



Legislation Text

File #: 1876-2005, Version: 2

REZONING AMENDMENT Z02-034A

CITY DEPARTMENTS' RECOMMENDATION: Approval. Ordinance #0137-03, passed on February 10, 2003 (Z02-034), rezoned 16.35± acres to the CPD, Commercial Planned Development District. That rezoning established specific development standards in accordance with a development text and registered site plan. This legislation will amend Ordinance #0137-03, passed on February 10, 2003, to modify the CPD text to reflect additional screening requirements and display areas and to replace the existing site plan with a new site plan illustrating said additional screening and display areas. All other conditions and restrictions of Ordinance #0137-03 remain in effect and are unchanged by this legislation. The applicants are also requesting a Council variance, CV05-019 to allow limited outdoor storage for the garden center.

To amend Zoning Ordinance No. 0137-03, passed on February 10, 2003 (Z02-034), to modify the CPD, Commercial Planned District Text and site plan consistent with Council Variance CV05-019 for property located at **1675 GEORGESVILLE SQUARE DRIVE (43228)**, being 16.35± acres located at the northeast corner of Holt Road and Georgesville Square Drive **and to declare an emergency.** (Z02-034A)

WHEREAS, Ordinance #0137-03, passed on February 10, 2003 (Z02-034), established the CPD, Commercial Planned Development District on property located at **1675 GEORGESVILLE SQUARE DRIVE (43228)**, being 16.35± acres located at the northeast corner of Holt Road and Georgesville Square Drive; and

WHEREAS, it is necessary to amend the CPD text identified in Section 3 of said Ordinance to allow minor alterations to the existing text commitments, and to replace the existing site 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; and

WHEREAS, the Westland Area Commission recommends approval; and

WHEREAS, Staff recommends approval of this proposal because the agreed upon site plan would alleviate code violations and addresses complaints from citizens; and

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the CPD text and site plan identified in Section 3 of Ordinance 0137-03, passed on February 10, 2003 (Z02-034), be repealed and replaced with a new Section 3 to read as follows:

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, "**SITE PLAN GARDEN CENTER EXPANSION LOWE'S OF S.W. COLUMBUS COLUMBUS, OH**" signed by Michael T. Shannon, Attorney for the applicant, and dated August 25, 2005, said text being titled "**COMMERCIAL PLANNED DEVELOPMENT TEXT**", signed by Michael T. Shannon, Attorney for the applicant, dated March 15, 2005 and reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD, COMMERCIAL PLANNED DEVELOPMENT
PROPERTY ADDRESSES: 1675 GEORGESVILLE SQUARE DRIVE (43228)

OWNER: KIR Georgesville 019, LLC, c/o Michael T. Shannon, Esq. - CRABBE, BROWN & JAMES, LLP, 500 S. Front Street, Suite 1200, Columbus, Ohio 43215. Mshannon@cbjlawyers.com.

APPLICANT: LOWE'S HOME CENTERS, INC., c/o Michael T. Shannon, Esq. - CRABBE, BROWN & JAMES, LLP, 500 S. Front Street, Suite 1200, Columbus, Ohio 43215. Mshannon@cbjlawyers.com.

DATE OF TEXT: August 25, 2005
APPLICATION NO.: Z02-034A

1. INTRODUCTION: The subject property ("Site") consists of 16.35+/- acres of land located on the north side of Holt Road, southeast of Georgesville Road, and is more particularly identified in the legal description submitted as part of this Rezoning Application. This Site is developed with a parking lot and Lowe's Home Center, which represents an anchor store within Georgesville Square Shopping Center. This rezoning amendment is to modify the site data and/or development standards of application Z02-034. All other provisions of application Z02-034 are included herein and are unchanged and maintained by this CPD Text. Even though this Site is already developed, the provisions of Application Z02-034 are included herein for posterity.

2. PERMITTED USES: The permitted uses shall be limited to those uses defined by Chapter 3356.03, C-4 Commercial District, excluding the following uses:

Arcade; Automotive sales, leasing and rental; Bars, cabarets and nightclubs; Bowling alley; Bus or truck terminal; Business college; Funeral homes and services; Hotel; Dry cleaning and laundry services; Motel; Motion picture theater; Off-premises graphics; Pawn brokers; Poolroom; Private club; Public parking garage for pay; Stable (not for more than 5 animals); Tattoo Parlor; Testing or experimental laboratory; Trade school.

3. DEVELOPMENT STANDARDS: Except as otherwise noted, the applicable development standards of Chapter 3356, C-4 Commercial District, shall apply. In addition, the following general and specific development standards shall apply:

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

1. Density: The maximum development for the Site shall be based on 10,000 square feet of building per acre for the entire Site.
2. Height: Height district shall be sixty (60) feet as measured per the Columbus City Code. The maximum building height for any building shall be fifty (50) feet.
3. Setback:
 - (a) Setback from the south property line shall be fifty (50) feet for parking, loading, and maneuvering areas, and seventy-five (75) feet for buildings.
 - (b) Setback from property located along the east property line (southeast corner of the Site): fifty (50) feet for parking, loading and maneuvering areas, and seventy-five (75) feet for buildings. These setbacks shall not apply if said township property is zoned for other than residential usage.
 - (c) Setback from I-270 shall be twenty-five (25) feet for parking, loading and maneuvering, and fifty (50) feet for buildings.

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

1. Parking: Size, ratio and type of parking and loading facilities shall be regulated by the City of Columbus Transportation Division.

2. Site Data: This Site, as reconfigured, is a total of 225,210 square feet, broken down as follows:

Lowe's Home Center

- (a) Existing Building: 131,576 sq ft.
- (b) Existing Garden Center: 33,097 sq ft.
- (c) Garden Center Expansion: 18,492 sq ft.
- (d) Existing Outdoor Retail Display: 4,767 sq. ft.
- (e) Existing Fenced Storage Area: 22,800 sq. ft.
- (f) Fenced Storage Area Expansion: 12,464 sq ft.

Nation's Rent

- (g) Existing Nation's Rent: 1,271 sq ft.
- (h) Existing Fenced Storage: 743 sq. ft.
- TOTAL: 225,210 sq ft.

The number of parking spaces to be provided after expansion of the garden center and fenced storage areas shall be 794 standard spaces and 20 handicapped spaces.

2. Traffic:

(a) Curb cuts along Holt Road Extension shall have a minimum 250-foot spacing from centerline to centerline, with opposing curbcuts offset at least 100 feet or aligned to avoid conflict. Movements and signalization shall be approved by the City of Columbus Transportation Division.

(b) Road improvements for this project:

(i) Establish a center alignment for a new public roadway through the Site for purposes of extending Holt Road from its intersection with Alkire Road, to Georgesville Road at its intersection with Auto Mall Drive.

(ii) Establish a 120-foot right-of-way for the new roadway from a distance of 400 feet south of Georgesville Road.

(iii) Provide a 100-foot right-of-way for the remainder of the new roadway to the southern property line of the Site.

(iv) Provide preliminary engineering design plans for the new roadway basically in accordance with the City's standards for a Type "4-2" Arterial through the Site.

(v) All designs and construction standards shall conform to the City of Columbus Standards and Policies.

The above are the responsibility of the developer.

Stage 1:

(a) Design and construct three lanes of the new roadway along the proposed frontage being developed, to support developments on the Site.

(b) Provide an additional (separate) northbound right turn lane on the new roadway at its intersection with Georgesville Road.

(c) The Stage 1 roadway improvements are the responsibility of the developer and shall be constructed concurrently with the development of 360,000 square feet of gross building area on the Site. Gross building area is defined as area which is enclosed by a building.

Stage 2:

(a) Provide an additional westbound-to-southbound left turn lane on Georgesville Road at its intersection with the new roadway; provide two southbound receiving lanes on the new roadway to properly accommodate the dual left turn condition.

(b) Provide an additional (separate) eastbound-to-southbound right turn lane on Georgesville Road at its intersection with the new roadway.

(c) Design and construct the new road to the south property line. The point where the three lane section goes to two lanes shall be

reviewed and determined by the Division of Traffic Engineering.

(d) The Stage 2 roadway improvements are the responsibility of the developer and shall be completed upon the development of 670,000 square feet of gross building area on the Site. Gross building area is defined as area which is enclosed by a building. These Stage 2 roadway improvements shall be constructed concurrently with the additional development of 310,000 square feet of gross building area, which is additional square footage beyond the 360,000 square feet of gross building area outlined in Stage 1, subject to the review and approval of the Division of Traffic Engineering.

Stage 3:

- (a) Extend the new roadway from that constructed within the Site, southward to the intersection of Holt Road with Alkire Road.
- (b) Widen the new roadway by adding one through lane in each direction, as needed, to accommodate projected traffic volumes.
- (c) Provide an additional northbound right turn lane on the new roadway at its intersection with Georgesville Road.
- (d) Provide I-270 interchange improvements.

The Stage 3 roadway improvements are the responsibility of other parties.

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

1. Landscaping:

- (a) All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months or the next planting season, whichever occurs first.
- (b) A tree row shall be established along Holt Road Extension containing one tree for every 30 feet of roadway frontage. Trees shall be equally space or grouped together.
- (c) A tree row shall be established along Georgesville Road containing one tree for every 30 feet of roadway frontage. Trees shall be equally space or grouped together.
- (d) Special treatment shall occur along Georgesville Road and Holt Road Extension. Such treatment shall include landscaping which will be required in a minimum of 65% of the frontage within each parcel. This landscaping shall be placed in the parking setback along said roads. The landscaping shall consist of deciduous shade trees, (minimum 2-inch caliper upon installation), ornamental trees (minimum 1-inch caliper upon installation) and evergreen trees (height of 4 feet to 6 feet upon installation). Evergreen and/or deciduous shrubs and mounding may be used. To ensure the utilization of a variety of plant material, 3 evergreen trees, 3 ornamental trees, 2 shade trees and at least 5 shrubs shall be used for every 100 feet of frontage.
- (e) Within the northern half of the fifty (50) foot setback area from the south property line, the applicant shall install an earthen mound with a minimum height of four (4) feet, along with evergreen trees which are a minimum four to six feet in height at installation, planted fifteen (15) feet on center. Said mounding and landscaping shall terminate 325 feet west of the Holt Road Extension.
- (f) Landscaping along township property located along the east property line (southeast corner of the Site): evergreen trees 4 to 6 feet in height at installation, planted fifteen (15) feet on center. This landscaping shall not be required if said property is zoned for other than single-family usage.
- (g) Within the setback area along I-270, the applicant shall install a earthen mound with a minimum height of four feet along with evergreen trees which are a minimum four to six feet in height at installation, planted 15 feet on center.
- (h) There is an existing tree stand at the southeast corner of the Site. The applicant shall try to maintain as much of the tree stand as is compatible with the proposed development. As long as the tree stand remains within the parking setback areas, then the applicant shall not have to install the mounding and landscaping, as required by the text, along those property lines. If the tree stand is removed from the parking setback areas, then the applicant shall install the required landscaping and mounding in the resulting cleared portions of the parking setback areas.

(i) Minimum size of all trees shall be 2-inch caliper for deciduous, 4 to 6 feet high for evergreens, and 1-inch caliper for ornamentals.

2. Screening:

(a) No materials, supplies, or products shall be stored unless screened by a building, structure, fencing, wall or landscaping to a height of six feet, except as applicable to Outdoor Display Areas. No materials, supplies, or products shall be stored to a height in excess of the screening designated for those materials.

(b) All waste and refuse shall be containerized and fully screened from off-site view by a solid wall, fence, or landscaping (minimum height of screening shall be six feet).

(c) All loading docks which are adjacent to the southwest property line shall be screened by a 4-foot high chainlink fence. Said fence shall be covered with screening slats to match those utilized on the outdoor storage fencing. This fence shall extend the length of a tractor trailer.

(d) All loading docks which are adjacent to I-270 shall be screened by a masonry wall with a minimum height of eight feet. This masonry wall shall extend the length of a tractor trailer.

3. Rooftop Mechanicals Screening:

(a) On those buildings which are adjacent to the south property line, the rooftop mechanical equipment and other utility equipment shall be screened from the south property line to the height of the equipment or to site-line from the south property line.

(b) On those buildings which are adjacent to I-270, the rooftop mechanical equipment and other utility equipment shall be screened from I-270 to the height of the equipment or to sight-line from the I-270 property line.

(c) On those buildings which are adjacent to Holt Road Extension, the rooftop mechanical equipment and other utility equipment shall be screened from Holt Road Extension to the height of the equipment or to sight-line from the Holt Road Extension right-of-way line.

4. Fencing: The fence located behind the building shall be extended to the edge of the building to allow for increased outdoor storage area. This fence shall be between 15 and 18 feet in height with dark green slats. Materials stored directly adjacent to the fence shall not exceed the height of the fence.

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

1. Any building façade which is adjacent to I-270 or Georgesville Road shall be finished with the following materials, individually or in any combination thereof: (a) brick; (b) stucco (dryvit or equal); (c) thru wall masonry units (Terra wall); (d) split face, fluted and/or polished concrete masonry units; (e) poured in place concrete, wood, architectural shingles, or glazing. In addition, vertical pier elements shall be used to break up linear elevations and incorporate the downspouts where located.

2. The façade of any building which faces Holt Road extension shall be finished with the following materials, individually or in any combination thereof: (a) brick; (b) stucco (dryvit or equal); (c) thru wall masonry units (terra wall); (d) split face, fluted and/or polished concrete masonry units; (e) wood, (f) glass; (g) aluminum and glass store front framing; and/or (h) pre-colored metal or shingles for canopy and mansard roofing. Neither smooth face nor scored concrete panels shall be used unless used solely as an accent material, which shall not exceed twenty percent (20%) of the area on a façade of a building.

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

1. Lighting:

- a. All external lighting shall be cut-off fixtures (down lighting) and shall be designed to prevent offsite spillage.
- b. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturers type to ensure compatibility.
- c. Accent lighting shall be permitted, provided such light source is concealed.
- d. Any wall-mounted lighting shall be shielded to prevent offsite spillage.
- e. Buildings and landscaping shall be illuminated with uplighting by a concealed source directed away from the public right-of-way and any abutting residential district.
- f. All types of parking, pedestrian and other exterior lighting shall be on poles and shall be from the same manufacturer type and style.
- g. All light poles and standards shall be constructed of black, brown or bronze metal, except poles and standards 8 feet in height or less which may be constructed of dark wood where used in an entry feature or special setting where the use of wood compliments the design ethic.
- h. Parking lot lighting shall be no higher than 40 feet, except for the parking lot lighting which is within 300 feet of the south property line, then the maximum height shall be 33 feet.

2. Outdoor Display Areas: No materials, supplies, or products shall be stored unless screened by a building, structure, fencing, wall or landscaping to a height of six feet, except as provided below as applicable to Outdoor Display Areas.

- a. Location: (i) Outdoor display areas shall only be located along the sidewalk directly in front of the building; and (ii) along the areas adjacent to the garden center as shown on the site plan.
- b. Materials: The outdoor display areas shall contain only those items normally and customarily sold by a Lowe's store, including seasonal items and products including, but not limited to, firewood, mulch, flowers, garden equipment, and snow removal equipment.
- c. Fencing: The outdoor display area located along the garden center, on the southeast side of the building, will be surrounded by chainlink fence, a minimum fifteen (15) feet in height. Materials stored or displayed directly adjacent to the fence will not exceed the height of the fence.

F. Graphics and/or Signage commitments.

1. All signage and graphics shall conform to Article 15, Title 33, of the Columbus Graphics Code as it applies to a C-4 Commercial District. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.
2. Outparcel ground-supported signage shall be limited to a maximum height of 12 feet and a maximum area of 100 square feet, or what is permitted under Code, whichever is less, and may be placed with the setback area at a minimum of fifteen (15) feet from street right-of-way. For signage purposes, an outparcel is a parcel which is less than two acres and is located within 200 feet of Holt Road Extension.
3. Any free-standing sign, other than the outparcel signage referred to in item ~~B~~ 2 above, located within 300 feet of the south property line shall have a maximum height of 20 feet.

G. Miscellaneous Commitments.

1. 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. Any slight adjustment to the plan shall be reviewed and approved by the Director of the Department of Trade and Development or his designee, upon submission of the appropriate data regarding the proposed adjustment.

4. CPD REQUIREMENTS:

- A. Natural Environment:** The subject property is a flat parcel of land consisting of 16.35+/- acres, which contains a Lowe's Home Center store, with an attached Nation's Rent facility and attached garden center.
- B. Existing Land Use:** The existing land use is a commercial use that contains a Lowe's Home Center.
- C. Transportation and Circulation:** The subject property is located north of Holt Road, south of Jack Nicklaus Freeway (I-270). A traffic light controls traffic at the intersection of Georgesville Road and Holt Road. There are two curb cuts off Holt Road which permit traffic to access the subject property.
- D. Visual Form of the Environment.** This Site is located in the Georgesville Square Shopping Center and is one of two anchor stores, the other being a Kroger's grocery store. This Site is surrounded by commercial development to the north and south, single-family homes and multi-family homes located behind the Lowe's building across from Holt Road on the southwest side, and multi-family homes to the southeast.
- E. View and Visibility:** The rear of the subject property is visible from Holt Road and the front of the subject property is visible from Georgesville Square Drive.
- F. Proposed Development:** The Site is currently developed as detailed in this Development Text, with the exception of the future garden center expansion and outdoor storage area expansion. Applicant is filing this amended application to provide for such expansions, and to correct certain site data erroneously provided for under the original Z02-034 rezoning.
- G. Behavior Patterns:** Much of the areas surrounding Georgesville Square Shopping Center are zoned for residential uses. The existing and proposed development will serve these residents with nearby home improvement equipment and supplies for indoor and outdoor improvements.
- H. Emissions:** No adverse effect from emissions shall result from the proposed development.

SECTION 2. That the existing Section 3 of the Ordinance #0317-03, passed on February 10, 2003, (Z02-034) is hereby repealed.

SECTION 3. ~~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.**