



## Legislation Details (With Text)

**File #:** 0653-2006      **Version:** 2

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

**File created:** 3/21/2006      **In control:** Zoning Committee

**On agenda:** 4/24/2006      **Final action:** 4/27/2006

**Title:** To rezone 5353 CLEVELAND AVENUE (43231), being 0.83± acres located on the west side of Cleveland Avenue, 144± feet south of Teakwood Drive, From: R-1, Residential District, To: L-C-2, Limited Commercial District and to declare an emergency. (Rezoning # Z05-093)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0653-2006Attachments.pdf, 2. ORD0653-2006Labels.pdf, 3. ORD0653-2006DataSheet.pdf

Date	Ver.	Action By	Action	Result
4/27/2006	2	ACTING CITY CLERK	Attest	
4/26/2006	2	MAYOR	Signed	
4/24/2006	1	Zoning Committee	Waive the 2nd Reading	Pass
4/24/2006	2	Zoning Committee	Approved as Amended	Pass
4/24/2006	2	Zoning Committee	Amended to Emergency	Pass
4/24/2006	2	COUNCIL PRESIDENT	Signed	
4/7/2006	1	Dev Zoning Drafter	Sent for Approval	
4/7/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
4/7/2006	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
4/6/2006	1	Dev Zoning Reviewer	Reviewed and Approved	
4/6/2006	1	Dev Reviewer	Reviewed and Approved	
4/5/2006	1	Dev Zoning Drafter	Sent for Approval	

**Rezoning Application Z05-093**

**APPLICANT:** Theresa Saelim; c/o Thomas D. Shelby; 1592 Granville Street; Columbus, OH 43203.

**PROPOSED USE:** Office development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0-1) on March 9, 2006.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested L-C-2, Limited Commercial District would allow redevelopment of the site for office use utilizing limitations and development standards consistent with the recommendations of *The Northland Plan Volume I* (2001), and the established zoning and development patterns of the area. The proposed limitation text incorporates setbacks, landscaping, screening, and lighting controls which allow the proposed L-C-2 District to be more compatible with the surrounding residential development.

To rezone **5353 CLEVELAND AVENUE (43231)**, being 0.83± acres located on the west side of Cleveland Avenue, 144± feet south

of Teakwood Drive, **From:** R-1, Residential District, **To:** L-C-2, Limited Commercial District **and to declare an emergency.**  
(Rezoning # Z05-093)

**WHEREAS**, application #Z05-093 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.83± acres From: R-1, Residential District, To: L-C-2, Limited Commercial District; and

**WHEREAS**, the Development Commission recommends approval of said zoning change; 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 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 requested L-C-2, Limited Commercial District would allow redevelopment of the site for office use utilizing limitations and development standards consistent with the recommendations of *The Northland Plan Volume I* (2001), and the established zoning and development patterns of the area. The proposed limitation text incorporates setbacks, landscaping, screening, and lighting controls which allow the proposed L-C-2 District to be more compatible with the surrounding 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:

**5353 CLEVELAND AVENUE (43231)**, being 0.83± acres located on the west side of Cleveland Avenue, 144± feet south of Teakwood Drive, and being more particularly described as follows:

**Legal Description for  
5353 Cleveland Avenue, Columbus, Ohio**

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

Beginning at a point in the center of the Harbor Road, or Columbus and Westerville Pike, (described in former deed as the Clinton, Sharon and Blendon Free Turnpike" and as "the County Road") and two Hundred and Seventy (270) feet north of a stake in the southeast corner of Lot No. Eight (8), Plat "B", "Wright's Subdivision", (said stake being in the southeast corner of a tract of land deeded on February 17, 1940 by Leon Geneva Rusk to Leo Marvin Rusk);

thence North 56 deg. West, 300.41 ft. to a point in the south line of the grantor's property;

thence North 3 deg. 57' East, and parallel to the center line of Harbor Road, 145 ft. to a point;

thence South 86 deg. East, 300.41 ft. to a point in the center of said Harbor Road;

thence South 3 deg. 57' West 145 ft. along the line of said road to the place of beginning, containing one (1) acre of land, more or less.

**SAVE AND EXCEPT:**

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

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 4, Township 2, Range 18, United States Military Lands, being a 0.1644 acre tract out of that 1.0 acre tract conveyed to Robert C. and Nellie A. Zumstein, by a Deed of Record in Deed Book 2127, Page 570, Recorder's Office, Franklin County, Ohio, said 0.1664 acre tract being more particularly described as follows:

Beginning at a point in the centerline of Cleveland Avenue (60') at the southeast corner of said 1.0 acre tract;

Thence North 86 deg. West, along the south line of said 1.0 acre tract, a distance of 50.00 feet to a point;

Thence North 3 deg. 57' 00" East, (parallel to and 50.00 feet west, as measured perpendicular to said centerline of Cleveland Avenue),

a distance of 145.00 feet to a point in the north line of said tract;

Thence South 86 deg. East, along said north line, a distance of 50.00 feet to a point in the centerline of said Cleveland Avenue, at the northeast corner of said 1.0 acre tract;

Thence South 3 deg. 57' 00" West along the centerline of said Cleveland Avenue, a distance of 145.00 feet to the place of beginning, containing 0.1664 acres of land, more or less, of which 0.9999 acres is within the old right-of-way of Cleveland Avenue but subject to all legal highways and easements of record.

**To Rezone From:** R-1, Residential District,

**To:** L-C-2, Limited Commercial District

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-C-2, 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-2, 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 text being titled, "**LIMITATION TEXT**," signed by Thomas D. Shelby, Agent, dated February 25, 2006, and reading as follows:

**LIMITATION TEXT**

**PROPOSED DISTRICT:** L-C-2, Limited Commercial

**EXISTING DISTRICT:** R-1

**PROPERTY ADDRESS:** 5353 Cleveland Avenue, Columbus, Ohio 43231

**OWNER:** Theresa Saelim

**APPLICANT:** Theresa Saelim

**DATE OF TEXT:** 2/25/06

**APPLICATION NUMBER:** Z05-093

**1. INTRODUCTION:** The above mentioned property is located in a highly dense commercial area, whereas this parcel has existing commercial sites on the north and south sides of the property lines and on the east side or frontage of this property. This parcel of land contains 0.8336 acres.

**2. PERMITTED USES:** Those uses permitted in Chapter 3353 of Columbus City Code (C-2, Commercial). No billboards or cellular transmission towers shall be permitted.

**3. DEVELOPMENT STANDARDS:** Unless otherwise specified in the following Development Standards, the Development Standards shall be as specified in Chapter 3353 of Columbus City Code (C-2, Commercial District).

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

1. The parking setback from Cleveland Avenue shall be a minimum of 30 feet.
2. Side and rear yard setbacks for any future buildings or additions to be 20 feet.
3. Side and rear yard setback for any additional parking to be 10 feet.

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

1. The design of the curb cuts and any traffic improvements shall be subject to the review and approval of the City's Division of Transportation.

2. The access point on Cleveland Avenue shall be located as close to the northern property line as permitted.

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

1. Within the parking setback area along Cleveland Avenue a 3 foot average height continuous (except at access points) planting hedge, fence, or combination hereof shall be installed.

2. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or by the next planting season.

3. All loading areas shall be screened from off site views to a height of 7 feet by landscaping, fencing, walls, or buildings, individually or in any combination thereof.

4. All trees meet the following minimum size at the time of planting: Shade trees, 2.5" caliper; Ornamental trees, 1.5" caliper; Evergreen trees, 5 feet in height. Caliper is measured six (6) inches above grade.

5. Parking areas located within 80 feet of residentially zoned property shall provide screening which shall consist of a fence, landscaped earth mound; wall, planting or combination thereof installed, repaired, replaced and maintained to a total height of no less than 6 feet above the parking lot grade and to an opacity of not less than 75%.

6. There shall be 3-4 street trees planted along the frontage of this property (Cleveland Avenue) of an approved species or variety by the City of Columbus Forester.

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

1. Mechanical equipment or other utility hardware shall be screened (on all four sides) to the height of the equipment or placed away from the residentially zoned properties ( there shall be no mechanicals on south or north sides as long as the adjacent parcels are zoned or used residentially). Any ground mounted mechanicals must use landscaping, fencing or walls to shield the view and noise emission from the east and west as long as those properties are zoned or used residentially.

2. The exterior building materials shall be brick, wood, glass, stone, or stucco style stone, individually or in any combination thereof. The rear of the buildings shall be at a minimum constructed of split face block with the ability to upgrade materials and add fenestration to those facades.

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

1. All external outdoor lighting shall be cut-off fixtures (down lighting) and shall be designed and placed to prevent spillage of light off the site and to prevent glare visible from the property lines.

2. Except for decorative lighting, all other light poles shall be metal and such light poles shall be dark in color. Light poles in the parking lot shall not exceed 18 feet in height. Lighting shall not exceed .1 foot candle along the property line of a residentially used or zoned property.

3. Dumpsters shall be located along the eastern property line and shall be screened on three sides with a fence, wall or landscaping to a height of six feet with a gate on the fourth side and shall be located to screen its use from the abutting residential properties.

**F. Graphics Commitments.**

1. All graphics shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-2 Commercial District and any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration.

2. All signage shall be monument style, not to exceed 3' x 5'.

**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.**