



## Legislation Details (With Text)

**File #:** 0345-2023      **Version:** 1

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

**File created:** 1/26/2023      **In control:** Zoning Committee

**On agenda:** 2/13/2023      **Final action:** 2/15/2023

**Title:** To rezone 7400 FODOR RD. (43054), being 2.6± acres located at the northeast corner of Fodor Road and New Albany Road, From: L-C-4, Limited Commercial District, To: L-C-4, Limited Commercial District (Rezoning #Z22-088).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0345-2023\_Attachments, 2. ORD0345-2023\_Labels

Date	Ver.	Action By	Action	Result
2/15/2023	1	CITY CLERK	Attest	
2/14/2023	1	MAYOR	Signed	
2/13/2023	1	Zoning Committee	Approved	Pass
2/13/2023	1	COUNCIL PRESIDENT	Signed	
2/6/2023	1	Columbus City Council	Read for the First Time	

### Rezoning Application: Z22-088

**APPLICANT:** Tim Donut U.S. Limited, Inc. c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on January 12, 2023.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 2.6± acre site consists of two parcels developed with a drive-through eating and drinking establishment in the L-C-4, Limited Commercial District. The requested L-C-4 district will update the existing limitation text to remove graphics restrictions, therefore permitting electronic menu boards, which may be internally illuminated. The *Northland Plan - Volume II* design guidelines do not explicitly discourage automatic changeable copy, and no other changes to the site are proposed with this request. Additionally, the requested L-C-4 district remains consistent with the surrounding zoning and development pattern at the intersection of Fodor Road and New Albany Road.

To rezone **7400 FODOR RD. (43054)**, being 2.6± acres located at the northeast corner of Fodor Road and New Albany Road, From: L-C-4, Limited Commercial District, To: L-C-4, Limited Commercial District (Rezoning #Z22-088).

**WHEREAS**, application #Z22-088 is on file with the Department of Building and Zoning Services requesting rezoning of 2.6± acres from L-C-4, Limited Commercial District, to L-C-4, Limited Commercial 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 L-C-4, Limited Commercial District includes updated graphics commitments but retains the existing permitted uses, which are consistent with the existing development pattern at Fodor Road and New Albany Road; 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:

**7400 FODOR RD. (43054)**, being 2.6± acres located at the northeast corner of Fodor Road and New Albany Road, and being more particularly described as follows:

Parcel 1

Situated in the State of Ohio, County of Franklin, City of Columbus, and being Reserve “G”, as the same is numbered and delineated upon the recorded plat of FODOR ROAD AND NEW ALBANY ROAD DEDICATION AND EASEMENTS, of record in Plat Book 83, pages 11 and 12, Recorder’s Office, Franklin County, Ohio.

Parcel 2

Situated in the State of Ohio, County of Franklin, City of Columbus, and in Quarter Township 3, Township 2, Range 16, United States Military Lands and being all out of an original 93.500 acre tract as conveyed to The New Albany Company of record in Official Record 12773G01 (all deed references refer to the records of the Recorder’s Office, Franklin County, Ohio) and described as follows:

Beginning at an iron pin set at a point of curvature in the northerly right-of-way line of Proposed Fodor Road at the southeasterly corner of Reserve “G” as the same is shown on the proposed plat of “FODOR ROAD AND NEW ALBANY ROAD DEDICATION AND EASEMENTS”, said iron pin being North 3 degrees 32’ 56” East, a distance of 2197.44 feet and North 86 degrees 27’ 04” West a distance of 207.60 feet from the centerline intersection of Morgan Road with Dublin-Granville Road (State Route 161) as the same is shown of record in Plat Book 20, Page 45;

Thence with the northerly line of said Proposed Reserve “G” with a curve to the right having a central angle of 69 degrees 47’ 55”, a radius of 445.00 feet, whose chord bears North 31 degrees 19’ 38” West, a chord distance of 509.20 feet to an iron pin set at a point of tangency in the Easterly Limited Access Right-of-Way Line of Proposed New Albany Road;

Thence North 3 degrees 34’ 19” East, with said Proposed Easterly Limited Access Right-of-Way Line, a distance of 257.49 feet to an iron pin set in the Proposed Southerly Limited Access Right-of-Way Line of Ramp “N” of Relocated State Route 161 shown as Parcel 4 WL on ODOT Plan Fra-161-20.51 of record in Official Record 27687A19;

Thence with said Proposed Southerly Limited Access Right-of-Way Line, the following courses:

North 85 degrees 55’ 02” East, a distance of 235.40 feet to an iron pin set;

North 80 degrees 02’ 03” East, a distance of 99.99 feet to an iron pin set

Thence South 3 degrees 34’ 19” West, with a new division line across said original 93.500 acre tract, a distance of 744.30 feet to an iron pin set in the northerly right-of-way line of said Proposed Fodor Road;

Thence North 66 degrees 13’ 36” West, with said proposed northerly right-of-way line, a distance of 41.76 feet to the true point of beginning and containing 4.548 acres of land, more or less.

Excepting therefrom:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 3, Township 2, Range 16, United States Military Lands, and being 2.396 acre out of 4.548 acre tract conveyed to Tim Donut U.S., Limited, Inc. As recorded in Official Record Volumes O.R. 32833 I17 and 32833 I19, and being more particularly describes as follows:

Commencing for reference, at a point at the southeasterly corner of Reserve "G" as the same as shown on the plat of "FODOR ROAD AND NEW ALBANY ROAD DEDICATION AND EASEMENTS" of record in Plat Book 83, Page 11;

Thence S 66 degrees 13' 36" E, a distance of 41.75 feet, along the northerly right-of-way line of Fodor Road, to an iron pin found at the southeasterly corner of said 4.548 acre tract;

Thence N 03 degrees 34' 19" E, a distance of 397.50 feet, along the easterly line of said 4.548 acre tract, to an iron pin set, said iron pin set being THE TRUE PLACE OF BEGINNING, of the herein to be described 2.396 acre tract;

Thence from said PLACE OF BEGINNING, N 86 degrees 25' 41" W, a distance of 329.17 feet, through said 4.548 acre tract, to an iron pin set in the easterly line of said Reserve "G";

Thence along the arc of a curve to the right, having a radius of 445.00 feet, an arc length of 34.57 feet, delta angle of 04 degrees 27' 06", a chord distance of 34.57 feet, a chord bearing of N 01 degrees 20' 46" E, along the easterly line of said Reserve "G", to an iron pin found, being the extension of easterly right-of-way line of New Albany Road, State of Ohio, Parcel 4WL, 13.736 acre as recorded in Official Record Volume 27687 A19;

Thence N 03 degrees 34' 19" E, a distance of 257.49 feet, along said extension of the easterly right-of-way of New Albany Road (being a limited access right-of-way), to an iron pin set at an angle point in the southerly right-of-way of relocated State Route 161;

Thence N 85 degrees 55' 02" E, a distance of 235.40 feet along said southerly limited access right-of-way of relocated State Route 161, to an iron pin found;

Thence N 80 degrees 02' 03" E, a distance of 99.99 feet, continuing along said limited access right-of-way, to an iron pin found at the northeasterly corner of said 4.548 acre tract;

Thence S 03 degrees 34' 19" W, a distance of 346.80 feet, along the easterly line of said 4.548 acre tract, to THE TRUE PLACE OF BEGINNING;

Containing 2.396 acres of land, more or less, subject to all easements, restrictions and rights-of-way of record;

Known Address: 7400 Fodor Rd., Columbus, OH (43054)

Parcel IDs: 545-236163 & 545-236162

**To Rezone From:** L-C-4, Limited Commercial District,

**To:** L-C-4, Limited Commercial District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-C-4, Limited Commercial 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 L-C-4, Limited Commercial District and Application among the records of the Department of Building and Zoning Services as required

by Section 3370.03 of the Columbus City Codes; said text titled, “**LIMITATION TEXT**,” dated January 5, 2023, signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

## **LIMITATION TEXT**

**PROPOSED DISTRICT: L-C-4, Limited Commercial District**

**PROPERTY ADDRESS: 7400 Fodor Road**

**OWNER: Tim Donut US Limited Inc.**

**APPLICANT: Tim Donut US Limited Inc.**

**DATE OF TEXT: 1/5/23**

**APPLICATION: Z22-088**

**1. INTRODUCTION:** The site was part of Subarea 3 in Z97-121C. The applicant has filed this zoning application to update the development standards and to permit electronic menu boards which will be internally illuminated.

**2. PERMITTED USES:** Permitted uses are contained in Chapter 3356 of the Columbus City Code. The following use is excluded from the subarea: Motel

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated in the submitted text, the applicable development standards are contained in Chapter 3356 of the Columbus City Code.

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

1. The maximum permitted density shall not exceed the ratio of 10,000 square feet of building per net acre of site for the entire site.
2. The setback along Fodor Road shall be 40 feet for parking and maneuvering areas and 60 feet for building.
3. The setback along all other streets shall be 25 feet for parking and maneuvering areas and 50 feet for buildings.

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

Access to the site shall be from Fodor Road and New Albany Road.

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

1. Within the required 40 foot green space corridor along Fodor Road, established under Section 3A.2., fencing and landscaping shall be required along the entire frontage of Fodor Road except for the access points; such fencing and landscaping shall be uniformly placed no closer than one foot outside of the right-of-way. The fencing shall consist of a 3 and/or 4 board fence that is painted or stained white and is a maximum of 54 inches in height. It shall be constructed of 1 1/8 inches x 6 inches x 16 foot treated wood board with face boards, located 8 feet on center. The landscaping shall consist of deciduous shade trees (minimum 2 inch caliper upon installation). Evergreen and/or deciduous shrubs and mounding may be used. For every 100 feet of frontage that is landscaped at least eight trees shall be planted.
2. Street tree planting shall be required within the green space corridor along Fodor Road. Such trees shall be those specified in the Columbus Street Program guidelines from the City of Columbus Forester and have a minimum caliper upon planting of 2 inches and a minimum spacing of 25 feet on center and located minimum 1 foot from edge of right-of-way unless the City of Columbus approves planting these trees within the right-of-way.
3. All parking areas adjacent to Fodor Road or New Albany Road shall have headlight screening parallel to the frontage with a minimum height of 36 inches as measured from the elevation of the nearest section the adjacent parking area. Headlight screening shall be in the form of an evergreen hedge, earth mounding or wall. This screening requirement may be satisfied by the green space corridor required by Section 3.C. 1. if the provisions in Section 3312.21(D).

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

1. A residential appearing roof shall be required. To encourage the use of Georgian architecture portions of the roof may be flattened so long as these flattened areas shall not exceed forty percent (40%) of the total roof area and the flattened roof area and the flattened roof areas are screened from view from adjacent parking, service areas and road ways by balustrades or other building elements. A residential appearing roof shall be defined as a roof structure with a minimum pitch of 6:12 and a maximum of 12:12. The height of the roof element shall not be less than 40% of the overall height of the building as measured from finished floor to top of roof. The sloped roof noted above shall be finished with one of the following materials: dimensional asphalt shingles, wood shakes, slate, composite slate, tile, standing metal seam or copper.
2. A maximum of three (3) building material types shall be utilized for the exterior of any building including roof materials. Minor accenting of structures through the use of a fourth building material shall be permitted. At least 30% of each structure, located on an outparcel developed in conjunction with or as part of a single identified shopping center, shall be constructed of materials common to other such outparcel structures. This will achieve overall architectural uniformity.
3. No materials, supplies, equipment, or products shall be stored or permitted to remain on any portion of the parcel outside the permitted structure.
4. Mechanical equipment or other utility hardware on the roof of a building shall be screened from view by the same materials utilized on building roof or exterior.
5. Building illumination shall be permitted; provided such light source is concealed. No colored light shall be used to light the exterior of any building.
6. Blank facades on rear of buildings will not be permitted; therefore, articulating such facades with recesses, fenestrations, fences or pilasters is required. Such articulation shall be evenly spaced along the building elevation at a distance no greater than 20 feet, 0 inches.
7. All buildings shall be finished utilizing the same materials on all sides of the exterior.
8. In addition to using building elevations to articulate building mass, individual elevations shall be articulated with fenestrations, pattern or structural expression equal on all sides of each structure. Through the use of articulated building elements, such as porticos, dormers, recesses and other such elements, the overall building mass will appear to be reduced and will reflect a residential character.

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

1. Buildings and landscaping may be illuminated with uplighting from concealed sources.
2. All external outdoor lighting to be used shall be from the same manufacturer type or family to ensure aesthetic compatibility. All light poles and standard fixtures shall be in dark brown, bronze, black or dark green.

F. Graphics and Signage Commitments

1. All signage and graphics shall conform to Article 15 of the Columbus City Graphic Code as it applies to the appropriate zoning district. Any variance to the sign requirements other than those sign requirements listed below shall be submitted to the Columbus Graphics Commission.
2. The height and size of ground-supported signage shall not exceed eight feet and fifty square feet per sign face.

3. All other signage shall be behind the required 40 foot setback with the exception of one directional entry and exit sign located at each entrance which shall be a ground type only and limited to four square feet in area per face and located at a minimum of five (5) feet from street right-of-way. In no case shall such signage interfere with maintaining safe clear sight distances at driveway entries and exits. Identification logo or name shall not be displayed on directional signage.
4. No signs shall be painted directly on the surface of any building, wall, or fence. No wall murals shall be allowed.
5. No roof signs shall be permitted
6. All site signage shall be externally illuminated except that menu boards may be internally illuminated. Signage light source shall be directed toward the sign and shall not cause visibility problems for motorists or adjacent property owners.
7. No flashing, traveling, animated or intermittently illuminated signs shall be used. The prior restriction does not prohibit electronic menu boards on the site. No banners, tethered balloons or pennants shall be used.

G. Miscellaneous

Two bike racks shall be installed on the site.

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