



## Legislation Text

---

**File #:** 0558-2020, **Version:** 2

---

### **Rezoning Application Z19-072**

**APPLICANT:** Andrew Catapano, c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on November 14, 2019.

**FAR WEST SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 0.48± acre site consists of one parcel developed with a single-unit dwelling in the R-1, Residential District. The applicant requests the CPD, Commercial Planned Development District to permit a cosmetology educational training facility and other office commercial uses. The CPD text establishes appropriate use restrictions and supplemental development standards that address building setback, traffic access, required parking minimums, street trees, and preservation of an existing tree buffer. Additionally, variances are included to conform an existing reduced building setback and to permit parking space maneuvering to cross a parcel line. The requested CPD district is consistent with *Trabue/Roberts Area Plan's* recommendation for office land uses at this location. The applicant is committing to developing the site in accordance with the submitted site plan which shows street trees, preservation of an existing tree buffer, separate pedestrian connection to the building, and traffic access to the site from a shared drive.

To rezone **5309 ROBERTS RD. (43026)**, being 0.48± acres located on the south side of Roberts Road, 90± east of Potts Place, **From:** R-1, Residential District, **To:** CPD, Commercial Planned Development District (Rezoning #Z19-072) **and to declare an emergency.**

**WHEREAS**, application #Z19-072 is on file with the Department of Building and Zoning Services requesting rezoning of 0.48± acres from R-1, Residential District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Far West Side 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 is consistent with *Trabue/Roberts Area Plan's* recommendation for office land uses at this location. The request will permit a cosmetology educational training facility or other office uses with commitments to street trees, preservation of an existing tree buffer, separate pedestrian connection to the building, and traffic access to the site from a shared drive;

**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:

**5309 ROBERTS RD. (43026)**, being 0.48± acres located on the south side of Roberts Road, 90± east of Potts Place, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Tract No. I:

Being a part of Tract No. 9, Target et al. Survey No. 6554 and 7029 of the Virginia Military Lands, Norwich Township, Franklin County, Ohio, and bounded and described as follows:

Beginning at an iron pin at the point of intersection of the center line of the Rome-Hilliard Road and the Roberts Road; Thence South 85 degrees 46' East along the center line of Roberts Road for a distance of 1008.31 feet to a Punch mark in a Railroad Spike in the center line of Roberts Road, said Punch mark in Railroad Spike being the place of true beginning of this property description; Thence along the center line of Roberts Road South 85 degrees 46' East for a distance of 140.00 feet to an iron pin; Thence South 4 degrees 51' East for a distance of 150.00 feet with the west line of the 0.344 acre tract now owned by Clarence W. Hart to a Corner Post; Thence North 85 degrees 55' west for a distance of 140.00 feet to an iron pin; Thence North 4 degrees 51' West for a distance of 150.00 feet to the place of true beginning of this property described. Containing 0.483 acres, more or less.

Tract No. II:

Being a part of Tract No. 9, Target et al. Survey No. 6554 and 7029 of the Virginia Military Lands, Norwich Township, Franklin County, Ohio, and bounded and described as follows:

Beginning at a corner post of the southeast corner of a 0.483 acre tract conveyed to Clarence Wayne Hart and Elizabeth M Hart by Clarence E Hart, deed book 2270, page 38; Thence South 4 degrees 51' East for a distance of 50.00 feet to a point; Thence North 85 degrees 46' west for a distance of 140.00 feet to a point, Thence North 4 degrees 51' West for a distance of 50.00 feet to an iron pin in the southwest corner of the 0.483 tract above referred to, thence South 85 degrees 46' East for a distance of 140.00 feet with the south line of the tract above referred to, to the place of beginning of this property description, containing 0.161 acres, more or less.

LESS AND EXCEPTING THEREFROM, the following property conveyed by Michael Sarvis to the City of Columbus by Warranty Deed dated December 10, 2004 and recorded February 3, 2005 in Instrument No. 200502030020812, Recorder's Office Franklin County, Ohio.

Situated in the State of Ohio, County of Franklin, City of Columbus, being in VMS Section No. 6554, and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of survey of Roberts Road made by the City of Columbus in 2002 and being located within the following described points in the boundary thereof:

Commencing at the Franklin County Monument No. 6665 at the intersection of Hilliard-Rome Road and Roberts Road; said point being South 87 degrees 30 minutes 33 seconds East a distance of 1698.48 from Franklin County Monument No. 5427; said point also being designated as station 10+00.00 of the centerline of Roberts Road;

Thence South 87 degrees 32 minutes 42 seconds East along said centerline a distance of 459.32 feet to a point at the centerline station 14+59.32;

Thence South 88 degrees 29 minutes 34 seconds East along said centerline a distance of 549.67 feet to a point at centerline station 20+08.99;

Thence South 01 degrees 30 minutes 26 seconds West a distance of 9.08 feet to a point on the grantors west line and the existing centerline of right of way of Roberts Road, said point being 9.08 feet right of station 20+08.99 and being the TRUE POINT OF BEGINNING for the parcel herein described;

Thence South 87 degrees 32 minutes 46 seconds East along said centerline (and grantor's north line) a distance of 140.00 feet to a point of the grantor's east line, said point being 11.39 feet right of station 21+48.97;

Thence South 06 degrees 35 minutes 17 seconds East along said property line a distance of 50.63 feet to an IP set, said point being 61.51 feet right of station 21+56.10;

Thence North 87 degrees 32 minutes 46 seconds West a distance of 140.00 feet to an IP set on the grantor's west line, said point being 59.20 feet right of station 20+16.12;

Thence North 06 degrees 35 minutes 117 seconds West along said property line (passing an IP found at 28.03 feet) a distance of 50.63 feet to the point of beginning.

The above described area of 0.161 acres is contained within Auditor's parcel number 560-154699, which includes 0.096 acres in the present road occupied.

This description was prepared and reviewed on December 20, 2002 by Joseph S Bolzenius, Registered Surveyor No. 6336, and is based on a survey made under the direction and supervision of Steven Lamphear, Registered Surveyor No. 7876 on January 15, 2002.

Grantor claims title by instrument recorded in ORV 200210070251029 in the records of Franklin County, Ohio.

Parcel No: 560-154669

Known as address: 5309 Roberts Rd., Columbus, OH 43026.

**To Rezone From:** R-1, Residential District.

**To:** CPD, Commercial Planned Development District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the CPD, CHCommercial 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 site plan being titled, "**SITE COMPLIANCE SITE PLAN**," dated February 24, 2020, and text titled, "**CPD TEXT**," dated February 10, 2020, both signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

**CPD TEXT**

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

**PROPERTY ADDRESS:** 5309 Roberts Road

**OWNER:** Andrew Catapano / Ryan A Krass

**APPLICANT:** Andrew Catapano

**DATE OF TEXT: 2/10/2020**

**APPLICATION: Z19-072**

**1. INTRODUCTION:** The site is an existing single family house on the south side of Roberts Road. The applicant wants to renovate the existing house for C-2, Commercial uses.

**2. PERMITTED USES:** A cosmetology educational facility and those uses permitted in Chapter 3353 C-2, Commercial of the Columbus City code.

**3. DEVELOPMENT STANDARDS:** Except as listed on the zoning text, the applicable development standard are contained in Chapter 3353 C-2, Commercial of the Columbus City Code.

A. Density, Height, Lot and/or Setback Requirements: Building setback from Roberts Road shall be 15 feet.

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

1. Access to the site shall be provided via a driveway easement from the property to the east as required with Zoning Application #Z06-066.

2. Parking for the proposed cosmetology education training facility is 1 parking / 1,000 sq. ft. All other uses shall comply with Section 3312.49 of the Columbus City Code.

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

1. Two street trees shall be installed as shown on the submitted site plan.

2. The trees along the south property line shall be maintained as shown on the submitted site plan. Dead and diseased trees and shrubbery maybe removed from this area.

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

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

F. Graphics and Signage Commitments: The applicable graphics standards shall be those contained in the C-2 Commercial District. Any variances shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous:

1. Variance: Section 3312.25 Maneuvering: to permit parking spaces to maneuver accross parcel lines.

2. Variance: Section 3353.09 C-2 district setback lines, to reduce the building setback from Roberts Road to 15 feet (existing condition).

3. The proposed development shall be developed in general conformance with the submitted Site Plan. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any adjustment to the Site Plan shall be reviewed and may be approved by the City's Director of the Department of Building & Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

#### **4. CPD REQUIREMENTS:**

A. Natural Environment: The site is on the south side of Roberts Road and it is developed with a single family house.

- B. Existing Land Use: Surrounding uses includes multi-family and office.
- C. Transportation and Circulation: Access is from Roberts Road.
- D. Visual Form of the Environment: The existing house is being renovated.
- E. View and Visibility: The applicant considered pedestrian and vehicular movement in layout the site.
- F. Proposed Development: C-2, Commercial uses; cosmetology educational training facility.
- G. Behavior Patterns: The applicant will provide training for his students.
- H. Emissions: No adverse effect from emissions shall result from the proposed development.

**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.**