial development. The application updates the permitted uses and development standards as well as modifies the submitted site plan.

2. PERMITTED USES: Those uses permitted under Section 3356.03, C-4 Commercial of the Columbus City Code plus convenience store with gasoline sales, with the following exclusions:

Animal Shelter
Armored car, investigation, guard and security services
Automotive sales, leasing and rental
Astrology, fortune telling and palm reading
Blood and organ banks
Cabarets and nightclubs
Check cashing and loans
Community food pantry
Crematory
Display advertising
Drive-in motion picture theaters
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: Unless otherwise indicated in the written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial of the Columbus City Code.

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

1. Parking setback from Hall Road and Galloway Road shall be ten (10') feet.
2. Building setback from Hall Road and Galloway Road shall be fifty (50') feet except for out lots along Hall Road and Galloway Road where the building setback shall be twenty-five (25') feet.
3. Building and parking setback shall be thirty (30') feet and ten (10') feet respectively from the west and south property lines.

B. Access, Loading, Parking and/or other Traffic related commitments.

1. If requested by COTA, the developer shall provide an internal bus stop on the site.
2. The developer shall dedicate a total of forty (40') feet from the centerline of Hall Road as right-of-way.
3. At the time of development of the shopping center the developer shall widen Hall Road to a three-lane section from Galloway Road to the third curb cut to the site west of Galloway Road, with the appropriate return taper extending to the west of this curb cut.
4. At the time of development of the shopping center the developer shall widen Galloway Road to a three-lane section from Hall Road to the southernmost curb cut on Galloway Road, with the appropriate transition back to two lanes to the south.
5. With the development of any out lot, Hall Road shall be widened west from Galloway Road to a taper west of the easternmost curb

cut, and Galloway Road shall be widened south from Hall Road to a taper south of the northernmost curb cut.

6. The easternmost curb cut onto Hall Road shall be restricted to right-in / right-out only.

7. The developer shall install a southbound right turn lane into the northernmost drive on Galloway Road.

C. Buffering, Landscaping, Open space and/or Screening commitments.

1. Within the setback areas along Hall Road and Galloway Road, a white horse fence, a three (3') foot average height continuous planting hedge, or earth mound, in any combination thereof, shall be installed as well as four (4') trees per one hundred (100') feet of frontage thereof. The height of the screening material shall be measured from the adjacent parking lot pavement. Trees do not have to be equally spaced, but may be grouped. The area fifty (50') feet from the corner of Galloway and Hall Road shall not adhere to this requirement but shall consist of any of the following:

- a. Water feature not less than 10 sq. ft.
- b. Outdoor seating not less than 100 sq. ft.
- c. Landscaping not less than 100 sq. ft.

2. Within the setback areas along the south property lines, one tree per thirty (30') linear feet shall be installed.

3. Within the setback area along the west property line, the developer shall install a minimum four (4') feet high earth mound and two (2) rows of alternating evergreens fifteen (15') feet on center. The mounding and the evergreens shall be split between the developer's property and the churches property zoned to the west provided that the church grants the necessary easement to install said landscaping. The failure of the church to grant said easement shall eliminate the landscaping requirement and the developer shall meet the landscape requirement contained in section 3342.17 of the Columbus City Code.

4. A five (5') foot wide landscape strip shall be established between the side parcel lines of the out lots along Hall Road and Galloway Road. The strip may be all on one parcel or split between the parcels.

5. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months with landscape materials per the original requirements.

6. One tree shall be planted for every ten (10) parking spaces.

7. Minimum tree sizes at installation: deciduous trees, 2 1/2 inch caliper; ornamental trees 1 1/2 inch caliper; evergreen, five (5') feet in height.

D. Building design and/or Interior-Exterior treatment commitments.

1. Building Design

a. Shopping Center

The front elevation, any building façade facing a public right-of-way, and at least fifty (50%) percent of the area of the side elevations shall be finished in brick or jumbo brick. The rear of the center and the balance of the side elevations shall be finished with decorative split face block, (the color of which is in the same hue as the brick on the front of the center) which shall have three horizontal bands of dark color decorative block beginning at grade and ending at the top of the building.

b. Out Lots

i. Any out lot building shall be finished on all sides with brick or jumbo brick.

ii. The convenience store shall be constructed in accordance with the building elevation attached hereto, any slight adjustment to said building elevation is subject to review and approval by the Director of the Department of Development or his designee upon submission of the appropriate information regarding the proposed adjustment.

2. Any mechanical equipment on the roof of a building shall be screened from view to prevent the equipment from being visible from

the property line of the parcel.

E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. All non-decorative lighting shall be down lighting (cut off fixtures).
2. All external outdoor lighting fixtures within a given area shall be from the same or similar manufacturer's type to ensure aesthetic compatibility.
3. Parking lot light poles shall not exceed eighteen (18') feet in height, except within one hundred (100') feet of the proposed residential ground where the maximum height shall be fourteen (14') feet.
4. In parking lots, lights shall be placed in raised islands or medians to protect both lights and vehicles from damage.
5. Wiring within the development shall be underground, unless otherwise required by a utility company.
6. Dumpster shall be screened on four sides for a height of six (6') feet. Dumpsters shall be gated and gates shall be closed when not in use, and kept in good working order.
7. All dumpster areas will be illuminated.
8. The developer shall install sidewalks along its frontage on both Hall Road and Galloway Road.
9. Mechanicals on the top of the shopping center shall be screened from view along Galloway Road and Hall Road to the height of the equipment.
10. Outdoor display and/or sales shall be limited as follows:
 - a. On an internal sidewalk, and at the ends of fuel pump islands only if depicted on the zoning clearance site plan, and the maximum footprint of displays at the end of fuel islands shall be four (4) feet by four (4) feet.
 - b. No payphone or vending machines except for ice machine(s) and propane tank exchange shall be permitted outside the building.
 - c. The outdoor display areas shall contain only auto-related items.

F. Graphics and Signage commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4 Commercial District and any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous commitments:

1. The developer shall comply with the parkland dedication ordinance by donating \$400/acre to the Recreation and Parks Department.
2. No music shall be played on outside speakers.
3. CPD Criteria.
 - a) NATURAL ENVIRONMENT The site is an existing farm field.
 - b) EXISTING LAND USES To the north farming; to the east shopping center; to the west church and to the south office.
 - c) TRANSPORTATION AND CIRCULATION Access to the site shall be via Hall Road, Galloway Road and a service road off of Galloway.

- d) VISUAL FORM OF THE DEVELOPMENT The text addresses architectural requirements.
- e) VIEW AND VISIBILITY In the development of the subject property and the location of the buildings and access points consideration has been given to the visibility and safety of the motorists and pedestrians.
- f) PROPOSED DEVELOPMENT Commercial as permitted under this text.
- g) EMISSIONS No adverse affects from emissions shall result from the proposed development.
- h) BEHAVIOR PATTERNS The proposed development would serve the growing Columbus residential population. New shopping patterns will be created with this development.

4. Site Plan

The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and 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 designee upon submission of the appropriate data regarding the proposed adjustment.

5. Abandonment: The retail filling station use shall be considered abandoned if it has ceased operations or is closed to the public for a minimum of 6 months in any 12 month period. The owner or lessee of the retail filling station and/or related structures shall, within seven (7) days of the beginning of the closure period referred to herein:

- a. Install wheel blocks, firmly attached, across the driveway entrance to the fuel area to prohibit unauthorized vehicle parking or abandonment of motor vehicles.
- b. Shall remove all signs and pumps
- c. Shall board up all windows, doors and entrances to prevent the breakage of glass and the unauthorized entrance therein.
- d. Take appropriate action as required by the City of Columbus Fire Code to treat abandoned underground tanks.
- e. Shall during the closure period cut all grass, remove all rubbish and weeds and continue maintenance as may be necessary to prevent the building or structure from deteriorating into a state of disrepair.

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