

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
SEPTEMBER 9, 2010**

1. **APPLICATION:** **Z07-055 (07335-00000-00055)**
 Location: **85 NORTH WILSON ROAD (43204)**, being 0.84± acres located on the west side of Wilson Road, 172± feet north of Alberta Street (010-0110979 & 010-110966; Greater Hilltop Area Commission).

 Existing Zoning: C-3, Commercial and L-C-4, Limited Commercial Districts.

 Request: CPD, Commercial Planned Development District.
 Proposed Use: Fuel sales and convenience retail.
 Applicant(s): The Kroger Co.; c/o Christopher A. Rinehart, Atty.; Rinehart & Rishel, Ltd.; 300 East Broad Street, Suite 190; Columbus, OH 43215.

 Property Owner(s): Ahmad Mazen Mattan; 2468 Woodstock Road; Columbus, OH 43221.

 Planner: Shannon Pine, 645-2208, spine@columbus.gov.

BACKGROUND:

- o This application was tabled at the December 2008 Development Commission meeting because the applicant wanted to expand the site by vacating and purchasing the Grace Street right-of-way. The 0.84± site is comprised of a fuel sales facility zoned C-3, Commercial District, a vacant parcel zoned L-C-4, Limited Commercial District, and Grace Street right-of-way which is in the process of being vacated. The applicant had requested the C-5, Commercial District for the new construction of a fuel sales facility and convenience store. The request has been changed to a CPD, Commercial Planned Development District to accommodate a setback variance for the canopy.
- o To the north is a shopping center in the L-C-4, Limited Commercial District. To the east across Wilson Road are a restaurant and a bank in the C-3 Commercial District. To the south is an office building in the AR-O, Apartment Residential Office District. To the west is shopping center parking in the L-C-4, Limited Commercial District.
- o The site is located within the planning area of *The Greater Hilltop Plan (2001)* which does not provide land use recommendations for this location. This area is covered by the *Greater Hilltop Plan Amendment*, approved by the Development Commission and pending consideration by City Council. The amendment recommends community mixed uses for this site in addition to the application of the Regional Commercial Overlay (RCO).
- o The site is located within the boundaries of the Greater Hilltop Area Commission whose recommendation had not been received at the time this report was written.
- o The CPD text commits to the attached site plan and includes use restrictions,

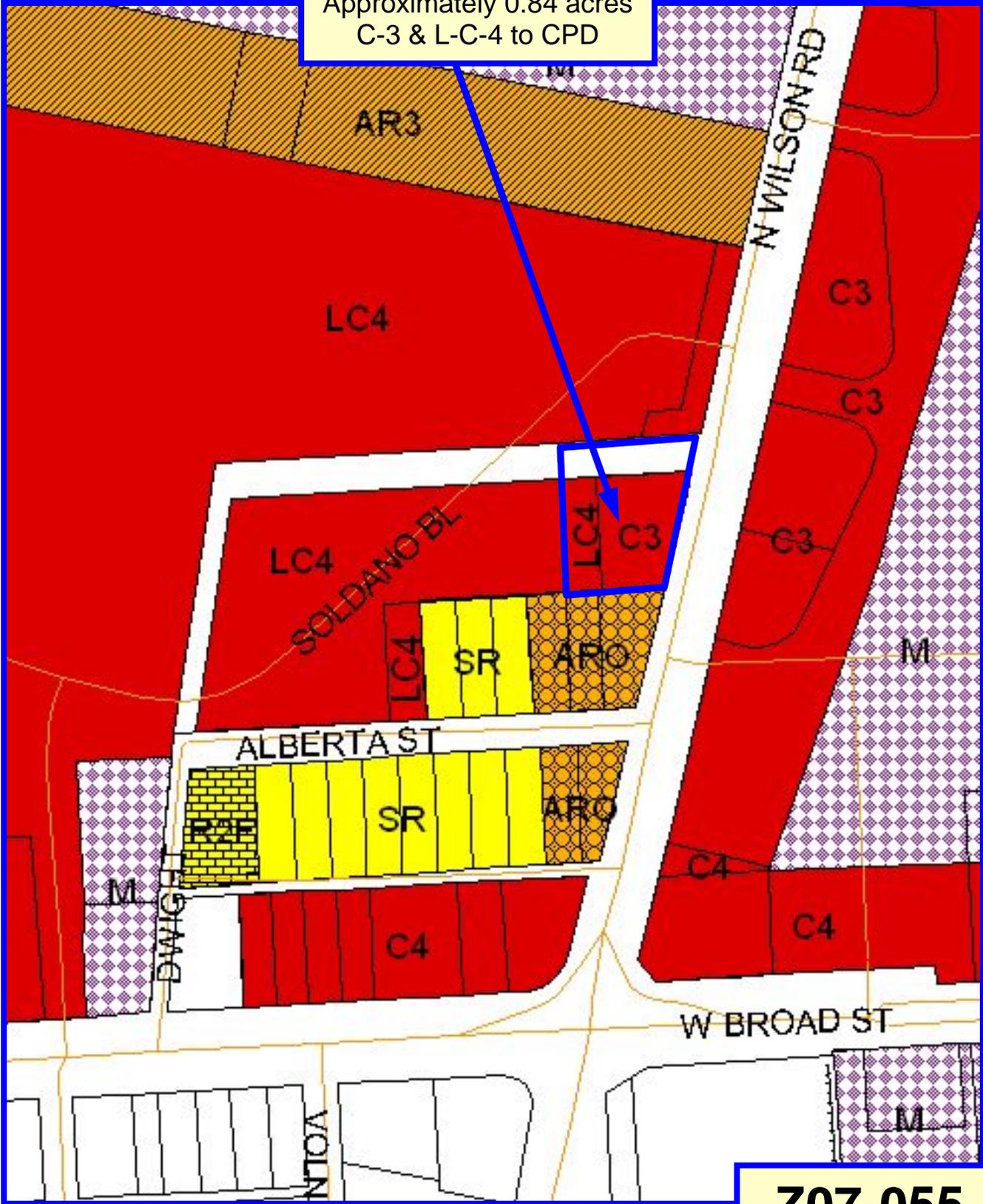
landscaping, and screening. The applicant has incorporated RCO standards into the development as they apply to landscaping, ground signage, and pedestrian safety.

- o The *Columbus Thoroughfare Plan* identifies Wilson Road as 4-2D arterial requiring a minimum of 60 feet of right-of-way from centerline.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

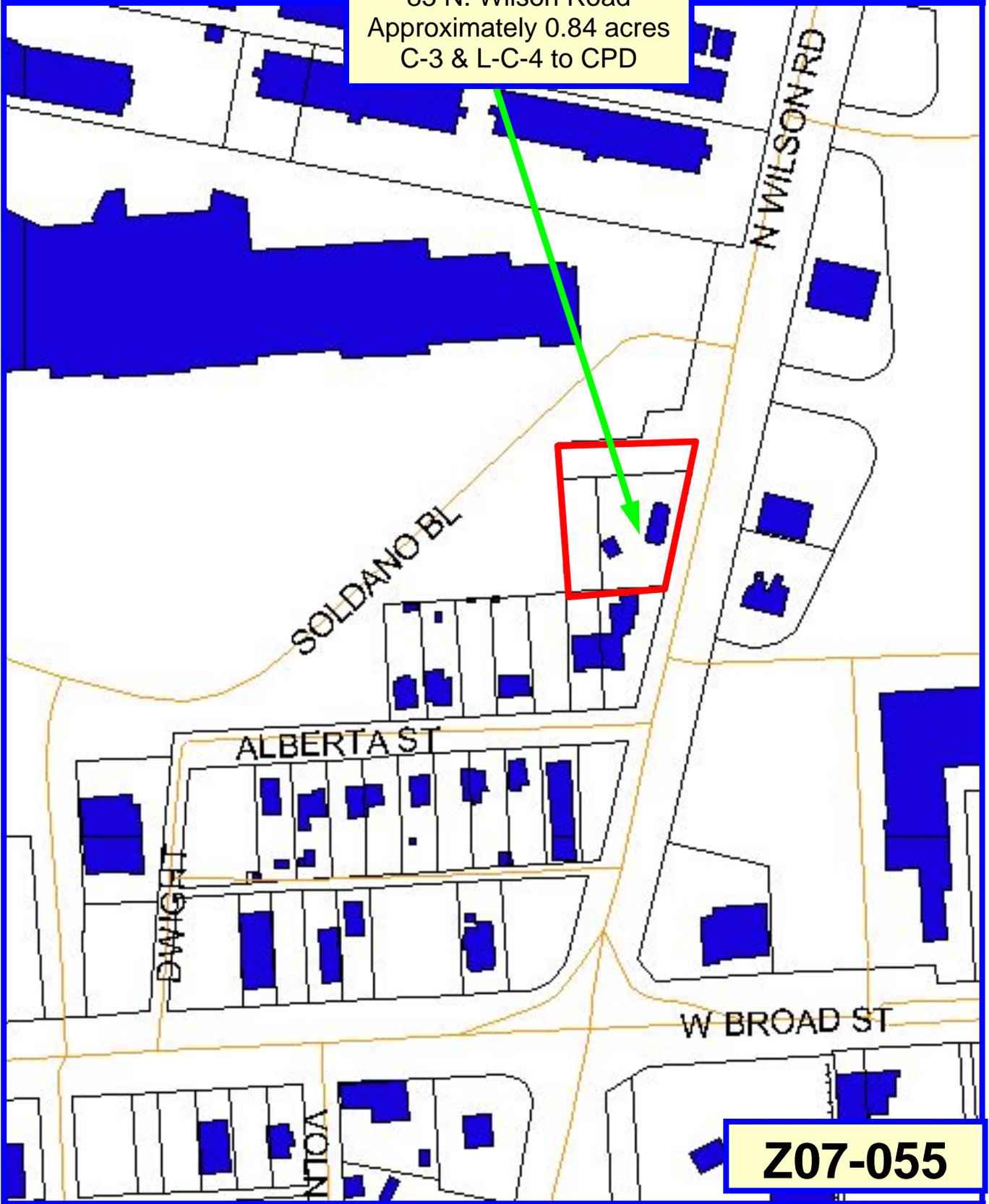
The requested CPD, Commercial Planned Development District will allow the construction of a new fuel sales facility with convenience retail. The request is consistent with the zoning and development patterns of the area, and with the land use recommendations of the pending *Greater Hilltop Plan Amendment*.

85 N. Wilson Road
Approximately 0.84 acres
C-3 & L-C-4 to CPD



Z07-055

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CPD TEXT

CPD, COMMERCIAL PLANNED DISTRICT

0.836 ACRES +/-

EXISTING DISTRICT: C-3, Community Scale Commercial Development, LC-4, Regional Scale Commercial District

PROPOSED DISTRICT: CPD, Commercial Planned District

PROPERTY ADDRESS: 85 North Wilson Road / Parcel I.D.s: 010-110979 / 010-110966
Portion of Grace Street Right-of-Way

PROPERTY OWNER: Ahmad Mazen Mattan
2468 Woodstock Road
Columbus, Ohio 43221

APPLICANT: The Kroger Co.
4111 Executive Parkway
Westerville, Ohio 43081

c/o: Christopher A. Rinehart, Esq.
Rinehart & Rishel, Ltd.
300 East Broad Street, Suite 190
Columbus, Ohio 43215

DATE OF TEXT: August 31, 2010

APPLICATION NUMBER: Z07-055

INTRODUCTION:

The subject property consists of two (2) parcels and a portion of Grace Street right-of-way totaling 0.836 +/- acres located at 85 North Wilson Road and is adjacent to the Consumer Square West shopping center ("Site"). The Site is currently occupied by a Clark gas station and is zoned C-3, Community Scale Commercial Development, and LC-4, Regional Scale Commercial District. Applicant proposes to rezone the Site to CPD, Commercial Planned District, for the purpose of constructing a fuel station.

1. PERMITTED USES:

A. Chapter 3356 (C-4), Regional Scale Commercial District

1. Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall be those allowed in Chapter 3356 (C-4), of the Columbus City Code.

B. Chapter 3357 (C-5), Highway Oriented Commercial Development

1. Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall include an automobile service station as permitted by Chapter 3357 of the Columbus City Code.

2. **DEVELOPMENT STANDARDS:** Unless otherwise stated herein, the applicable development standards shall be as specified in Chapter 3356 and, to the extent such standards relate to filling stations, those specified in Chapter 3357.

A. Density, Lot, and/or Setback Commitments

1. Building Setbacks: The minimum building setback from Wilson Road shall be as shown on the attached site plan.
2. Parking Setbacks: The minimum parking, loading and maneuvering setback shall be as shown on the attached site plan.

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

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Planning and Operations Division.
2. Curb cuts shall be approved by the City of Columbus Planning and Operations Division. Access to and from the Site is proposed to be provided from two access points located along Wilson Road.

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

1. All landscaping shall be maintained in a healthy condition and dead material shall be replaced with new landscaping within six (6) months or the next planting season, whichever comes first.

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

1. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.

E. Lighting, Outdoor Display Areas, and/or Other Environmental commitments

1. All external lighting shall be cut-off fixtures (down-lighting) and shall be designed to prevent offsite spillage.

F. Graphic and Signage Requirements

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33, of the Columbus City Code as it applies to those uses designated as C-4, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments

1. The site shall be developed in general conformance with the attached Site Plan. The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering plans are completed. Any slight adjustment to the Site Plan is subject to review and approval by the Director of the Department of Building and Zoning Services or his designee, upon submission of the appropriate data regarding the proposed adjustment.

2. Variance(s) to Section(s):

- A. 3357.04 Service Station Site Standards

The applicant seeks a variance to the above-referenced section to permit the canopy of the fuel station to be developed as shown on the attached Site Plan.

H. CPD Criteria

1. Natural Environment

The Site is located adjacent to the Consumer Square West shopping center.

2. Existing Land Use

Commercial uses are located to the north, east, and west of the Site. The property to the south is zoned for apartment/residential use.

The property is currently zoned C-3, Community Scale Commercial Development, and LC-4, Regional Scale Commercial District. The rezoning permits commercial use of the Site pursuant to existing C-4 standards as well as a limited C-5 use for an automobile service station and ancillary parking.

3. Transportation and Circulation

There will be direct vehicular access to the Site from Wilson Road.

4. Visual Form of the Environment

As described in this text, the Site will be developed to complement the existing area.

5. View and Visibility

The Site is clearly visible from Wilson Road and the Consumer Square West Shopping Center.

Consideration has been given to visibility and safety issues. This text and the attached site plan are a direct result of the same. Well-defined access will be provided to the Site.

6. Proposed Development

The proposed development is compatible and complementary to existing surrounding commercial uses. Significant commercial development has already occurred adjacent to the Site and the proposed development is complementary to such development.

7. Behavior Patterns

As indicated and set forth on the site plan, access to the Site will be facilitated from Wilson Road. The proposed development is not expected to significantly alter existing traffic behavior patterns.

8. Emissions

No adverse emissions are expected from this development.

The undersigned, being the owner of the subject property together with the applicant in the subject application, or other authorized representatives do hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by the above restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that he fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Code.

SIGNATURE: _____

DATE: _____

