



Legislation Text

File #: 3305-2018, **Version:** 1

Rezoning Application: Z18-055

APPLICANT: Sara Radcliffe, Atty.; Kephart Fisher LLC; 207 North Fourth Street; Columbus, OH 43215.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on November 8, 2018.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 6.42± acre site consists of undeveloped parcels zoned in the CPD, Commercial Planned Development District (Subareas C & D of Z02-042A). The proposed CPD, Commercial Planned Development District will update permitted uses and development standard commitments to accommodate a revised site plan proposal. The CPD plan depicts the intended development and conservation easement area. The CPD text includes commitments for C-4, Commercial District uses with restrictions, and development standards addressing setbacks, lot coverage, access and circulation, parking, landscaping, conservation along Rocky Fork Creek, building materials, and Community Commercial Overlay (CCO) design standards for buildings and signage. Variances for reduced setbacks, to allow parking and circulation to be divided by parcel lines, to eliminate loading spaces, to permit shared parking, and to reduce required parking to CCO requirements are included in the request. The site is within the boundaries of the *Rocky Fork-Blacklick Accord Plan* (2003) which recommends commercial land uses at this location. Staff supports the proposal as it is consistent with the Plan's recommendation, is compatible with adjacent commercial developments, and shows consideration for adjacent residential developments with provided landscaping and buffering of the stream corridor. The Rocky Fork - Blacklick Accord Panel unanimously recommended approval of this request at their October 18, 2018 meeting.

To rezone **5330 WARNER ROAD (43081)**, being 6.42± acres located at the northeast corner of Warner Road and North Hamilton Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z18-055).

WHEREAS, application #Z18-055 is on file with the Department of Building and Zoning Services requesting rezoning of 6.42± 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 City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District it is consistent with the *Rocky Fork-Blacklick Accord Plan* land use recommendations, is compatible with adjacent commercial developments, and shows consideration for adjacent residential developments with provided landscaping and buffering of the stream corridor.; 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:

5330 WARNER ROAD (43081), being 6.42± acres located at the northeast corner of Warner Road and North Hamilton Road, and being more particularly described as follows:

Tract 1
1.950 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2, Range 16, United States Military Lands, and being 1.008 acres out of a 5.408 acre tract and 0.942 acres out of a 4.143 acre tract as conveyed to Boomer Landco, LLC of record in Instrument Numbers 200011020222565 and 200006260125716, respectively (all records being of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning for reference at a Franklin County Geodetic Survey (F.C.G.S.#6611) monument found at the intersection of the centerline of Warner Road and the line between Blendon Township and Plain Township;

Thence, with the centerline of said Warner Road, South 86°27'43" East, a distance of 2625.69 feet to a Franklin County Geodetic Survey (F.C.G.S.#1207) monument found;

Thence, continuing with the centerline of said Warner Road, South 86°17'30" East, a distance of 1009.55 feet to a point;

Thence, North 03°42'30" East, a distance of 40.00 feet to a point on the northerly right of way line of said Warner Road and the southerly line of said 5.408 acre tract, and being the true point of beginning of the herein described tract;

Thence with the northerly right of way line of said Warner Road, North 86°17'30" West, a distance of 235.00 feet to a point on the northerly right of way line of said Warner Road;

Thence with the northerly right of way line of said Warner Road, and also with a curve to the right having a radius of 25.00 feet, a central angle of 90°02'23", a chord bearing of North 41°16'18" West, and a chord distance of 35.37 feet to a point on the easterly right of way line of Hamilton Road (100.00 feet wide) as recorded in Plat Book 100, Page 3;

Thence, continuing through said 4.143 acre tract and with the easterly right of way line of said Hamilton Road, and also with a curve to the right having a radius of 5950.00 feet, a central angle of 03°59'33", a chord bearing of North 05°44'40" East, and a chord distance of 414.52 feet to a point;

Thence, through said 4.143 acre tract and said 5.408 acre tract, the following seven (7) courses;

- 1) South 86°34'29" East, a distance of 95.06 feet to a point of curvature;
- 2) With a curve southeasterly and to the right having a radius of 55.00 feet, a central angle of 85°45'28", a chord bearing of South 43°41'45" East, and a chord distance of 74.85 feet to a point;
- 3) South 00°49'01" East, a distance of 139.51 feet to a point of curvature;
- 4) With a curve southeasterly and to the left having a radius of 200.00 feet, a central angle of 27°13'29", a chord bearing of South 14°25'46" East, and a chord distance of 94.14 feet to a point;
- 5) South 28°02'30" East, a distance of 50.81 feet to a point of curvature;
- 6) With a curve southeasterly and to the left having a radius of 187.50 feet, a central angle of 31°45'00", a chord bearing of South 12°10'00" East, and a chord distance of 102.58 feet to a point;

7) South 03°42'30" West, a distance of 18.68 feet to a point on the northerly right of way line of said Warner Road;

Thence North 86°17'30" West with the northerly right of way line of said Warner Road, a distance of 235.00 feet to the true point of beginning and containing 1.950 acres more or less.

Tract II
4.467 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2, Range 16, United States Military Lands, and being 4.372 acres out of a 5.408 acre tract and 0.095 acres out of a 4.143 acre tract as conveyed to Boomer Landco, LLC of record in Instrument Numbers 200011020222565 and 200006260125716, respectively (all records being of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning for reference at a Franklin County Geodetic Survey (F.C.G.S.#6611) monument found at the intersection of the centerline of Warner Road and the line between Blendon Township and Plain Township;

Thence, with the centerline of said Warner Road, South 86°27'43" East, a distance of 2625.69 feet to a Franklin County Geodetic Survey (F.C.G.S.#1207) monument found;

Thence, continuing with the centerline of said Warner Road, South 86°17'30" East, a distance of 1009.55 feet to a point;

Thence, North 03°42'30" East, a distance of 40.00 feet to a point on the northerly right of way of said Warner Road and the southerly line of said 5.408 acre tract, and being the true point of beginning of the herein described tract;

Thence, through said 5.408 acre tract and through said 4.143 acre tract, the following seven (7) courses;

1) North 03°42'30" East, a distance of 18.68 feet to a point of curvature;

2) With a curve northwesterly and to the left having a radius of 187.50 feet, a central angle of 31°45'00", a chord bearing of North 12°10'00", and a chord distance of 102.58 feet to a point;

3) North 28°02'30" West, a distance of 50.81 feet to a point of curvature;

4) With a curve northwesterly and to the right having a radius of 200.00 feet, a central angle of 27°13'29", a chord bearing of North 14°25'46" West, and a chord distance of 94.14 feet to a point;

5) North 00°49'01" West, a distance of 139.51 feet to a point of curvature;

6) With a curve northwesterly and to the right having a radius of 55.00 feet, a central angle of 85°45'28", a chord bearing of North 43°41'45" West, and a chord distance of 74.85 feet to a point;

7) North 86°34'29" West, a distance of 95.06 feet to a point on the easterly line of Hamilton Road (100.00 feet wide) as recorded in Plat Book 100, Page 3 and being a point on a curve;

Thence with the easterly right of way line of said Hamilton Road with a curve northeasterly and to the right having a radius of 5950.00 feet, a central angle of 00°30'08", a chord bearing of North 07°59'30" East, and a chord distance of 52.17 feet to a point on the southerly line of a 124.488 acre tract as conveyed to Cardinal Title Holding Company of record in Official Record Volume 28103108 and also being a point on the northerly line of said 4.143 acre tract;

Thence South 86°34'29" East with the southerly line of said original 124.448 acre tract and the northerly line of said 4.143 acre tract and said 5.408 acre tract, a distance of 496.02 feet to a point at the northeasterly corner of said 5.408 acre

tract and the northwesterly corner of a 3.6972 acre tract as conveyed to Mary A. Metzger of record in Official Record Volume 2661B18;

Thence South 10°15'17" East with the easterly line of said 5.408 acre tract and the westerly line of said 3.6972 acre tract, a distance of 498.48 feet to a point on the northerly right of way line of said Warner Road at the southeasterly corner of said 5.408 acre tract and the southwesterly corner of said 3.6972 acre tract;

Thence North 86°17'30" West with the northerly right of way line of said Warner Road, a distance of 117.37 feet to a point;

Thence South 03°42'30" West continuing with the northerly right of way line of said Warner Road, a distance of 10.00 feet to a point;

Thence North 86°17'30" West continuing with the northerly right of way line of said Warner Road, a distance of 257.54 feet to the true point of beginning and containing 4.467 acres, more or less.

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 plans being titled, "**WEST ALBANY CROSSING: ZONING EXHIBIT**," and "**WEST ALBANY CROSSING: SITE PLAN**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," all signed by Sara Radcliffe, Applicant, and dated November 9, 2018, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

EXISTING DISTRICT: CPD, Commercial Planned Development District

PROPOSED DISTRICT: CPD, Commercial Planned Development District

PROPERTY ADDRESS: 5330 Warner Road, Westerville, Ohio 43081

OWNER: Christoff Land & Development LLC, 102 W. Main Street, Suite 507, New Albany, Ohio 43054 (Owner of Lot 2, 3 and 4) and Strategic Property Concepts 2, LLC, 170 N. Sunbury Road, Westerville, Ohio 43081 (Owner of Lot 1)

APPLICANT: Sara Radcliffe, Atty., Kephart Fisher LLC, 207 N. Fourth Street, Columbus, Ohio 43215

DATE OF TEXT: November 9, 2018

APPLICATION NUMBER: Z18-055

INTRODUCTION: The subject property ("Site") is 6.418 acres of undeveloped vacant land located at the northeast corner of Warner Road and Hamilton Road. The Site is in the Rocky Fork-Blacklick Accord Planning Area and is currently divided into two sub-areas known as Sub-Area C and Sub-Area D of Z02-042A. The site plan titled "West Albany Crossing" dated November 9, 2018 and prepared by Michael C. Rekstis, P.E., hereinafter "Site Plan", is the site development plan for the property. This rezoning application is being submitted to combine Sub-Area C and Sub-Area D into one Sub-Area hereinafter known as "the Site" and to reflect the recommendations of the Rocky Fork-Blacklick Accord for commercial zoning and development of the Site.

CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT (6.41+ ACRES)

DEVELOPMENT TEXT

1. PERMITTED USES: Permitted uses shall be those as governed by Chapter 3356.03, C-4, Commercial District, City of Columbus Zoning Code, except that Bars, Cabarets, Nightclubs, and Extended Stay Hotels shall be prohibited.

2. DEVELOPMENT STANDARDS: Except as otherwise noted, the applicable development standards of Chapter 3356, C-4, Commercial District shall apply.

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

1. Building Setback: The minimum building setback on Hamilton Road and Warner Road shall be 5 feet and 25 feet, respectively, as depicted on the Site Plan. If the Site is split into one or more parcels, there shall be no setback required from a property line internal to the current external, perimeter/sub-area lines.

2. Parking Setback: The minimum parking and pavement setback, other than driveways from curb cuts, shall be 5 feet on Hamilton Road and 10 feet on Warner Road. There shall be a minimum 5 foot parking/paving setback from the current north property line, as long as property to the north is zoned or used residentially. If the Site is split into one or more parcels, there shall be no setback required from a property line internal to the current external, perimeter/sub-area lines.

3. The Site shall be designated a H-35 Height District.

4. Lot coverage for all building and pavement for the total area shall not exceed 55%.

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

1. Curb cuts and access points shall be approved according to the specifications of the City of Columbus Department of Public Service or any other applicable governmental agency. The Department of Public Service has approved one full turning movement curb cut on Hamilton Road and one full turning movement curb cut on Warner Road. A minimum of one right-in, right-out access point shall be permitted on Hamilton Road.

2. Driveway access points and aisles may be divided by property lines without regard to minimum dimensions within any single property or sub-area, as long as the overall driveway or aisle dimensions meet minimum code requirements and easements are provided to insure the function of shared driveways and aisles.

3. Required Parking and Vehicular Circulation Design:

a. Parking shall not be provided in excess of that number of parking spaces required by Chapter 3312, Off-Street Parking and Loading, Columbus Zoning Code.

4. There shall be no more than two rows of parking spaces located in front of any building fronting Warner Road, regardless of the actual building setback.

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

1. A street tree row shall be established along Hamilton Road and Warner Road. The street tree row shall contain one tree for every 30 feet of lineal frontage, except no trees are permitted within the 150' electric easement and as otherwise set forth in Section H(1)(c) below. Such trees shall be those specified in the Columbus Street Tree Program guidelines from the City Forester. The trees shall be approximately evenly spaced and planted in the right of way, subject to approval of applicable city agencies.

2. The parking area adjacent to Warner Road shall have headlight screening parallel to the frontage with a minimum height of 36 inches measured from the elevation of the nearest section of the adjacent parking area. Headlight screening shall be in the form of an evergreen hedge, earth mounding, or walls. The height of the headlight screening may be

reduced as needed adjacent to the curb cuts to provide adequate vision clearance.

3. The minimum size of trees at the time of planting shall be as follows: Deciduous - 2 inches, Ornamental - 1 ½ inches, Evergreen - 5-6 feet. The minimum size of shrubs shall be 2 gallon. Caliper shall be measured 6 inches above grade.

4. There shall be no required loading space pursuant to the requirements of Chapter 3312.51 Loading Space, and Chapter 3312.53 Minimum Number of Loading Spaces Required. If loading/service areas are proposed, they shall be screened from off-site view to a minimum height of four feet by landscaping, fencing, walls or buildings used individually or in combination.

5. Rocky Fork Creek: The Site is contiguous to Rocky Fork Creek. Approximately 2.00+ acres, as indicated on the Site Plan, will be a conservation easement area. The conservation easement area may be granted to the City of Columbus during Site Compliance Review. Additional open space corresponding to the 100 year flood plain of Rocky Fork Creek shall be provided for total open space of 2.607+ acres consisting of the conservation easement area and the 100 year flood plain, as indicated on the Site Plan. No buildings or pavement will be placed in the 2.607+ acre open space area, except for that certain proposed area that may be designated as the Rocky Fork Creek trail extension as depicted on the Site Plan. Snow fencing shall be placed along the line of the easement prior to construction commencing on any nearby building. Owner will make every reasonable effort to preserve and protect existing vegetation in the easement area during construction, however, utility crossing(s) may occur across the conservation easement area and open space area for access to utilities. The conservation easement area may be split and conveyed to the City of Columbus, at the City's option. If ownership of the property represented by the easement area is conveyed to the City of Columbus, determination of compliance with any applicable development standard, such as permitted lot coverage, shall include the conveyed easement area.

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

1. The Site will conform to the Community Commercial Overlay Building Design Standards set forth in Section 3372.705.

2. Building illumination shall be permitted provided such light source is concealed. No colored light shall be used to light the exterior of any building.

3. Building materials may be corrugated metal, metal wall panels, or traditional and natural in appearance, using materials such as wood, brick, stone, stucco/EIFS, glass and/or vinyl siding. Vinyl siding shall be limited to an upgraded quality and a thickness of .044 mils or greater and shall be natural in appearance. Exposed untreated masonry block, buildings featuring an exterior finish consisting entirely of glass, and the use of reflective or mirrored glass are not permitted. Masonry, concrete block and brick may all be painted.

a. A minimum of 50% of the exterior of any building, exclusive of windows, doors, roof, soffit and similar or comparable areas, shall be finished with either masonry building materials, such as brick, stone, EIFS, stucco, wood and/or comparable materials or may also include corrugated metal.

4. Building(s) shall be finished on all sides/elevations with the same level and quality of finish.

5. The primary roof of any building may be flat or pitched.

6. No building shall exceed 200 feet in length or width.

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

1. All new or relocated utility lines within the Site shall be installed underground unless the applicable utility company requires or directs otherwise.

2. No parking lot lighting will be placed in the conservation easement area or the 100 year flood plain area.

F. Graphics and Signage Commitments:

1. All graphics shall conform to the Community Commercial Overlay graphics as set forth in Section 3372.706, as it applies to the C-4, Commercial District. Any variance to the applicable requirements of the C-4 district shall be submitted to the Columbus Graphics Commission for consideration.

2. All ground mounted signage shall be monument-style, except for incidental on-premise ground mounted directional signs, if any.

G. Other CPD Requirements:

1. Natural Environment: The natural environment of the Site is flat to slightly rolling.

2. Existing Land Use: The property is presently undeveloped.

3. Transportation and Circulation: Access to and from the Site will be directly from Hamilton Road and Warner Road.

4. Visual Form of the Environment: Property to the north, south, and southwest is undeveloped. Property to the east is developed with a single family dwelling. An electric transmission easement crosses the Site.

5. View and Visibility: The Site will front on Warner Road and Hamilton Road.

6. Proposed Development: Commercial uses as delineated under Permitted Uses.

7. Behavior Patterns: The Site is located on Hamilton Road, north of the Hamilton Road/New Albany Expressway Interchange. Vehicular access will be from both Warner Road and Hamilton Road. Pedestrian access will be via a sidewalks or paths on Hamilton Road and Warner Road and internal access within the Site.

8. Emissions: Development on the Site 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. Miscellaneous:

1. Variances:

a. Section 3312.09, Aisle, to permit aisles to be divided by property lines, subject to applicable total code required aisle width being provided and applicable easements.

b. Section 3312.13, Driveway, to permit driveways to be divided by property lines, subject to applicable total code required driveway width being provided and applicable easements.

c. Section 3312.21, Tree planting shall be required within the Site parking area and service areas, except that tree planting within the electric transmission easement shall not be required if permission to plant trees is not obtained. Low shrubbery shall be substituted for trees in the easement area if permission to plant trees is not granted. The conservation easement area and proposed street tree planting along Hamilton and Warner Road off-set these requirements.

d. Section 3312.25, Maneuvering, to permit maneuvering areas (including aisles, driveways, and parking spaces) to be divided by property lines, subject to applicable total code required maneuvering being provided for parking spaces and

applicable easements.

- e. Section 3312.49, Minimum number of parking spaces required, code required parking may occur on separate tax parcels provided the sum of parking shall be used to determine compliance with core required parking for uses within separate tax parcels. The minimum number of parking spaces required may be reduced as permitted by C.C. 3372.709 Parking and circulation of the Community Commercial Overlay.
 - f. Section 3312.29 to allow parking spaces to be divided by property lines subject to code required dimensions being provided.
 - g. Section 3356.11, C-4 District setback lines, to reduce the setback requirements identified in that provision in accordance with this text to achieve a setback consistent with the goal of a Community Commercial Overlay form of development.
 - h. Section 3312.27, Parking setback, to permit a parking setback of five feet along Hamilton Road.
2. Sidewalks along Hamilton Road and Warner Road shall be provided and shall be located per the specifications and recommendations of the City of Columbus.
3. The Site shall be developed in accordance with the Site Plan; however, the plans may be slightly adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of the Department of Building and Zoning Services or a designee shall review and may approve any slight adjustment to the plans 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.