



Legislation Details (With Text)

File #: 1033-2007 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 6/19/2007 **In control:** Zoning Committee

On agenda: 7/23/2007 **Final action:** 7/25/2007

Title: To rezone 3941 WEST BROAD STREET (43228), being 2.4± acres located on the south side of West Broad Street, 240± feet east of Georgesville Road, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District to declare an emergency. (Rezoning # Z07-015)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1033-2007attachments.pdf, 2. ORD1033-2007lbs.pdf, 3. City Council Data Form_Z07-015.pdf

Date	Ver.	Action By	Action	Result
7/25/2007	2	CITY CLERK	Attest	
7/24/2007	2	MAYOR	Signed	
7/23/2007	1	Zoning Committee	Amended to Emergency	Pass
7/23/2007	2	Zoning Committee	Approved as Amended	Pass
7/23/2007	2	COUNCIL PRESIDENT	Signed	
7/16/2007	1	Columbus City Council	Read for the First Time	
7/6/2007	1	Dev Zoning Drafter	Sent for Approval	
7/6/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
7/6/2007	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
7/5/2007	1	Dev Reviewer	Reviewed and Approved	
7/3/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
6/20/2007	1	Dev Zoning Drafter	Sent for Approval	

Rezoning Application Z07-015

APPLICANT: GDT, LLC, c/o David B. Perry, Agent, The David Perry Co., 145 East Rich Street, 3rd Floor, Columbus, OH 43215 and Donald Plank, Attorney, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215.

PROPOSED USE: Carwash and/or commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on June 14, 2007.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval

CITY DEPARTMENTS' RECOMMENDATION: Approval. The proposed car wash is consistent with surrounding zoning and land uses. The Commercial Planned Development District text maintains similar landscaping standards that were approved with the previous zoning.

To rezone **3941 WEST BROAD STREET (43228)**, being 2.4± acres located on the south side of West Broad Street, 240± feet east of Georgesville Road, **From:** L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development District **to declare an emergency.** (Rezoning # Z07-015)

WHEREAS, application #Z07-015 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.4± acres from the L-C-4, Limited Commercial District to the 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 due to property closing and permit submittal time constraints for the immediate preservation of the public peace, property, health and safety; and

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

WHEREAS, the proposed car wash is consistent with surrounding zoning and land uses. The Commercial Planned Development District text maintains similar landscaping standards that were approved with the previous zoning; 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:

3941 WEST BROAD STREET (43228), being 2.4± acres located at the northeast corner of East Dublin-Granville Road and Boardwalk Street, and being more particularly described as follows:

**DESCRIPITON OF
2.379 ACRES
CITY OF COLUMBUS
FRANKLIN COUNTY, OHIO
FOR ZONING PURPOSES**

Situate in the State of Ohio, Franklin County, City of Columbus, lying in Virginia Military Survey No. 1482, and being 2.379 acres of that original 16.968 acre tract as conveyed to West Highland Plaza, LLC by deed of record in Instrument Number 2002122603302012 (all records herein are from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Begin, for reference at the centerline intersection of West Broad Street (160 feet in width) and Georgesville Road (width varies);

Thence North 88° 02' 00" East, a distance of 968.98 feet, along the centerline of said West Broad Street, to a point;

Thence South 01° 57' 56" East, a distance of 90.00 feet, leaving the centerline of said West Broad Street to a point on the southerly right-of-way line of West Broad Street and being the **TRUE POINT OF BEGINNING**;

Thence North 88° 02' 00" East, a distance of 278.58 feet, along the said southerly right-of-way line of West Broad Street, to the northwesterly corner of that 2.126 acre tract as conveyed to Haydocy Pontiac - GMC Truck, Inc. by deed of record in Instrument Number 200308070249570;

Thence the following two (2) courses and distances along the westerly lines of said 2.126 acre tract;

1. Along a curve to the left, said curve having a Central Angle of 45° 51' 12", a Radius of 130.00 feet, an Arc Length of 104.04 feet, a Chord Bearing South 20° 52' 34" West and a Chord Distance of 101.28 feet, to a point of tangency;

2. South 02° 03' 02" East, a distance of 336.51 feet, to a point on the southerly line of said original 16.968 acre tract;
Thence South 88° 02' 00" West, a distance of 239.76 feet, along the southerly line of said original 16.968 acre tract, to a point;

Thence the following five (5) courses and distances crossing said original 16.968 acre tract;

1. North 01° 57' 56" West, a distance of 261.03 feet, to a point;
2. North 87° 48' 58" East, a distance of 20.11 feet, to a point;
3. North 01° 57' 15" West, a distance of 22.27 feet, to a point;
4. South 87° 48' 58" West, a distance of 20.11 feet, to a point;
5. North 01° 57' 56" West, a distance of 146.56 feet, to the **TRUE POINT OF BEGINNING**, containing 2.379 acres, more or less.

Bearings in the above description are based on the bearing of North 88° 02' 00" East for the centerline of West Broad Street as shown on the right-of-way plan FRA-40-5.08 6.38.

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

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of Sixty (60) 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, "**CAR WASH 3941 WEST BROAD STREET,**" and said text titled, "**DEVELOPMENT TEXT CPD, COMMERCIAL PLANNED DEVELOPMENT 2.379 +/- ACRES,**" all signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, and all dated June 15, 2007, and the text reading as follows:

DEVELOPMENT TEXT
CPD, COMMERCIAL PLANNED DEVELOPMENT
2.379 +/- ACRES

EXISTING ZONING: L-C-4, Limited Commercial
PROPOSED ZONING: CPD, Commercial Planned Development
PROPERTY ADDRESS: 3941 West Broad Street

OWNER: West Highland Plaza, LLC, David B. Perry, Agent, The David Perry Co., 145 East Rich Street, 3rd Floor,
Columbus, OH 43215 and Donald Plank, Attorney, Plank and Brahm, 145 East Rich Street,
Columbus, OH 43215.

APPLICANT: GDT, LLC, c/o David B. Perry, Agent, The David Perry Co., 145 East Rich Street, 3rd Floor, Columbus, OH 43215
and Donald Plank, Attorney, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215.

DATE OF TEXT: 06/15/07
APPLICATION NUMBER: Z07-015

1. INTRODUCTION: The site is located on the south side of West Broad Street, 930 +/- feet east of Georgesville Road. The site is zoned L-C-4. Applicant proposes to develop a car wash. The site plan titled "Car Wash, 3941 West Broad Street", dated May 1, 2007, hereinafter the ("Plan") is submitted as the development plan for a car wash.

2. PERMITTED USES: A car wash and those uses permitted under Section 3355.02 C-4 Commercial of the Columbus City Code with the following exclusions:

1. Bar
2. Beer/wine drive thru

3. Billboard(s)
4. Off-premise graphic(s), other than as may be approved by the Columbus Graphics Commission.
5. Funeral homes
6. Night club/cabaret
7. Trade School

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Plan, as applicable for development of a car wash, or in the written text, the applicable development standards shall be those standards contained in Chapter 3355, C-4, Commercial of the Columbus City Code.

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

1. Height District shall be 60 feet as measured per Columbus City Code with a maximum height of 60 feet for a hotel/motel use and 45 feet for any other use, except a car wash building and canopies associated with the car wash, as depicted on the Plan, which shall be limited to an absolute height of 28 feet and 18 feet, respectively.
2. Parking setback from Georgesville Road and West Broad Street shall be ten (10) feet.

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

N/A.

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

1. Within the West Broad Street parking setback, one tree per thirty (30) linear feet shall be installed. The trees may be evenly spaced or grouped together.
2. Within the parking setback area along West Broad Street, a thirty (30) inch average height continuous (except at access points) planting hedge, fencing wall, earth mound individually or in any combination thereof shall be installed in said areas.
3. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months with landscape materials per the original requirements.
4. One tree shall be planted for every ten (10) parking spaces which shall count toward satisfying the interior tree requirement of Chapter 3342 of the Columbus City Code.
5. Minimum tree sizes at installation: deciduous trees, 2 1/2" caliper, ornamental trees 1 1/2" inch caliper; evergreen five (5) feet in height.
6. Automobile body shops shall screen all cars to be repaired within a building or behind a six foot high (6') opaque fence.

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

1. The exterior building material for the car wash building shall be split face block.
2. There shall be no chain link fence.

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

1. All non-decorative lighting shall be down lighting (cut off fixtures).
2. All external outdoor lighting fixtures within a given area shall be from the same or similar manufacturer's type to insure compatibility.
3. Parking lot lighting standards shall not exceed twenty-eight (28) feet in height.
4. Pole mounted parking lot lighting shall be placed in raised islands or medians to protect both lights and vehicles from damage.
5. Wiring within a development shall be underground, unless an applicable utility directs or requires wires to be above ground.

6. The developer shall install sidewalks along its frontage on West Broad Street.

7. Dumpster(s) shall be screened on three sides with a split face block wall using the same color block as the car wash building. The fourth, gated side of the dumpster enclosure shall use a wood gate.

F.) Graphics and Signage commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-5, Commercial District, if the site is developed with a car wash; or the C-4 Commercial District, if developed with a C-4, Commercial District Use. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration.

G.) Other CPD Requirements.

1. Natural Environment: The natural environment of the site is flat. The site is located on a US highway (US 40, West Broad Street). The corridor is developed with intense commercial uses.

2. Existing Land Use: The property is undeveloped.

3. Circulation: Access to and from the site will be via an existing curbcut on West Broad Street and by internal circulation from and within adjacent commercial property.

4. Visual Form of the Environment: The area surrounding the site is zoned and developed with commercial and industrial uses.

5. Visibility: West Broad Street is an arterial right of way on a primary commercial corridor. The site will be visible from West Broad Street.

6. Proposed Development: A car wash.

7. Behavior Patterns: Primary access will be from West Broad Street. Site development for a car wash will be as depicted on the submitted site plan.

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 3357.04 Building Lines in Highway Oriented Commercial Districts, to reduce the West Broad Street building setback line from 60 feet to 10 feet only if the site is developed with a car wash and only for the entrance canopy, as depicted on the Plan.

I.) Miscellaneous commitments.

1. Development of the site with a car wash shall be in accordance with the site plan titled "Car Wash, 3941 West Broad Street", dated May 1, 2007, and signed June 15, 2007 by David B. Perry, Agent, and Donald Plank, Attorney. The 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 Development or his designee upon submission of the appropriate data regarding the proposed adjustment.

2. The developer shall comply with the park land dedication ordinance by donating \$400/acre to the Recreation and Parks Department.

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.**