



City of Columbus

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

Legislation Text

File #: 1843-2010, **Version:** 1

Rezoning Application Z10-014

APPLICANT: The Church at Polaris; c/o Jill Tangeman, Atty; 52 East Gay Street; Columbus, OH 43215.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (7-0) on November 11, 2010.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently zoned R, Rural District. The requested L-C-4, Limited Commercial District would permit commercial development with appropriate development standards consistent with the adjacent L-C-4 districts. The request is compatible with recommendations of *The Far North Plan* (1994) and with the zoning and development patterns in the area.

To rezone **1250 GEMINI PLACE (43240)**, being 19.4± acres located on the north side of Gemini Place, 2425± feet west of Lyra Drive, **From:** R, Rural District, **To:** L-C-4, Limited Commercial District (Rezoning # Z10-014).

WHEREAS, application #Z10-014 is on file with the Department of Building and Zoning Service requesting rezoning of 19.4± acres from R, Rural District, to L-C-4, Limited Commercial District; and

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

WHEREAS, the City Departments recommend approval of said zoning change because the site is currently zoned R, Rural District. The requested L-C-4, Limited Commercial District would permit commercial development with appropriate development standards consistent with the adjacent L-C-4 districts. The request is compatible with recommendations of *The Far North Plan* (1994) and with the zoning and development patterns in 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:

1250 GEMINI PLACE (43240), being 19.4± acres located on the north side of Gemini Place, 2425± feet west of Lyra Drive, and being more particularly described as follows:

**REZONING DESCRIPTION FOR 19.4 ACRES
SOUTH SIDE OF POWELL ROAD
EAST OF OLD STATE ROAD**

Situated in the State of Ohio, County of Delaware, City of Columbus, located in Farm Lots 14 and 15, Quarter Township 4, Township 3, Range 18, United States Military District, and being part the residuum of that original 59.353 acre tract conveyed to The Church at Polaris by deed of record in Official Record 877, Page 332, and described as follows:

Beginning at a original corner of said 59.353 acre tract, being **S 86° 43' 01" E**, with an original south line of said 59.353 acre tract, **73.75 feet** from an original corner to said 59.353 acre tract, the same being the southeast corner of "Prestwick Commons Section 2" as recorded in Plat Cabinet 2, Slide 182 and in the north line of that 10.783 acre tract conveyed to N.P. Limited Partnership of record in Official Record 513, Page 2179;

Thence across said 59.353 acre tract, the following courses;

S 86° 42' 23" E, 934.57 feet;

N 02° 59' 09" E, 967.23 feet to an original north line of said 59.353 acre tract;

Thence along the perimeter of said remainder of 59.353 acre tract, the following courses;

S 83° 29' 04" E, 159.16 feet;

N 89° 17' 19" E, 141.59 feet;

S 36° 21' 29" E, 301.82 feet;

S 02° 12' 13" W, 139.03 feet;

N 86° 38' 19" W, 20.39 feet;

S 02° 47' 08" W, 884.62 feet;

N 87° 00' 51" W, 658.38 feet;

S 02° 59' 09" W, 51.86 feet;

N 87° 00' 51" W, 19.28 feet;

S 06° 35' 45" E, 253.55 feet;

N 87° 02' 06" W, 216.93 feet;

N 06° 39' 24" W, 334.24 feet;

with a curve to the right, having a central angle of **39° 14' 14"** and a radius of **34.00 feet**, a chord bearing and chord distance of **N 16° 37' 08" W, 22.83 feet;**

N 03° 00' 14" E, 89.76 feet;

N 85° 30' 00" W, 495.55 feet;

N 03° 16' 59" E, 141.54 feet to the **Point of Beginning** and containing **19.4 acres**, more or less.

This description is for rezoning purposes and not for transfer.

All references used in this description can be found at the Recorder's Office, Delaware County, Ohio.

To Rezone From: R, Rural, District

To: L-C-4, Limited Commercial District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-C-4, Limited Commercial District on this

property.

SECTION 3. That the Director of the Building and Zoning Services be, and is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Department of Building and Zoning Services and shall register a copy of the approved L-C-4, Limited Commercial District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said text titled, "**LIMITATION OVERLAY TEXT**," and said plan titled, "**ACCESS AND TREE PRESERVATION PLAN**," all signed by Jill S. Tangeman, Attorney for the Applicant, dated January 12, 2011, and the text reading as follows:

LIMITATION OVERLAY TEXT

Zoning District: L-C-4
Property Location: 1250 Gemini Place, being 19.4+/- acres located on the south side of Powell Road and north of Gemini Parkway
Owner: The Church at Polaris
Applicant: The Church at Polaris
Date of Text: January 12, 2011
Application: Z10-014

1. Introduction: The applicant seeks to rezone 19.4 +/- acres located north of Gemini Parkway for commercial uses.

2. Permit Uses: Those uses listed in Chapter 3356.03 (C-4, Regional Scale Commercial District) of the Columbus City Code shall be permitted.

A. The following uses are excluded from this site:

1. Billboards
2. Used car lots, except used car lots used in conjunction with the sale of new cars.
3. Outside display of items with the exception of items offered for sale and accessory to a permitted use, such as hardware, lumber, or landscaping sales uses, etc.
4. Halfway House
5. Animal Shelter
6. Automobile and light truck dealers
7. Automotive accessories, parts, and tire sales
8. Automobile maintenance and repair
9. Automotive sales, leasing, and rental
10. Motorcycle, boat and other motor vehicle dealers
11. Motor vehicle accessories and parts dealers
12. Recreational vehicle dealers
13. Truck, utility trailer and RV sales, rental and leasing
14. Nightclubs
15. Video Sales
16. Single-story Motels

3. Development Standards: Except as otherwise noted above and herein, the applicable development standards of Chapter 3356 (C-4) shall apply to this site.

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

1. Building lines:

a. The building setback line shall be five (5) feet on the north and east side of the site measured from the internal edge of the Tree Preservation Zone identified on the attached exhibit labeled "Access and Tree Preservation Plan" dated January 12, 2011 signed by Jill S. Tangeman, Esq. The building setback line shall be ten (10) feet from the south and west sides of the site.

b. Notwithstanding the foregoing paragraph, no building setback shall be required from any property line that is created

within and internal to the total site and the parcel created continues to function as part of the overall site.

2. Parking setbacks:

a. The parking setback line shall be five (5) feet on the north and east sides of the site measured from the internal edge of the Tree Preservation Zone identified on the attached exhibit labeled "Access and Tree Preservation Plan". The parking setback line shall be five (5) feet from the south and west sides of the site.

3. Lot coverage for building and pavement shall be limited to 65%. Lot coverage shall be determined by the gross acreage less the Tree Preservation Zone.

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

1. If a traffic signal is warranted for the intersection of Gemini Place and the Church at Polaris access point, the developer shall contribute to the installation and maintenance of a traffic signal at the subject intersection.

2. Cross access easements shall be provided to the properties between the southern boundary of this rezoning application and Gemini Place to permit such properties to access the intersection of Gemini Place & Church at Polaris Access Point.

3. The developer shall install a double southbound left turn lane at the intersection of Gemini Place and Church at Polaris Access Point. This double southbound left turn lane shall have a minimum length of 325' and there shall be 225' of storage available in each southbound left turn lane. The installation of these southbound left turn lanes shall be aligned with existing private street on the south side of Gemini Place such that northbound left turns and southbound left turns can be made concurrently. Such improvements may include signal modifications at this intersection.

4. Upon the development of any signal design plans for the intersection of Gemini Place and Church at Polaris Access Point, the above improvements shall be considered in the design of such signal design plans.

5. A five-foot wide sidewalk shall be provided to the north and the south of the subject site to connect the residential development to the north with the commercial development to the south.

6. An eight-foot wide bike path shall be provided to connect the residential development to the north with the commercial development to the south.

7. Sidewalks from each building to parking areas shall be provided.

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

1. Screening with landscaping (or screening materials which may consist of any combination of earth mounding, landscaping, walls, and/or fences) shall be provided so as to hide trash collection areas and waste storage areas from view, to a minimum opacity of not less than seventy five percent (75%). All such landscaping shall be maintained in a good condition. All service areas shall be separated from public circulation and parking areas.

2. All heating, ventilating, air conditioning and other building mechanical systems and equipment, whether roof mounted or ground level, shall be fully screened from view from all public streets. As an exception to the foregoing, equipment requiring ventilation shall be located within architectural elements having an opacity of at least 80%. Ground level equipment may be screened by landscaping.

3. Where freestanding walls are used for screening, they shall be integrated into the building design and/or landscaping plan.

4. A Tree Preservation Zone shall be established on the north and east sides of the subject site in accordance with the attached exhibit labeled "Access and Tree Preservation Plan". The Tree Preservation Zone shall be a minimum of eighty-five feet to the north; a minimum of one hundred fifteen feet to the north east; and a minimum of ninety-five feet to the north east. All trees in the Tree Preservation Zone shall be preserved.

5. On the north and east sides of the property inside the Tree Preservation Zone, there shall be a landscape buffer of evergreen trees installed at 3 trees for every 100 linear feet of property 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 - 2.5 inch caliper; Ornamental - 1.5 inch caliper; Evergreen - 6 feet in height; Shrubs - 2 gallon.
8. Provision for handling all truck service shall be totally within each parcel. No off-street loading areas or loading docks shall be located on or along the front wall of any building, within the front yard of any parcel or nearer than fifteen (15) feet from any side or rear property line. Off-street loading areas or loading docks located on or along the side wall of any building shall in no event be located nearer than twenty-five (25) feet from the front of the building and such facilities and all activities therein shall be screened from view from all public streets with buildings or view-obscuring treatment such as landscaped mounds, a wall or fence, dense planting, strips of trees or shrubs, or a combination thereof so as to achieve a minimum height of 6' and an opacity of not less than seventy five percent (75%). All such view-obscuring measures shall be maintained in good condition and appearance by the owners of the property containing such freight loading area at all times.
9. Any freight loading area located within fifty (50) feet of a residentially zoned property used for residential purposes shall be screened from such residential property by buildings or view-obscuring treatment such as landscaped mounds, a wall or fence, dense planting, strips of trees or shrubs, or a combination thereof so as to achieve a minimum height of 6' and an opacity of not less than seventy five percent (75%). All such view-obscuring measures shall be maintained in good condition and appearance by the owner of the property containing such freight loading area at all times.
10. Each parcel shall provide minimum three (3) foot wide landscape buffer areas within the parcel and adjacent and parallel to the side property lines, except where no building setback is required, where aisles connect adjacent parking lots and where no parking setback is required. The surface of the side buffer areas shall be expressly reserved for the planting of lawns, trees or shrubs and no structures except approvable graphics), equipment of any nature (except utility equipment, which shall be either underground or fully screened) or paved areas (except driveways) shall be permitted within the side and rear buffer areas.
11. Each parcel shall provide a minimum thirty (30) foot wide landscape buffer area in the front, unless otherwise permitted in this development text, outside of but adjacent and parallel to any public street. Except for graphics and driveways, the surface of the front buffer area shall be expressly reserved for the planting of lawns, trees or shrubs. Storm water detention or retention areas may occur in said buffer areas.
12. All open areas on each developed parcel not occupied by buildings, structures, outside storage areas, parking areas, street right-of-way paved areas, driveways, walkways and off-street loading areas shall be landscaped with lawns, trees and shrubs.

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

1. Buildings shall be finished with the same level and quality of finish on all four sides. There shall be no exposed smooth face concrete block.

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

1. All new or relocated utility lines shall be installed underground.

F. Graphics and/or Signage Commitments.

1. All signage and graphics shall conform to Article 15, Title 33 of the Columbus City Code as it applies to the C-4 Commercial zoning district. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

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