



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 1862-2015, **Version:** 2

Rezoning Application Z15-014

APPLICANT: BB Building Company of Western Ohio, LLC; c/o Jeffrey L. Brown; 37 West Broad Street, Suite 460; Columbus, Ohio 43215.

PROPOSED USE: Eating and drinking establishment and retail drive-thru.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on June 11, 2015.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is undeveloped and zoned in the C-2, Commercial, and CPD, Commercial Planned Development Districts. The requested CPD, Commercial Planned Development District would allow for the development of a restaurant with a retail drive-thru on the east side of Roberts Court. The site is located within the planning area of the *Trabue/Roberts Plan* (2011), which recommends neighborhood commercial uses for this location. The CPD text includes appropriate use restrictions and commitments to a site plan, maximum lot coverage, street trees, and cost-sharing for the signalization of the intersection of Roberts Road and Roberts Court. The request is consistent with the recommendation of the *Trabue/Roberts Plan*, and the zoning and development patterns of the area.

To rezone **2500 ROBERTS COURT (43026)**, being 2.66± acres located at the northeast corner of Roberts Road and Roberts Court, From: C-2, Commercial, and CPD, Commercial Planned Development Districts, To: CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z15-014).

WHEREAS, application #Z15-014 is on file with the Department of Building and Zoning Services requesting rezoning of 2.66± acres from C-2, Commercial, and CPD, Commercial Planned Development Districts, 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 requested CPD, Commercial Planned Development District, which will allow the development of the site with an eating and drinking establishment, is consistent with the established zoning and development patterns of the area and the recommendation of the *Trabue/Roberts Plan*; 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; 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 2.65± acres located at the northeast corner of Roberts Road and Roberts Court, and being more particularly described as follows:

Description of 2.657 Acres, Roberts Rd. and Roberts Ct.

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, conveyed to Columbus One Investors in Official Record (O.R.) 32870 B-13, Franklin County Recorder's Office;

All records referred to are those of record in the Franklin County Recorder's Office, unless otherwise noted;

BEGINNING at the northeast corner of the said Lot 3, being the southeast corner of the Second Amendment to Still Meadows Condominium, Condominium Plat Book (C.P.B.) 75, pg. 73 and a point on the west line of a 1.789 acre tract (Exhibit A) conveyed to MCM Partnership in O.R. 30693 B-06;

THENCE South 06 degrees 25 minutes 27 seconds East, a distance of 388.01 feet, along the east line of the said Lot 3 and the west line of the said 1.789 acre tract, the west line of a 1.791 acre tract (Exhibit B) conveyed to MCM Partnership in O.R. 30693 B-06, and the west line of a 1.227 acre tract conveyed to JSTCC1 LLC in Instrument (Instr.) No. 201505060057800, to a point, being the northeast corner of a 0.031 acre tract (Parcel 35WD) conveyed to the City of Columbus in Instr. No. 200503150047850;

THENCE North 86 degrees 45 minutes 30 seconds West, a distance of 290.16 feet, crossing the said Lot 3 and along a north line of the said 0.031 acre tract, to a point, being a corner of the said 0.031 acre tract;

THENCE with a curve to the right, with an arc length of 28.10 feet, a radius of 20.00 feet, a chord bearing of North 46 degrees 30 minutes 18 seconds West, with a chord length of 25.85 feet, and a delta angle of 80 degrees 30 minutes 24 seconds, along a north line of the said 0.031 acre tract, to a point in a west line of the said Lot 3 and in an east line of Roberts Ct. (50 feet wide), being the northwest corner of the said 0.031 acre tract;

THENCE North 06 degrees 15 minutes 06 seconds West, a distance of 259.44 feet, along a west line of the said Lot 3 and an east line of the said Roberts Ct., to a point, being a corner of the said Lot 3;

THENCE with a curve to the right with an arc length of 36.14 feet, a radius of 50.00 feet, a chord bearing of North 14 degrees 27 minutes 12 seconds East, a chord length of 35.36 feet, and a delta angle of 41 degrees 24 minutes 12 seconds, along a west line of the said Lot 3 and an east line of the said Roberts Ct., to a point, being a corner of the said Lot 3;

THENCE with a reverse curve to the left, with an arc length of 88.50 feet, a radius of 50.00 feet, a chord bearing of North 15 degrees 32 minutes 48 seconds West, a chord length of 77.39 feet, and a delta angle of 101 degrees 24 minutes 35 seconds, along a west line of the said Lot 3 and an east line of the said Roberts Ct., to a point, being a corner of the said Lot 3;

THENCE North 06 degrees 15 minutes 06 seconds West, a distance of 3.15 feet, along a west line of the said Lot 3 and an east line of the said Roberts Ct., to a point, being the northwest corner of the said Lot 3 and a point in the south line of the First Amendment to Still Meadows Condominium, C.P.B. 74, pg. 57;

THENCE South 86 degrees 32 minutes 39 seconds East, a distance of 306.10 feet, along the north line of the said Lot 3 and the south line of the said First Amendment and the said Second Amendment, to the True Point of Beginning, having an area of 115,759 square feet or 2.657 acres.

The parcel described herein is all of Parcel No. 560-236167.

To Rezone From: C-2, Commercial, and CPD, Commercial Planned Development Districts

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 Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.12 of the Columbus City Codes; said plan being titled, “**CPD PLAN,**” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT**” both dated June 16, 2015, and signed by Jeffrey L. Brown, Agent for the Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD

EXISTING DISTRICT: CPD

PROPERTY ADDRESS: 2500 Roberts Court

OWNER: Columbus One Investors

APPLICANT: BB Building Company of Western Ohio LLC

DATE OF TEXT: 6/16/15

APPLICATION NUMBER: Z15-014

1. **INTRODUCTION:** The applicant wants to amend the existing CPD zoning to include a different site plan. The proposed use is a restaurant with a carryout drive-thru instead of a strip shopping center. This application also includes the ground to the north which will be used for landscaping and parking.

2. **PERMITTED USES:**

Carryout drive-thru and those uses permitted in Chapter 3356 of Columbus City Code (C-4, Commercial). The following uses shall not be permitted:

- 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 Requirements**

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

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

1. All circulation, curbcuts and access points shall be subject to the approval of the City's Department of Public Service, Traffic Management Division.

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 Roberts Court.

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

N/A

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

N/A

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

1. The subject site on the east side of Roberts Court 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 the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

2. Variance Section 3312.11 drive-up stacking area. To reduce the required number of stacking spaces from 8 to 4.

3. CPD Criteria:

A. NATURAL ENVIRONMENT: The site is currently undeveloped.

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

C. ACTIVITIES: The proposed use of a restaurant on the east side of Roberts Court is compatible with the existing development pattern.

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

E. TRANSPORTATION AND CIRCULATION: Access shall be from Roberts Court.

F. VISUAL FORM OF THE ENVIRONMENT: The applicant proposes a restaurant on the east side of Roberts Court.

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

H. PROPOSED DEVELOPMENT: Restaurant/carryout drive-thru.

I. EMISSIONS: No adverse effects from emissions shall result from the proposed developments.

**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.**