



Legislation Details (With Text)

File #: 1737-2004 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/23/2004 **In control:** Zoning Committee

On agenda: 11/29/2004 **Final action:** 12/1/2004

Title: To rezone 4378 CLEVELAND AVENUE (43224), being 1.63± acres located on the east side of Cleveland Avenue, 295± feet south of Morse Road, From: L-C-2, Limited Commercial District, To: L-C-4, Limited Commercial District (Z04-047).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1637-2004 LC4 site plan.pdf, 2. ORD1637-2004 LC4 west elevation.pdf, 3. ORD1637-2004 Staff Rpt.pdf, 4. ORD1637-2004 zone map.pdf, 5. ORD1637-2004 gis map.pdf, 6. ORD1637-2004 aerial map.pdf, 7. ORD1637-2004 NCC letter.pdf, 8. ORD1637-2004 disclosure.pdf, 9. ORD1637-2004 labels.pdf, 10. Z04-047 Data Form.pdf

Date	Ver.	Action By	Action	Result
12/1/2004	1	ACTING CITY CLERK	Attest	
11/30/2004	1	MAYOR	Signed	
11/29/2004	1	Zoning Committee	Approved	Pass
11/29/2004	1	COUNCIL PRESIDENT	Signed	
11/22/2004	1	Columbus City Council	Read for the First Time	
11/12/2004	1	Dev Zoning Reviewer	Reviewed and Approved	
11/12/2004	1	Dev Zoning Drafter	Sent for Approval	
11/12/2004	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/12/2004	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
11/11/2004	1	Dev Zoning Drafter	Sent for Approval	

REZONING APPLICATION: Z04-047

APPLICANT: Tri Net Retail Properties; c/o Thomas J. Fortin; P.O. Box 2417; Westerville, Ohio 43086.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on September 9, 2004.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant's request for the L-C-4, Limited Commercial District to develop 15,250 square feet of retail store space is consistent with the land use recommendations of the *Northland Plan: Volume I*. Staff can support this request because of the site's relative proximity to the intersection of Morse Road and Cleveland Avenue, because the primary C-4, Commercial District use proposed is a neighborhood scale ethnic grocery store, and because proposed development standards for buffering, screening, landscaping and lighting are sensitive to adjacent residential development.

To rezone **4378 CLEVELAND AVENUE (43224)**, being 1.63± acres located on the east side of Cleveland Avenue, 295± feet south of Morse Road, **From:** L-C-2, Limited Commercial District, **To:** L-C-4, Limited Commercial District (Z04-047).

WHEREAS, application #Z43-047 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.63± acres from L-C-2, Limited Commercial District to L-C-4, Limited Commercial District, and

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

WHEREAS, the City Departments recommend approval because the applicant's request for the L-C-4, Limited Commercial District to develop 15,250 square feet of retail store space is consistent with the land use recommendations of the *Northland Plan: Volume I*. Staff can support this request because of the site's relative proximity to the intersection of Morse Road and Cleveland Avenue, because the primary C-4, Commercial District use proposed is a neighborhood scale ethnic grocery store, and because proposed development standards for buffering, screening, landscaping and lighting are sensitive to adjacent residential development; 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:

4378 CLEVELAND AVENUE (43224), being 1.63± acres located on the east side of Cleveland Avenue, 295± feet south of Morse Road , and being more particularly described as follows:

ZONING DESCRIPTION FOR 1.63± ACRES

Situated in the County of Franklin, State of Ohio and City of Columbus, bounded and described as follows:

Being in and a part of the Quarter Township 2, Township 1, Range 17, United States Military Lands, and being a part of a certain 8½ acre tract conveyed by Emily Shephard and George Shephard to Clara B. Shephard (now Clara B. Gray) by deed of trust as same is shown of record in Deed Book 537, page 537, Recorder's Office, Franklin County Ohio, said land being conveyed being more particularly described as follows:

Beginning at an iron pin in the east line of said 8½ acre tract 541.55 feet north of the southeast corner of said 8½ acre tract and the southeast corner of the two acre tract now owned by Denver Thompson; thence along a line parallel with the south line of said 8½ acre tract N. 89 degrees 14 minutes W. 321.75 feet to the center line of Cleveland Avenue, passing an iron pin at 291.75 feet in the east line of Cleveland Avenue; thence along the center line of Cleveland Avenue North 270.78 feet to a point; thence parallel with the south line of said tract 89 degrees 41 minutes E 321.75 feet to an iron pin, passing an iron pin in the east line of Cleveland Avenue at 30 feet; thence along the east line of said 8½ acre tract S 270.78 feet to the place of beginning, containing 2 acres.

Excepting Therefrom the Following:

Being situated in the County of Franklin, State of Ohio and the City of Columbus and being 0.235 acres out of a 0.604 acre, 0.554 acre and 0.842 acre tracts as conveyed to Richard Owen Lindner III (O.R. 9773 E 15 thru E 18) said 0.235 acres being described as follows:

Beginning at a point in the center line of Cleveland Ave. 355.15' southerly from the center line intersection of Cleveland Ave. and Morse Road and being the N.W. corner of said 0.406 acre tract conveyed to Richard Owen Lindner III, also being Station 6144.85;

Thence S. 85 degrees 31' 31" E., with the said north line, a distance of 40.00' to a point on the northeast R/W of Cleveland Ave., passing the old R/W line at 30.00';

Thence S. 3 degrees 43' 32" W., parallel to and 40.00' east of the center line of Cleveland Ave., crossing said 0.604 acre and 0.554 acre tracts a distance of 106.41' to an angle point in the said of 0.554 acre tract;

Thence S. 6 degrees 15' 15" W. crossing said 0.554 acre and 0.842 acre tracts, a distance of 164.43' to a point in the So. Line of said

0.842 acre tract;

Thence N. 85 degrees 31' 31" W. with the said south line, a distance of 32.75' to a point in the center line of Cleveland Ave.;

Thence N. 3 degrees 43' 32" E. with the center line of Cleveland Ave., a distance of 270.78' to a point of beginning containing 0.235 acres of which 0.186 acres is within the present R/W.

Subject to all road records and easements of record.

Source of bearings OR. 6525 H17.

Pro 0.056 acres Net 0.018 acres out of 010-103946.

Pro 0.052 acres Net 0.016 acres out of 010-103934.

Pro 0.078 acres Net 0.014 acres out of 010-103944.

And

Situated in the State of Ohio, County of Franklin, City of Columbus being a part of the Second Quarter Township 1, Range 17, United States Military Lands and bounded and described as follows:

Beginning for reference at the point of intersection of the centerline of Morse Road with the centerline of Cleveland Avenue; thence South 3 degrees 43' 32" West a distance of 355.68' to a point; thence South 86 degrees 16' 28" East a distance of 40.00' to the true point of beginning;

Thence South 85 degrees 31' 31" East a distance of 10.00' to a point;

Thence South 3 degrees 43' 32" West a distance of 270.79' to a point;

Thence North 85 degrees 31' 31" West a distance of 17.28' to a point;

Thence North 6 degrees 15' 15" East a distance of 164.90' to a point;

Thence North 3 degrees 43' 32" East a distance of 105.96' to the true point of beginning, containing 0.076 acres, more or less.

To Rezone From: L-C-2, Limited Commercial District,

To: L-C-4, Limited Commercial District.

SECTION 2. That a Height District of Thirty-five (35) feet is hereby established on the L-C-4, Limited Commercial 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 L-C-4, Limited Commercial District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes; said plans being titled, "**ZONING EXHIBIT, PLAZA LA FIESTA,**" building elevation titled, "**WEST BUILDING ELEVATION FOR 4378 CLEVELAND AVENUE,**" and limitation text titled, "**Z04-047 LIMITATION TEXT,**" all signed by Thomas J. Fortin, Applicant on October 6, 2004, and the text reading as follows:

Z04-047 LIMITATION TEXT

PROPOSED DISTRICT: L-C-4, Limited Commercial District.

PROPERTY ADDRESS: 4378 Cleveland Avenue (43224).

OWNER: Richard Linder.

APPLICANT: Thomas J. Fortin.

DATE OF TEXT: October 6, 2004.

APPLICATION NUMBER: Z04-047.

1. INTRODUCTION.

The applicant seeks reclassification for the subject property to L-C-4. The property is 1.64 acres and now consists of two abandoned houses in deplorable condition. The houses will be raised to construct a much needed neighborhood grocery store and an adjacent retail storeroom. The adjacent property to the north is a CVS Drug Store and retail shops. The property to the east is the Abbey Lane Apartments. Many of the apartment residents will likely patronize and walk to the proposed grocery. The properties to the south are zoned residential and most are non owner occupied. The property to the west across Cleveland Avenue is also used for retail purposes and extends approximately 200 feet south of the subject property. This proposed use will be greatly used by local residents. Many residents are multicultural and the grocer is an experienced grocer who serves such a population. This will be the finest ethnic grocer in Columbus when completed and the neighbors will be proud and happy to have this as part of their neighborhood.

All of the proposed buffering, landscape, open space and screening commitments comply with the Northland standards pursuant to the Northland Plan. In addition we added a wider green space buffer on the southern edge nearby the residential structures along with a fence and more trees to further deaden noise and lights. Plus we increased the depth of landscaped parking setback along Cleveland Avenue. All this has the support of the Northland Community Council.

2. PERMITTED USES.

The applicant requests those uses permitted in Chapters 3351, 3353 and 3355 of the Columbus City Code, and the following C-4, Commercial uses listed in C.C. 3356.03 of the Columbus City Code, Supermarket; Appliance and Electronic Retailers; Paint, Wallpaper, Household Furnishings Retailer; and Pizza, Sandwich, Food Retailers (no drive thru) up to 2000 square feet.

3. DEVELOPMENT STANDARDS.

The site shall be developed in substantial conformance with the site plan titled, "**ZONING EXHIBIT, PLAZA LA FIESTA**," dated August 26, 2004 and signed by applicant Tom Fortin on October 6, 2004. The Zoning Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering plans are completed. Any slight adjustment to the Zoning Site Plan is subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

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

1. Setback for the building is 100 feet from the Cleveland Avenue street right-of-way line.
2. The Cleveland Avenue parking setback line is fifteen (15) feet from the street right-of-way line.
3. Lot coverage with impervious surfaces shall not exceed 80 percent.

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

1. Applicant shall provide right-of-way totaling fifty (50) feet from centerline prior to the issuance of zoning clearance.
2. All circulation, curb cuts and access points shall be subject to the approval of the City of Columbus Transportation Division. One full curb cut apron 150 feet south of the adjacent property owner's curb cut access is requested. We have also minimized the building size to allow for easy delivery truck access and logistics to allow for internal movement on site.

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

1. Street trees shall be planted along Cleveland Avenue frontage at a ratio of one tree per forty (40) linear feet.
2. Buffering between the site and all residential uses shall be as shown on the site plan and described below:
 - a. An ornamental fence shall be installed along the south and east property lines;

b. A Leatherleaf Viburnum hedge shall be planted inside of the ornamental fence and shall be maintained at maturity to a minimum height of five (5) feet and minimum opacity of seventy-five (75) percent. Plants shall be installed at an interval of 8-10 feet.

c. Ornamental trees shall be planted at a ratio of one tree per thirty (30) feet inside the hedge.

3. All trees shall meet the following minimum standards at the time of planting: Deciduous trees 2½ inch caliper; Ornamental trees 1½ inch caliper; Evergreen trees five (5) feet in height; and shrubs two (2) gallons.

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

D. Building Design and/or interior/Exterior Treatment.

1. Building Design: The west building elevation shall substantially conform to the building elevation drawing titled, "**WEST BUILDING ELEVATION FOR 4378 CLEVELAND AVENUE**," dated August 26, 2004 and signed by Tom Fortin, Applicant, on October 6, 2004.

2. Building Materials: The building shall be constructed of any combination of the following: stucco, tile and split-faced block will be used on the front and sides, cement block at the rear and retail type glass and commercial entry door systems.

3. Any mechanical equipment or utility hardware on the roof of the building shall be screened from view to prevent the equipment from being visible from the property line of the parcel. Ground mounted mechanical equipment or utility hardware shall be fully screened from view from the ground level by landscaping or any fence or wall utilizing materials comparable and compatible to those used for the building.

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

1. All parking lot lighting shall be cut-off fixtures (down lighting).

2. All external lighting fixtures used shall be from the same or similar manufacturer's type to insure compatibility.

3. Accent lighting shall be permitted provided such light source is concealed.

4. Light poles in the parking lot shall not exceed 18 feet in height except that light poles within 100 feet of residentially zoned property shall not exceed 14 feet in height.

5. Outdoor display areas shall contain only those items normally and customarily sold by a grocery store and other seasonal items and products, including but not limited to firewood, ice, mulch, flowers and Christmas wreathes.

6. Outdoor display is limited to the sidewalk directly in front of the building. The sidewalk must be at least nine (9) feet deep and at least four (4) feet of sidewalk contiguous to the parking lot must remain unencumbered by displays to permit an open pedestrian walkway.

F. Graphics and/or Signage Commitments.

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

G. Miscellaneous Commitments.

1. Applicant shall install a sidewalk along the Cleveland Avenue frontage that will connect with a crosswalk painted with diagonal lines that leads to the grocery/retail store.

2. The applicant's plan includes a loading dock at the rear of the grocery. Delivery hours shall be between 8 a.m. and 8 p.m. as requested by the Northland Community Council.

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