



City of Columbus

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

Legislation Text

File #: 2141-2006, **Version:** 2

Rezoning Application Z06-050

APPLICANT: Columbus One Investors; c/o Jeffrey L. Brown, Attorney; 37 West Broad Street; Columbus, OH 43215.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-1) on September 14, 2006.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District would permit a wider range of commercial development on the site, including most C-4, Commercial District uses. The current C-2 district permits only offices and other low-intensity commercial uses. The CPD plan and text commit to customary development standards. The site is located within the boundaries of the *West Columbus Interim Development Concept* (1991), which recommends office/transitional uses for the site. In this case, staff can support a deviation from the plan, since the adjacent properties to the north and west are zoned in the C-2, Commercial District, which provides a transition to the apartments farther to the north. Staff would not support this request without the transition provided by the adjacent C-2 zoning districts. The proposed development is consistent with the zoning and development patterns of the area.

To rezone **2500 ROBERTS COURT (43026)**, being 1.62± acres located at the northeast corner of Roberts Road and Roberts Court, **From:** C-2, Commercial District, **To:** CPD, Commercial Planned Development District. (Rezoning # Z06-050)

WHEREAS, application #Z06-050 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.62± acres from the C-2, 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 said zoning change because the proposed development is consistent with the zoning and development patterns of the area. The requested CPD, Commercial Planned Development District would permit a wider range of commercial development on the site, including most C-4, Commercial District uses. The current C-2 district permits only office uses and other low-intensity commercial uses. The CPD plan and text commit to customary development standards. The site is located within the boundaries of the *West Columbus Interim Development Concept* (1991), which recommends office/transitional uses for the site. In this case, staff can support a deviation from the plan, since the adjacent properties to the north and west are zoned in the C-2, Commercial District, which provides a transition to the apartments farther to the north. Staff would not support this request without the transition provided by the adjacent C-2 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:

2500 ROBERTS COURT (43026), being 1.62± acres located at the northeast corner of Roberts Road and Roberts Court, and being more particularly described as follows:

SITUATED in the State of Ohio, County of Franklin, City of Columbus, being a part of Lot 3 of the Columbus One Subdivision, Plat Book 84, pg. 91, Franklin County Recorders Office;

All records referred to are those of record in the Franklin County Recorders Office;

Beginning at the southeast corner of the said Columbus One Subdivision and of the said Lot 3, being a point in the north right of way line of Roberts Rd. (width variable);

THENCE North 88 degrees 23 minutes 40 seconds West, 290.43 feet, along the north right of way line of the said Roberts Rd. and the south line of the said Lot 3, to a point, being a southwest corner of the said Lot 3 and a southeast corner of Roberts Ct. (50' wide);

THENCE around a curve to the right, with a radius of 20.00 feet, through a central angle of 80 degrees 17 minutes 33 seconds, an arc distance of 28.03 feet, a chord bearing of North 48 degrees 14 minutes 53 seconds West, and a chord distance of 25.79 feet, along a line of the said Lot 3 and a east line of the said Roberts Ct., to a point, being a southwest corner of the said Lot 3;

THENCE North 08 degrees 06 minutes 07 seconds West, 211.64 feet, along the west line of the said Lot 3 and a east right of way line of the said Roberts Ct., to a point;

THENCE North 89 degrees 46 minutes 25 seconds East, 305.06 feet, crossing the said Lot 3, to a point in the east line of the said Lot 3;

THENCE South 08 degrees 16 minutes 28 seconds East, 238.53 feet, along the east line of the said Lot 3, to the Point of Beginning, containing 70,576 square feet or 1.620 acres to be rezoned.

To Rezone From: C-2, 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 plan being titled, "**SHOPPES AT ROBERTS COURT**," signed by Jeffrey L. Brown, attorney for the Applicant, and dated ~~January 12, 2007~~ **May 7, 2007**; and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," signed by Jeffrey L. Brown, attorney for the Applicant, and dated ~~October 25, 2006~~ **May 7, 2007**, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD

EXISTING DISTRICT: C-2

PROPERTY ADDRESS: 2500 Roberts Court

OWNER: Columbus One Investors

APPLICANT: Columbus One Investors

DATE OF TEXT: ~~10/25/06~~ **May 7, 2007**

APPLICATION NUMBER: Z06-050

1. **INTRODUCTION:** The applicants want to upgrade the permitted uses while establishing development standards on the subject property.

2. **PERMITTED USES:** Those uses permitted in Chapter 3356 of Columbus City Code (C-4, Commercial.) The following uses shall be prohibited:

Automobile sales, new and used
Billboards
Bowling alley
Business college
Commercial radio transmitting or television station and appurtenances including cellular towers
Electric substation
Funeral parlor
Motor bus terminal
Motion picture theater
Off premises graphics (unless approved as part of a graphics plan)
Pawn shop
Private club
Tattoo Parlor

3. DEVELOPMENT STANDARDS: Unless otherwise specified in the following Development Standards, the Development Standards shall be as specified in Chapter 3356 of Columbus City Code (C-4, Commercial District).

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

1. For structures and paved areas lot coverage shall not exceed 85%.

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

1. All circulation, curbcuts and access points shall be subject to the approval of the City's Division of Transportation.

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

1. The developer shall install one tree per forty-feet of frontage along both Roberts Road and Robert Court.

2. Within the parking setback along both Roberts Road and Roberts Court, the developer shall install a three-foot minimum height continuous planting hedge, fence, wall, earth mound individually or in any combination thereof in front of any parking spaces or driveway aisle.

3. All landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced with like materials within six months or the next available planting season, whichever occurs first. The size of the new material shall equal the size of the original material when it was installed.

4. The minimum size of all trees at installation shall be 2 ½ inch caliper for deciduous, 5 feet in height for evergreen, and 1 ½ inch caliper for ornamental. Tree caliper is measured 6 inches from the ground.

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

1. Mechanical equipment or other utility hardware on the roof of a building shall be screened to the height of the equipment.

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

1. All external outdoor lighting including any wall packs shall be cut-off fixtures (down lighting) and shall be designed and placed to prevent spillage of light off the site and to prevent glare visible from the property lines.

2. Except for decorative lighting, all other light poles shall be metal and such light poles shall be of the same color. Light poles in the parking lots shall not exceed 20-feet in height.

3. Dumpsters shall be screened on three sides with a fence, wall or landscaping to a height of six-feet with a gate on the fourth side.

4. Wiring within a development shall be underground.

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 applicant shall contribute 25% of the cost of the signalization of the intersection of Roberts Road and Roberts Court up to a maximum of \$25,000. Said money shall be paid to the city at the time of installation of the traffic signal.

2. The developer shall install a sidewalk along its Roberts Road and Roberts Court frontages per the requirements of the City of Columbus unless a sidewalk waiver is approved by the City.

3. The subject site shall be developed in accordance with the submitted site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time the development and engineering plans are completed. Any slight adjustment to the site plan shall be reviewed and may be approved by the Director of Development or his designee upon submission of the appropriate data regarding the proposed adjustment.

4. Variances:

(a) The applicant is requesting a pavement setback variance from the 10-foot requirement to 5 feet along Roberts Court. (Columbus City Code Section 3342.18) This setback variance is to accommodate the requirements of the City of Columbus Department of Transportation.

(b) The applicant also wants to reduce the total numbers of required parking spaces from ~~10498~~ to ~~8891~~ to permit up to ~~5,3804,780~~ sq. ft. of restaurant usage (including outside patio space) Columbus City Code Section 3342.28.

5. CPD Criteria:

A. NATURAL ENVIRONMENT: The site is currently undeveloped.

B. EXISTING LAND USES: This site is located at the intersection of Roberts Road and Roberts Court, primarily a commercial area.

C. TRANSPORTATION AND CIRCULATION: Access shall be from both Roberts Court from a right-in, to the north shall be another access with a cross-access easement shared between the subject site and the property to the north.

D. VISUAL FORM OF THE ENVIRONMENT: The applicant proposes a traditional shopping center layout with the parking in front of the building. Pedestrian connections will be made to Roberts CT and to Roberts Rd.

E. VIEW AND VISIBILITY: In the development of the subject property and in the location of the buildings and access points, consideration has been given to the visibility and safety of the motorist and pedestrian.

F. PROPOSED DEVELOPMENT: Retail, restaurant, with a drive-thru.

G. EMISSIONS: No adverse effects from emissions shall result from the proposed development.

H. BEHAVIOR PATTERNS: The proposed development should not change the behavior patterns other than to attract customers from the proximate area. Existing development has established behavior patterns in the area.

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