



Legislation Details (With Text)

File #: 0924-2009 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 6/18/2009 **In control:** Zoning Committee
On agenda: 7/20/2009 **Final action:** 7/23/2009
Title: To rezone 280 EAST WHITTIER STREET (43230), being 2.5± acres located at the northeast corner of East Whittier and Jaeger Streets, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z09-005)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0924-2009attachments.pdf, 2. ORD0924-2009.lbl.pdf, 3. City Council Data Form_Z09-005.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
7/23/2009	1	CITY CLERK	Attest	
7/21/2009	1	MAYOR	Signed	
7/20/2009	1	Zoning Committee	Approved	Pass
7/20/2009	1	COUNCIL PRESIDENT	Signed	
7/13/2009	1	Columbus City Council	Read for the First Time	
6/29/2009	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
6/29/2009	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
6/26/2009	1	Dev Zoning Reviewer	Reviewed and Approved	
6/26/2009	1	Dev Zoning Drafter	Sent for Approval	
6/22/2009	1	Dev Zoning Drafter	Sent for Approval	

Rezoning Application Z09-005

APPLICANT: Giant Eagle Inc.; c/o Jackson B. Reynolds III, Atty., Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Adding a pharmacy drive-through to an existing grocery store.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on May 14, 2009.

COLUMBUS SOUTH SIDE AREA COMMISSION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District would allow for the addition of a drive-through to an existing grocery store. The proposal is consistent *South Side Plan - Merion Schumacher Amendment* and with the development pattern of the area.

To rezone **280 EAST WHITTIER STREET (43230)**, being 2.5± acres located at the northeast corner of East Whittier and Jaeger Streets, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District. (Rezoning # Z09-005)

WHEREAS, application #Z09-005 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.5± acres from the CPD, Commercial Planned Development District to the CPD, Commercial Planned Development District; and

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

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

WHEREAS, the City Departments recommend approval because the requested CPD, Commercial Planned Development District would allow for the requested CPD, Commercial Planned Development District would allow for the addition of a pharmacy drive-through to an existing grocery store. The proposal is consistent *South Side Plan - Merion Schumacher Amendment* and with the development pattern of the area; 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:

280 EAST WHITTIER STREET (43230), being 2.5± acres located at the northeast corner of East Whittier and Jaeger Streets, and being more particularly described as follows:

LEGAL DESCRIPTION

Description of Big Bear property in German Village:

Parcel 1

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of Lot 5 of the plat of part of the land of the Estate of C.F. Jaeger, being part of Half Section No. 28. Township 5. Range 22, as recorded on Plat Book (P.B.) 3, pg. 203, Franklin County Recorder's Office, and being further described as follows:

Beginning at an iron pin set at the intersection of the north line of Whittier St. (60' wide formerly Schiller St.) and the east line of Jaeger St. (60' wide);

Thence North 03 degrees 08' 53" East 464.28 feet, along the east line of said Jaeger St., to a point, said point being the intersection of the east line of said Jaeger St. and the south line of Kossuth St.(50' wide), said point being referenced by a found ¾" iron pipe located 0.40 feet north;

Thence South 87 degrees 01' 13" East 221.30 feet, along the south line of said Kossuth St., to an Mag Nail set, said Mag Nail being the intersection of the south line of said Kossuth St. and the west line of Grant Ave.(10' wide);

Thence South 03 degrees 10' 00" West 465.65 feet, along the west line of said Grant Ave., to an Mag Nail set, said Mag Nail being the intersection of the west line of said Grant Ave. and the north line of said Whittier St.;

Thence North 86 degrees 39' 57" West 221.15 feet, along the north line of said Whittier St., to the Place of Beginning, containing 102,861 square feet, or 2.361 acres, more or less, subject to all legal easements and the right of ways of record.

Bearings are referenced to the west line of said Grant Ave., as being South 03 degrees 10' 00" West assumed. Documents referred to are recorded in the Franklin County Recorder's Office. Iron pins set are 5/8" in diameter rebar, 30" long, with a plastic cap stamped "J & J Surveying".

Parcel 2

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Lot 157, and being north 12 feet of a 20 foot alley vacated by Ord. #2355-85, bounded on the south by Lots 105 thru 108, and on the north by said Lot 157, as shown on the plat of Blesch and Kremer's Subdivision, as recorded in P.B. 4, pg. 25, Franklin County Recorder's Office, containing 0.124 acres, and being further described as follows:

Beginning for reference at the intersection of the north line of Whittier St. (60' wide formerly Schiller St.) and the east line of Grant Ave., being the southwest corner of said Lot 105;

Thence North 03 degrees 10' 00" East 128.00 feet, along the east line of said Grant Ave. being the west line of said Lot 105, to a Railroad Spike found, said spike being the True Place of Beginning for the herein described 0.124 acre tract;

Thence North 03 degrees 10' 00" East 43.00 feet, continuing along the west line of said Grant Ave. being the west line of said vacated alley, the west line of said Lot 157, to a ¾" iron pin found, said iron pin being northwest corner of said LOT 157;

Thence South 86 degrees 39' 56" East 124.96 feet, along the north line of said Lot 157, to a ¾" iron pin found in the west line of Ebner St. (50' wide), said iron pin being the northeast corner of said Lot 157;

Thence South 03 degrees 07' 14" West 43.00 feet, along the west line of said Ebner St., being the east line of said Lot 157, and being the east line of said vacated alley, to an iron pin set;

Thence North 86 degrees 39' 56" West 125.00 feet, crossing said vacated alley, to the True Place of Beginning, containing 5400 square feet, or 0.124 acres, more or less, subject to all legal easements and right of ways of record.

Bearings are referenced to the west line of said Grant Ave., as being South 03 degrees 10' 00" West assumed. Documents referred to are recorded in the Franklin County Recorder's Office. Iron pins set are 5/8" in diameter rebar, 30" long with a plastic cap stamped "J & J Surveying".

To Rezone From: CPD, Commercial Planned Development 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 plan being titled, "**PROPOSED PHARMACY DRIVE-THRU FOR GIANT EAGLE MARKET #6508**," and text titled, "**CPD COMMERCIAL PLANNED DEVELOPMENT TEXT**," both signed by Jackson B. Reynolds III, Attorney for the Applicant, both signed and dated May 27, 2009, and the text reading as follows:

CPD

COMMERCIAL PLANNED DEVELOPMENT TEXT

APPLICATION : Z09-005
LOCATION: 280 EAST WHITTIER STREET
REQUEST: CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT
PROPOSED USE: GROCERY STORE WITH PHARMACY DRIVE THRU
APPLICANT(S): GIANT EAGLE, INC.
PROPERTY OWNERS(S): WHITTIER - TWO EIGHTY LLC
DATE OF TEXT: May 27, 2009

1. INTRODUCTION: The subject sites consist of 2.5± total acres with 2.4± acres being an existing Giant Eagle Store located on the northeast of East Whittier Street and Jaeger Street. The remaining 0.1± acres being an existing parking lot is located on the west side of Ebner Street, 140± feet north of East Whittier Street.

In 1983 the subject site was included in an area-wide re-zoning, which placed the property in the R-4, Residential District. The

surrounding residential areas were placed in the R-2F Zoning District in 1999 under an area wide rezoning. The current CPD, Commercial Planned Development District brought the site in line with the actual use of the property, a Giant Eagle Store. The request made by this application would modify the site plan to allow a pharmacy drive thru for prescription pickup.

2. PERMITTED USES:

A. The following primary uses shall be permitted on the subject property:

Grocery Store
Supermarket

B. In addition, the following secondary uses shall be permitted, but not limited to the following on the subject property in conjunction with the operation of a grocery store and/or supermarket:

Delicatessen
Pharmacy with Drive Thru
Ice Cream and Dairy Product Sale
Meat Market
Financial Services
Small Appliance Sale
Bakery (Retail)
Florist Shop (Retail)
Photography Supplies (Retail)
Fish Market
Poultry Store (Dressing for sale)
Household and Hardware goods
Beer, Wine, and Beverage
Dry Cleaner Pick-up/Drop-off

3. DEVELOPMENT STANDARDS:

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

1. The property shall be subject to the thirty-five (35) foot height district.
2. The total building area of the site shall not exceed 31,900 square feet. The structure shall be confined to the Buildable area as defined on the site plan.
3. Setbacks are as shown on the site plan.

B. Access, Loading, Parking and/or other Traffic related commitments.

1. Existing and proposed access points are as shown on the site plan and are subject to review of the Traffic Engineering and Parking Division.
2. The existing loading dock consisting of a three-bay area and a mechanical/dumpster area at the northwest corner of the structure, adjacent to the loading dock is as shown on the site plan. The deliveries and trash collection will be restricted between the hours of 7:00 a.m. and 8:00 p.m.

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

1. The landscaping shall be maintained by the property owner. Dead or damaged material shall be replaced within six (6) months or the next available planting season, whichever occurs first. Installation of a new deciduous trees shall be a minimum caliper of two and one-half (2 1/2") inches.
2. Landscaping along Jaeger Street shall consist of no less than one (1) deciduous tree for every forty (40) feet of frontage. Along East Whittier Street the landscaping shall consist of no less than one (1) deciduous tree for every fifty (50) feet of frontage. In addition, a continuous hedge of evergreen shrubs with a minimum height of thirty-six (36) inches shall be installed adjacent to the parking lot along East Whittier Street. This evergreen shrubbery shall have a minimum opacity of seventy (70) percent. The existing

landscaping along Kossuth Street will remain as shown on the site plan.

3. The landscaping adjacent to any access point shall contain no less than two (2) deciduous trees, two (2) ornamental trees and two (2) evergreen shrubs. The applicant will also provide stylized trash receptacles at these areas. The curb cut at East Whittier and Jaeger Streets shall be removed and replaced with a pedestrian walkway and landscaped area. The landscaping shall consist of no less than three (3) deciduous trees, four (4) evergreen shrubs, and three (3) ornamental trees. The pedestrian walkway shall include a handicap accessible ramp. A wrought iron fence shall be used as a landscape feature along East Whittier and Jaeger streets. The fence shall be located adjacent to the curb cut(s) and extend no less than twelve (12) feet from the curb cut. At the intersection of East Whittier and Jaeger streets, the fence shall extend for no less than twenty-five (25) feet adjacent to both streets.

D. Building design and/or Interior-Exterior treatment commitments.

1. Any proposed additions to the existing building shall be finished on all four (4) sides with a brick, limestone, and glass facade.
2. All building signage shall be mounted to the building faced and shall be individually internally illuminated letters. All building signage will conform with the City Graphics code. All building illumination shall be of the west and south facades as shown on the site plan. In addition, the building illumination shall be cut-off type fixtures and shall not spill light onto the adjacent residential property.

E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. Dumpsters shall be screened from view on all sides. The screening is an existing condition and will be maintained by the applicant. Any new parking lot lighting shall be cut-off fixtures (downlighting) and shall not spill an light onto any adjacent residentially zoned property.
2. The height of the existing parking light fixtures within patron parking areas to the west and south of the building is thirty (30) feet in height above the paved surface. The height of any new parking light poles within patron parking areas to the west and south of the building shall not exceed twenty-two (22) feet in height above the paved surface. Along Grant Alley there shall be Wall Pack lighting no less than (1) fixture for every sixty (60) feet. The height of these fixtures shall be no more than fourteen (14) feet above pavement. The applicant is responsible for the upkeep and general appearance of the property. The tenant will perform scheduled maintenance and clean up of the parking lot, landscaped areas and adjacent sidewalks along East Whittier and Jaeger Streets.

F. Graphics and Signage commitments.

1. Any new graphics shall comply with the Columbus Graphics Code as it applies to C-4, Commercial District

G. Other CPD Requirements.

1. Natural Environment: The natural environment of this site is an existing commercial building with paved parking lot covering the majority of the site.
2. Existing Land Uses: This property is currently developed as a Giant Eagle grocery store. The site is entirely surrounded by an existing neighborhood that contains single and multi-family residences, and a dry cleaner and a restaurant directly to the south.
3. Circulation: Access to the current development is as shown on the current site plan. The site can be accessed from the west on Jaeger Street and from the south on East Whittier Street.
4. Visible Form of the Environment: The site is located on the northeast corner of East Whittier Street and Jaeger Streets. German Village abuts the site to the north, south and west.
5. Visibility: The site, being located on the northeast corner of East Whittier Street and Jaeger Street is visible from both street frontages.
6. Proposed Development: A pharmacy drive up window is being added to the west side of the building with the requisite stacking spaces and a partial bypass lane.
7. Behavior Patterns: Since the grocery store has been located on this site since the early 1960's, making minor additions to the building and rearranging the parking layout will have no adverse affect on the existing behavior patterns.

8. Emission: The development will conform to the City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

H. Miscellaneous commitments. N/A

I. Variances

1. The Applicant is seeking a variance to provide a partial bypass lane for the pharmacy drive up window - (Section 3342.07)

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.