

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
MAY 11, 2006**

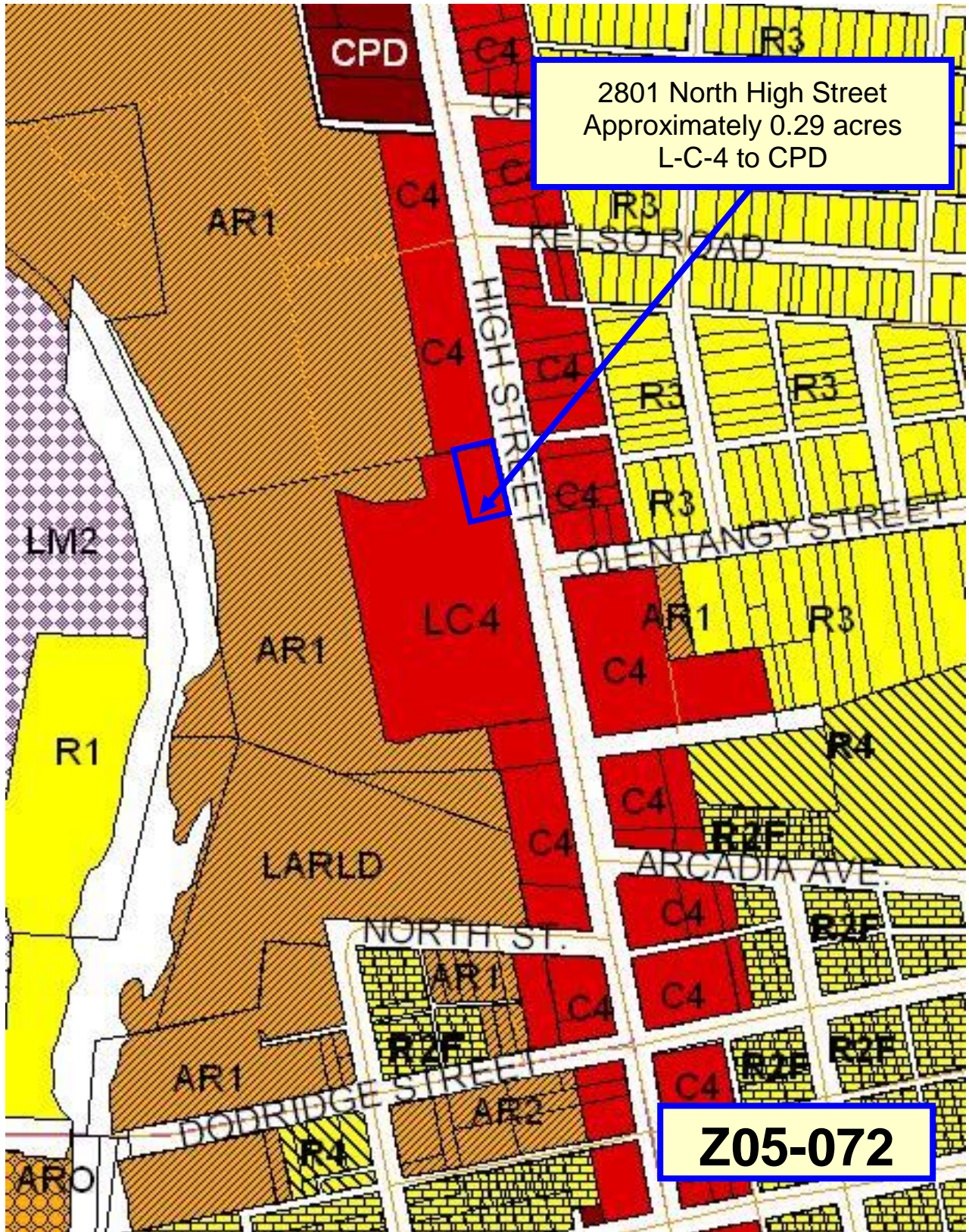
- 3. APPLICATION: Z05-072**
- Location:** **2801 NORTH HIGH STREET (43214)**, being 0.29± acres located on the west side of North High Street 440± feet south of Kelso Road. (010-206060, Clintonville Area Commission).
- Existing Zoning:** L-C-4, Limited Commercial District.
- Request:** CPD, Commercial Planned Development District.
- Proposed Use:** Filling station and carry-out.
- Applicant(s):** Giant Eagle, Inc.; 101 Kappa Drive; Pittsburgh, PA 15238.
- Property Owner(s):** Charlotte P. Kessler Trustee & Park National Bank Trustee; 140 East Town Street; Columbus, OH 43215.
- Planner:** Lisa Russell, 645-0716, lrussell@columbus.gov

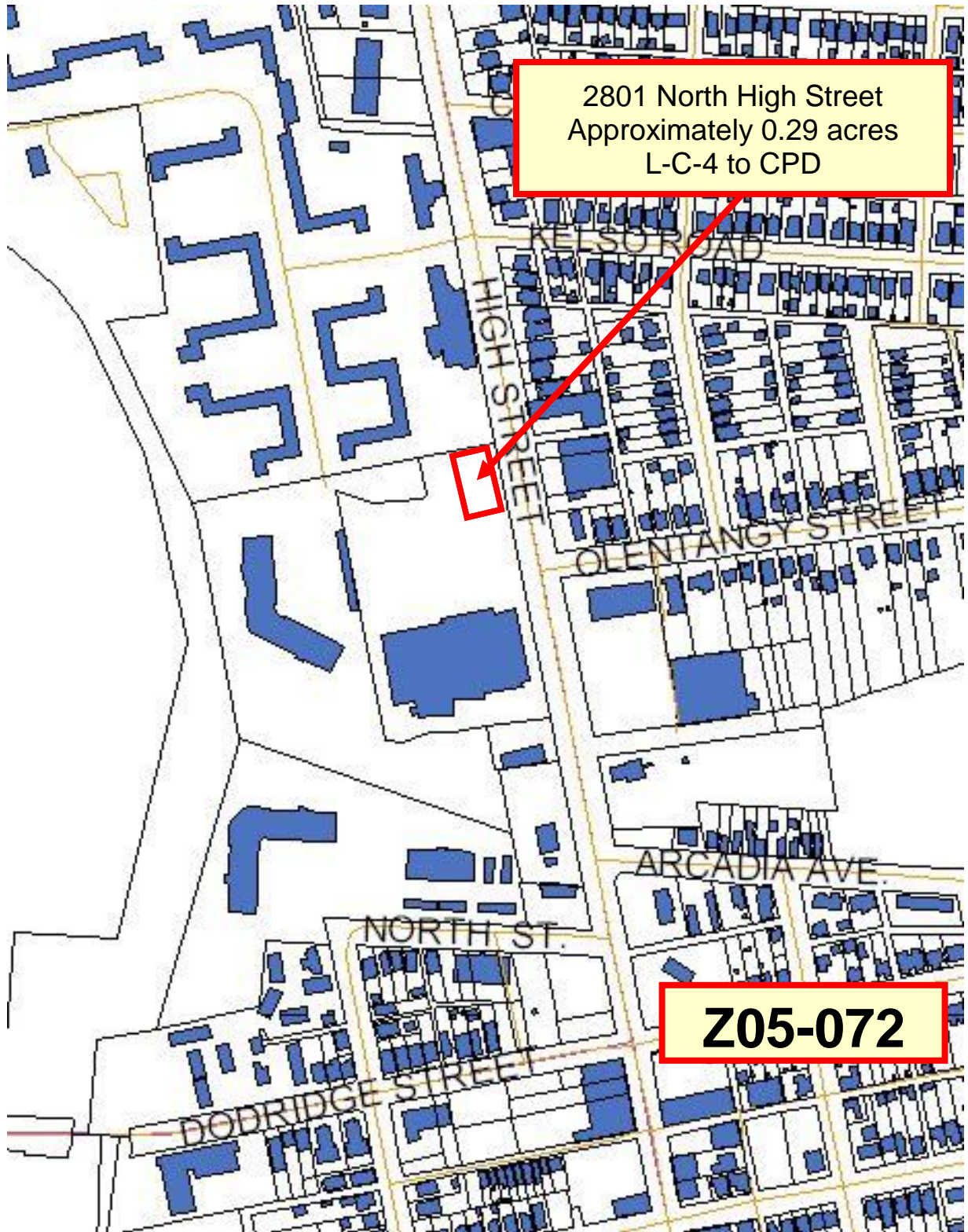
BACKGROUND:

- The site is part of a 4.97-acre parcel that is developed with a grocery store zoned in the L-C-4, Limited Commercial District. The L-C-4 zoning limited the use to grocery store only. The site is in the North High Street Urban Commercial Overlay.
- North of the site, fronting on High Street, are commercial uses zoned in the C-4, Commercial District, including a building under construction that accommodates residential dwellings above commercial stores. East across High Street and south of the site are retail uses in the C-4 district. West and northwest of the grocery store parcel is an apartment complex zoned in the AR-1, Apartment Residential District.
- This application originally proposed to rezone the entire five-acre site to CPD, but at the request of city staff, the application has changed to rezone only the 0.29 acres necessary for the new use. At the request of the Clintonville Area Commission, the proposal was also revised to enlarge the kiosk to become a convenience store and the building was moved to a five foot setback in order to comply with the UCO.
- The proposed CPD, Commercial Planned Development, would permit C-4 uses and exclude billboards, automobile repair, public parking lots, and several other uses.
- North High Street is classified as a 4-2D arterial requiring a minimum of 60 feet or right-of-way from the centerline.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The proposed CPD, Commercial Planned development will comply with nearly all requirements of the Urban Commercial Overlay, requesting only variances for fence height and for parking lot

screening on the west. The enlargement of the building and the shortened setback serve to fill the existing streetfront space, currently an asphalt parking lot with no trees.





MEMORANDUM

To: Denise Powers
 From: Paul Harris, Clintonville Area Commission Secretary
 Date: 10 April 2006
 Re: Zoning Variance: *268 Chatham Road*
 Rezoning: *2801 N. High Street*
 Council Variance: *244-252 Clinton Heights*

The Clintonville Area Commission (CAC) met Thursday, April 6th to consider three development items.

The first was a request for a zoning variance by Neil and Elizabeth Drobny for their property at 268 Chatham Road.

- ❖ **268 Chatham Road:** Applicants wish to raze the current two-car detached garage on their property and construct a larger two-car detached garage with an increased roof pitch to match the architectural style of the home. The Drobny's seek two variances: (1) Reduce the minimum side yard permitted for a detached garage from 3.0 feet to 0.5 feet, and (2) Increase the maximum allowable height of a detached garage from 15.0 feet to not more than 20.0 feet. The increased height is to incorporate a roof pitch for the new garage similar to that of the Drobny's house on the property. Applicants note that the additional garage height requested is only at the narrowest part of the roof peak, and the additional space under the proposed garage gable is not habitable and will be used only for storage.

The CAC and BZA had approved the same variance request from the Drobny's in September 2000 but construction of their garage has been delayed until now. As the variance approved in 2000 has expired, the Drobny's have come forward again with the same proposal for a new garage. In her district report, Commissioner Cowley reported no objections or concerns from neighbors. The CAC approved the two requested variances with the conditions that applicants obtain a letter of approval from the owner of the adjoining property to the east to permit the Drobny's access for maintenance of their garage and that the attic space above the garage not be used for habitation. The vote for approval was 8 to 0.

The second development issue was a request from applicant Pat Avolio of Giant Eagle, Inc. and attorney Jack Reynolds of Smith & Hale that a portion (approximately 0.3 acre) of the parking lot of the Giant Eagle grocery store at 2801 N. High Street be rezoned from C-4 to CPD to permit construction of a "GetGo" fuel station and convenience store on the site.

- ➔ ❖ **2801 N. High Street:** Messrs. Reynolds and Avolio detailed the proposed site plan and reviewed major changes (e.g., landscaping, screening, setbacks, addition of a bike rack, etc.) since it was first presented in November 2005. The CAC Variance and Zoning Committee had voted to disapprove the requested rezoning. The vote was 2 in favor of the proposal, 3 opposed and one abstention. In his district report, Commissioner Gawronski noted that neighborhood meetings had been held in Districts 1 and 2 and opinion on the gas station

proposal is divided. He noted that the applicants have responded favorably to many of the concerns raised by residents, particularly with respect to changes made to bring the proposal into compliance with the Urban Commercial Overlay (UCO). Some commissioners expressed concern about the potential for crime, increased traffic and intensity of use, and threat of environmental contamination stemming from underground fuel tanks and runoff. Applicants responded that the GetGo expected hours of operation will be no more than 5:00 a.m. to midnight, the site will accommodate projected incremental traffic drawn to the fuel station and convenience store, and stringent code requirements and regulations reduce the risk of environmental issues. There was additional discussion as to whether the proposed location was optimal for the convenience store and fuel station, given the amount of High Street frontage involved. Applicants agreed to amend Section 3 of the proposal to include provisions of the UCO within the development standards, and they committed to add no other storage or merchandising service (e.g., an ice machine) outside the convenience store. The CAC voted to approve the request for rezoning with these revisions. The vote was 5 to 3.

The final issue was a request for a council variance to permit non-conforming use so that improvements can be made to the property at 244 – 252 Clinton Heights.

- ❖ **244 – 252 Clinton Heights:** Applicant and property owner David Schlegel notes that his property was developed in the 1970s by a previous owner and includes a two-family and a three-family dwelling. It does not conform to the R3 zoning (single family residential.) Mr. Schlegel wishes to make improvements to the property, including the addition of two garages. A council variance is needed in order to proceed with these improvements. The CAC Variance and Zoning Committee recommended approval of the council variance request by a vote of 5 to 0 with one abstention. In her district report, Commissioner Balombin stated that she had heard from one neighbor, Cheryl Kempf, who supported the variance request. CAC voted to approve the request for a council variance. The vote was 8 to 0.

Please feel free to contact me if you have any questions about this report.

Sincerely,

Paul Harris, Secretary
Clintonville Area Commission

Cc: Applicants



PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # 205-072

Being first duly cautioned and sworn (NAME) Jackson B. Reynolds, III
of (COMPLETE ADDRESS) 37 West Broad Street, Suite 725, Columbus, OH 43215
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

- Name of business or individual
- Business or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

If applicable, check here if listing additional parties on a separate page (REQUIRED)

1. Giant Eagle Inc. 101 Kappa Drive Pittsburgh, PA 15238 Pat Avolio (412) 967-4919	2. Charlotte P. Kessler Tr & Park National Bank Tr 140 East Town Street Columbus, OH 43215
3.	4.

SIGNATURE OF AFFIANT

Jackson B. Reynolds III

Subscribed to me in my presence and before me this 30th day of September in the year 2005

SIGNATURE OF NOTARY PUBLIC

Natalie C. Patrick

My Commission Expires:

9/4/2010

This Project Disclosure Statement expires six months after date of notarization.



Here **NATALIE C. PATRICK**
Notary Public, State of Ohio
My Commission Expires 09-04-10



NATALIE C. PATRICK
Notary Public, State of Ohio
My Commission Expires 09-04-10