

**STAFF REPORT  
DEVELOPMENT COMMISSION  
ZONING MEETING  
CITY OF COLUMBUS, OHIO  
JULY 10, 2008**

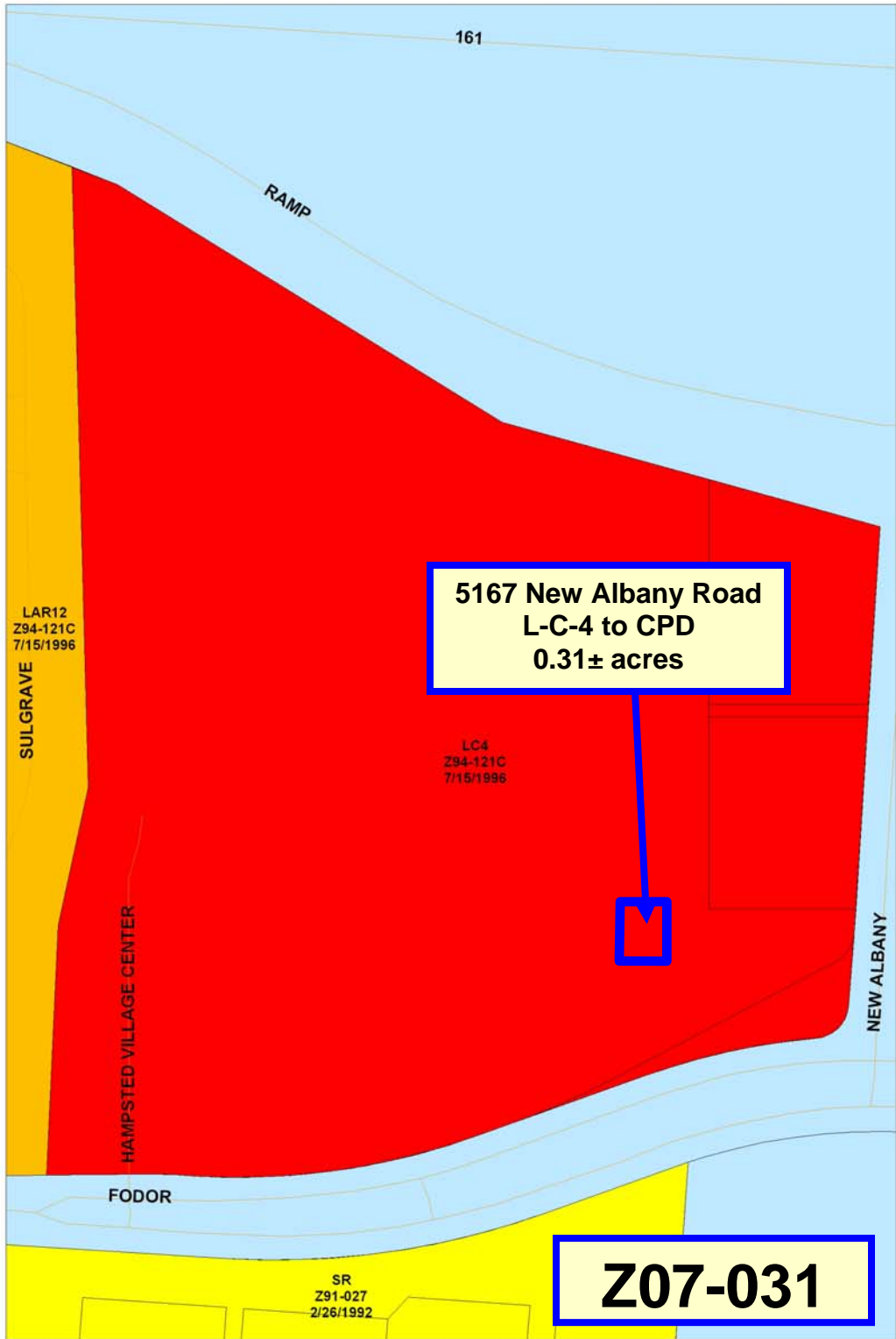
2.    **APPLICATION:**            **Z07-031**  
      **Location:**             **5157 NEW ALBANY ROAD (43054)**, being 0.31± acres located at the northwest corner of New Albany and Fodor Road (545-250659).  
  
      **Existing Zoning:**        L-C-4, Limited Commercial District.  
      **Request:**                CPD, Commercial Planned Development District.  
      **Proposed Use:**          Retail fuel sales.  
      **Applicant(s):**          The Kroger Co.; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.  
  
      **Property Owner(s):**    T & R New Albany Development LLC; 12655 Olive Boulevard, Suite 200; Saint Louis, MO 63141.  
      **Planner:**                Dana Hitt, AICP, 645-2395, [dahitt@columbus.gov](mailto:dahitt@columbus.gov)

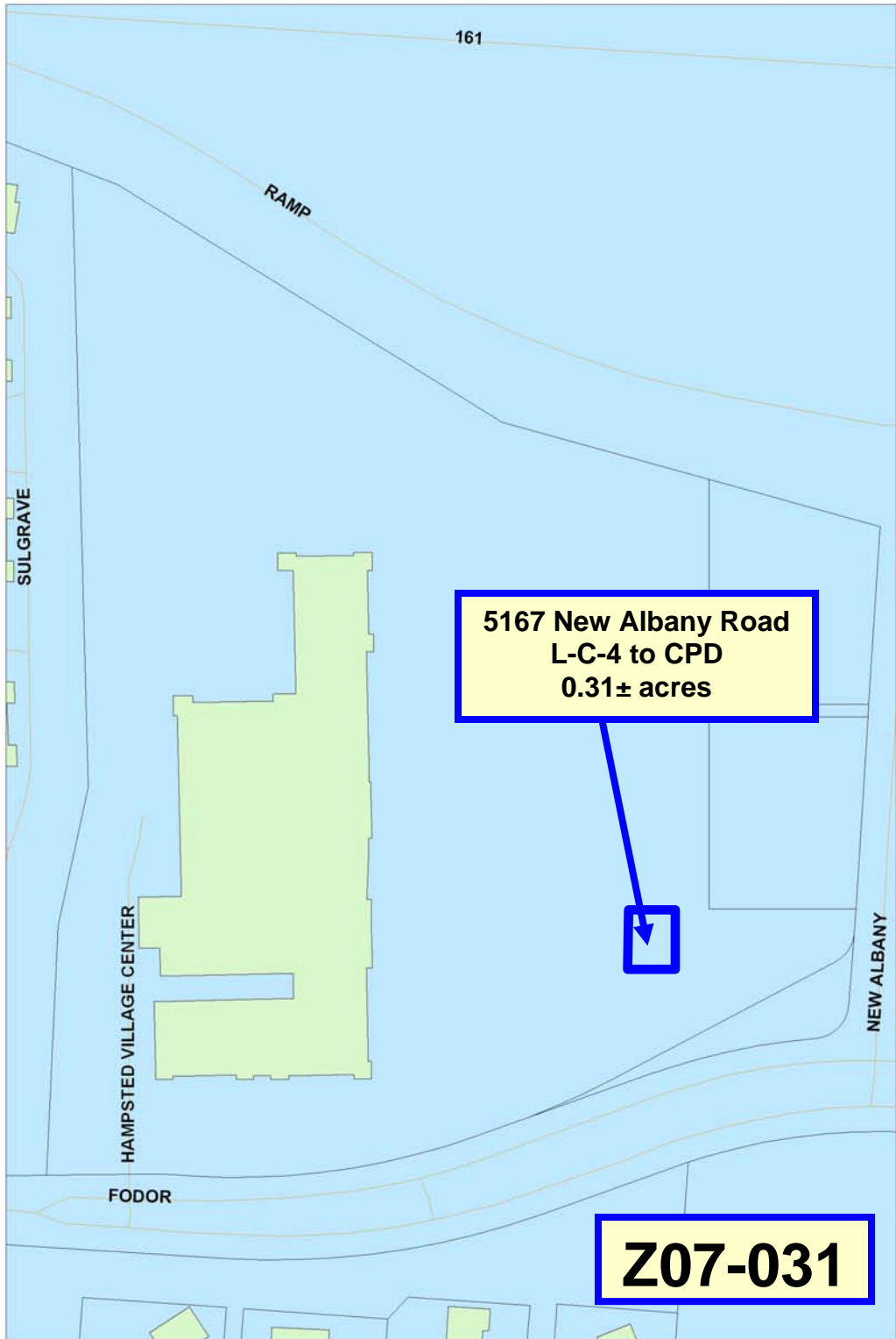
**BACKGROUND:**

- o The 0.31 acre site is developed with parking for a retail shopping center in the L-C-4, Limited Commercial District. The applicant wishes to rezone the property to the CPD, Commercial Planned Development District and remove existing parking spaces in order to develop a retail fuel center.
- o The site falls within the boundaries of the *Northland Plan, Volume II* (2002) which but no specific recommendation is provided.
- o To the north, south and west is parking for a retail shopping center zoned in the L-C-4, Limited Commercial District. To the east is a restaurant zoned in the L-C-4, Limited Commercial District.
- o The text provides development standards that address abandonment of the gas station, architectural, outdoor display, lighting and screening commitments. Even with the removal of parking to accommodate the gas station, the site still exceeds the minimum parking requirements.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

The applicant's CPD request is consistent with surrounding zoning and land uses and will still have more than the minimum Code required parking spaces after the removal of the parking spaces for the gasoline station.







**COMMERCIAL  
PLANNED DEVELOPMENT TEXT**

PROPOSED DISTRICT: CPD-Commercial  
PROPERTY ADDRESS: 5167 New Albany Road  
OWNER: T & R New Albany Development LLC  
APPLICANT: The Kroger Co.  
DATE OF TEXT: 6/30/08  
APPLICATION NUMBER: Z07-031

**1. INTRODUCTION:** This site consists of 0.305+/- acres found within the parking area of an existing grocery store and located to the northwest of the intersection of New Albany Road and Fodor Road. The subject property was originally zoned L-C-4 in 1996 as part of a larger project that set development guidelines for 39+/- acres found south of the State Route 161 Expressway, north of Fodor Road, and east and west of New Albany Road. The current zoning permits C-4 uses with a number of exceptions. This request will allow fuel sales as an additional permitted use for the subject property. A majority of the standards below are similar to those which already apply to the site.

**2. PERMITTED USES:** Permitted uses shall include gasoline sales and those uses contained in Section 3356.03 (C-4, Commercial) of the Columbus City Code unless otherwise indicated within this text.

**3. DEVELOPMENT STANDARDS:** The applicable development standards are contained in Chapter 3356 (C-4, Commercial) unless otherwise indicated within this text.

**4. DENSITY, HEIGHT, LOT AND/OR SETBACK COMMITMENTS**

- a. The maximum permitted density shall not exceed the ratio of 10,000 square feet of building per net acre of site.
- b. There shall be no minimum setback from perimeter boundaries of the property for buildings, canopies, and parking and maneuvering areas.
- c. The height district for the subject property shall be 35 feet, as measured per Columbus City Code.
- d. There shall be no maximum lot coverage requirement for this development.

**5. ACCESS, LOADING, PARKING AND/OR OTHER TRAFFIC-RELATED COMMITMENTS:**

- a. Size, ratio, and type of parking and loading facilities shall be governed by Columbus City Code Chapter 3342.
- b. All circulation and access points shall be subject to the approval of the Division of Transportation.

**6. BUFFERING, LANDSCAPING, OPEN SPACE AND/OR SCREENING COMMITMENTS:**

- a. The view of all loading areas shall be screened from all sides from any adjacent roadway, building, or parking lot by achieving ninety percent (90%) opacity to a minimum height of seven (7) feet from finished grade.
- b. If landscaping is used to screen service areas containing dumpsters, ninety percent (90%) opacity is required for all non-servicing sides and must be protected from service vehicles. Screening shall be provided to one (1) foot above the height of the structure to be screened but shall not be less than seven (7) feet above finished grade.

**7. LIGHTING COMMITMENTS:**

- a. All external lighting shall be cut-off type fixtures (down lighting). However, buildings and landscaping may be illuminated with uplighting from a concealed source. No colored light shall be used to illuminate the exterior of a building.
- b. All external lighting to be used shall be from the same manufacturer type or family to ensure aesthetic compatibility. All light poles or standards shall be dark brown, bronze, or dark green in color.
- c. Parking lot lighting shall be no more than twenty-eight (28) feet in height.
- d. Building-mounted lighting within service areas shall be designed in such a way that no off-site light spillage occurs.

**8. SIGNAGE AND GRAPHICS:**

- a. All signage and graphics shall conform to Article 15 of the Columbus City Graphics Code as it applies to the appropriate zoning district. Any variance to the sign requirements other than those listed below shall be submitted to the City of Columbus Graphics Commission for review and approval.
- b. No roof signs shall be permitted nor shall a sign extend higher than the roof of a building.
- c. No signs shall be painted directly on the surface of any building, wall, or fence. No wall murals shall be allowed.

**9. ARCHITECTURAL REQUIREMENTS:**

- a. Permitted primary exterior building materials shall include brick, brick veneer, stone, stone veneer, and E.I.F.S.. Alternative materials shall be permitted as trim.
- b. All building and canopies shall be finished utilizing the same materials on all sides of the exterior.
- c. No materials, supplies, equipment, or products shall be stored or permitted to remain outside of a permitted structure except that outdoor display areas for convenience store / gas sales uses shall be permitted and shall contain only those items normally and customarily sold by such store as well as seasonal items/products including, but not limited to, firewood, mulch, flowers, and Christmas wreaths. Such display areas shall be located no more than two (2) feet from an adjacent structure and shall be limited to fifty (50) square feet in area with a maximum height of three (3) feet. A five (5) foot wide pedestrian travel zone shall be maintained on a store sidewalk. Ice, soda, and vending machines are not permitted outside of a structure.
- d. Mechanical equipment or other utility hardware on the roof of a building shall be screened from view by the same materials utilized on the building roof or exterior. The color of such screening materials shall match the building exterior or roof. Mechanical or other utility equipment on the ground shall be screened from view by a wall, fence, or landscape material.

**10. MISCELLANEOUS COMMITMENTS:**

a. Miscellaneous:

- i. An “abandoned service station” is defined as a service station which has ceased operations or is closed to the public for at least six (6) months in any twelve (12) month period. The owner or lessee of the service station or related structures shall, within seven (7) days of the beginning of the closure period referred to herein:

- aa. Install wheel blocks, firmly attached, across the driveway entrance to the service station to prohibit unauthorized vehicle parking or abandonment of motor vehicles;
- bb. Shall remove all signs and pumps;
- cc. Shall board up all windows, garage doors and entrances to prevent the breakage of glass and the unauthorized entrance therein;
- dd. Take appropriate action as required by the City of Columbus Fire Code to treat abandoned underground tanks; and
- ee. Shall during the closure period cut all grass, remove all rubbish and weeds and continue such maintenance as may be necessary to prevent the building or structure from deteriorating into a state of disrepair.

**11. CPD CRITERIA:**

- a. Existing land uses: To the north is commercial and the State Route 161 Expressway; to the east is existing commercial; to the west is existing commercial; and to the south is existing residential.
- b. Transportation and circulation: Access to the site shall be via New Albany Road and Fodor Road.
- c. Visual form of the development: The site shall be developed in accordance with the zoning text.
- d. View and visibility: In the development of the subject property and the location of the buildings and access points consideration has been given to the visibility and safety of motorists and pedestrians.
- e. Proposed development: Commercial as permitted under this text.
- f. Emissions: No adverse affects from emissions shall result from the proposed development.
- g. Behavior patterns: The proposed development would serve the growing Columbus residential population as well as the motorists who use State Route 161, New Albany Road, and Fodor Road.

The undersigned, being the owners of the subject property and the applicants on the subject application, or their authorized representatives, do hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by 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: \_\_\_\_\_

Casto NA Kroger.txt(2)  
(alu) (6/30/08)

Mr. Jeff S. Murray – Chairperson FAX 614-818-4399

**NORTHLAND  
COMMUNITY  
COUNCIL  
DEVELOPMENT COMMITTEE**

# Fax

<b>To:</b> Aaron Underhill	<b>From:</b> Jeff Murray
<b>Fax:</b> 614-221-4409	<b>Pages:</b> 5
<b>Phone:</b> 614-221-4255	<b>Date:</b> 7/9/07
Z07-031, 5167 New Albany Rd.	
<b>Re:</b>	<b>Email:</b> aunderhill@smithandhale.com

Dear Mr. Underhill,

**The committee voted 11/0/0 –CONDITIONAL APPROVAL**

The conditions are as follows:

- No pop or ice machines on the outside of the gas station structures
- Any displays that are put outside of the building must be within 2 feet of the structure and no higher than 4 feet tall

If you have any questions please contact me at:

Work, 614-882-8558, ext. 207

Fax, 614-818-4399

Email, jeffmurray@wideopenwest.com.

Best regards,

Jeff S. Murray  
Chairperson, Development Committee  
Northland Community Council



5167 New Albany Road  
L-C-4 to CPD  
0.31± acres

Z07-031