

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
AUGUST 14, 2008**

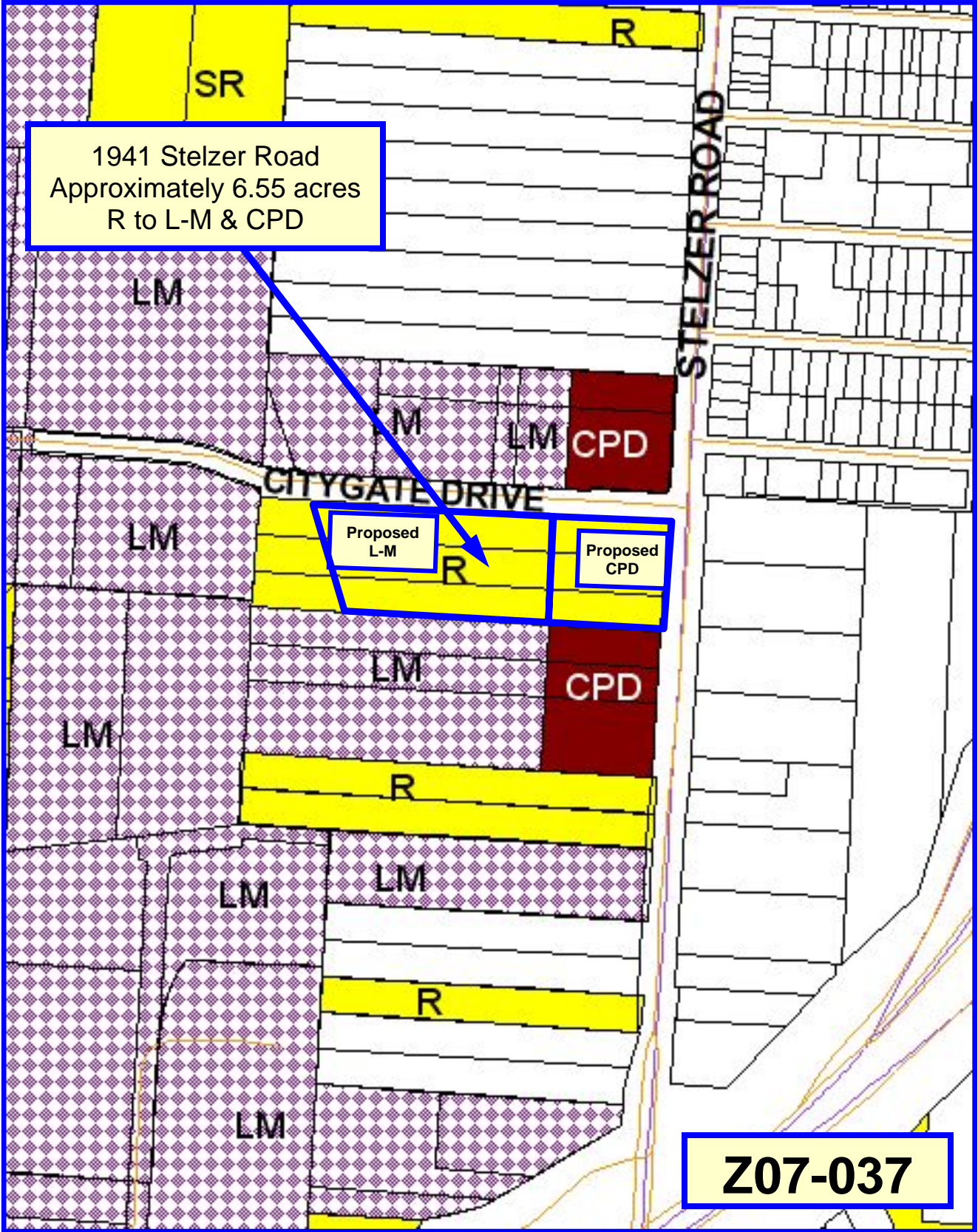
- 4. APPLICATION: Z07-037**
Location: **1941 STELZER ROAD (43219)**, being 6.55± acres located at the southwest corner of Stelzer Road and Citygate Drive (Northeast Area Commission; 520-181149).
Existing Zoning: R, Rural District.
Request: CPD, Commercial Planned Development and L-M, Limited Manufacturing Districts.
Proposed Use: Commercial development.
Applicant(s): Sean & Barbara Brogan; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 725; Columbus, OH 43215.
Property Owner(s): Sean & Barbara Brogan; P.O. Box 09764; Columbus, OH 43219.
Planner: Walter Green; 645-2485; wagreen@columbus.gov

BACKGROUND:

- The 6.55± acre site is undeveloped and zoned in the R, Rural District. The applicant is requesting the CPD, Commercial Planned Development District adjacent to Stelzer Road and the L-M, Limited Manufacturing District on the west portion of the property.
- To the north of the site, across Citygate Drive is undeveloped property zoned in the CPD, Commercial Planned Development and L-M, Limited Manufacturing Districts. To the east, across Stelzer Road, are single-family residences in Mifflin Township. To the south is undeveloped property zoned in the CPD, Commercial Planned Development and L-M, Limited Manufacturing Districts. To the west is undeveloped land in the R, Rural District.
- The proposed CPD would permit most C-4 uses and C-5 uses and includes development standards for setbacks, lot coverage, maximum retail development, landscaping and design requirements. The L-M district would permit commercial uses, less objectionable manufacturing uses, and cellular towers.
- The Northeast Area Plan, adopted July 17, 2007, recommends office/ light industrial uses for the site. The plan has been adopted since the zoning districts on adjacent property, permitting commercial uses, were approved. The plan supports airport related uses south of the subject site, between I-670 and Drake Road. The proposed CPD and L-M districts would permit private or public parking lots as the primary use, which are not consistent with the recommended office/light industrial uses recommended for the site.
- The *Columbus Thoroughfare Plan* identifies Stelzer Road as a 4-2d arterial requiring a minimum of 60 feet of right-of-way from the centerline.

CITY DEPARTMENTS RECOMMENDATION: Disapproval.

The Northeast Area Plan (2007) recommends office/light industrial uses for the site. The applicant is proposing most C-4, C-5 and less objectionable manufacturing uses for the site, with retail development limited to a maximum of 20,000 square feet for the entire site. These uses include private parking lots as a primary use, which are airport related uses, and not consistent with the area plan.

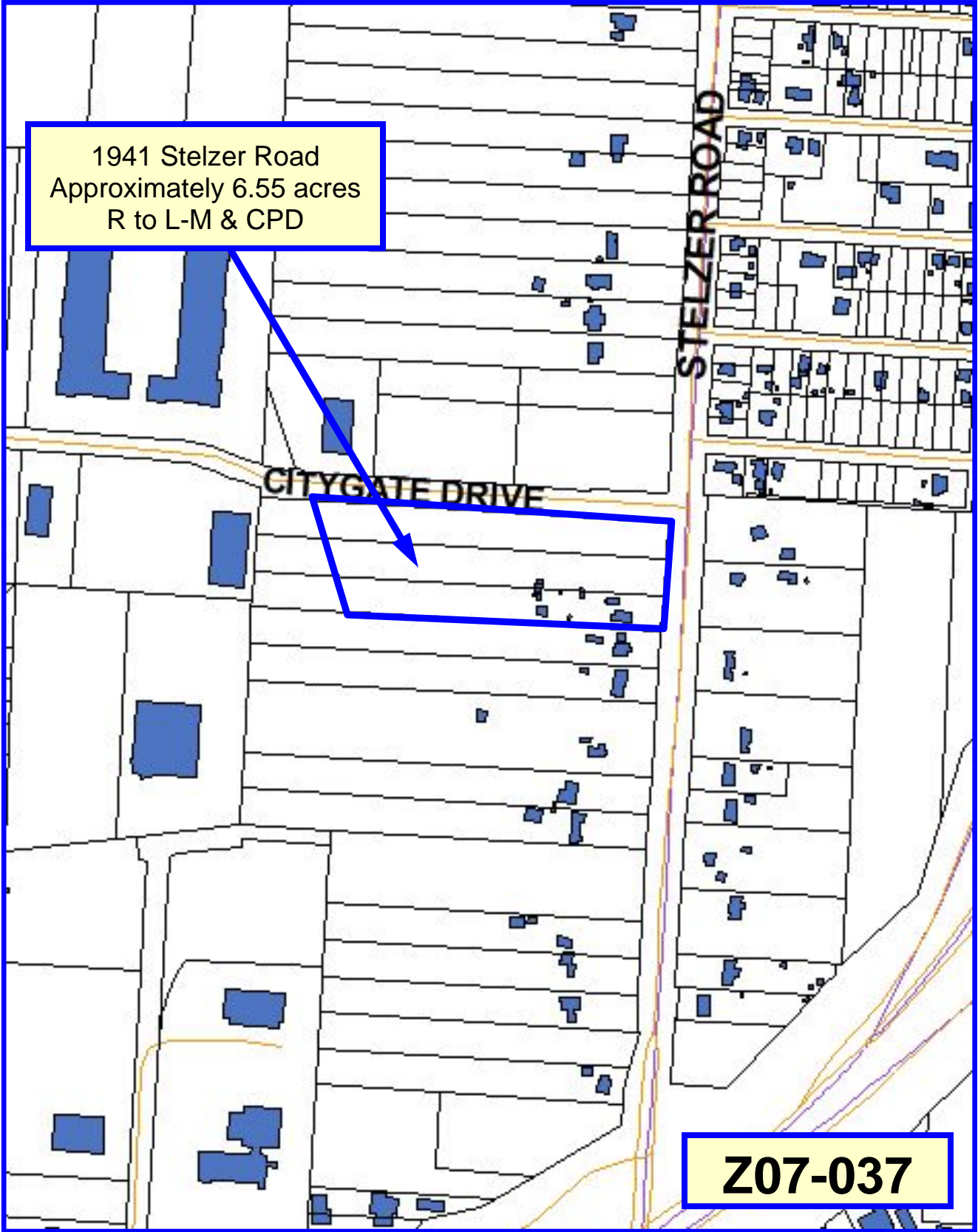


1941 Stelzer Road
Approximately 6.55 acres
R to L-M & CPD

Proposed
L-M

Proposed
CPD

Z07-037



**L-M, LIMITED MANUFACTURING DISTRICT, AND
CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT TEXTS, 7.75± ACRES**

Existing District: R, Residential

Proposed District: L-M, Limited Manufacturing and CPD, Commercial Planned Development

Property Address: 1941 Stelzer Road

Owner: Lepalo, Inc., Trustee, P.O. Box 09764, Columbus, Ohio 43209

Applicant: Sean and Barbara Brogan, P.O. Box 09764, Columbus, Ohio 43209

Application No.: Z07-037

Date of Text: July 29, 2008

I. INTRODUCTION:

The subject site ("Site"), comprised of three (3) parcels totaling 6.55± acres, is located at the southwest corner of City Gate Drive and Stelzer Road, and is within the boundaries of the Northeast Area Commission and the I-670 Graphics Control Area. Situated on the west side of Stelzer Road, the Site is immediately south of the City Gate Business Park. This Site is the only remaining residentially-zoned property in the immediate area of Stelzer Road and City Gate Drive. Surrounding these parcels to the north and south are properties either zoned L-M, Limited Manufacturing or CPD, Commercial Planned Development, to reflect the continual office/warehouse and commercial developments that have occurred consistent with the Northeast Area Plan.

Applicant proposes to rezone these three parcels fronting Stelzer Road from R, Residential to L-M and CPD. The two (2) sub-areas and proposed development texts for same, below, are remarkably similar to the 8-acre rezoning at 2015 Stelzer Road, approved by the Northeast Area Commission and City Council in July 1999, and the 10.23-acre zoning immediately south of the Site (Z04-080, passed in July 2005), both of which reflect similar L-M and CPD sub-area configurations.

II. SUB-AREA "A": L-M, LIMITED MANUFACTURING DISTRICT (ACRES)

1. PERMITTED USES:

All uses of Columbus City Code §3363.01- §3363.08 and § 3363.175 (M, Manufacturing District), except uses as prohibited in Section 2 (Prohibited Uses), below. Additionally, all types of offices; residence(s) for a resident watchman; commercial radio transmitting or television station and appurtenances thereto; rooftop telecommunication installations and all accessory use(s) related to any permitted principal use shall be permitted.

(a) All permitted uses shall be constructed, equipped and operated with such approved devices and methods as to insure against the emission of obnoxious noise, vibrations, smoke, dust, fly ash, or other solid particulate matter, odor, glare, heat, sewage waste, and other obnoxious conditions.

(b) Underground storage tanks shall only be permitted for the purpose of providing distribution of liquid fuels, petroleum products, petroleum, and volatile oils to vehicles of uses in this sub-area. No user shall have more than an aggregate capacity of 20,000 gallons. The location of any such tanks shall be determined under the direction and supervision of the Fire Department.

2. PROHIBITED USES:

Adult entertainment, inclusive of bookstore; adult motion picture theater; adult-only entertainment facility; cabarets and nightclubs (with bars being specifically permitted if accessory to a primary use); billboard(s); manufacturing, compounding, processing, assembling, packaging or treatment of goods, materials and products involving operations which are obnoxious or offensive by reason of odor, dust, smoke, gas, fumes, vibration, noise, fly ash, or other solid particulate matter, odor, glare, heat, sewage waste, or obnoxious conditions. Additional prohibited uses: Amusement Arcade, Animal Shelter, Blood & Organ Bank, Check Cashing and Loans, Coin Operated Laundries, Community Food Pantry, Electric Substation, Funeral Homes and Services, Halfway House, Mission / Temporary Shelters, Nursing Home, Pawn Broker, Television Radio Station and Recording Studio, Repossession Services, Utility Pump Station, Warehouse Club and Super Center.

3. DEVELOPMENT STANDARDS:

A. Density, Height, Lot and/or Setback Commitments.

1. Sub-Area A shall be designated in the H-110 Height District. Buildings and structures shall not exceed an absolute height of 65 feet except as permitted in § 3363.175. This absolute height restriction shall not include the additional height associated with building-mounted mechanicals or aerials. Mechanicals shall not exceed 10 additional feet above the 65-foot absolute height. Building-mounted antennas and aerials shall not exceed 20 additional feet above the 65-foot absolute height. Notwithstanding the above paragraph a hotel / motel shall have a H- 110 Height District.
2. No more than two rows of parking and a drive aisle shall be permitted between City Gate Drive and the building(s).
3. Lot coverage for structures and paved areas shall not exceed eighty-five (85%) percent.
4. The total amount of retail for the entire site (both Subareas A &B) shall be limited to a maximum of 20,000 sq. ft. This restriction shall not apply to hotels / motels.

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 Transportation Division.

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

1. Trees shall be planted within the front parking setback at the minimum rate of one tree for every 40 linear feet of street frontage along City Gate Drive. Existing trees along City Gate Drive shall satisfy this requirement.
2. All parking areas adjacent to City Gate Drive shall have headlight screening parallel to the frontage with a minimum height of 30 inches measured from the elevation of the nearest section of the adjacent parking area. Parking lot screening shall be in the form of an evergreen hedge, earth mounding or low brick or stone walls.

3. A minimum of 1 tree shall be planted for every 10 parking spaces.
4. The minimum size of all trees shall be 2.5 inch caliper for deciduous; 6 feet high for evergreens; and 1.5 inch caliper for ornamentals. Caliper shall be measured 6 inches above grade. Trees may be equally spaced or grouped. Tree species shall be selected and planted in a manner that does not obstruct motorists' vision.
5. Any dead materials shall be replaced within six (6) months or the next planting season, whichever occurs first.

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

1. All building exteriors shall be constructed of wood, brick, real or synthetic stone, real or synthetic stucco, glass, vinyl siding, wood shingles, textured or coated metal, concrete, marble, textured concrete, or a combination of these materials.
2. Any mechanical equipment or utility hardware on the roof of a building shall be screened from view from the right-of-way of Stelzer Road and City Gate Drive, to the height of the equipment, by the same material utilized on the building roof or exterior. Decorative cornices may be used. Color shall also match the building exterior or roof. Ground-mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping, or any fence or wall utilizing comparable and compatible materials as the building materials.
3. Any building elevation that faces City Gate Drive or Stelzer Road shall be the front elevation of that building or have architectural detailing so that elevation does not look like a blank rear elevation.
4. A building frontage that faces a public street and exceeds a width of 50 feet shall incorporate articulation and off sets of the wall plane to inhibit a large expanse of blank wall and add interest to the building. This restriction shall not apply to the hotel/motel buildings or warehouse style buildings.
5. For the primary building frontage of any retail use, a minimum of 40% of the area between the height of the 2 feet and 10 feet above grade shall be a clear window glass that permits a full, unobstructed view of the interior to a depth of at least 4 feet. For the secondary building frontage, the pattern of window glass shall continue from the primary building frontage a minimum distance of 10 feet.

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

1. All external outdoor lighting shall be cutoff down-style fixtures (down lighting), except there may be accent lighting (up lighting) on landscaping in the front of structures and ground signs, provided the fixtures are screened with landscaping to prevent glare.
2. All external outdoor lighting fixtures shall be from the same or similar manufacturer's type to insure aesthetic compatibility.

3. Except for decorative lighting, all light poles shall be metal and such light poles shall be of the same color. Light poles in the parking lots shall not exceed 28 feet in height.
4. All lighting shall be so positioned as to not be directed toward any residentially-zoned area.
5. Wiring within the subject Site shall be underground.
6. Service area lighting shall be contained within the service yard boundaries and enclosure walls. No light spillover shall occur outside the service area.
7. Building illumination and architectural lighting shall be indirect in character. Architectural lighting should be articulate and provide lighting for the particular building design as well as provide the required functional lighting for safety and clarity of pedestrian movement.
8. Pedestrian lighting is permitted and the maximum height for any pedestrian lighting on the subject Site shall not exceed 16 feet in height. Bollard lighting is permitted and shall not exceed 48 inches in height.
9. Dumpsters, loading areas, outdoor storage areas, and propane tanks shall be screened by structures and/or landscaping to a minimum height of 6 feet. Deposited refuse should not be visible from outside the refuse enclosure, which shall be screened on all four (4) sides. The buildings materials for the dumpster enclosure shall be consistent with those materials used in the construction of the building. No refuse collection areas shall be permitted between any street and the front of any building.
10. There shall be no outdoor public address system, outdoor call system, or other outdoor audible system permitted in this sub-area, except that a paging system shall be allowed for the purpose of paging employees only.
11. The buildings which front along either City Gate Drive or Stelzer Road shall provide or internal sidewalk or pedestrian pathway that would connect the building's front door to a sidewalk along City Gate Drive and Stelzer Road.

F. Graphics and Signage Commitments.

1. All signage shall conform to Chapters 3375 through 3383 of the Columbus City Code, as they apply to the M, Manufacturing District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission. All freestanding graphics shall be a monument style sign.

G. Miscellaneous Commitments:

1. In accordance with §3318.13 (Parkland Dedication Ordinance), Applicant shall contribute parkland fees in the amount of \$400.00 per acre for this site.

2. With regard to the open watercourse which traverses the Site, Applicant commits to maintain a 25-foot no-build zone on the east side of the watercourse, as measured from the top of the embankment.
3. No more than two (2) points of access shall be constructed over the watercourse.

III. SUB-AREA "B": CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT (ACRES)

1. PERMITTED USES:

All uses permitted in the C-4, Commercial District (C.C.C. §3356.03) and C-5, Commercial District (C.C.C. §3357.01), except as prohibited and restricted below. A convenience store shall be permitted only with a gas use

2. PROHIBITED USES:

Amusement arcades; Animal shelters; Astrology, fortune telling, and palm reading services; Billboards, Blood and organ banks; Bowling centers; Call centers; Check cashing and loans; Coin-operated laundries; Community food pantry; Convention and visitors bureaus; Crematories; Drive-in motion picture theaters; Electric substation; Funeral homes and services; Halfway houses; Hospitals; Linen and uniform supply; Missions/temporary shelters; Nursing home; Pawn brokers; Performing arts, Religious facilities; Repossession services; Schools; Spectator sports and related industries; Television, radio station, and recording studio; Tobacconist; Utility pump station; Veterinarian; Warehouse clubs and supercenters.

3. DEVELOPMENT STANDARDS:

A. Density, Height, Lot and/or Setback Commitments.

1. A minimum 25-foot building setback shall be established from Stelzer Road. A 25-foot building setback shall be permitted for the canopy of any gas or service station islands, should the Site be developed with a gas station or service station.
2. A minimum 25-foot parking/maneuvering setback shall be established from Stelzer Road.
3. Sub-Area B shall be designated as an H-60 Height District, subject further to an absolute height of 55 feet for buildings and structures. This absolute height restriction shall not include the additional height associated with building-mounted mechanicals or aerials. Mechanicals shall not exceed 10 additional feet above the absolute height of 55 feet. Building-mounted antennas and aerials shall not exceed 20 additional feet above the absolute height of 55 feet. Notwithstanding the above paragraph a hotel / motel shall have a H-110 Height District.
4. Lot coverage for structures and paved areas shall not exceed eighty-five (85%) percent.
5. No more than two rows of parking and a drive aisle shall be permitted between City Gate Drive and Stelzer Road and the building(s).

6. The total amount of retail for the entire site (for both Subareas A & B) shall be limited to 20,000 sq. ft. This restriction shall not apply to hotels/motels.

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

1. Stelzer Road:

(a) One right-in, right-out access point shall be permitted to Stelzer Road, subject to review and approval by the City of Columbus Transportation Division. The right-in, right-out will require a 225 ft. south bound right turn decel lane.

(b) One access point shall be permitted to City Gate Drive, subject to review and approval by the City of Columbus Transportation Division. Applicant acknowledges that access easements may be necessary at the time of development of this Site, for proper access from Sub-Area B (CPD) to Sub-Area A (L-M).

(c) Access between structures and sub-areas within the Site will be designed so as to integrate uses within the Site for ease of vehicular circulation.

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

1. Trees shall be planted within the front parking setback at the minimum rate of 1 tree for every 40 lineal feet of street frontage along Stelzer Road and City Gate Drive. Existing trees along City Gate Drive shall satisfy this requirement as it applies to City Gage Drive.

2. All parking areas adjacent to either Stelzer Road or City Gate Drive shall have headlight screening parallel to the frontage with a minimum height of 30 inches measured from the elevation of the nearest section of the adjacent parking area. Parking lot screening shall be in the form of an evergreen hedge, earth mounding or low brick or stone walls.

3. A minimum of 1 tree shall be planted for every 10 parking spaces. The minimum size of all trees shall be 2.5 inch caliper for deciduous; 6 feet in height for evergreens; and 1.5-inch caliper for ornamentals. Trees do not have to be equally spaced, but may be grouped. Tree species shall be selected and planted in a manner that does not obstruct motorists' vision.

4. The minimum size of all trees shall be 2.5 inch caliper for deciduous, 6 feet high for evergreens, and 1.5 inch caliper for ornamentals. Caliper shall be measured 6 inches above grade. Trees may be equally spaced or grouped.

5. Any dead materials shall be replaced within 6 months or the next planting season, whichever occurs first.

6. The entryway to the Site may feature landscaping with a compilation of evergreen and/or deciduous shade and/or deciduous evergreen shrubs. Any landscaping shall be integrated into the entry feature without blocking visibility at intersections.

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

1. All building exteriors shall be constructed of wood, brick, real or synthetic stone, real or synthetic stucco, glass, vinyl siding, wood shingles, textured or coated metal, concrete, marble, textured concrete, or a combination of these materials.
2. Any mechanical equipment or utility hardware on the roof of a building shall be screened from view from the right-of-way of Stelzer Road and City Gate Drive, to the height of the equipment, by the same material utilized on the building roof or exterior. Decorative cornices may be used. Color shall also match the building exterior or roof. Ground-mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping, or any fence or wall utilizing comparable and compatible materials as the building materials.
3. Any building elevation that faces City Gate Drive or Stelzer Road shall be the front elevation of that building or have architectural detailing so that elevation does not look like a blank rear elevation.
4. A building frontage that faces a public street and exceeds a width of 50 feet shall incorporate articulation and off sets of the wall plane to inhibit a large expanse of blank wall and add interest to the building. This restriction shall not apply to the hotel/motel buildings or warehouse style buildings.
5. For the primary building frontage of any retail use, a minimum of 40% of the area between the height of the 2 feet and 10 feet above grade shall be a clear window glass that permits a full, unobstructed view of the interior to a depth of at least 4 feet. For the secondary building frontage, the pattern of window glass shall continue from the primary building frontage a minimum distance of 10 feet.
6. If a gas use is developed on this site, then the building shall be located along Stelzer Road with the pump islands to the west of the building. The Stelzer Road building elevation for the gas use shall comply with items D.5. above.

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

1. All external outdoor lighting shall be cutoff down-style fixtures (down lighting), except there may be accent lighting (up lighting) on landscaping in the front of structures and ground signs.
2. All external outdoor lighting fixtures shall be from the same or similar manufacturer's type to insure aesthetic compatibility.
3. Except for decorative lighting, all other light poles shall be metal and of the same color. Light poles in the parking lots shall not exceed 28 feet in height.
4. Canopy lighting shall be fully recessed.
5. All lighting shall be so positioned as to not be directed toward any abutting residentially-zoned area.
6. Wiring within the subject Site shall be underground.

7. Dumpsters, loading areas, outdoor storage areas, and propane tanks shall be screened by structures and/or landscaping to a minimum height of 6 feet. Deposited refuse should not be visible from outside the refuse enclosure, which shall be screened on all four (4) sides. The buildings materials for the dumpster enclosure shall be consistent with those materials used in the construction of the building. No refuse collection areas shall be permitted between any street and the front of any building.

8. Outdoor display and/or sales for gas use:

a. On sidewalks abutting buildings; only if said sidewalk has a minimum depth of nine (9) feet. At least five (5) feet of said sidewalk shall remain free of display materials to permit pedestrian /A.D.A. transit.

b. At the ends of fuel pump islands only if depicted on the zoning clearance site plan; and the maximum footprint of displays at the end of fuel islands shall be four (4) by four (4) feet.

c. The maximum height for any outside display and/or sales shall be three feet, except for soda machines, ice chests or other comparable sales devices.

d. The outdoor display area shall contain only those items normally and customarily sold by a convenience store and other seasonal items and products, including but not limited to, firewood, mulch, flowers, Christmas wreaths.

9. The buildings which front along either City Gate Drive or Stelzer Road shall provide or internal sidewalk or pedestrian pathway that would connect the building's front door to a sidewalk along City Gate Drive and Stelzer Road.

F. Graphics and Signage Commitments.

1. All signage shall conform to Chapters 3375 through 3383 of the Columbus City Code, as they apply to the C-4, Commercial District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission. All freestanding graphics shall be a monument style sign,

G. Other CPD Requirements.

1. Natural Environment: The natural environment of Sub-Area B is flat terrain.

2. Existing Land Use: The property previously consisted of residential structures, which will or have already been demolished.

3. Circulation: Access to and from Sub-Area B will be from both Stelzer Road and City Gate Drive, as approved by the City of Columbus Division of Transportation.

4. Visual Form of the Environment: The area surrounding Sub-Area B is developed with L-M and CPD uses and/or zonings to the north and south, and L-M on the west. The east side of Stelzer Road is zoned residential.

5. Visibility: Sub-Area B fronts on Stelzer Road and will be visible from the street frontage.

6. Proposed Development: Commercial and/or light manufacturing development, including retail or service uses, is proposed.

7. Behavior Patterns: The Site is located on Stelzer Road, a major arterial, immediately south of the intersection of a major business park and employment center. Vehicular access will be the principle means of access through curb cuts approved by the Transportation Division. Onsite vehicular and pedestrian circulation will be as approved through the plan review process.

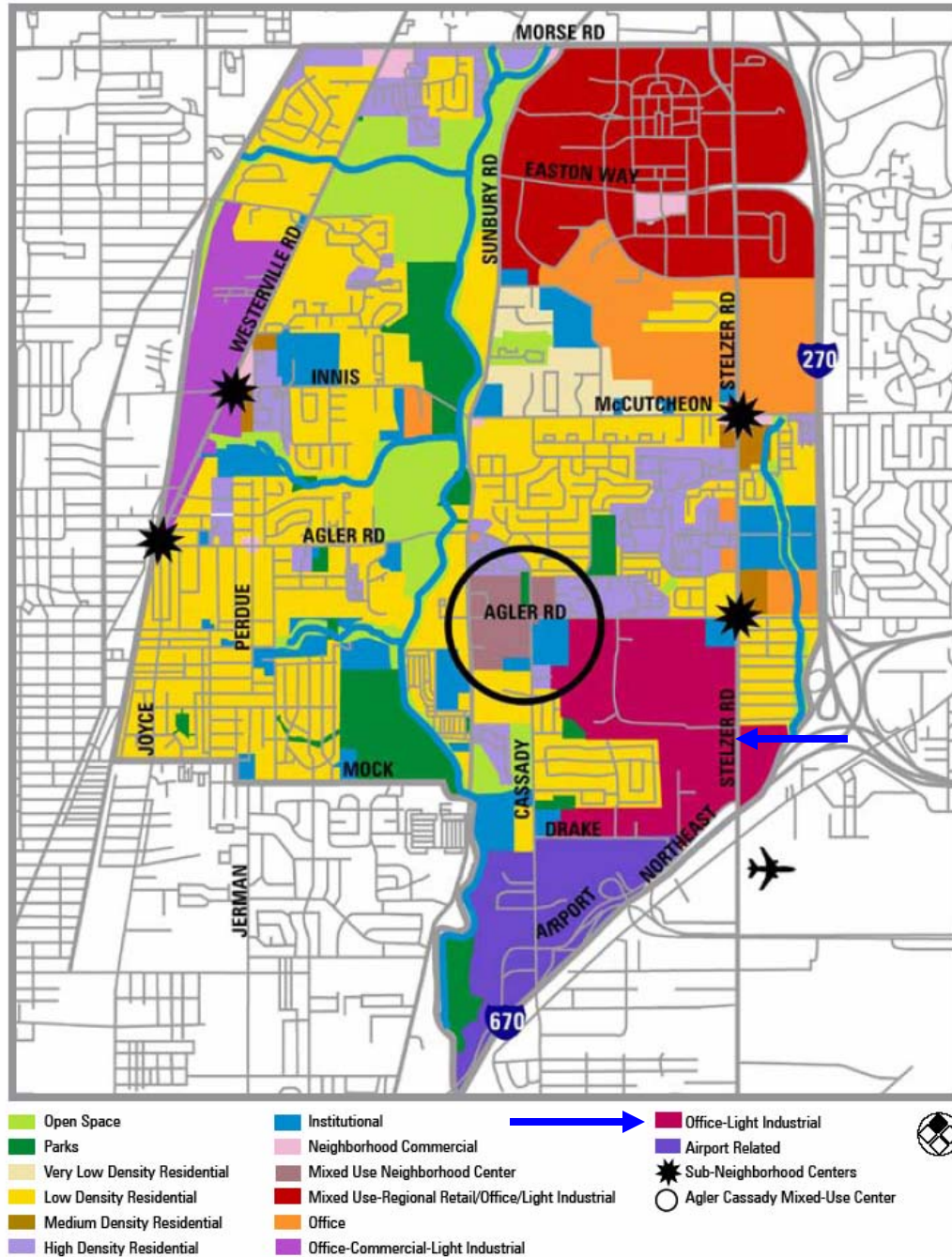
8. Emissions: Development on Sub-Area B will conform to development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

9. Variances: The use of the CPD mechanism permits a variance to the required Stelzer Road building setback line. Stelzer Road is a 4-2D arterial on the Columbus Thoroughfare Plan, with a designated right-of-way width of 120 feet, thus requiring a 60-foot building setback line rather than the 25-foot building setback line that is proposed herein. The requested 25-foot building setback shall only apply to the canopy of any gas or service station islands, should the Site be developed with a gas station or service station. Otherwise, the Code-required 60-foot building setback line shall be maintained.

H. Miscellaneous Commitments.

1. In accordance with §3318.13 (Parkland Dedication Ordinance), Applicant shall contribute parkland fees in the amount of \$400.00 per acre for this site.
2. Abandonment: The retail filling station use shall be considered abandoned if it has ceased operations or is closed to the public for a minimum of 6 months in any 12 month period. The owner or lessee of the retail filling station and/or related structures shall, within seven (7) days of the beginning of the closure period referred to herein:
 - a. Install wheel blocks, firmly attached, across the driveway entrance to the fuel area to prohibit unauthorized vehicle parking or abandonment of motor vehicles.
 - b. Shall remove all signs and pumps.
 - c. Shall board up all windows, doors and entrances to prevent the breakage of glass and the unauthorized entrance herein.
 - d. Take appropriate action as required by the City of Columbus Fire Code to treat abandoned underground tanks.
 - e. Shall during the closure period cut all grass, remove all rubbish and weeds and continue maintenance as may be necessary to prevent the building or structure from deteriorating into a state of disrepair.
3. Any remaining right-of-way shall be dedicated to the City of Columbus, as necessary, in order to achieve a 60-foot wide right-of-way from centerline of Stelzer Road.

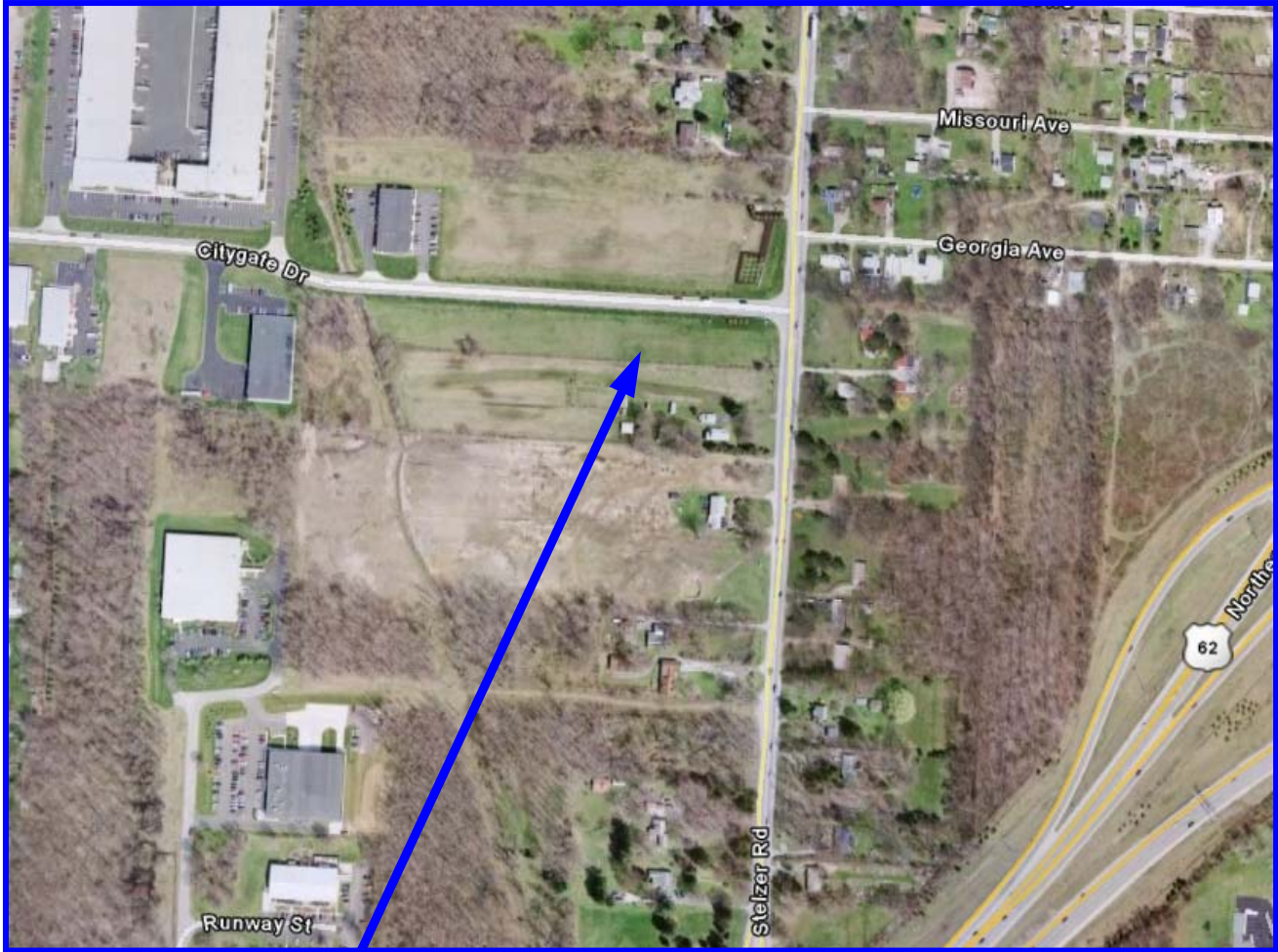
Figure 5. Land Use Plan



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Land Use

Northeast Area Plan



1941 Stelzer Road
Approximately 6.55 acres
R to L-M & CPD

Z07-037