



## Legislation Details (With Text)

**File #:** 2248-2004      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/17/2004      **In control:** Zoning Committee

**On agenda:** 2/14/2005      **Final action:** 2/16/2005

**Title:** To rezone 4295 SULLIVANT AVENUE (43228), being 1.67± acres located at the southwest corner of Sullivant Avenue and Georgesville Road, From: C-4 and C-5, Commercial and R-1, Residential Districts, To: CPD, Commercial Planned Development District. (Rezoning # Z04-069)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2248-2004site.pdf, 2. ORD2248-2004StfRpt.pdf, 3. ORD2248-2004zon.pdf, 4. ORD2248-2004gis.pdf, 5. ORD2248-2004GHACRec.pdf, 6. ORD2248-2004PrjDscI.pdf, 7. ORD2248-2004labels.pdf, 8. City Council Data Form\_Z04-069.pdf

Date	Ver.	Action By	Action	Result
2/16/2005	1	CITY CLERK	Attest	
2/15/2005	1	MAYOR	Signed	
2/14/2005	1	Zoning Committee	Approved	Pass
2/14/2005	1	COUNCIL PRESIDENT	Signed	
2/7/2005	1	Columbus City Council	Read for the First Time	
1/25/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
1/25/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
1/14/2005	1	Dev Zoning Drafter	Sent for Approval	
1/12/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
12/17/2004	1	Dev Zoning Drafter	Sent for Approval	

### Rezoning Application Z04-069

**APPLICANT:** Georgesville Retail Center, LLC; c/o Michael T. Shannon, Atty.; Crabbe, Brown and James, LLC; 500 South Front Street, Suite 500; Columbus, Ohio 43215.

**PROPOSED USE:** Retail development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on November 11, 2004.

**GREATER HILLTOP AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This is a follow up rezoning to Council Variance CV04-025, passed by City Council on November 1, 2004. The requested CPD, Commercial Planned Development District would permit commercial development consistent with the zoning and land use patterns of the area. The proposed site plan and CPD text establish appropriate development standards addressing lights, landscaping, building materials commitments and access controls.

To rezone **4295 SULLIVANT AVENUE (43228)**, being 1.67± acres located at the southwest corner of Sullivant Avenue and Georgesville Road, **From:** C-4 and C-5, Commercial and R-1, Residential Districts, **To:** CPD, Commercial Planned Development District. (Rezoning # Z04-069)

**WHEREAS**, application #Z04-069 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.67± acres from the C-4 and C-5, Commercial and R-1, Residential Districts to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Greater Hilltop Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of said zoning change because this is a follow up rezoning to Council Variance CV04-025, passed by City Council on November 1, 2004. The requested CPD, Commercial Planned Development District would permit commercial development consistent with the zoning and land use patterns of the area. The proposed site plan and CPD text establish appropriate development standards addressing lights, landscaping, building materials commitments and access controls, 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:

**4295 SULLIVANT AVENUE (43228)**, being 1.67± acres located at the southwest corner of Sullivant Avenue and Georgesville Road,, and being more particularly described as follows:

DESCRIPTION OF 1.667-ACRE TRACT  
WEST OF GEORGESVILLE ROAD  
SOUTH OF SULLIVANT AVENUE  
EAST OF I-270

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military Survey No. 1425, being the 1.667-acre tracts of land (Auditor's Parcel No. 570-144443, 570-144445 and 570-129022) conveyed to Meijer Stores LP as recorded in Instrument Number 200104040069346 (all references refer to records in the Franklin County Recorder's Office, Ohio) and more fully described as follows:

Beginning at an existing ¾" ID pipe at the northwesterly corner of Standard Oil Company (DB 3374, Pg 687) (PIN 570-129022), a southwesterly corner of a tract of land conveyed to The City of Columbus (DB 3374, Pg 684), also being in the easterly property line of a 0.401 acre tract (PIN 570-144445) conveyed to Owen W. and Goldie J. Maxwell (DB 1764, Pg 605) being the Point of Beginning;

Thence South 77°28'00" East a distance of 134.43 feet, along the southerly right of way of Sullivant Avenue, the southerly line of said City of Columbus tract, to a ¾" ID pipe set at the intersection of the southerly right of way of said Sullivant Avenue and westerly right of way of Georgesville Road;

Thence South 17°31'55" West a distance of 131.62 feet, along the westerly right of way of said Georgesville Road, to an existing ¾" ID pipe;

Thence South 19°34'43" West a distance of 132.60 feet, along the westerly right of way of Said Georgesville Road, to an existing ¾" ID pipe at the northeast property corner of William C. Ruoff (IN 199904210099209);

Thence North 73°58'42" West a distance of 264.91 feet, along the southerly property line of said Meijer Stores LP and northerly property line of said Ruoff, to an existing 5/8" ID pipe in the easterly property line of a 2.03 acre tract conveyed to Meijer Stores LP (IN 200104040069337);

Thence North 13°04'22" East a distance of 259.95 feet, along the easterly property line of said 2.03 acre tract, to a ¾" ID pipe in the southerly right of way of said Sullivant Avenue;

Thence South 77°31'35" East a distance of 89.62 feet, along the southerly right of way of said Sullivant Avenue, to a ¾" ID pipe set;

Thence South 13°06'09" West a distance of 7.00 feet, along a southerly right of way of said Sullivant Avenue, to a point;

Thence South 77°31'36" East a distance of 65.81 feet, along a southerly right of way of said Sullivant Avenue, to a point;

Thence South 13°17'28" West a distance of 6.50 feet, along a southerly right of way of said Sullivant Avenue, to the Point of Beginning containing 1.667 acres more or less according to an actual field survey made by Hockaden and Associates, Inc. in April of 2004.

Bearings are based upon a westerly right of way of Georgesville Road assumed as South 17°31'55" West and all other bearings based upon this meridian.

This description describes Parcels 1, 2 and 3 in Instrument Number 200104040069346 as recorded in the Franklin County Recorder's Office, Ohio and referred to in Lawyers Title Insurance Corporation Case Number 04-28175.

**To Rezone From:** C-4 and C-5 Commercial and R-1, Residential Districts,

**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 plans being titled, "**GEORGESVILLE RETAIL CENTER GEORGESVILLE ROAD ZONING PLAN,**" dated December 13, 2004 and text titled, "**COMMERCIAL PLANNED DISTRICT DEVELOPMENT TEXT 1.667+ ACRES,**" signed by Michael T. Shannon, Esq., Attorney for the Applicant, and dated December 10, 2004, and the text reading as follows:

**Commercial Planned District Development Text 1.667+ Acres**

**Existing District:** C-5, C-4, and R-1

**Proposed District:** CPD, Commercial Planned Development

**Property Address:** 4295 Sullivant Avenue

**Owner/Applicant:** Georgesville Retail Center, LLC, c/o CRABBE, BROWN & JAMES, LLP, Michael T. Shannon, Esq., 500 S. Front Street, Suite 1200, Columbus, Ohio 43215, [Mshannon@cbjlawyers.com](mailto:Mshannon@cbjlawyers.com).

**Date of Text:** December 10, 2004

**Rezoning No.:** Z04-069

**INTRODUCTION:** The subject property ("Site") consists of 1.667± acres at the southwest corner of Sullivant Avenue and Georgesville Road. The Site consists of three (3) parcels zoned C-5, C-4, and R-1. By way of this Application, Applicant seeks to rezone the parcels to CPD, Commercial Planned Development, to allow for its intended neighborhood-scale commercial retail center. This rezoning request is companion legislation to Council Variance No.: CV04-025, which authorized the proposed retail center prior to rezoning the Site.

The Site is surrounded by commercial zoning, including CPD to the west, southwest and east, with M, Manufacturing to the north, across Sullivant Avenue. Directly south of the Site is R-1, residential property. The proposed rezoning is considered compatible with

the surrounding commercial zoning districts, and the mixed-use/residential-scale commercial goals of the Greater Hilltop Area Plan.

**1. PERMITTED USES:**

All uses of the C-4, Commercial District (C.C.C. §3356.03), shall be permitted.

**2. DEVELOPMENT STANDARDS**

Unless otherwise indicated herein or on a submitted site plan, the applicable development standards shall be those standards contained in Chapter 3356 (C-4) of the Columbus City Code.

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

1. Building Setbacks: The minimum building setback from Sullivant Avenue shall be twenty-five (25) feet from the property line. The minimum building setback from Georgesville Road shall be fifty (50) feet from the property line.

2. Parking Setback: The minimum parking and pavement setback from Sullivant Avenue shall be zero (0) feet from the property line. The minimum parking and pavement setback from Georgesville Road shall be ten (10) feet.

3. Lot coverage for all buildings and pavement shall not exceed 80%.

**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.

2. Curb cuts shall be approved by the City of Columbus Transportation Division. Access to and from the Site shall be provided along both Sullivant Avenue (full access) and Georgesville Road (right-in / right-out / left in). An access drive-aisle connecting the Site to the existing Meijer Store, located immediately west of the Site, shall also be provided.

3. Sidewalks shall be provided along Sullivant Avenue and Georgesville Road.

**C. Buffering, Landscaping, Open space and/or Screening Commitments.**

1. Street trees shall be planted at 40-foot intervals along the Georgesville Road frontage.

2. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months or the next planting season, whichever occurs first.

3. The minimum size of trees at the time of planting shall be as follows: Deciduous - 2 ½ inch caliper; Ornamental - 1 ½ inch caliper; Evergreen - 5 feet in height. The minimum size of shrubs shall be two (2) gallons. Caliper shall be measured 6 inches above grade.

4. Loading/service areas shall be screened from off-site view to a minimum height of four (4) feet by landscaping, fencing, walls or buildings, used individually or in combination.

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

1. Building illumination shall be permitted, provided such light source is concealed. No colored light shall be used to light the exterior of the building.

2. Building materials shall be traditional and natural in appearance, using materials such as wood; brick; natural or synthetic stone; natural or synthetic stucco; split concrete block; steel; textured or colored metal; marble; smooth, textured concrete; EIFS and/or glass, or a combination thereof. Buildings featuring an exterior finish consisting entirely of glass, and the use of reflective or

mirrored glass, are not permitted.

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

1. All parking lot or ground-mounted lighting shall use fully shielded cutoff 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 to be used shall be from the same or similar manufacturer's type to ensure aesthetic compatibility.
3. Except for decorative lighting, all other light poles shall be metal or fiberglass and such light poles shall be of the same color. Light poles in the parking lot shall not exceed eighteen (18) feet in height.
4. Building-mounted area lighting within the parcel shall utilize fully shielded cutoff style fixtures and be designed in such a way to minimize any off-site light spillage.
5. Any new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.
6. All lighting shall be positioned as to not be directed toward any residential area.

**F. Graphics and Signage Commitments.**

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

**G. Other CPD Requirements.**

1. Natural Environment: The natural environment of the Site is vacant land, with a mature tree line along the western boundary, abutting the Meijer property.
2. Existing Land Use: Vacant land.
3. Circulation: Access to and from the Site shall be via Sullivant Avenue (full access), and Georgesville Road (right-in/ right-out), as approved by the Division of Transportation. An access drive-aisle connecting the Site to the existing Meijer Store, located immediately west of the Site, shall also be provided.
4. Visual Form of the Environment: The Site is surrounded by commercial zoning, including CPD to the west, southwest and east, with M, Manufacturing to the north, across Sullivant Avenue. Directly south of the Site is R-1, residential property. The proposed rezoning is considered compatible with the surrounding commercial zoning districts, and the mixed-use/residential-scale commercial goals of the Greater Hilltop Area Plan.
5. Visibility: The site fronts on Sullivant Avenue, and will be visible from the street frontage along both Sullivant Avenue and Georgesville Road.
6. Proposed Development: Commercial development consisting of a neighborhood-scale retail strip center.
7. Behavior Patterns: The Site is located on Sullivant Avenue, at its intersection with Georgesville Road. Vehicular access will be the principle means of access through curb cuts approved by the Transportation Division; however, sidewalks are also provided for pedestrian access. Onsite vehicular and pedestrian circulation will be as approved through the plan review process.
8. Emissions: There will be no objectionable emissions associated with these commercial/retail uses.
9. Variances: The use of the CPD mechanism permits certain variances to the required development standards. Applicant requests variances reducing the Code-required stacking spaces and loading spaces, as detailed in Section H, below.

**H. Miscellaneous.**

1. Applicant requests a variance to C.C.C. §3342.07, to reduce the number of required stacking spaces from eight (8) to five (5), to alleviate stacking spaces from blocking Code-required parking spaces.
2. Applicant requests a variance to C.C.C. §3342.27, to reduce the number of required loading spaces from two (2) to one (1). A literal interpretation of the Code would impact parking spaces and safe traffic circulation. Further, the loading spaces are not needed for the proposed uses.
3. Applicant requests a variance to C.C.C. §3356.11, to reduce the required building setback line to twenty-five feet, to allow for dedication of right-of-way along Sullivant Avenue.
4. Applicant requests a variance to C.C.C. §3342.19, to reduce the required parking setback line to zero (0) feet, to allow for dedication of right-of-way along Sullivant Avenue.

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