



Legislation Details (With Text)

File #: 1674-2013 **Version:** 1

Type: Ordinance **Status:** Passed

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On agenda: 7/22/2013 **Final action:** 7/25/2013

Title: To rezone 3940 STELZER ROAD (43219), being 1.9± acres located on the east side of Stelzer Road, 1444± feet south of Morse Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z13-004).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1674-2013attachments, 2. Notice Of Public Hearing - Council Mtg20130722

Date	Ver.	Action By	Action	Result
7/25/2013	1	ACTING CITY CLERK	Attest	
7/24/2013	1	ACTING MAYOR	Signed	
7/22/2013	1	COUNCIL PRESIDENT	Signed	
7/22/2013	1	Zoning Committee	Approved	Pass
7/15/2013	1	Columbus City Council	Read for the First Time	

Rezoning Application Z13-004

APPLICANT: Costco; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Follow up rezoning to CV12-042 to permit gasoline sales.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on March 14, 2014.

NORTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Staff supports this follow-up rezoning required by Council variance CV12-042, passed December 17, 2012. The proposal is consistent with CV12-042 and with the development and zoning patterns of the area.

To rezone **3940 STELZER ROAD (43219)**, being 1.9± acres located on the east side of Stelzer Road, 1444± feet south of Morse Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z13-004).

WHEREAS, application #Z13-004 is on file with the Building and Zoning Services Department requesting rezoning of

1.9± acres from CPD, Commercial Planned Development District, to CPD, Commercial Planned Development District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the North East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the proposal is consistent with CV12-042, passed December 17, 2012 and with the development and zoning patterns of the area; 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:

3940 STELZER ROAD (43219), being 1.9± acres located on the east side of Stelzer Road, 1444± feet south of Morse Road, and being more particularly described as follows:

1.902 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Townships 1 and 2, Township 1, Range 17, United State Military Lands, being out that 46.400 acre tract as conveyed to Morso Holding Co. by deed of record in Instrument Number 200902170020898 and part of that tract conveyed as Parcel 10 to Morso Holding Co. by deed of record in Official Record 30846G11 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, in the easterly right-of-way line of Stelzer Road at the southeasterly corner of said Parcel 10;

thence with a curve to the left in said easterly right-of-way line, said westerly line, having a central angle of 03° 20'57", a radius of 1499.92 feet, an arc length of 87.67 feet and a chord bearing and distance of South 06°25'11" East, 87.66 feet to the TRUE POINT OF BEGINNING;

thence continuing with said easterly right-of-way line, the westerly line of said Parcel 10 and said 46.400 acre tract, the following courses and distances:

with the arc of a curve to the left, having a central angle of 00°31'07", a radius of 1499.92 feet, an arc length of 13.57 feet and a chord bearing and distance of North 08°21'13" West, 13.57 feet to a point;

North 04°43'23" East, a distance of 10.60 feet to a point; and

with the arc of a curve to the left, having a central angle of 08°11'14", a radius of 1502.40 feet, an arc length of 214.68 feet and a chord bearing and distance of North 13°05'59" West, 214.50 feet to a point;

thence across said 46.400 acre tract, the following courses and distances:

South 87°41'33" East, a distance of 309.10 feet to a point;

North 02°18'27" East, a distance of 40.00 feet to a point;

South 87°41'33" East, a distance of 55.00 feet to a point;

South 02°18'27" West, a distance of 310.10 feet to a point;

North 76°10'47" West, a distance of 69.90 feet to a point;

with the arc of a curve to the left, having a central angle of 02°34'47", a radius of 349.80 feet, an arc length of 15.75 feet and a chord bearing and distance of North 80°57'30" West, 15.75 feet to a point;

North 76°39'37" West, a distance of 56.07 feet to a point;

North 82°17'35" West, a distance of 130.78 feet to a point;

with the arc of a curve to the left, having a central angle of 07°20'59", a radius of 228.00 feet, an arc length of 29.25 feet and a chord bearing and distance of North 86°59'26" West, 29.23 feet to a point; and

with the arc of a curve to the right, having a central angle of 09°16'18", a radius of 40.00 feet, an arc length of 6.47 feet and a chord bearing and distance of North 86°01'46" West, 6.47 feet to the TRUE POINT OF BEGINNING, containing 1.902 acres of land, more or less.

To Rezone From: CPD, Commercial Planned Development District

To: CPD, Commercial Planned Development District

SECTION 2. That a Height District of one hundred ten (110) 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, " **COSTCO WHOLESALE PRELIMINARY LANDSCAPE PLAN**," signed by Jeffrey L. Brown, Attorney for the Applicant, dated November 7, 2012, and text titled, "**CPD TEXT**," signed by Jeffrey L. Brown, Attorney for the Applicant, dated February 21, 2013, and reading as follows:

CPD TEXT

PROPOSED DISTRICTS: CPD, Commercial Planned District

PROPERTY ADDRESS: 3940 Stelzer Road

OWNER: Morso Holding Co.

APPLICANT: Costco

DATE OF TEXT: February 21, 2013

APPLICATION: Z13-004

1. INTRODUCTION: This zoning will add gas sales as a permitted use. CV12-042 which was approved by City Council in December 2012 to permit gas sales required a zoning application be filed on the subject site.

2. PERMITTED USES: The following uses shall be permitted: Gas Sales, Public parking garage(s) and those uses listed in Chapter 3356 (C-4, Commercial District) of Columbus City Code.

1. Excepting therefrom:

a. new or used car lot except in connection with a new automobile salesroom

3. DEVELOPMENT STANDARDS: Except as otherwise noted above and herein, the applicable development standards of Chapter 3356, C-4, Commercial District shall apply to the subject property.

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

1. Setback from Relocated Stelzer Road shall be 10 feet for all parking, loading and maneuvering areas and 10 feet for buildings.
2. All other publicly dedicated interior streets shall have a zero foot parking, loading and maneuvering setback and a zero foot building setback.
3. The setback required in Section 3A shall not apply to any pedestrian bridges, any building or structure parking garage which is connected to a pedestrian bridge as part of an elevated pedestrian system, and any motor bus shelter; the setback for said items shall be zero.
4. Entry features may be established within the subject site and may contain signage. Minimum setback for entry features shall be 5 feet from right-of-way line. In no case, shall entry features interfere with maintaining safe clear sight distances at intersections. Depending on the final form of the entry features, appropriate variances from the Columbus City Code may be required.

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

1. Parking

Due to the mixed use nature of the proposed development it would be impossible to have each use on its own tax parcel with all its required parking spaces and loading spaces. In addition the mixture of the proposed uses would make it appropriate to consider the effect of a shared parking analysis on determining the required number of parking spaces. From a zoning clearance standpoint the city shall review the number of parking spaces for the subject site as one tax parcel even if there are separate tax parcels.

The following parking ratios shall be provided unless varied by a shared parking analysis or by the Board of Zoning Adjustment:

Retail	1 parking space for every 300 sq. ft. of gross floor area
Restaurant, without pick up unit or greater than 5000 sq. ft	1 parking space for every 75 sq. ft. of gross floor area
Restaurant, with pick up unit and seating (less than 5000 sq. ft)	1 parking space for every 175 sq. ft. of gross floor area
Restaurant, with pick up unit no seating (less than 5000 sq. ft)	1 parking space for every 175 sq. ft. of gross floor area
Restaurant, patio/outdoor dining areas	Ratio is 50% of ratio required for primary structure
Office (general)	1 parking space for every 450 sq. ft. of gross floor area
Office (medical)	1 parking space for every 300 sq. ft of gross floor area
Theater	1 parking space for every 3 seats

In order to arrive at the final required parking figure it is necessary to reduce the parking demand for each use by

recognizing three reduction factors that are used in the ULI shared parking analysis. The reduction factors are vacancy allowance, non-auto transportation (walk, COTA, cab, bike) and captive market allowance (% of people visiting more than one business).

<u>Reduction Factor</u>	<u>Retail</u>	<u>Restaurant</u>	<u>Office</u>	<u>Theater</u>
Vacancy	2%	0%	9%	10%
Non-auto transportation	4%	4%	4%	4%
Captive market allowance	18%	15%	15%	15%

The parking figures calculated from the ratios are then reduced by the appropriate reduction factor for each use to arrive at the total required number of parking spaces.

If the applicant wished to provide fewer parking spaces than calculated by the above method then the applicant shall prepare a shared parking analysis for the proposed project pursuant to the requirements of the City's Department of Public Service. The Department of Public Service shall review this shared parking analysis and if the Department approves the study then the applicant shall provide the number of parking spaces shown in the study. If the Department does not approve the study, then the applicant may file a variance request with the Board of Zoning Adjustment.

Public parking garages may be constructed on the subject property. The number of parking spaces within any garage(s) shall count toward meeting the overall parking requirement of the entire development on the subject property.

2. When the site is developed the property owner shall grant to the property owner of tax parcel 520-105165 (currently owned by Aladdin Temple Aaonms) a non exclusive access easement in a form which is customary for the area to give said parcel access to a signalized intersection along Stelzer Road.

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

1. A tree row shall be established along Relocated Stelzer Road frontage containing one tree for every 30 feet of road frontage. Trees shall be equally spaced or grouped together.
2. The landscaping requirements of this section may be satisfied or offset by the preservation of existing vegetation.

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

N/A

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

1. No outside storage or display shall be permitted.

F. Graphics and Signage Commitments

1. All signage and graphics shall conform to Article 15 of the Columbus City Code, as it applies to the C-4, Commercial District classification. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous

1. Site Plan

The subject shall be in the accordance with the site plan. 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 site plan shall be reviewed and may be approved by the Director of the Department of Building and

Zoning Services or his or her designee upon submission of the appropriate data regarding the proposed adjustment.

2. CPD Criteria

a. Natural Environment

The natural environment of the subject site is limited to relatively flat terrain with slopes of one to two percent. Drainage flow naturally runs from the west along Stelzer Road to I-270. The Bennington series soils on site are suitable for development.

b. Existing Land Use

Existing land use consist of commercially zoned property north and east of the site; commercial development and undeveloped commercially zoned ground to the west across Stelzer Road and Aladdin Temple Shrine, a large multi-purpose facility to the south.

c. Visual Form

The visibility of the site will be considered in the design of the buildings.

d. Visibility

This area has high freeway visibility and good visibility from Relocated Stelzer Road.

e. Proposed Development

Commercial, gas sales.

f. Behavior Patterns

The proposed development will provide additional commercial opportunities to both local residents, office works and to other individuals who can access this area via the I-270 / Morse Road interchange.

g. Emissions

1. This development would conform to the City requirements for light levels, sounds, smells and dust. It is anticipated that this development would not adversely effect proposed adjacent uses in this regard.

3. Variances

a. Section 3356.11C-4 district setback line: to reduce the building setback: along Stelzer Road from 50 feet to 10 feet.

b. Section 3312.27 Parking setback line to reduce the parking setback: along Stelzer Road from 35 feet to 10 feet.

c. Section 3312.49 Maximum number of parking spaces required: to reduce the minimum number of parking spaces, and to eliminate a maximum number of parking spaces. See text for parking ratio.

d. Section 3312.03D Administrative requirements to allow parking spaces for a use to not be on the same parcel as the use. Section 3312.51 Loading spaces to allow loading spaces for a use to not be on the same parcel as the use.

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