



## Legislation Details (With Text)

**File #:** 1749-2015      **Version:** 2

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

**File created:** 6/23/2015      **In control:** Zoning Committee

**On agenda:** 7/13/2015      **Final action:** 7/16/2015

**Title:** To rezone 4580 ALKIRE ROAD (43228), being 1.23± acres located at the northeast corner of Alkire and Holt Roads, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District and to declare an emergency (Rezoning # Z15-021).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1749-2015.Attachments, 2. Notice Of Public Hearing - Council Mtg20150713

Date	Ver.	Action By	Action	Result
7/16/2015	2	CITY CLERK	Attest	
7/15/2015	2	MAYOR	Signed	
7/13/2015	2	COUNCIL PRESIDENT	Signed	
7/13/2015	1	Zoning Committee	Amended to Emergency	Pass
7/13/2015	1	Zoning Committee	Approved as Amended	Pass

### Rezoning Application Z15-021

**APPLICANT:** Certified Oil Company; c/o Dave Perry, David Perry Company, Inc; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, Ohio 43215.

**PROPOSED USE:** Fuel sales in conjunction with convenience retail.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on May 14, 2015.

**WESTLAND AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a fuel sales facility and convenience store, and is zoned in the CPD, Commercial Planned Development District (Z99-056, Ordinance No.: 0003-00). The 1999 rezoning is conditioned on a site plan and specifically limits the total area of the convenience store to 2,772 SF. Applicant proposes to build a 350 +/- SF addition on the east side of the building to relocate interior bathrooms. The site is located within the planning area of *Westland Area Plan* (1994), which recommends industrial/manufacturing uses for the site. While the proposal is not consistent with the land use recommendation, the existing use was established 15 years ago, and is more compatible with the surrounding residential development and less intense than the industrial/manufacturing uses recommended for the site. In consideration of the adjacent residential uses, the CPD text prohibits outdoor retail displays, limits canopy and convenience store square footage, contains landscaping provisions, and commits to a site plan.

To rezone **4580 ALKIRE ROAD (43228)**, being 1.23± acres located at the northeast corner of Alkire and Holt Roads,

From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z15-021).

**WHEREAS**, application #Z15-021 is on file with the Department of Building and Zoning Services requesting rezoning of 1.23± 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 Westland Area 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, will permit the limited expansion of an existing fuel sales and convenience retail facility, with appropriate development standards in consideration of adjacent residential uses; 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:

**4580 ALKIRE ROAD (43228)**, being 1.23± acres located at the northeast corner of Alkire and Holt Roads, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Survey No. 1389, Virginia Military Lands, and being all of Parcel I and II as conveyed to Certified Oil Corporation (Instrument 200001310020907) excepting the 0.596 Acre tract conveyed to the City of Columbus (Instrument No. 200011080227068) and being more particularly described as follows:

Commencing at a Franklin County Engineer Monument Box 4432 at the intersection of the centerline of Alkire Road (100 feet wide) with Holt Road (to the north), said box being on the westerly line of Jackson Township and the easterly line of Prairie Township and also being located 17.55 feet easterly from as measured along the centerline of Alkire Road, from Holt Road centerline (to the south);

Thence, along the centerline of said Alkire Road, North 64° 15' 00" East, 370.00 feet to a point;

Thence, across said Alkire Road right of way North 25° 45' 00" West, 50.00 feet to the northerly right of way line of Alkire Road, the southeast corner of said remaining Parcel II and being the **TRUE POINT OF BEGINNING**;

Thence, along the northerly right of way line of said Alkire Road, along the southerly line of said remaining Parcel II and Parcel I the following two (2) courses;

- 1) South 64° 15' 00" West, 297.31 feet to a point;
- 2) North 61° 55' 50" West, 17.74 feet to a point on the easterly right of way line of said Holt Road;

Thence, along the easterly right of way line of said Holt Road, being 40 feet easterly of, as measured at right angles to, the centerline of said Holt Road, the westerly line of said remaining Parcel I, North 08° 15' 00" West, 184.21 feet to a point being the northwesterly corner of said remaining Parcel I;

Thence, along the northerly line of said remaining Parcel 1 and Parcel II, North 64° 15' 00" East, 252.39 feet to the northeast corner of said remaining Parcel II;

Thence, along the easterly line of said remaining Parcel II, South 25° 45' 00" East, 190.00 feet to the place of beginning **CONTAINING 1.229 ACRES**. This description was prepared for zoning purposes only and is based on existing records. Basis of bearings is the centerline of Alkire Road held as North 64°15' 00" East per Instrument Number 200001310020907.

**To Rezone From:** CPD, Commercial Planned Development 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 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, "**SITE DEVELOPMENT PLAN**," and text titled, "**DEVELOPMENT PLAN - COMMERCIAL PLANNED DEVELOPMENT DISTRICT**," both signed by Donald Plank, Attorney for the Applicant, and David Perry, Agent for the Applicant, dated June 9, 2015, and the text reading as follows:

DEVELOPMENT PLAN  
COMMERCIAL PLANNED DEVELOPMENT DISTRICT

PROPERTY ADDRESS: 4580 Alkire Road, Columbus, OH 43123

PID: 570-163184

AREA: 1.229 ac

EXISTING ZONING: CPD (Z99-056)

PROPOSED DISTRICT: CPD, Commercial Planned Development District

APPLICANT/OWNER: Certified Oil Company c/o Dave Perry, David Perry Company, Inc., 145 E. Rich Street, FL 3, Columbus, OH 43215 and Donald Plank, Plank Law Firm, LPA, 145 E. Rich Street, FL 3, Columbus, Ohio 43215.

DATE OF TEXT: June 9, 2015

APPLICATION NUMBER: Z15-021

1. INTRODUCTION: The subject site is 1.229 acres more particularly identified in the legal description submitted as part of this Rezoning Application. The site is developed with a gas station and convenience store. The 1.229 acre site was rezoned (Z99-056) in 1999 to CPD to permit the development of a gas station and convenience store. The 1999 rezoning is conditioned on a site plan and specifically limits the total area of the convenience store to 2,772 SF. Applicant proposes to build a 350 +/- SF addition on the east side of the building to relocate interior bathrooms. Existing bathroom area in the existing convenience store will be used for remodeling the interior of the store consistent with corporate remodeling and upgrading of the interior of company convenience stores. The addition is a minor addition of SF that remains in compliance with perimeter setbacks established with the 1999 rezoning. The total new store area will be a maximum of 3,130 SF. The Site Plan titled "Site Development Plan, 4580 Alkire Road", hereafter "Site Plan", dated June 9, 2015, is submitted as the site plan.

2. PERMITTED USES: The permitted use shall be a gasoline service station and convenience store, developed in substantial conformance with the submitted Site Plan.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan or in this written text, the applicable

development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, of the Columbus City Code.

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

Use of the site as a gas station and convenience store shall be as depicted on the submitted Site Plan. Setbacks are depicted on the Site Plan, and, specifically, there shall be a 25 foot building setback and 20 foot pavement setback along and adjacent to the north and east property lines, as depicted.

B.) Access, Loading, Parking and/or other Traffic related commitments.

Vehicular access and parking shall be as depicted on the Site Plan.

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

1. Landscaping shall be as depicted on the Site Plan.

2. A three (3) foot tall landscape mound shall be maintained along the northeast side of this development, as it relates to the building, and will extend around to the north side of the development to screen the canopy. Landscaping shall consist of grass and mulch, Burning Bush, Colorado Blue Spruce and Sugar Tyme Crab trees, or comparable plant material.

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

1. The convenience store building shall be a maximum of 3,130 SF.

2. The canopy height shall be restricted to a maximum of twenty-five (25) feet in height. The lighting utilized with the canopy will be recessed lighting. The square footage of the canopy will be no greater than 5,000 square feet.

3. Building height shall be restricted to an absolute maximum of thirty-five (35) feet.

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

1. The dumpster location is depicted on the Site Plan. The depicted location is the only location a dumpster shall be placed and kept.

2. There shall be no outdoor displays of merchandise.

F.) Graphics and Signage commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the CPD District. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration. No off-premise graphics shall be permitted on this site.

G). Other CPD Requirements.

1. Natural Environment: The site is located at the northeast corner of Holt Road and Alkire Road. The site is developed with a gas station and convenience store.

2. Existing Land Use: The site is developed with a gas station and convenience store.

3. Circulation: Vehicular access will be via existing full-turning movement curbcuts on Alkire and Holt Roads, as depicted on the Site Plan.

4. Visual Form of the Environment: Alkire Road is an arterial right of way. There is extensive development in all directions.

5. Visibility: The site is visible from both Alkire Road and Holt Road.

6. Existing and Proposed Development: Retail gas station and convenience store.

7. Behavior Patterns: Behavior patterns are illustrated on the Site Plan.

8. Emissions: Development does and will conform to City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

H). Modification of Code Standards.

N/A

I.) Miscellaneous commitments.

Development of the site shall be in accordance with the Site Plan titled "Site Development Plan, 4580 Alkire Road" dated and signed June 9, 2015 by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**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.**