



## Legislation Details (With Text)

**File #:** 1575-2016      **Version:** 1

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

**File created:** 6/7/2016      **In control:** Zoning Committee

**On agenda:** 6/27/2016      **Final action:** 7/1/2016

**Title:** To rezone 1075 EAST MAIN STREET (43205), being 0.35± acres located at the southeast corner of East Main Street and South Ohio Avenue, From: ARLD, Apartment Residential District, To: CPD, Commercial Planned Development District (Rezoning # Z15-059).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1575-2016Attachments, 2. ORD1575-2016Labels

Date	Ver.	Action By	Action	Result
7/1/2016	1	CITY CLERK	Attest	
6/30/2016	1	MAYOR	Signed	
6/27/2016	1	COUNCIL PRESIDENT	Signed	
6/27/2016	1	Zoning Committee	Approved	Pass
6/20/2016	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z15-059

**APPLICANT:** Samira H. Jallaq; c/o Banwo Longé, P.E.; 1008 East Main Street; Columbus, OH 43205.

**PROPOSED USE:** Fuel sales with convenience retail.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on April 14, 2016.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Disapproval. The site is developed with a convenience store zoned in the ARLD, Apartment Residential District, and is within the Urban Commercial Overlay (UCO). It was previously used as a service station zoned in the C-4, Commercial District, but was rendered nonconforming with the Model Cities down-zoning in 1974. Council variance Ordinance No. 1168-85 (CV85-032) was approved to convert the service garage to the existing retail use, but not to conform the then-existing fuel pumps. The pumps and canopy were removed in the 1990's. The requested CPD, Commercial Planned Development District will allow the construction of a new canopy with fuel pumps and a 510 square-foot addition to the existing convenience store. The CPD text commits to a site plan and elevation renderings for the proposed development. The text includes provisions for landscaping, lighting controls, and outside display. Variances to UCO standards are also incorporated into the request. The site is within the planning area of the *Near East Area Plan* (2005), which recommends high density residential and mixed commercial uses at this location. Staff would consider supporting a fuel sales facility that was designed in accordance with the provisions of the UCO at this location. This proposal would result in a development that is not compliant with the established UCO requirements. Staff is sympathetic to the circumstances involved with this site, but does not want to set a precedent for future development along this corridor that is contrary to the UCO development pattern.

To rezone **1075 EAST MAIN STREET (43205)**, being 0.35± acres located at the southeast corner of East Main Street and South Ohio Avenue, From: ARLD, Apartment Residential District, To: CPD, Commercial Planned Development District (Rezoning # Z15-059).

**WHEREAS**, application No. Z15-059 is on file with the Department of Building and Zoning Services requesting rezoning of 0.35± acres from ARLD, Apartment Residential District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Near East Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend disapproval of said zoning change because the requested CPD, Commercial Planned Development District, would result in a development that is not compliant with the established UCO requirements. Staff would consider supporting a fuel sales facility that was designed in accordance with the provisions of the UCO at this location; 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:

**1075 EAST MAIN STREET (43205)**, being 0.35± acres located at the southeast corner of East Main Street and South Ohio Avenue, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio, City of Columbus, being all of Lots Nos. 1 through 4, inclusive, of "ADAM LUCKHAUPT HEIRS ET AL. SUBDIVISION" of record in Plat Book 3, Page 378, all references being to records of Recorders Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at an iron pin set where the southerly right of way line of East Main Street, (80 feet in width), intersects the easterly right-of-way line of Ohio Avenue, (60 feet in width), being also the northwesterly corner of the said Lot No. 1; same being the point of beginning. thence along the southerly line of East Main Street, being also the northerly lines of the said Lot Nos. 1 through 4, of the said Subdivision, North 88° 06 \_0" East, 150.2 feet to a 5/8" iron pin at the northeasterly corner of the said Lot No. 4;

thence along the easterly line of the said Lot No.4, being also the westerly line of lot No.5 of the said Subdivision, SOUTH, 100.0 feet to a 5/8" iron pin set at the southeasterly corner of the said Lot No.4, Being also the northerly line of Adam Alley(12.5 feet in width);

thence along the northerly line of said Adam Alley, South 88° 06 30" West, 150.2 feet to an iron pin found (IPF);

thence along the westerly line of the said Lot No.1 being also the easterly line of the said Ohio Avenue, NORTH, 100.0 feet to the place of the beginning and containing 0.345 acres of land.

Subject, however, to all easements of previous record.

**To Rezone From:** ARLD, Apartment Residential 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 plans being titled, "**EXIST. TOPOGRAPHIC SURVEY**," "**PROPOSED SITE PLAN LAY-OUT**," and "**BUILDING RENDERING**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT DISTRICT TEXT**," all signed by Banwo Longé, P.E., Agent for the Applicant, dated May 26, 2015, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT DISTRICT TEXT**

**EXISTING DISTRICT:** ARLD

**PROPOSED DISTRICT:** CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT

**PROPERTY ADDRESS:** 1075 East Main Street, Columbus, Ohio 43205

**OWNER AND APPLICANT:** SAM IRA H. JALLAQ

**DATE OF TEXT:** 05/26/16

**APPLICATION NUMBER:** Z15-059

**INTRODUCTION:**

The existing site is currently zoned ARLD and is subject to variance application CV85-032, passed on 06/17/85, which allowed for a convenience store in conjunction with gasoline sales, but did not conform the gasoline sales use. Presently, the property contains grocery store only, and the canopy and fuel pumps were removed in the 1990's. The new proposal is for addition of fuel sales and an addition to the existing grocery store. The existing grocery store and the proposed addition equals 1,860 square feet (1,350 existing + 510 proposed square feet) and two double sided fuel dispensers under a 1,458 square feet fuel canopy. Please see "Proposed Site Plan Lay-Out" enclosed herewith. The site consists of Parcel No. 010-047295, containing 0.345 acre of land. The site is located on the southeast corner of East Main Street and South Ohio Avenue, and is within the Urban Commercial Overlay (UCO). The east side of the site is bordered by a vacant lot - Parcel No. 010-050260. South of the property is the 12.50 ft. alley. Please see "Exist. Topographic Survey" included in the application for existing conditions.

**PERMITTED USES:** The existing use was approved via variance application CV85-032 for a convenience store in conjunction with gasoline sales. The permitted uses are fuel sales with grocery/convenience retail in accordance with the Proposed Site Plan Lay-Out. All uses of the C-1, Commercial District are permitted in accordance with UCO development standards should the site be redeveloped.

**DEVELOPMENT STANDARDS:** Except as otherwise noted, the applicable development standards of Chapter 3351 C-1, Commercial District of the Columbus City Code shall apply.

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

Setbacks for the building and parking lot lay-out shall be as shown on the Proposed Site Plan Lay-Out. The existing grocery store is at a setback of 61 feet from East Main Street. An addition of 510 square feet to the grocery is being proposed, and will be a minimum of 40 feet from South Ohio Avenue. A double sided gasoline sale dispenser at a distance of about 33 feet from East Main Street under a 1,458 square feet canopy is being proposed. The canopy setback is proposed to be 20 feet from East Main Street and 55 feet from South Ohio Avenue. Parking setbacks are proposed at 3.5 feet from East Main Street, and 5 feet from Ohio Avenue.

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

There are four existing curb cuts on the property. Two curb cuts are located on East Main Street and the two curb cuts are located on South Ohio Avenue. The proposed parking lot, including handicap and loading are as shown on the Proposed Site Plan Lay-Out. The access western most access on East Main Street and the northern most access point on South Ohio Avenue will be closed as depicted on the Proposed Site Plan Lay-Out.

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

A minimum 5-foot high solid wood privacy fence shall be erected along the southern and eastern property lines in order to meet the parking lot screening requirements along those boundaries.

**D. Building Design and/or Interior/Exterior Commitments:**

The existing grocery store building is a painted white concrete block building. The existing and the proposed building addition shall have the same elevation for uniformity and shall blend with the environment aesthetically. A proposed "Building Rendering" is enclosed herewith. The building shall be designed in general conformance with the rendering which depicts front and side views of the existing building, the new addition, and the proposed canopy and fuel pumps.

**D. Lighting, Outdoor Display Areas and/or Environmental Commitments:**

1. Parking lot light poles shall not exceed a height of 18 feet above the ground. The existing light pole foundation and existing light poles -6 total -are shown on the Exist. Topographic Survey and Proposed Site Plan Lay-Out.
2. No outside display of tires/batteries; and outdoor display/sales area shall be limited as follows:
  - a. At the ends of fuel pump islands with the maximum footprint of displays being four (4) feet by four (4) feet by five (5) feet in height.
  - b. Propane display, air pump, and ice machine shall be permitted along the northern and western elevations of the building, provided that adequate sidewalk space remains for pedestrian use. The sidewalks shall be in place after the new construction is completed. Propane tank storage racks shall be located in an approved location by the Columbus Fire Department.

**E. Graphic Commitments:**

All graphic and signage shall comply with the graphic code standards contained in Article 15, Title 33 of the City of Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphic Commission for review and consideration.

**F. Miscellaneous Commitments:**

1. Site Plan: The subject site shall be developed in accordance with the submitted site plan for the proposed fuel sales and expanded grocery store uses. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plan are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of Building and Zoning services or his designee upon the proposed adjustment. Redevelopment of the site shall be in accordance with the C-1, Commercial District.
2. Abandonment: Should the fuel sales use be discontinued, the property owner will comply with the abandonment provisions in Section 3357.18.
3. Variances: Due to the site's existing configuration and previous use as a fuel sales facility, variances to the following are requested:

1. 3312.21(A), to eliminate parking lot trees.
2. 3312.21(D)(1), to reduce required four-foot width for parking lot screening to an area wide enough to accommodate a wood privacy fence.
3. To vary all Urban Commercial Overlay requirements except 3372.606, Graphics, for the proposed canopy/fuel sales and the existing grocery store and proposed addition.

Note: Redevelopment of the site with any other permitted uses will require conformance with parking lot landscaping and UCO requirements.

**CPD REQUIREMENTS:**

1. Natural Environment: The property is on a "Primary Street". This means the property is in the already developed area where traffic circulation, transportation and street development are already established. The property has been used in the past as a grocery store and gasoline sales, and is currently in use as grocery store.
2. Existing land use: the Property is currently in use as a convenience grocery store only.
3. Transportation and Circulation: Transportation and circulation are currently adequate. The curb cuts will be reduced to two as shown on Plan Sheet 2.
4. Visual form of the environment: Visibility and the safety of motorists and pedestrians are already available and functional. There are roads and sidewalks.
5. Proposed Development: The proposed is a 510 square feet addition to the existing convenience store building with fuel sales/canopy being added.
6. Behavior Pattern: Property is on a "Primary Street" established behavior pattern for the motorists and pedestrians have been adequately and properly ensured.
7. Emissions: There is no adverse affection of emission.

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