



## Legislation Details (With Text)

**File #:** 3423-2023      **Version:** 1

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

**File created:** 11/22/2023      **In control:** Zoning Committee

**On agenda:** 12/11/2023      **Final action:** 12/14/2023

**Title:** To amend Ordinance #2369-2003, passed November 17, 2003 (Z03-068), for property located at 1120 EVANS WAY CT. (43228), formerly addressed as 1116 Evans Way Court (43228), by repealing Sections 1 and 3 and replacing them with new Sections 1 and 3 to include the legal description for this specific property, and to modify the CPD text and plan (Rezoning Amendment #Z03-068A).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD3423-2023\_Attachments

Date	Ver.	Action By	Action	Result
12/14/2023	1	ACTING CITY CLERK	Attest	
12/13/2023	1	MAYOR	Signed	
12/11/2023	1	Zoning Committee	Approved	Pass
12/11/2023	1	COUNCIL PRESIDENT	Signed	
12/4/2023	1	Columbus City Council	Read for the First Time	

### Rezoning Amendment: Z03-068A

Ordinance #2369-2003, passed November 17, 2003 (Z03-068), rezoned 0.79± acres at 1120 Evans Way Court (43228), formerly addressed as 1116 Evans Way Court (43228), from the C-4, Commercial District to the CPD, Commercial Planned Development District to allow a three-lane automated car wash facility with a pitched roof. That rezoning also established use restrictions and supplemental development standards for setbacks, lot coverage, access and parking, landscaping and screening, building design, roof pitch, lighting, and outdoor display, and included a site plan commitment. This ordinance pertains to a 0.70± acre portion of the existing CPD district (Franklin County Parcel #010-297485), and amends the CPD text and plan to allow for a single-lane automated car wash facility with a flat roof. As a result, access and landscaping standards have been revised, lighting and roof pitch commitments have been removed, and code modifications to by-pass lane and building setback along Hilliard & Rome Road have been added. The remaining 0.09± acres of the existing CPD district are not included in this amendment, and remain unchanged and in effect.

### CITY DEPARTMENTS' RECOMMENDATION: Approval.

To amend Ordinance #2369-2003, passed November 17, 2003 (Z03-068), for property located at **1120 EVANS WAY CT. (43228)**, formerly addressed as 1116 Evans Way Court (43228), by repealing Sections 1 and 3 and replacing them with new Sections 1 and 3 to include the legal description for this specific property, and to modify the CPD text and plan (Rezoning Amendment #Z03-068A).

**WHEREAS**, Ordinance #2369-2023, passed November 17, 2023 (Z03-068), rezoned 0.79± acres at **1120 EVANS WAY CT. (43228)**, formerly addressed as 1116 Evans Way Court (43228), from the C-4, Commercial District to the CPD,

Commercial Planned Development District; and

**WHEREAS**, that rezoning established specific use restrictions and supplemental development standards which included setbacks, access and parking, landscaping and screening, building design and materials, and lighting and outdoor display in the CPD text and plan for an intended a three-lane automated car wash facility with a pitched roof on a 0.79± acre site; and

**WHEREAS**, the Applicant proposes to modify the CPD text and plan to instead develop a single-lane automated car wash facility with a flat roof on 0.70± acre site; and

**WHEREAS**, it is necessary to amend Section 1 of Ordinance #2369-2003, passed November 17, 2003 (Z03-068), as it applies to Franklin County Parcel #010-297485, to revise the legal description in Section 1 of this ordinance for the property that is subject to this amendment; and

**WHEREAS**, it is necessary to amend Section 3 of Ordinance #2369-2003, passed November 17, 2003 (Z03-068), to revise the CPD text to revise access and landscaping standards, remove lighting and roof pitch commitments, and add code modifications to by-pass lane and building setback along Hilliard & Rome Road the submitted site plan, and;

**WHEREAS**, all other aspects of Ordinance #2369-2003 are unaffected by this amendment and remain in effect, and are repeated below for clarity; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That Section 1 of Ordinance #2369-2003, passed November 17, 2003 (Z03-068), as it applies to Franklin County Parcel #010-297485, be hereby repealed and replaced with a new Section 1 to establish a revised legal description for the property subject to this amendment ordinance and reading as follows:

**SECTION 1.** That the Official Zoning Map of the City of Columbus, as adopted by Ordinance #0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**1120 EVANS WAY CT. (43228)**, being 0.70± acres located on the east side of Evans Way Court, 330± feet north of Feder Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being the north half of Lot 2 of Harvest Place as the same is numbered and delineated on the recorded plat thereof, of record in Plat Book 81, Page 32, said Lot 2 being conveyed to The McGlaughlin Oil Co. in Instrument Number 200211070284105, all records being of the Recorder's Office, Franklin County, Ohio unless otherwise noted, and being more particularly bounded and described as follows:

BEGINNING at a found 5/8" solid iron pin, capped "CEC", at the northwest corner of said Lot 2 and the southwest corner of Lot 3 of said Harvest Place, also being in the east line of Evans Way Court, 60 feet wide;

Thence, along the north line of said Lot 2 and the south line of said Lot 3, North 83 degrees 04 minutes 09 seconds East, 285.15 feet to a found 5/8" solid iron pin, capped "CEC", at the southeast corner of said Lot 3 and the northeast corner of said Lot 2, also being in the west line of Hilliard Rome Road;

Thence, along part of the east line of said Lot 2 and the west line of Hilliard Rome Road, South 06 degrees 55 minutes 51 seconds East, 105.56 feet to a set iron pipe;

Thence, across said Lot 2, South 83 degrees 04 minutes 09 seconds West, 285.15 feet to a set iron pipe in the west line of said Lot 2 and the east line of Evans Way Court;

Thence, along part of the west line of said Lot 2 and the east line of Evans Way Court, North 06 degrees 55 minutes 51 seconds West, 105.56 feet to the POINT OF BEGINNING, CONTAINING 0.691 ACRES. Subject however to all legal

easements, restrictions and rights of way of record and of records in the respective utility offices.

Iron pipes set are 30" x 1" O.D. with an orange plastic cap inscribed "MYERS PS 6579. Basis of bearings is North 06 degrees 55 minutes 51 seconds West on the east line of Evans Way Court as recorded in Plat Book 81, Page 32. This description is based on a field survey by Myers Surveying Company on October 5, 2016.

Address: 1120 Evans Way Court, Columbus, OH 43228

Parcel No.: 010-297485-00

**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 Section 3 of Ordinance #2369-2003, passed November 17, 2003 (Z03-068), as it applies to Franklin County Parcel #010-297485, be hereby repealed and replaced with new Section 3 reading as follows:

**SECTION 3.** That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**ZONING SITE PLAN**," and text titled, "**CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT**," both dated September 26, 2023, and signed by David Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

**CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT**

**0.69 +/- acres**

**EXISTING ZONING:** CPD, Commercial Planned Development District (Z03-068)

**PROPOSED ZONING:** CPD, Commercial Planned Development District (Z03-068A)

**PROPERTY ADDRESS:** 1120 Evans Way Court, Columbus, OH 43228

**APPLICANT:** Moo Car Express Car Wash LLC c/o Dave Perry, Agent, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Attorney, Plank Law Firm, 411 E Town Street, FL 2, Columbus, OH 43215.

**PROPERTY OWNER:** Evans Way Holding, LLC c/o Scott Schaeffer, Attorney, 88 W Mound Street, Columbus, OH 43215

**DATE OF TEXT:** 09/26/2023

**APPLICATION NUMBER:** Z03-068A / Z03-068A

**1. INTRODUCTION:** By Ordinance 2369-2003, passed November 17, 2003 (Z03-068), this site was rezoned to permit a car wash. The site is presently undeveloped. Applicant proposes to build a car wash but with a different site plan than referenced in Ordinance 2369-2003. The purpose of this application is to amend the 2003 ordinance to change the site plan for the car wash and update applicable language of the CPD development text. The site plan, hereafter "Site Plan", titled "Zoning Site Plan", dated 09/26/2023, depicting a single unit tunnel car wash, is submitted as the site development plan for the automatic car wash.

**2. PERMITTED USES:** The permitted use shall be a car wash, as permitted by Chapter 3357, C-5, Commercial District, City of Columbus Zoning Code, and as depicted on the Site Plan.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, of the Columbus

City Code.

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

1. Setbacks are as shown on the site plan.
2. Lot coverage for structures and paved areas may not exceed eighty-five per cent (85%) of net usable area (gross zoned acreage excluding publicly dedicated streets). Sidewalks and paved plazas at building entrances shall not be considered a part of lot coverage.

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

1. Development of the site with a car wash shall be as depicted on the submitted Site Plan.
2. There shall be no direct vehicular access to Hilliard Rome Road.
3. Access to this parcel will be via a shared ingress/egress drive between this parcel and the parcel to the south.

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

Required landscaping for the car wash shall be as depicted on the Site Plan, and three (3, min) trees shall be planted in the Evans Way building setback.

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

Primary building materials shall be brick, brick veneer, stone, stone veneer split face block, fluted block, stucco, metal, fiber cement siding, wood and/or glass, individually or in combination thereof. In addition, painted wood or vinyl siding as an accent material may be used, not to exceed 40% in area of each façade.

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

The maximum height of parking lot lighting shall be 22'

**F. Graphics and Signage commitments.**

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as applies to the C-4, Commercial District. Any ground sign shall be monument-style. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration.

**G. Other CPD Requirements.**

1. Natural Environment: The site is located on the east side of Evans Way Court, 260' +/- north of Feder Road, and also the west side of Hilliard Rome Road. The site is undeveloped but located between an oil change business to the south and a restaurant to the north.
2. Existing Land Use: The undeveloped site is presently zoned to permit a car wash.
3. Transportation and Circulation: Vehicular access is from Evans Way Court which connects to Feder Road. There will be no direct vehicular access to Hilliard Rome Road.
4. Visual Form of the Environment: The site is located a short distance south of the I-70 / Hilliard Rome Road interchange. Hilliard Rome Road and Feder Road are extensively developed with commercial uses. The site is flat and visible from both Hilliard Rome Road and Evans Way Court.

5. View and Visibility: The site is flat and visible from both Hilliard Rome Road and Evans Way Court. The site is part of a large extensively developed commercial area.

6. Proposed Development: Automatic car wash.

7. Behavior Patterns: Vehicular access shall be from a shared driveway on Evans Way Court. Site circulation will be as depicted on the Site Plan. There shall be no direct vehicular access to Hilliard Rome Road.

8. Emissions: Development will conform to 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. Modification of Code Standards.**

1. Section 3312.11, Drive-up Stacking Area, to not provide an exclusive by-pass lane for the car wash.

2. Section 3356.11, C-4 District Setback Lines, to reduce the Hilliard Rome Road building setback from 60' (Columbus Multi-modal Thoroughfare Plan) to 25', to permit pay stations, while the car wash building setback is 80' +/- from Hilliard Rome Road.

#### **I. Miscellaneous commitments.**

Development of the site with an automatic car wash shall be in accordance with the Site Plan titled "Moo Moo Express Car Wash, Zoning Site Plan", dated 09/26/2023, and signed 09/26/2023 by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. These plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services 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.