



City of Columbus

Office of City Clerk
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Legislation Text

File #: 1015-2013, **Version:** 2

Rezoning Application Z13-017

APPLICANT: Speedway; c/o Robert Sweet; McBride Dale Clarion; 5725 Dragon Way, Suite 220; Cincinnati, OH 45722.

PROPOSED USE: Fuels sales facility with convenience retail.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on April 11, 2013.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a fuel sales facility and convenience store in the CPD, Commercial Planned Development District and includes undeveloped land in the L-C-4, Limited Commercial District. The requested CPD, Commercial Planned Development District will allow redevelopment of the site with a larger convenience store with an increase in the number of fuel pumps. The site is located within the planning area of the *Trabue /Roberts Area Plan* (2011), which recommends neighborhood commercial uses for this location. The CPD text commits to a site plan and includes use restrictions and provisions for setbacks, access, landscaping, outdoor display, and abandonment. The request is consistent with the established development pattern and the land use recommendations of *Trabue /Roberts Area Plan*, and can be further supported based on the zoning history of the site and its corner location.

To rezone **2567 WALCUTT ROAD (43026)**, being 1.73± acres located at the northwest corner of Walcutt and Roberts Roads, From: CPD, Commercial Planned Development, and L-C-4, Limited Commercial Districts, To: CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z13-017).

WHEREAS, application #Z13-017 is on file with the Department of Building and Zoning Services requesting rezoning of 1.73± acres from CPD, Commercial Planned Development, and L-C-4, Limited Commercial 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, is consistent with the established development pattern and the land use recommendations of the *Trabue /Roberts Area Plan*, and can further be supported based on the zoning history of the site and its corner location; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to pass this ordinance as the Applicant requires the ability to seek and secure prompt City approval of development plans, including an amended regulating plan, to proceed with an orderly schedule for development and ensure compliance with the Zoning Code; 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:

2567 WALCUTT ROAD (43026), being 1.73± acres located at the northwest corner of Walcutt and Roberts Roads, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Being part of Lot 3 of the subdivision of Virginia Military Survey No. 3446, being all of that 0.598 acre tract as described in a deed to GSP Communications, of record in Instrument No. 200801040002065 and 1.128 acres of that 1.1660 acre tract as described in a deed to Speedway Superamerica LLC, n.k.a. Speedway LLC, of record in Instrument No. 200410290249955, all references herein being to the records located in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning FOR REFERENCE at Franklin County Monument No. 7746 located at the centerline intersection of Roberts Road (width varies) and Walcutt Road (80.00 feet in width); thence North 88°46'00" West, along the centerline of Roberts Road, a distance of 275.36 feet to a point; thence North 08°34'46" West, passing an 1" OD pipe found at a distance of 60.89 feet, a total distance of 67.55 feet to an iron pin set in the northerly right-of-way line of Roberts Road, at the northwesterly corner of that 0.038 acre tract described as Parcel 42WD in a deed to the City of Columbus, Ohio, of record in Instrument No. 200606080111728 and also being the northeasterly corner of that 0.030 acre tract described as Parcel 40WD in a deed to the City of Columbus, Ohio, of record in Instrument No. 200606050107670 and at the TRUE PLACE OF BEGINNING;

Thence North 08°34'46" West, along the easterly lines of Tract I (0.985 acre) and Tract II (0.405 acre) as described in a deed to Roberts Road Car Wash, LLC, of record in Instrument No. 200510120213864, the westerly line of said 1.1660 acre tract and the westerly line of said 0.598 acre tract, a distance of 304.56 feet to an iron pin found capped "J&J SURVEYING" at the northwesterly corner of said 0.598 acre tract and the northeasterly corner of said 0.405 acre tract and in the southerly line of that 1.6877 acre tract of land as described in a deed to MCM Partnership, of record in Official Record Volume 30693, Page B06;

Thence North 80°58'30" East, along the southerly line of said 1.6877 acre tract and the northerly line of said 0.598 acre tract a distance of 231.35 feet to an iron pin found capped "J&JSURVEYING" in the westerly right-of-way line of Walcutt Road at the northeasterly corner of said 0.598 acre tract and the southeasterly corner of said 1.6877 acre tract;

Thence South 08°34'46" East, along said westerly right-of-way line, a distance of 333.64 feet to an iron pin set at a point of curvature;

Thence continuing along said westerly right-of-way line with the arc of a curve to the right, having a radius of 10.00 feet, a central angle of 99°35'55", an arc length of 17.38 feet, the chord of which bears South 41°13'11" West, a chord distance of 15.28 feet to an iron pin set at the point of curvature in the northerly right-of-way line of Roberts Road;

Thence North 88°58'51" West, along said northerly right-of-way line, a distance of 222.78 feet to the TRUE PLACE OF BEGINNING and containing 1.726 acres of land.

Iron pins set consist of a 1" (O.D.) pipe, 30" long with a plastic cap inscribed "M-E COMPANIES/S-6872".

Bearings herein are based on North 88°46'00" West for the centerline of Roberts Road as referenced in Instrument No. 200410290249955.

To Rezone From: CPD, Commercial Planned Development, and L-C-4, Limited Commercial 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 plans being titled, "**ZONING COMPLIANCE PLAN**," and "**MASONRY DUMPSTER ENCLOSURE**," signed by Zachery D. Freshner, Professional Engineer, and text titled, "**CPD TEXT**," signed by Robert Sweet, Agent for the Applicant, all dated April 25, 2013, and the text reading as follows:

CPD TEXT
CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT

EXISTING DISTRICT: CPD, Commercial Planned Development District and LC-4, Limited Regional Scale Commercial District

PROPOSED DISTRICT: CPD, Commercial Planned Development District

PROPERTY ADDRESS: 2567 Walcutt Road, Columbus, Ohio 43206

OWNER: Speedway SuperAmerica LLC

APPLICANT: Speedway

DATE OF TEXT: 4/25/13

APPLICATION NUMBER: Z13-017

1. INTRODUCTION: The existing site is currently zoned CPD (Ordinance Z89-052) and LC-4 (Ordinance Z95-027). The applicant proposes to demolish existing structures on the properties and redevelop the site with a 4,000+/- SF convenience store and 9 double-sided fuel dispensers under 6,100+/- SF fuel canopy. The site consists of two (2) parcels (Parcel No(s). 560-215159 and 560-267521) which total approximately 1.7+/- acres. The site is located on the northwest intersection of Walcutt Road and Roberts Road.

2. PERMITTED USES: A convenience store with gasoline sales and minimal outdoor display sales.

3. DEVELOPMENT STANDARDS: Except as otherwise listed herein, the development standards established by Chapter 3356 (C-4, Commercial District) shall apply.

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

1. The building setback shall be as follows:

A. Building Setback

- 25' to west property line
- 110' to Roberts Road property line
- 159' to Walcutt Road property line
- 117' to north property line

Canopy Setback

- 130' to west property line
- 60' to Roberts Road property line
- 75' to Walcutt Road property line
- 50' to north property line

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

1. The access points are shown on the submitted site plan.
2. All circulation, curb cuts and access points shall be subject to the review and approval of the City's Public Service Department.
3. The total right-of-way requirement for the City of Columbus is fifty (50) feet from the centerline of Walcutt Road. The applicant shall dedicate 10' of additional right-of-way to the City of Columbus, and to reach this requirement, dedication is to occur in conjunction with the application for zoning clearance.

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

D. Lighting, Outdoor Display Areas and/or Environmental Commitments.

1. No outside display of tires/batteries; and outdoor display/sales area shall be limited as follows:
 - a. At the ends of fuel pump islands with the maximum footprint of displays being four (4) feet by four (4) feet.
 - b. Propane display and ice machine shall be permitted and the location will be determined at the time of site compliance review. When the display and ice machine is located adjacent to the building, there will still be approximately four (4) feet of sidewalk available.
2. All canopy lights shall be directed downward and away from property lines.

F. Graphics Commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous.

1. Site Plan: The subject site shall be developed in accordance with the submitted site plan and dumpster enclosure detail. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of Building and Zoning Services or his designee upon the submission of the appropriate data regarding the proposed adjustment.
2. Abandonment: The property owner will comply with the abandonment provisions in Section 3357.18.

H. CPD Requirements:

1. Natural Environmental and Existing Land Uses: The property is developed as a convenience store with fuel sales and is generally flat.
2. Existing Land Use: The property is currently developed and operated as a convenience store with fuel sales.
3. Transportation and Circulation: The curb cuts and internal circulation patterns are shown on the submitted Site Plan.
4. Visual Form of the Environment: Consideration has been given to the visibility and safety of the motorists and pedestrians in the development of the property.

5. Proposed Development: Construction of an expanded convenience store with fuel sales.
6. Behavior Pattern: Existing development in the area has established behavior patterns for the motorists.
7. Emissions: No adverse effects from emissions shall result from the proposed development.

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.