



Legislation Details (With Text)

File #: 0964-2005 **Version:** 2
Type: Ordinance **Status:** Passed
File created: 5/19/2005 **In control:** Zoning Committee
On agenda: 6/20/2005 **Final action:** 6/23/2005
Title: To rezone 1041 WEST BROAD STREET (43222), being 0.63± acres located at the southwest corner of East Broad Street and Dakota Avenue, From: C-4, Commercial and L-C-4, Limited Commercial Districts, To: CPD, Commercial Planned Development District and to declare an emergency (Z05-014).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 0964-2005 exhibits.pdf, 2. ORD 0964-2005 Labels 1.pdf, 3. ORD 0964-2005 Labels 2.pdf, 4. Z05-014 Data Form.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 6/23/2005 | 2 | CITY CLERK | Attest | |
| 6/21/2005 | 2 | MAYOR | Signed | |
| 6/20/2005 | 1 | Zoning Committee | Approved as Amended | Pass |
| 6/20/2005 | 1 | Zoning Committee | Amended to Emergency | Pass |
| 6/20/2005 | 2 | COUNCIL PRESIDENT | Signed | |
| 6/13/2005 | 1 | Columbus City Council | Read for the First Time | |
| 6/1/2005 | 1 | DEVELOPMENT DIRECTOR | Reviewed and Approved | |
| 6/1/2005 | 1 | Dev Zoning Drafter | Sent to Clerk's Office for Council | |
| 5/31/2005 | 1 | Dev Zoning Drafter | Sent for Approval | |
| 5/31/2005 | 1 | Dev Zoning Reviewer | Reviewed and Approved | |
| 5/31/2005 | 1 | Dev Zoning Drafter | Sent for Approval | |

REZONING APPLICATION: Z05-014

APPLICANT: United Dairy Farmers, Inc.; c/o Jill S. Tangeman, Atty., Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

PROPOSED USE: Convenience and ice cream store with fuel sales.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on April 14, 2005.

FRANKLINTON AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant's request for the CPD, Commercial Planned Development District to develop a convenience and ice cream store with fuel sales is consistent with the land-use recommendation of the *Franklinton Plan* (2003). The site design meets urban commercial overlay standards for the building setback from West Broad Street and includes entrances on each street frontage. The CPD text includes customary development standards and includes variances to increase the building setback from Dakota Avenue, reduce required parking spaces, and to reduce the height of screening

along the south property line.

To rezone **1041 WEST BROAD STREET (43222)**, being 0.63± acres located at the southwest corner of East Broad Street and Dakota Avenue, **From:** C-4, Commercial and L-C-4, Limited Commercial Districts, **To:** CPD, Commercial Planned Development District **and to declare an emergency (Z05-014).**

WHEREAS, application #Z05-014 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.63± acres from C-4, Commercial and L-C-4, Limited Commercial Districts to CPD, Commercial Planned Development District, and

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

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance in order to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, the Franklinton Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of the applicant's request for the CPD, Commercial Planned Development District to develop a convenience and ice cream store with fuel sales, which is consistent with the land-use recommendation of the the *Franklinton Plan* (2003). The site design meets urban commercial overlay standards for the building setback from West Broad Street and includes entrances on each street frontage. The CPD text includes customary development standards and includes variances to increase the building setback from Dakota Avenue, reduce required parking spaces, and to reduce the height of screening along the south property line; 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:

1041 WEST BROAD STREET (43222), being 0.63± acres located at the southwest corner of East Broad Street and Dakota Avenue, and being more particularly described as follows:

LEGAL DESCRIPTIONS FOR UDF REZONING APPLICATION Z05-014 - 1041 EAST BROAD STREET

PARCEL 1: 1043 West Broad Street
Parcel No. 010-042705

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

Being all of Lot Nos. Two Hundred Thirty-eight (238) and Two Hundred Thirty-nine (239) of "WEST PARK ADDITION"

Beginning at an iron pin at the intersection of the southerly right of way line of West Broad Street (U.S. Route 40, being 80.0 feet in width) with the westerly right of way line of Dakota Avenue (being 50.0 feet in width), said iron pin also being the northeasterly corner of said Lot No. 238;

Thence along said westerly right of way line of Dakota Avenue, South 8° 47' 00" East, 140.00 feet to a railroad spike at the intersection of said right of way line with the northerly right of way line of Capital Street (15.0 feet in width);

Thence along said northerly right of way line of Capital Street South 82° 12' 25" West 77.08 feet to an iron pin at the south westerly corner of Lot No. 239, the southeasterly corner of Lot No. 240;

Thence along the easterly line of said Lot No. 240, North 8° 47' 00", 140.00 feet to an iron pin at the northeasterly corner of said lot and being in the southerly right of way line of West Broad Street;

Thence along said southerly right of way line, North 82° 12' 25" East, 77.08 feet to the place of beginning, containing 0.248 acre,

more or less.

To Rezone From: C-4, Commercial District,

To: CPD, Commercial Planned Development District.

PARCEL 2: 1051 - 1053 West Broad Street
Parcel No. 010-042642

Being Lot Number Two Hundred Forty (240) and Two Hundred Forty-one (241) of WEST PARK, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 264, Recorder's Office, Franklin County, Ohio.

PARCEL 3: 1055 - 1057 West Broad Street
Parcel No. 010-025159

Being Lot Number Two Hundred Forty-two (242) of WEST PARK, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 264, Recorder's Office, Franklin County, Ohio.

To Rezone From: L-C-4, Limited Commercial District,

To: CPD, Commercial Planned Development District.

PARCEL 3: 1055-1057 West Broad Street
Parcel No. 010-025159

Being Lot Number Two Hundred Forty-two (242) of WEST PARK, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 264, Recorder's Office, Franklin County, Ohio.

To Rezone From: L-C-4, Limited Commercial District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of Thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development District on this property.

SECTION 3. That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," and CPD site plan titled, "**DEVELOPMENT PLAN BROAD STREET**," both signed on May 19, 2005 by Jill S. Tangeman, attorney for the applicant, , and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD

EXISTING DISTRICT: L-C-4

PROPERTY ADDRESS: 1041 West Broad Street, Columbus, Ohio 43222.

OWNER(S): United Dairy Farmers, Inc.; Gerald A. & Margaret A. Taylor

APPLICANT: United Dairy Farmers, Inc.

DATE OF TEXT: May 19, 2005

APPLICATION NUMBER: Z05 - 014

I. INTRODUCTION: The subject property being rezoned is comprised of three parcels located on the corner of West Broad Street

and Dakota Avenue. The main parcel (1041 West Broad Street) has been zoned C-4 since 1972 and is the location of an existing United Dairy Farmers store. 1051-1053 West Broad Street was zoned L-C-4 in 1997 and is also owned by United Dairy Farmers. 1055-1057 West Broad Street is also zoned L-C-4 and is currently improved with a three-family dwelling unit. UDF intends to re-develop the subject property with a new convenience store and ice cream store building. UDF also intends to install six gas pumps. This commercial planned development text permits the mixed commercial uses on the Property and recognizes the importance of the neighborhood by establishing development standards consistent with the Urban Commercial Overlay standards.

II. PERMITTED USE: A convenience store and ice cream store with gasoline sales and outdoor display areas.

III. DEVELOPMENT STANDARDS: Except as otherwise listed in this commercial planned development text, the development standards contained in Columbus City Code Chapter 3361 for CPD and in Chapter 3372.601 et seq. for Urban Commercial Overlay shall apply to the subject property.

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

1. Building Setback. The building setback shall be as shown on the Site Plan dated May 19, 2005 (the "Site Plan"). The proposed building will have two front facades, one facing West Broad Street and one facing Dakota Avenue. Entrance doors have been located on both building frontages.

2. Canopy Setback. The canopy setback shall be as shown on the Site Plan.

3. Parking Setback. The parking setback shall be as shown on the Site Plan.

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

1. Parking Requirements. So long as the subject property is used as a convenience store and ice cream store with gasoline sales and outdoor display areas and offices, 13 parking spaces shall be provided as shown on the Site Plan. In addition, 12 additional spaces shall be available around the gas dispenser facility.

2. Screening. The parking lot landscaping is as shown on the Site Plan.

3. Access. Unless otherwise approved by the City of Columbus Transportation Division, access to the site shall be as shown on the site plan, which shows one curb cut on West Broad Street and one curb cut on Dakota Avenue. Dakota Avenue will remain one-way. The alley to the south will be paved.

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

1. Landscaping. Landscaping shall be provided in those areas identified on the Site Plan. At the corner of West Broad Street and Dakota Avenue, landscaping will include at least four deciduous or ornamental trees, approximately twenty low growth shrubbery and miscellaneous flowers. A metal ornamental fence will be installed as shown on the site plan. Along the alley to the south of the site, the landscaping will be a deciduous shrubbery 36 inches in height with 75% opacity.

2. Landscape Standards. The minimum size of any tree at installation shall be 2.5 inch caliper for deciduous trees, 5 to 6 feet high for evergreen trees, and 1.5 inch caliper for ornamental trees. Landscaping shall be maintained in a healthy state. Any dead materials shall be removed and replaced with like materials at the next planning season or within six months, whichever occurs sooner. The size of new materials shall equal the size of the original material when it was installed. The landscaping required in this section shall count toward satisfying the landscaping requirements of the Columbus City Code Chapter 3342.

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

Building Design. The exterior elevation of the building shall be brick veneer with a synthetic stucco band and aluminum finish frames with insulated glass on the front of the store facing Dakota Avenue and on the front of the store facing West Broad Street. The exterior elevation of the canopy columns shall be brick veneer.

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

1. Outdoor Display Area. The outdoor display area shall be limited to the portion of the building that faces the gas pump islands along the sidewalk. Outdoor displays shall only be permitted on the sidewalk area if the sidewalk has a minimum depth of nine (9) feet. Wheel stops will be added along sidewalk to keep cars from overhanging the sidewalk area. At least five feet of the width of

said sidewalk shall remain free of display materials to permit pedestrian transit. Outdoor displays measuring four (4) feet by four (4) feet are also permitted at the ends of fuel pump islands. Display areas at the end of fuel islands must be shown on the approved zoning clearance plan. The maximum height for any outside display area shall be three (3) feet.

2. Lighting. All non-decorative lighting shall be cutoff-type fixtures (down lighting) and shall not spill onto residential property. Canopy lighting shall be recessed and there shall be no lighting on the south side of the canopy where adjacent to residential properties. Buildings and landscaping may be uplit from a concealed source. Parking lot lighting shall be no higher than 18 feet. All external outdoor lighting fixtures shall be from the same or similar manufacturer's type to ensure compatibility.

F. Graphic Commitments

All graphics shall conform to Columbus City Code Title 33, Article 15 as it applies to the C-4, Commercial District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

IV. COMMERCIAL PLANNED DEVELOPMENT REQUIREMENTS

A. Natural Environment: The Property is a flat site located in a highly-developed urban area. Most of the Property is currently paved or improved with structures.

B. Existing Land Uses: A UDF convenience store with parking in front is located on parcel one of the subject property. A three-family dwelling and a parking lot area are located on the other two parcels.

C. Transportation and Circulation: The Property is located on the corner of West Broad Street and Dakota Avenue. West Broad Street is a major east/west arterial with four moving lanes, a central turn lane, and an extra parking lane for a total of six lanes in front of the Property. Dakota Avenue has 50 feet of dedicated right-of-way. Bus stops on both sides of High Street are located within 120 feet of the Property.

D. Visual Form of the Environment: One-, two-, and three-story commercial buildings are located to the south and west of the property along West Broad Street. Almost no vegetation other than street trees exist in the area along High Street. The residences are typically urban with small lots, houses close together, and very little yard area.

E. View and Visibility: Crosswalks have been installed in both streets in front of the Property. Sidewalks have been installed to protect pedestrians.

F. Proposed Development: A convenience store and ice cream store with gasoline sales and outdoor display areas and offices.

G. Behavior Patterns: The Property is accessed by both motorists and pedestrians. West Broad Street is a heavily traveled thoroughfare for motorists. Most of the businesses along West Broad Street in the area are geared toward retail, restaurants, and bars. In addition, residences are mixed into the commercial area. These residents use the Property as a convenience store. The Property would serve both residents and visitors to the area, eliminating the need for them to travel to more heavily trafficked areas and allowing them to walk. It will also serve those motorists traveling through the area.

H. Emissions: No adverse affect from emissions will result from the proposed development.

V. VARIANCES REQUESTED

A. Front Building Setback. The proposed building as shown on the Site Plan has a greater setback than ten (10) feet from Dakota Avenue. The applicant is requesting a variance from Section 3372.609 to allow the building to be set as shown on the Site Plan.

B. Parking. As shown on the Site Plan, there will be 13 parking spaces on site. The applicant is therefore requesting a variance to Section 3342.28 to allow four fewer parking spaces than required. The applicant is also requesting a parking variance to allow parking in front of the building facade facing Dakota Avenue.

C. Screening. The landscaping along the southern property line against the alley will be as shown on the site plan and will be planted with deciduous shrubbery 36 inches in height and will have 75% opacity. Section 3342.17 requires that the screening be five feet in height. The applicant is therefore requesting a variance to Section 3342.17 for the height of the screening.

D. Landscaping. The landscaping provided at the corner of West Broad Street and Dakota Avenue will exceed the standards set forth in Section 3372.612 (H).

VI. MISCELLANEOUS

The site shall be developed in substantial accordance with the Site Plan titled, "**DEVELOPMENT PLAN BROAD STREET**," signed on May 19, 2005 by Jill S. Tangeman, attorney for the applicant. The Zoning Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the Zoning Site Plan shall be subject to the review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

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.**