



## Legislation Details (With Text)

**File #:** 1893-2006      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/18/2006      **In control:** Zoning Committee  
**On agenda:** 11/20/2006      **Final action:** 11/22/2006  
**Title:** To rezone 3201 SULLIVANT AVENUE (43204), being 0.31± acres located at the southwest corner of Sullivant and Brinkner Avenues, From: C-4, Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z06-025).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1893-2006Attmnts.pdf, 2. ORD1893-2006lbls.pdf, 3. City Council Data Form\_Z06-025.pdf

Date	Ver.	Action By	Action	Result
11/22/2006	1	CITY CLERK	Attest	
11/21/2006	1	MAYOR	Signed	
11/20/2006	1	Zoning Committee	Waive the 2nd Reading	Pass
11/20/2006	1	Zoning Committee	Approved	Pass
11/20/2006	1	COUNCIL PRESIDENT	Signed	
11/7/2006	1	Dev Reviewer	Reviewed and Approved	
11/7/2006	1	Dev Zoning Drafter	Sent for Approval	
11/7/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/7/2006	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
11/6/2006	1	Dev Zoning Reviewer	Reviewed and Approved	
10/18/2006	1	Dev Zoning Drafter	Sent for Approval	

### Rezoning Application Z06-025

**APPLICANT:** Ely and Sypha Ham; c/o David Perry, Agent; The David Perry Company; 145 East Rich Street; Columbus, OH 43215; and Donald T. Plank, Atty.; Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

**PROPOSED USE:** Retail, restaurant and fuel sales development.

**GREATER HILLTOP AREA COMMISSION RECOMMENDATION:** Approval.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on June 8, 2006.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested CPD, Commercial Planned Development District would permit the addition of a single gasoline pump island in conjunction with commercial uses in an existing building. The Commercial Planned Development Text limits the use to all C-4 uses and the gasoline sales. The text also provides for the closure of two curb cuts. Due to the limited scale of the addition of gasoline sales on the site, Staff finds this consistent with established zoning and development patterns of the area.

To rezone **3201 SULLIVANT AVENUE (43204)**, being 0.31± acres located at the southwest corner of Sullivant and Brinkner Avenues, From: C-4, Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z06-025).

**WHEREAS**, application #Z06-025 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.31± acres from C-4, Commercial District to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Greater Hilltop Area 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 would permit the addition of one a single gasoline pump island in conjunction with commercial uses in an existing building. The Commercial Planned Development Text limits the use to all C-4 uses and the gasoline sales. The text also provides for the closure of two curb cuts. Due to the limited scale of the addition of gasoline sales on the site, Staff finds this consistent with established zoning and development patterns of the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits for the proposed use; and

**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:

**3201 SULLIVANT AVENUE (43204)**, being 0.31± acres located at the southwest corner of Sullivant and Brinkner Avenues and being more particularly described as follows:

**LEGAL DESCRIPTION**  
**3201 Sullivant Avenue, 43204**  
**Z06-025**

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

Being all of Lots Number Fifteen (15) and Fourteen (14) together with 6.00 feet off the entire east side of Lot Number Thirteen (13) of Miriam Subdivision, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 26, Page 14, Recorder's Office, Franklin County, Ohio, and more particularly described as follows:

Beginning at an iron pin at the northeast corner of said Lot 15 and at the southwest corner of Brinker Avenue and Sullivant Avenue; thence southerly along the east line of said Lot 15 and the west line of Brinker Avenue 110.0 feet to an iron pin at the southeast corner of said Lot 15, thence westerly along the north line of a 16.0 foot alley and the south line of said Lot 15, 14 and 13 a distance of 122.20 feet to a point, said point being 6.00 feet distant westerly, measured along the south line of said Lot 13 from the southeast corner thereof; along the south line of said lot 13 from the southeast corner thereof; thence northerly, parallel to an 6.0 feet distant westerly from the east line of said Lot 13, a distance of 110.0 feet to a point in the north line of said Lot 13 and the south line of Sullivant Avenue, said point being 6.0 feet distant westerly, measured along the north line of said Lot 13, from the northeast corner thereof; thence easterly along the south line of Sullivant Avenue and north line of said Lots 13,14 and 15 a distance of 122.2 feet to the place of beginning, for reference, see Volume 2139, page 128 and Volume 1901, page 542 of the Deed Records of Franklin County, Ohio , and being 0.31 +/- acres.

**To Rezone From:** C-4, Commercial 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 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, "**SITE PLAN FOR 3201-3203 SULLIVANT AVENUE**," dated September 20, 2006, and text titled, "**DEVELOPMENT CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT (0.31 ± ACRES)**," dated September 20, 2006, both signed by Donald Plank, Attorney for the Applicant, and the text reading as follows:

**CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT (0.31 ± ACRES)**

**EXISTING DISTRICT:** C-4, Commercial

**PROPOSED DISTRICT:** CPD, Commercial Planned Development

**PROPERTY ADDRESS:** 3201 Sullivant Avenue, Columbus, OH

**OWNERS:**

Ely and Sepha Ham c/o Dave Perry, Agent, The David Perry Co., 145 East Rich Street, Columbus, OH 43215 and Donald Plank, Esq., Attorney, Plank & Brahm 145 East Rich Street, Columbus, OH 43215

**APPLICANT:**

Ely and Sepha Ham c/o Dave Perry, Agent, The David Perry Co., 145 East Rich Street, Columbus, OH 43215 and Donald Plank, Esq., Plank & Brahm, 145 East Rich Street Columbus, OH 43215

**DATE OF TEXT:**

September 20, 2006

**APPLICATION NUMBER:**

Z06-025

**INTRODUCTION:**

The site is 0.31 ± acres located at the southwest corner of Sullivant Avenue and Brinker Avenue. The site and most of Sullivant Avenue is zoned C-4, Commercial. Sullivant Avenue provides a wide array of commercial services to the residents in the adjacent neighborhoods. Applicant proposes to rezone the property from C-4 to CPD, Commercial Planned Development to add the sale of gasoline to the C-4 uses that are presently permitted. Applicant proposes to develop a single pump island retail gasoline service in conjunction with commercial uses in the existing building. The proposed small scale gasoline use is consistent with the scale of the site, more local provision of neighborhood services and historical use of the property. The plan titled "Site Plan for 3201 - 3203 Sullivant Avenue", dated September 20, 2006, hereinafter referred to as "The Plan", is submitted with this application and is hereby incorporated by reference as the development plan for the site, subject to slight modification with final engineering.

**1. PERMITTED USES:** The following uses shall be permitted:

a) All uses of Section 3356.03, C-4, Permitted Uses.

b) Motor vehicle fuel sales, subject to the motor vehicle fuel sales use being limited to a single island (2 pump), as depicted on The Plan.

**2. DEVELOPMENT STANDARDS:** Except as specified herein and as represented on The Plan, the applicable development standards shall be as specified in the C-4, Commercial District.

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

1. Setbacks and location of the gas pump canopy and fuel pump island shall be as depicted on The Plan, subject to minor adjustment with final site engineering.
2. The site shall be designated a H-35 Height District, but the gas station canopy shall not exceed eighteen (18) feet, six (6) inches above grade to the top of the canopy.
3. The existing pavement setbacks (0) on both Sullivant and Brinker Avenues shall be permitted to remain.

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

1. External vehicular access points and external vehicular circulation patterns are depicted on The Plan for the site and are applicable if the site is developed with motor vehicle fuel sales, subject to review and approval by the Division of Transportation, in conjunction with a Certificate of Zoning Clearance.
2. The curbcuts on both Sullivant Avenue and Brinker Avenue that are closest to the intersection shall be permanently closed.
3. The primary use of the property will be a retail store with gasoline sales. In conjunction with and as part of the retail store, applicant may sell foods such as, but not limited to, ice cream, delicatessen items and prepared food. A small area for table(s) may be provided within the retail building. The total area for food preparation, delicatessen and table(s) shall not exceed 500 square feet of the total retail building area. Parking shall be calculated at the rate of 1 space per 250 square feet for the total retail building area and, as established by this text and The Plan, total on-site parking shall be ten (10) spaces.

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

1. All landscaping shall be well maintained. Weather permitting, dead items shall be replaced within three (3) months.
2. The minimum size of plant material at the time of planting shall be as follows: Deciduous - 2 ½ inch caliper, Ornamental - 1 ½ inch caliper, Evergreen - 5 - 6 feet tall. The minimum size of shrubs shall be 2 gallon. Caliper shall be measured 6" above grade.

**D. Building Design and/or Interior-Exterior Treatment Commitments.**

N/A

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

1. All new parking lot ground mounted lighting shall use fully shielded cut-off fixtures (down lighting), except there may be ground mounted accent lighting (up lighting) provided the fixtures are screened with landscaping to prevent glare.
2. New building mounted area lighting, if any, within the site shall utilize fully shielded cut-off style fixtures and be designed in such a way to minimize any offsite light spillage.
3. Canopy lighting over gasoline pump islands shall be fully recessed in the canopy.
4. There shall be no outside display of merchandise except on the gasoline pump island, which display shall be limited to a maximum of three (3) feet in height and on the walk in front of the building. The walk in front of the building is depicted on The Plan. Display on the walk shall not exceed three (3) feet high, three (3) feet wide and ten (10) feet long.
5. The maximum parking lot light pole height shall be eighteen (18) feet.

**F. Graphics and Signage Commitments.**

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

**G. Other CPD Requirements**

1. Natural Environment: The natural environment of the site is flat.
2. Existing Land Use: The property is presently developed with commercial uses.
3. Circulation: Access to and from the site will be via existing curbcuts.
4. Visual Form of the Environment: The site is zoned C-4 and is developed with commercial uses.
5. Visibility: Sullivant Avenue is an arterial collector.
6. Proposed Development: Addition of retail fuel sales to existing commercial development.
7. Behavior Patterns: As depicted on the 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. Deviation from C-4 Standards.**

1. Section 3342.28. Code required parking for the site is reduced from 16 to 10 spaces.
2. Section 3356.05, Building Lines to reduce the Sullivant and Brinker setbacks to 8 feet and 6 feet, respectively, for the gasoline canopy.
3. Section 3342. 18, Parking Setback Line, to reduce the Sullivant and Brinker parking setback (pavement) to zero to reflect existing, historical conditions, other than landscaping at the corner of Sullivant and Brinker Avenues, as depicted on The Plan.

**I. Miscellaneous**

1. The plan titled "Site Plan" dated September 20, 2006, hereinafter referred to as "The Plan", is submitted with this application and is hereby incorporated by reference as the development plan, in conjunction with this Text, for the fuel area of the site. The Plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when 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/her designee upon submission of the appropriate data regarding the proposed adjustment. The Plan is only applicable to site development if the site is developed with the fuel use.
2. There are existing sidewalks along both Sullivant Avenue and Brinker Avenue. In conjunction with the installation of the fuel use, new sidewalk sections shall be installed perpendicular to the Sullivant Avenue and Brinker Avenue sidewalks and the north and east property lines, respectively, as depicted on the plan. The exact location of the new sidewalks sections will be depicted on the site plan submitted for a Certificate of Zoning Clearance.

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