



## Legislation Details (With Text)

**File #:** 0949-2005      **Version:** 3

**Type:** Ordinance      **Status:** Passed

**File created:** 5/18/2005      **In control:** Zoning Committee

**On agenda:** 7/11/2005      **Final action:** 7/14/2005

**Title:** To rezone 4389 ROBERTS ROAD (43228), being 1.49± acres located at the southwest corner of Roberts Road and Wilson Road, From: C-4, Commercial District, To: CPD, Commercial Planned Development District and to declare an emergency. (Z05-012)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 0949-2005 exhibits.pdf, 2. ORD 0949-2005 Labels.pdf, 3. ORD 0949-2005 Data Form.pdf

Date	Ver.	Action By	Action	Result
7/14/2005	3	ACTING CITY CLERK	Attest	
7/13/2005	3	MAYOR	Signed	
7/11/2005	3	Zoning Committee	Amended to Emergency	Pass
7/11/2005	3	Zoning Committee	Amended as submitted to the Clerk	Pass
7/11/2005	3	Zoning Committee	Approved as Amended	Pass
7/11/2005	3	COUNCIL PRESIDENT	Signed	
6/24/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
6/23/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
6/23/2005	1	Dev Zoning Drafter	Sent for Approval	
6/23/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
5/26/2005	1	Dev Zoning Drafter	Sent for Approval	

**REZONING APPLICATION:** Z05-012

**APPLICANT:** Thorntons, Inc.; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 727; Columbus, OH 43215.

**PROPOSED USE:** Convenience retail store, fuel sales, and carwash.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on April 14, 2005.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant's request for the CPD, Commercial Planned Development District to develop a convenience store with fuel sales and a carwash is consistent the existing development pattern at the intersection of Roberts and Wilson Roads. The CPD text includes use restrictions and development standards that address building, canopy and parking setbacks, site access, headlight screening and street trees, outdoor display, lighting restrictions, and a variance to reduce building setback for Roberts Road. The CPD site plan includes traffic improvements requested by the Transportation Division.

To rezone **4389 ROBERTS ROAD (43228)**, being 1.49± acres located at the southwest corner of Roberts Road and Wilson Road, **From:** C-4, Commercial District, **To:** CPD, Commercial Planned Development District **and to declare an emergency.** (Z05-012)

**WHEREAS**, application #Z05-012 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.49± acres from C-4, Commercial District to CPD, Commercial Planned Development District, and

**WHEREAS**, the Development Commission recommends approval of said zoning change; 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 for begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

**WHEREAS**, the City Departments recommend approval of the applicant's request for the CPD, Commercial Planned Development District to develop a convenience store with fuel sales and a carwash because this rezoning proposal is consistent the existing development pattern at the intersection of Roberts and Wilson Roads. The CPD text includes use restrictions and development standards that address building, canopy and parking setbacks, site access, headlight screening and street trees, outdoor display, lighting restrictions, and a variance to reduce building setback for Roberts Road. The CPD site plan includes traffic improvements requested by the Transportation Division; 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:

**4389 ROBERTS ROAD (43228)**, being 1.49± acres located at the southwest corner of Roberts Road and Wilson Road, and being more particularly described as follows:

**Description of a 1.492 Acre Parcel South of Roberts Road, West of Wilson Road, City of Columbus, County of Franklin, Ohio**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military District Survey No. 547 and being part of the 1.138 acre tract and part of the 35.354 acre tract conveyed to Richard J. Solove and John J. Chester by Deed of Record in Deed Book 3799, Page 826 and Deed Book 2712, Page 429, respectively, all references being to records in the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning, for reference, at a railroad spike at a point of curvature in the center line of Wilson Road, the westerly line of said Virginia Military Survey No. 547, that is located North 7°10'27" West, 171.15 feet from the southwesterly corner of said Virginia Military Survey No. 547;

Thence along the arc of a curve to the right (sub Delta - 50°36'36", Radius - 716.20 feet), a chord bearing and distance of North 18°07'51" East 612.26 feet to the point of tangency on the centerline of Wilson Road;

Thence North 43°26'09" West, along said centerline, a distance of 416.60 feet to a point;

Thence North 46°33'51" West, a distance of 50.09 feet to a point on the westerly right-of-way line of Wilson Road and the TRUE PLACE OF BEGINNING;

Thence North 46°33'51" West, a distance of 183.86 feet to a point;

Thence North 43°26'09" East, a distance of 69.13 feet to a point;

Thence North 03°20'51" East, a distance of 128.04 feet to a point on the southerly right-of-way line of Roberts Road;

Thence South 88°19'14" East, along said right-of-way line, a distance of 318.68 feet to a point on the westerly right-of-way line of Wilson Road;

Thence along the arc of a curve to the right (sub Delta - 27°40'14", Radius - 250.00 feet), along said right-of-way line, a chord bearing and distance of South 29°36'05" West 119.57 feet to the point of tangency on the westerly right-of-way line of Wilson Road;

Thence South 43°26'09" West, along said right-of-way line, a distance of 263.22 feet to the POINT OF BEGINNING, containing 1.492 ACRES, more or less.

Bearings contained herein are based on the same meridian as the westerly line of Virginia Military Survey No. 547 (North 7°10'27" West) of record in Deed Book 2712, Page 429.

This description was prepared by M•E Companies, Inc., Robert S. Wynd, P.S., Registered Surveyor no. 6872.

**To Rezone From:** C-4, 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 CPD site plan titled, "**THORNTON'S GAS STATION**," and text titled, "**CPD TEXT**," both signed on May 24, 2005 by Jeffrey L. Brown, attorney for the applicant, and the text reading as follows:

**CPD TEXT**

**PROPOSED DISTRICT:** CPD, Commercial Planned Development

**PROPERTY ADDRESS:** 4390 Roberts Road

**OWNER:** Patel Champakbhai

**APPLICANT:** Thorntons, Inc.

**DATE OF TEXT:** May 24, 2005

**APPLICATION NUMBER:** Z05-012

**1. INTRODUCTION:** The site is currently zoned C-4 and the applicant wants to add gas sales and carwash to the property.

**2. PERMITTED USES:** The only permitted uses are those contained in Section 3356.03, C-4, Commercial of the Columbus City Code along with a convenience store with gas sales and car wash.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated in the submitted written text, the applicable development standards shall be those contained in Chapter 3356, C-4, Commercial District of the Columbus City Code.

**A. Density, Height, Lot Coverage, and Setback Requirements.**

1. Parking setbacks from the street right-of-way line shall be ten (10) feet from Wilson and Roberts Roads.
2. Building setbacks from street right-of-way lines shall be:
  - a. Twenty (20) feet for buildings on Roberts Road.
  - b. Fifty (50) feet for buildings on Wilson Road.
  - c. Twenty-five (25) feet for gas canopy on Wilson and Roberts Roads.

3. For structures and paved areas including sidewalks, lot coverage shall not exceed 85%.

**B. Parking Standards, Access, and Traffic.**

All circulation, curb-cuts and access points shall be subject to review and approval by the City of Columbus Transportation Division.

**C. Buffering, Landscaping, Open space and Screening requirements.**

1. Street trees shall be planted along Wilson and Roberts Roads at a ratio of one tree per forty (40) feet of frontage.
2. Within the parking setback along Wilson and Roberts Roads, the developer shall install headlight screening to a minimum height of 30 inches. The headlight screening may be in the form of mounding, planting, fencing individually or in any combination thereof.
3. The 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. Minimum size of landscaping material at installation shall be: 2½ inch caliper for deciduous trees, 1½ inch caliper for ornamental trees; 5 feet in height for evergreens, and two gallon for shrubs. Caliper is measured 6 inches above grade.

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

N/A

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

1. Light poles shall not exceed 28 feet in height and shall have cutoff fixtures.
2. Outdoor display and/or sales shall be limited to the following areas:
  - a. On sidewalks abutting buildings; only if said sidewalk has a minimum depth of nine (9) feet. At least five feet of said sidewalk shall remain free of display materials to permit pedestrian / A.D.A. transit.
  - b. At the ends of fuel pump islands only if depicted on the zoning clearance site plan; and the maximum footprint of displays at the end of fuel islands shall be four (4) feet by four (4) feet.
3. The maximum height for any outside display and/or sales shall be three feet, except for soda machines, ice chests or other comparable sales devices.
4. The outdoor display area shall contain only those items normally and customarily sold by a convenience store and other seasonal items and products, including but not limited to, firewood, mulch, flowers, Christmas wreaths.

**F. Graphics and Signage requirements.**

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 and any variance to those requirement will be submitted to the Columbus Graphics Commission for consideration.

**G. Miscellaneous commitments.**

1. CPD Criteria:

A. NATURAL ENVIRONMENT: The site is vacant.

B. EXISTING LAND USES: to the north across Roberts Road commercial and industrial uses; to the east across Wilson Road commercial and industrial uses and to the west undeveloped industrial ground and I-270.

C. TRANSPORTATION AND CIRCULATION: Access shall be from ~~Roberts~~Wilson Road.

D. VISUAL FORM OF THE ENVIRONMENT: The site will consist of a convenience store with gas pumps or other permitted uses.

The site will be landscaped within the setback areas along Roberts Road and Wilson Road.

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

F. PROPOSED DEVELOPMENT: Convenience store with gas and a car wash.

G. EMISSIONS: No adverse affects 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 Wilson and Roberts Roads. Existing development has already established behavior patterns in the area.

2. Variances.

1. Reduce the building setback on Roberts Road from fifty (50) feet to twenty (20) feet.

**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.**