



Legislation Details (With Text)

File #: 0010-2017 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 12/28/2016 **In control:** Zoning Committee
On agenda: 4/3/2017 **Final action:** 4/5/2017
Title: To rezone 3380 MORSE ROAD (43231), being 1.13± acres located on the north side of Morse Road, 290± feet west of Trindel Way, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z16-056).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0010-2017 Attachments, 2. ORD0010-2017 Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 4/5/2017 | 1 | CITY CLERK | Attest | |
| 4/5/2017 | 1 | ACTING MAYOR | Signed | |
| 4/3/2017 | 1 | COUNCIL PRESIDENT | Signed | |
| 4/3/2017 | 1 | Zoning Committee | Approved | Pass |
| 3/27/2017 | 1 | Columbus City Council | Read for the First Time | |

Rezoning Application Z16-056

APPLICANT: KM22 Investments, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 423 East Town Street, 2nd Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 423 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Automobile repair.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on December 8, 2016.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned CPD, Commercial Planned Development District, and is developed with a vacant car wash facility. The requested CPD, Commercial Planned Development District will update permitted uses to allow an automotive repair facility, which is a prohibited use of the current CPD district. The CPD text commits to a site plan and also includes commitments to building and parking setbacks, building height, lot coverage, traffic access, landscaping, and building design. The proposed CPD district is compatible with adjacent commercial and primarily automotive-related development along Morse Road in this area. Additionally, the request is consistent with the land use recommendation of the *Northland I Area Plan* (2014), which recommends community commercial land uses at this location.

To rezone **3380 MORSE ROAD (43231)**, being 1.13± acres located on the north side of Morse Road, 290± feet west of Trindel Way, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning # Z16-056).

WHEREAS, application # Z16-056 is on file with the Department of Building and Zoning Services requesting rezoning of 1.13± acres from CPD, Commercial Planned Development District, to CPD, Commercial Planned Development District; and

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

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District is consistent with the recommended land use of the *Northland I Area Plan*, and is compatible with the adjacent land uses; 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:

3380 MORSE ROAD (43231), being 1.13± acres located on the north side of Morse Road, 290± feet west of Trindel Way, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus and located within Section 3, Township 2, Range 17, United States Military Lands and being a 1.134 acre tract all out of that 7.663 acre tract described in a deed to Properties of Today Corp., of record in Official Record 15789 Page A01 (All references herein described refer to those found at the office of the Recorder, Franklin County, Ohio), said tract more particularly described as follows:

Beginning for reference at a point at the Southwesterly corner of Parkridge Village Section 4, Subdivision of record in Plat Book 62 Page 82 and 83, in the centerline of Morse Road and being the southeasterly corner of a 3.975 acre tract described in a deed to George J. Evans, or record in Official Record 007153 Page 103; thence North 85 degrees 04 minutes 17 seconds West along the centerline of said More Road, the Southerly line of said 3.975 acre tract, a distance of 264.34 feet to a point being the Southeasterly corner of a 0.948 acre tract described in a deed to the City of Columbus of record in Instrument Number 199708070065490, being the Southeasterly corner of said 7.661 acre tract, the Southwesterly corner of said 3.975 acre tract; thence North 04 degrees 56 minutes 30 seconds East along the Easterly line of said 0.948 acre tract, the Easterly line of said 7.663 acre tract, the westerly line of said 3.975 acre tract, a distance of 80.00 feet to an iron pin set in the Northerly line of said 0.948 acre tract being the TRUE POINT OF BEGINNING.

Thence North 85 degrees 04 minutes 17 seconds West along a line 80.0 feet Northerly from and parallel with the centerline of said Morse Road, along the Northerly line of said 0.948 acre tract, a distance of 190.00 feet to an iron pin set;

Thence into said 7.663 acre tract, along the following two (2) new courses and distance:

1. North 04 degrees 56 minutes 30 seconds East, along a line 190.00 feet westerly from and parallel with Easterly line of said 7.663 acre tract, a distance of 260.00 feet to an iron pin set;
2. South 85 degrees 04 minutes 17 seconds East along a line 340.00 feet northerly from and parallel with the centerline of said Morse Road and being 260.00 feet Northerly from and parallel with the Northerly line of said 0.948 acre tract, a distance of 190.00 feet to an iron pin set in Easterly line of said 7.663 acre tract, the Westerly line of said 3.975 acre tract;

Thence South 04 degrees 56 minutes 30 seconds West along the Easterly line of said 7.663 acre tract. The Westerly line of said 3.975 acre tract, a distance of 260.00 feet to the point of beginning containing 1.134 acres of land, more or less.

This description is based on record information and a field survey performed by Robert M. Foster, P.S. in July 2000.

Bearings are based on the centerline of Morse Road as shown on the plat Parkridge Village Section 4, a subdivision of

record in Plat Book 62, Page 82 and 83, and shown as North 85 degrees 04 minutes 17 seconds west. Iron pins set consist of a 5/8" rebar, Thirty (30) inches in length, with a yellow plastic cap inscribed: "RM Foster S 7729".

Parcel No.: 010-255453

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 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, "SITE PLAN," and text titled, "DEVELOPMENT PLAN COMMERCIAL PLANNED DEVELOPMENT (CPD)," both dated December 15, 2016, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT PLAN
COMMERCIAL PLANNED DEVELOPMENT (CPD)

PROPERTY ADDRESS: 3380 Morse Road, Columbus, OH 43231

PID: 010-255453

AREA: 1.13 +/- ac

EXISTING ZONING: CPD, Commercial Planned Development

PROPOSED ZONING: CPD, Commercial Planned Development

APPLICANT: KM22 Investments, LLC c/o Dave Perry, David Perry Company, Inc., 423 E. Town Street, FL 2, Columbus, OH 43215 and Donald Plank, Plank Law Firm, LPA, 423 E. Town Street, FL 2, Columbus, Ohio 43215

PROPERTY OWNER: KM22 Investments, LLC c/o Dave Perry, David Perry Company, Inc., 423 E. Town Street, FL 2, Columbus, OH 43215 and Donald Plank, Plank Law Firm, LPA, 423 E. Town Street, FL 2, Columbus, Ohio 43215

DATE OF TEXT: December 15, 2016

APPLICATION NUMBER: Z16-056

1. INTRODUCTION: The 1.134 +/- acre site was zoned CPD (Z00-028) as Subarea A-1 to permit a car wash. The car wash was subsequently built but is presently closed. Subarea A-2 of Z00-028 has been rezoned for development of a self-storage facility that is now built. The 1.134 +/- acre site abuts land used for auto repair to the east, self-storage to the north, auto repair to the west and Morse Road to the south. The site plan titled "CPD Site Plan - 3380 Morse Road", hereafter "Site Plan", dated December 15, 2016 is submitted as the required site development if the existing building is used for either a car wash (existing use) or motor vehicle repair depict the existing site development, applicable to car wash or motor vehicle repair uses. A car wash or motor vehicle repair are only permitted in the existing building. Other than the vehicular access and setbacks depicted on the Site Plan, the Site Plan does not apply to redevelopment of the site for any permitted use other than motor vehicle repair or a car wash.

2. PERMITTED USES:

a). Permitted uses are 1). A car wash, as permitted in Section 3357.01, C-5 commercial district and all uses of Section 3356.03, C-4, Permitted Uses, except the following: Animal Shelter, Bars, Cabarets and Nightclubs, Blood and Organ Banks, Check Cashing and Loans, Halfway House, Mission/Temporary Shelters, Monopole Telecommunications Antenna (s), Sales, rental or leasing of Boats, Cars, new and/or used vehicle sales, Motorcycles, Recreational Vehicles, Trucks,

Utility Trailers and off-road vehicles, Pawn Brokers, Billboards and Off-Premise Graphics.

b). Car wash and motor vehicle repair uses shall only be permitted in the existing building.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated in this text or the plan titled “CPD Site Plan - 3380 Morse Road”, for use of the site with the existing building, the applicable development standards are contained in Chapter 3356 (C-4, Commercial) of the Columbus City Code.

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

1. A minimum thirty (30) foot landscaped parking setback shall be established along Morse Road.
2. A minimum ten (10) foot landscaped building and parking setback shall be established from and along the north and west property lines. The north and west parking setback lines/landscaping strips shall not be interpreted to prevent or preclude connection to adjacent parcel(s) with an aisle or driveway to provide for internal vehicular circulation between sites.
3. A minimum thirty (30) foot building, parking and maneuvering setback shall be established along the east property line.
4. The existing building (car wash) shall not exceed a maximum total height of twenty five (25) feet.
5. Total lot coverage for structures and paved areas shall not exceed 80%.

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

Vehicular access to the site shall be by the existing Morse Road curb cut.

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

1. Within the required 30 foot parking setback along Morse Road, landscaping shall be required for a minimum of 50% of the frontage. Such landscaping shall be uniformly placed at a minimum distance of ten (10) feet from right of way. The landscaping shall consist of deciduous shade trees, ornamental trees, evergreen trees and/or shrubs. Landscaping required by this section that meets the specifications for headlight screening shall also satisfy headlight screening requirements.
2. Street tree planting shall be required within the Morse Road parking setback. The street trees shall have a minimum spacing of 35 feet on center (OC) and located at a uniform setback to be established at the time of planting, but not less than ten (10) feet from the Morse Road right of way, subject to no more than four (4) street trees being required along the Morse Road frontage of Sub-Area A-1.
3. Tree planting shall be required within the north and west perimeter landscape strips. Trees shall be planted at the rate of one (1) per 50 lineal feet. Tree planting shall consist of deciduous shade trees, ornamental trees, and/or evergreen trees.
4. The minimum thirty (30) foot building, parking, pavement and maneuvering setback along the east property line shall be maintained in a vegetative state. Existing trees and brush along the bank of the drainage ditch shall be preserved and shall remain undisturbed other than normal maintenance and removal of dead plant material. This setback is a buffer area for the ditch adjacent to the east property line.
6. No additional landscaping shall be required within the existing paved area of the site in conjunction with a change of use of the existing building.

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 or any building.

2. There shall be no exposed concrete block, other than split-face block.

3. If the site is redeveloped, meaning complete removal of the existing building and construction of a new building, site development shall comply with applicable Morse Road Regional Commercial Overlay standards.

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

1. Parking lot light poles shall not exceed 20 feet in height.

2. All new wiring within the development shall be underground unless the applicable utility company will not grant permission to place underground.

F. Graphics and Signage Commitments

1. All signage shall conform to Chapters 3375 through 3383 of the Columbus City Code as they apply to C-4, Commercial District and the Morse Road Regional Commercial Overlay. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

2. Signs shall be internally illuminated and silhouette lighted. There shall be no floodlighting of elevated signs.

3. Ground mounted illumination shall be concealed from view of the public right of way by a landscape screen of low shrubs or equivalent.

G. Miscellaneous Commitments

1. Auto repair:

a. If the site/existing building is used for motor vehicle repair, all vehicles on the premises pending repair shall be kept inside the building and/or on the north side of the building.

b. There shall be no outside storage of car parts. All refuse shall be contained within the dumpster box depicted on the site plan.

c. All vehicles on the premises shall have a current motor vehicle registration and license plate.

2. Development and use of the site for a car wash (existing) or auto repair, in the existing building depicted on the Site Plan, shall be in accordance with the Site Plan titled "CPD Site Plan - 3380 Morse Road", dated December 15, 2016 and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, for use of the site as a car wash (existing use) or for motor vehicle repair. The site plan 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. Other than the vehicular access and setbacks depicted on the Site Plan, the Site Plan does not apply to redevelopment of the site for any permitted use other than motor vehicle repair or a car wash.

H. Other CPD Requirements

1. Natural Environment: The natural environment is flat.

2. Existing Land Use: The property is presently developed with a car wash permitted by rezoning Z00-028.

3. Circulation: Access to and from the site will be by an existing curbcut on Morse Road.
4. Visual Form of the Environment: The area surrounding the site is developed with commercial and storage uses.
5. Visibility: The site fronts on Morse Road.
6. Proposed Development: The site is developed with a closed car wash. Applicant proposes to use the existing building for a car wash or auto repair.
7. Behavior Patterns: The site is located on Morse Road, a major arterial right of way. Vehicular access will be the principle means of access through the existing curb cut on Morse Road.
8. Emissions: Development shall 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.
9. Variances: No variances are proposed with the use of the CPD. The CPD allows a variety of appropriate commercial uses.

I. Miscellaneous

N/A

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