



## Legislation Details (With Text)

**File #:** 0152-2005      **Version:** 2

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

**File created:** 1/19/2005      **In control:** Zoning Committee

**On agenda:** 4/18/2005      **Final action:** 4/20/2005

**Title:** To rezone 5913 NORTH MEADOWS BOULEVARD (43229), being 0.71± acres located on the west side of North Meadows Boulevard, 275± feet south of West Dublin-Granville Road, From: C-4, Commercial District, To: CPD, Commercial Planned Development District and to declare an emergency (Z04-071).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 0152-2005 CPD plan 1-14-05.pdf, 2. ORD 0152-2005 Staff Rpt.pdf, 3. ORD 0152-2005 zone.pdf, 4. ORD 0152-2005 gis.pdf, 5. ORD 0152-2005 NCC.pdf, 6. ORD 0152-2005 disclosure.pdf, 7. ORD 0152-2005 labels.pdf, 8. Z04-071 Data Form.pdf

Date	Ver.	Action By	Action	Result
4/20/2005	2	MAYOR	Signed	
4/20/2005	2	CITY CLERK	Attest	
4/18/2005	1	Zoning Committee	Taken from the Table	Pass
4/18/2005	1	Zoning Committee	Amended to Emergency	Pass
4/18/2005	1	Zoning Committee	Approved as Amended	Pass
4/18/2005	2	COUNCIL PRESIDENT	Signed	
4/4/2005	1	Zoning Committee	Tabled to Certain Date	Pass
4/4/2005	1	Zoning Committee	Taken from the Table	Pass
3/21/2005	1	Zoning Committee	Taken from the Table	Pass
3/21/2005	1	Zoning Committee	Tabled to Certain Date	Pass
2/28/2005	1	Zoning Committee	Tabled to Certain Date	Pass
2/28/2005	1	Zoning Committee	Waive the 2nd Reading	Pass
2/2/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
2/1/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
1/31/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
1/31/2005	1	Dev Zoning Drafter	Sent for Approval	
1/19/2005	1	Dev Zoning Drafter	Sent for Approval	

**REZONING APPLICATION:** Z04-071

**APPLICANT:** Frank Mascari; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

**PROPOSED USE:** Carwash development.

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

**CITY DEPARTMENTS' RECOMMENDATION:** The applicant's request for the CPD, Commercial Planned Development District to develop a carwash is consistent with development patterns in this area and is generally consistent with the *Northland Development Standards*. The site directly to the north was rezoned in 2003 to permit a convenience store with fuel sales and an undeveloped commercial outparcel in the unrestricted C-4, Commercial District remains to the south. The CPD site plan has been approved by the Transportation Division and the text contains customary use restrictions and development standards for setbacks, building materials, landscaping and lighting restrictions. A variance is requested to reduce required parking spaces for an automatic carwash from two spaces to one space.

To rezone **5913 NORTH MEADOWS BOULEVARD (43229)**, being 0.71± acres located on the west side of North Meadows Boulevard, 275± feet south of West Dublin-Granville Road, **From:** C-4, Commercial District, **To:** CPD, Commercial Planned Development District **and to declare an emergency (Z04-071).**

**WHEREAS**, application #Z04-071 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.71± acres, from C-4, Commercial District, to CPD, Commercial Planned Development District; and

**WHEREAS**, the Development Commission recommends approval; 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 in order to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the applicant's request for the CPD, Commercial Planned Development District to develop a carwash is consistent with development patterns in this area and is generally consistent with the *Northland Development Standards*. The site directly to the north was rezoned in 2003 to permit a convenience store with fuel sales and an undeveloped commercial outparcel in the unrestricted C-4, Commercial District remains to the south. The CPD site plan has been approved by the Transportation Division and the text contains customary use restrictions and development standards for setbacks, building materials, landscaping and lighting restrictions. A variance is requested to reduce required parking spaces for an automatic carwash from two spaces to one space, 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:

To rezone **5913 NORTH MEADOWS BOULEVARD (43229)**, being 0.71± acres located on the west side of North Meadows Boulevard, 275± feet south of Dublin-Granville Road, and being more particularly described as follows:

**PARCEL TWO: Legal Description: Park West 161 & North Meadows Split**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 2, Range 18, United States Military Lands, being part of 5.302 acres out of that 6.570 acre tract conveyed to North Meadows Associates, by deed of record in Official Record Volume 6710F04. Bounded and Described as follows:

Commencing at a magnetic nail set at the intersection of the Southerly right-of-way of Dublin-Granville Road, so called, also known as State Route 161, so called, and the Easterly line of Indianola Acres, a subdivision of record in Plat Book 21, Page 24.

Thence South 83 degrees 19 minutes 46 seconds East along the Southerly right-of-way of Dublin-Granville Road, a distance of 240.09 feet to a magnetic nail set.

Thence South 04 degrees 58 minutes 15 seconds West, a distance of 212.10 feet to a magnetic nail set.

Thence South 85 degrees 01 minutes 45 seconds East, a distance of 148.88 feet to a magnetic nail set, said point being the true point of beginning.

Thence continuing South 85 degrees 01 minutes 45 seconds East, a distance of 66.95 feet to a magnetic nail set on the Westerly right-of-way of North Meadows Boulevard, so called.

Thence traversing a curve to the left along the Westerly right-of-way of North Meadows Boulevard, said curve having a central angle of 15 degrees 02 minutes 21 seconds, a radius of 330.00 feet, a tangent of 43.56 feet, a chord bearing of South 10 degrees 02 minutes 58 seconds East, and a chord length of 86.37 feet, a distance of 86.62 feet to a 1/2 inch galvanized steel pipe set at a point of reverse curvature.

Thence traversing a curve to the right along the Westerly right-of-way of North Meadows Boulevard, said curve having a central angle of 22 degrees 34 minutes 19 seconds, a radius of 270.00 feet, a tangent of 53.88 feet a chord bearing of South 06 degrees 18 minutes 19 seconds East, and a chord length of 105.68 feet, a distance of 106.37 feet to a point, from said point an iron pipe can be found 0.03 feet North and 0.01 feet East.

Thence South 04 degrees 58 minutes 15 seconds West along the Westerly right-of-way of North Meadows Boulevard, a distance of 124.23 feet to a 1/2 inch galvanized steel pipe set.

Thence North 85 degrees 01 minutes 45 seconds West, a distance of 110.00 feet to a magnetic nail set.

Thence North 04 degrees 58 minutes 15 seconds East, passing a magnetic nail set at 85.97 feet, an overall distance of 311.29 feet to the true point of beginning.

Containing 30,718.56 square feet or 0.705 acres subject to all easements of record or now in use.

Bearings used herein are based on a centerline bearing South 04 degrees 58 minutes, 15 seconds West for the centerline of North Meadows Boulevard as recorded on Dedication of North Meadows Boulevard, State Route 161, Hillery Road and Utility Easements, Franklin County Plat Book 34, Page 5.

All 1/2 inch galvanized steel pipe set are marked with a cap bearing company name and P.S. 7476.

The above description is based on a field survey performed by Matthew D. Lewandowski, State of Ohio P.S. no. 7476, on February 12, 2003.

**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, "**CPD SITE PLAN FOR CARWASH AT 5913 N. MEADOWS BOULEVARD,**" and text titled, "**CPD TEXT,**" both signed on January 14, 2005 by Jeffrey L. Brown, attorney for the applicant, the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

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

**PROPERTY ADDRESS:** 5913 North Meadows Blvd.

**OWNER:** Timbercreek Center et al.

**APPLICANT:** Frank Mascari

**DATE OF TEXT:** January 14, 2005

**APPLICATION NUMBER:** Z04-071

**1. INTRODUCTION:** The subject property was rezoned for commercial development and the applicant wants to add self serve / automatic car wash to the list of permitted uses.

**2. PERMITTED USES:** Those uses contained in Sections 3356.03 (C-4) and self serve / automatic car wash. The following uses shall be excluded: Billiard hall; Book bindery; Bus or truck terminal; Off-premise graphics; Billboards; Testing or experimental laboratory; Used automobile lot (unless part of a new car automobile dealership).

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated in the written text the, applicable development standards shall be those standards contained in Chapter 3356 (C-4), Commercial of the Columbus City Code.

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

1. Minimum setback from North Meadows Boulevard for:

- a) Buildings 25 feet
- b) Vacuum Cleaners for car wash 25 feet
- c) Parking and Maneuvering 10 feet

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

All circulation, curb cut and access provided shall be subject to the approval of the City's Division of Transportation.

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

- 1. All trees and landscaping shall be well maintained. Dead materials shall be replaced within six (6) months or the next planting season, whichever occurs first.
- 2. All landscaping shall meet the following minimum standards at the time of installation: Deciduous Trees - 2.5" caliper; Ornamental Trees - 2" caliper; Evergreen Trees - 5 feet in height; and Shrubs - 2 gallon minimum size. Caliper shall be measured 6" above the adjacent grade.
- 3. The developer shall install a row of evergreens along the south property line fifteen (15) feet on center.
- 4. The developer shall install headlight screening (minimum 30 inches in height) along its North Meadows Boulevard frontage and along the south side of its east/west driveway north of the car wash handicap parking spaces as well as one deciduous tree per forty (40) feet along North Meadows Boulevard and three (3) trees along said east/west driveway.
- 5. Mechanical equipment or other utility hardware on the roof of a building shall be screened from view by the same material utilized on the building roof or exterior. Color shall also match the building exterior or roof. Mechanical and all other equipment on the ground shall be fully screened from view by wall, fence or landscape material utilizing the same material or character of the building.

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

- 1. At least 25% of the building exterior shall be brick with the balance of the building's exterior being split face block.
- 2. The building shall have a pitched shingle roof.

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

- 1. All dumpsters shall be screened on four sides with either a wood fence or a wall gates to a height of six feet, or a height equal to that of the dumpster, whichever is greater.
- 2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
- 3. Building illumination shall be permitted provided such light source is concealed. No colored light shall be used to light the

exterior of any building.

4. Any wall-mounted lighting shall be shielded to prevent off-site spillage.
5. Landscaping at entries to parking lots and buildings may be up-lighted by ground mounted concealed fixtures.
6. Parking lot lighting shall be no higher than 18 feet.
7. For aesthetic compatibility, lights shall be from the same or similar type and color.
8. Outdoor display shall be prohibited if the site is developed with a carwash.
9. Wiring within the subject site shall be underground, unless a utility company providing service through or over the property prohibits under ground installation.

#### **F. Graphics and Signage Commitments.**

All graphics on the subject property shall comply with the Graphics Code (Article Fifteen of Title Thirty-Three of the Columbus City Codes) as it applies to the respective uses developed on the subject property except to the extent that variances are granted in accordance with said Graphics Code by the Columbus Graphics Commission.

#### **G. Miscellaneous Commitments.**

If the site is developed with a car wash, then the subject site shall be developed in accordance with the submitted site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan is subject to review and approval by the Director of the Development Department or his designee upon submission of the appropriate data regarding the proposed adjustment. If another use is developed on the subject site, then that use shall comply with the development standards in this text.

#### **H. CPD Criteria.**

- a) NATURAL ENVIRONMENT. The site is undeveloped.
- b) EXISTING LAND USES. To the north, west, south and east across North Meadows Boulevard are commercial developments.
- c) TRANSPORTATION AND CIRCULATION. Access to the site shall be via North Meadows Boulevard and an internal drive to the south.
- d) VISUAL FORM OF THE DEVELOPMENT. The site shall be developed in accordance with the zoning text.
- e) VIEW AND VISIBILITY. In the development of the subject property and the location of the buildings and access points consideration has been given to the visibility and safety of the motorists and pedestrians.
- f) PROPOSED DEVELOPMENT. Commercial as permitted under this text.
- g) EMISSIONS. No adverse affects from emissions shall result from the proposed development.
- h) BEHAVIOR PATTERNS. The proposed development would serve the existing residential population as well as the motorists who use North Meadows Boulevard and State Route 161 to get to their place of employment.

#### **I. Variances Requested.**

A variance is requested to C.C. 3342.28(B)(3), Minimum number of parking spaces required, to reduce the number of required parking spaces from two (2) spaces to one space.

**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.~~**