



Legislation Details (With Text)

File #: 2237-2004 **Version:** 1
Type: Ordinance **Status:** Defeated
File created: 12/13/2004 **In control:** Zoning Committee
On agenda: 7/18/2005 **Final action:** 7/18/2005
Title: To rezone 1971 EAST LIVINGSTON AVENUE (43209), being 0.73± acres located at the southeast corner of East Livingston Avenue and Alum Creek Drive, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z04-067).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2237-2004ReportMapsAmended.pdf, 2. ORD2237-2004LabelsAmended.pdf, 3. ORD2237-2004DataSheetAmended.pdf

Date	Ver.	Action By	Action	Result
7/18/2005	1	Zoning Committee	Approved	Fail
7/18/2005	1	Zoning Committee	Taken from the Table	Pass
7/11/2005	1	Zoning Committee	Tabled to Certain Date	Pass
7/11/2005	1	Zoning Committee	Taken from the Table	Pass
6/27/2005	1	Zoning Committee	Tabled to Certain Date	Pass
6/27/2005	1	Zoning Committee	Taken from the Table	Pass
6/27/2005	1	Zoning Committee	Tabled to Certain Date	Pass
6/27/2005	1	Zoning Committee	Reconsidered	Pass
6/13/2005	1	Zoning Committee	Tabled to Certain Date	Pass
2/14/2005	1	Zoning Committee	Tabled Indefinitely	Pass
2/14/2005	1	Zoning Committee	Taken from the Table	Pass
1/24/2005	1	Zoning Committee	Tabled to Certain Date	Pass
1/24/2005	1	Zoning Committee	Waive the 2nd Reading	Pass
1/10/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
1/5/2005	1	Dev Zoning Drafter	Sent for Approval	
1/5/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
1/5/2005	1	Dev Zoning Drafter	Sent for Approval	
1/5/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	

Rezoning Application # Z04-067

APPLICANT: Columbus Check Cashers, Inc.; c/o Jerrold W. Schwarz, Atty.; P.O. Box 482, 660 Hill Road North; Pickerington, Ohio 43147.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (7-0) on November 11, 2004.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District will allow the conversion of the existing building into a check cashing business with a drive-thru. The proposed CPD plan and text is consistent with the zoning and development patterns of the area.

To rezone **1971 EAST LIVINGSTON AVENUE (43209)**, being 0.73± acres located at the southeast corner of East Livingston Avenue and Alum Creek Drive, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning # Z04-067).

WHEREAS, application #Z04-067 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.73± 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 will allow the conversion of the existing building into a check cashing business with a drive-thru. The proposed CPD plan and text is consistent with the zoning and development patterns of the area, 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:

1971 EAST LIVINGSTON AVENUE (43209), being 0.73± acres located at the southeast corner of East Livingston Avenue and Alum Creek Drive, and being more particularly described as follows:

**LEGAL DESCRIPTION
SUBAREA B**

Situated in the State of Ohio, in the County of Franklin, and in the City of Columbus:

Being a part of that certain 49.02-acre-tract as conveyed to Arthur L. Smith, by deed shown of record in Deed Book 1145, Page 187, Recorder's Office, Franklin County, Ohio; and being more particularly described as follows:

Commencing, for reference, at a point at the intersection of the centerlines of Old Alum Creek Drive and East Livingston Avenue, said point being the northeast corner of said 49.02-acre-tract;

Thence, along the centerline of Old Alum Creek Drive South 5 degrees 00 minutes 00 seconds West, a distance of 45.00 feet to a point, said point being along the southern right-of-way line for East Livingston Avenue, as shown on Sheets 13 - 20 of the Right-of-Way plan Fra-40-13.83 I-70-3 (22) 101, of the Office of Division Six Engineer, State of Ohio Highway Department, Delaware, Ohio;

Thence continuing along said centerline South 5 degrees 00 minutes 00 seconds West, a distance of 149.60 feet to a found spike, said spike being the southeast corner of The Standard Oil Companies 0.806-acre-tract, as recorded in Deed Book 1704, Page 315, Recorder's Office, Franklin County, Ohio, and also being the northeast corner of Franchise Realty, Inc. 1.034-acre-tract, as recorded in Deed Book 3651, Page 805; Recorder's Office, Franklin County, Ohio;

Thence along the southern line of said 0.806-acre-tract and the northern line of said 1.034-acre-tract North 85 degrees 02 minutes 26 seconds West a distance of 209.31 feet to a found iron pin on the easterly Right-of-Way line of relocated Alum Creek Drive;

Thence, along said Right-of-Way, North 4 degrees 40 minutes 18 seconds West, a distance of 106.33 feet to an iron pin;

Thence, along said Right-of-Way, North 52 degrees 32 minutes 06 seconds East, a distance of 64.02 feet to a found iron pin in the

southerly Right-of-Way line of East Livingston Avenue;

Thence, along said Right-of-Way of Livingston Avenue, South 85 degrees 35 minutes 56 seconds East, a distance of 179.99 feet to the point of beginning, containing 0.730 acres, more or less, and subject to all easements of records.

The bearings used in the above-described tract were based on the centerline of Old Alum Creek Drive, said bearing being South 5 degrees 00 minutes 00 seconds West, and are for the determination of angles only.

The above-described tract was surveyed under the direction of Ronald W. Eifert, Ohio Professional Surveyor Number 6045, August 18, 1994.

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 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, "**CHECK CASHING RETAIL STORE,**" and text titled, "**CPD TEXT,**" both signed by Jerrold W. Schwarz, Attorney for the Applicant, and dated December 2, 2004, and the text reading as follows:

CPD TEXT

PROPOSED DISTRICT: CPD
PROPERTY ADDRESS: 1971 East Livingston Avenue; Columbus, Ohio 43209
OWNER: Bryant Food Group, LLC
APPLICANT: Columbus Check Cashers, Inc.
DATE OF TEXT: 12/02/04
APPLICATION NUMBER: Z04-067

- I. **INTRODUCTION:** The subject site consists of 0.73 acres and is located on the east side of Alum Creek Drive and on the south side of Livingston Avenue. The property was formerly used as a restaurant, and when rezoned in 1999, the CPD District listed the permitted use as only a restaurant, including a drive through. A CPD District is again requested for a variance for the existing number of parking spaces, parking setbacks, and building setback.
- II. **PERMITTED USES:** The permitted uses shall be all the C-4 uses contained in Chapter 3356.01 of the Columbus Zoning Code minus the following uses, which shall be prohibited: vehicle leasing, maintenance, repair, sales or servicing, nightclubs, bars or cabarets, and billboards.
- III. **DEVELOPMENT STANDARDS:** The property shall be developed in general conformance with the submitted CPD plan and unless otherwise indicated, the applicable development standards shall be those contained in Chapter 3356 (C-4, Commercial) of the Columbus City Code.
 - A. Density, Height, Lot and/or Setback Commitments.
 - 1. The existing building setbacks of 60 feet from Alum Creek Drive and 53 feet from East Livingston Avenue shall be maintained.
 - 2. The parking setbacks shall be 10 feet from Alum Creek Drive and 10 feet from East Livingston Avenue.
 - B. Access, Loading, Parking and/or Other Traffic-Related Commitments.

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Transportation Division.
 2. The existing parking lot will be modified as indicated on the CPD Plan.
- C. Buffering, Landscaping, Open Space and/or Screening Commitments: N/A
- D. Building Design and/or Interior-Exterior Treatment Commitments: N/A
- E. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments.

Lighting:

1. All exterior lighting shall be cut-off fixtures (down lighting). "Cut-off" lighting fixtures are those which have an internal reflector system for light distribution that cuts off the direct shining light at an angle below the horizontal. Any accent lighting shall be directed toward the building, signage, or landscaping and shall not interfere with neighboring uses of right-of-way traffic.
2. All lighting poles, standards, sign frames, poles, and/or support shall be uniform in nature and be of the same type and style.
3. Parking lot lighting shall be no higher than twenty-five (25) feet.

F. GRAPHICS AND SIGNAGE COMMITMENTS.

1. Unless otherwise provided herein or on the Site Plan, all graphics shall conform to the City of Columbus Graphics Code, Article 15, as it applies to the CPD, Commercial Planned Development District.
2. Only internally illuminated graphics shall be utilized as it relates to said signage.
3. The following graphics shall be prohibited: flashing lights, changeable copy, projecting signs, billboards, co-op signs, rotating signs, trailer-type signs, directory signs, and off-premise graphics.

IV. OTHER CPD REQUIREMENTS:

- A. NATURAL ENVIRONMENT: The property is located on the east side of Alum Creek Drive and south of Livingston Avenue. Commercial activities are in existence on three sides of the site, with State Route I-70 located to the east.
- B. EXISTING LAND USE: The site is currently being used as a restaurant.
- C. TRANSPORTATION AND CIRCULATION: Shall be as shown on the submitted Site Plan.
- D. VISUAL FORM OF THE ENVIRONMENT: This Site is located with frontage on Livingston Avenue and Alum Creek Drive. The immediate area is flat with commercial and industrial development in close proximity to I-70.
- E. VIEW AND VISIBILITY: The Site fronts on both Livingston Avenue and Alum Creek Drive.
- F. PROPOSED DEVELOPMENT: Check cashing business within the existing structure.
- G. BEHAVIOR PATTERNS: This is a commercial site. Alum Creek Drive and Livingston Avenue are capable of sustaining the proposed usage without any effect on the behavior patterns in the neighborhood and will pose no adverse affect to its current or proposed neighbors.
- H. EMISSIONS: There will be no additional emissions of sound, odor, or dust of any kind in excess of that which currently occurs on site.

I. VARIANCES

The building setback off East Livingston Avenue shall be reduced to 53 feet from 60 feet, a reduction of 7 feet (CCC 3356.11 (2).)

The Subject Site shall be developed in general accordance with the site plan. The site 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.

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