



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 1055-2007, **Version:** 2

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### Rezoning Application # Z06-016

**APPLICANT:** Adcon Developments LLC; c/o David Perry, Agent; The David Perry Company; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215; and Donald T. Plank, Atty.; Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

**PROPOSED USE:** Commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on December 14, 2006.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested CPD, Commercial Planned Development District would permit retail and restaurant development. The subject site was rezoned in 2005 (Z05-011) to allow a 7,071 square-foot retail and restaurant building. The applicant requests the CPD, Commercial Planned Development District to allow a larger mixed-use commercial building totaling 8,872 square feet. The CPD text includes use restrictions and development standards that are consistent with the surrounding commercial districts. Development standards that were not included in the current CPD District for street trees, fencing, and outside amplification have been added to the proposed development text. The applicant is also requesting a parking variance for 15 required spaces. The current CPD granted a variance for 11 required parking spaces. With the added development standards, the larger building and parking variance are justified. The proposed CPD, Commercial Planned Development District is consistent with the zoning and development patterns of the area.

To rezone **1270 KING AVENUE (43212)**, being 0.65± acres located at the northwest corner of King Avenue and Northwest Boulevard, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District **and to declare an emergency.** (Rezoning # Z06-016)

**WHEREAS**, application #Z06-016 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.65± 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**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to the necessity to submit permits 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 CPD, Commercial Planned Development District would permit retail and restaurant development with use restrictions and development standards that are consistent with the surrounding commercial districts. The proposed CPD, Commercial Planned Development District 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:

**1270 KING AVENUE (43212)**, being 0.65± acres located at the northwest corner of King Avenue and Northwest Boulevard, and being more particularly described as follows:

**0.6499 Acres**

**Northwest corner of King Avenue and Northwest Blvd.**

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

Being part of Lot Nos. 15 and 16 of the Partition of the Estate of Wm. Neil, deceased, as shown by the Plat recorded in Volume 3, page 168, of Franklin County Records, currently held in the name of Adcon Developments, LLC, Instr. 200601200012990, and being bounded and described as follows:

Beginning on the Northerly line of King Avenue at its point of intersection with the Westerly line of Northwest Boulevard, with said point being witnessed by an iron pipe found bearing N 32 deg. 18' 57" E - 2.35' from said point;

Thence, N 87 deg. 52' 55" W - 173.40' along said northerly line of King Avenue, to an iron pipe found on the south east corner of the Kingsbury Plaza, LLC tract, Instr. 200502220032204 and passing an iron pipe found at 89.96';

Thence, N 03 deg. 14' 19" E - 171.03' along the east line of said Kingsbury tract; to a public alley and an iron pipe found;

Thence, S 86 deg. 45' 00" E - 154.53' to a point on said westerly line of Northwest Boulevard, passing an iron pipe found at 80.15', with said point also being witnessed by an iron pipe found bearing S 18 deg. 20' 56" W - 0.91' from said point;

Thence, southeasterly along said westerly line of Northwest Boulevard and a curve to the right, with said curve having a radius of 751.25', a curve length of 169.03', a delta angle of 12 deg. 53' 28", a chord bearing of S 3 deg. 10' 38" E and chord length of 168.67' to the point of beginning of the parcel herein described. Containing 0.6499 Ac. more or less and subject to conditions, restrictions and easements, if any, contained in former deeds of record for said premises.

Bearings are based on the North Line of the Partition of the Estate of Wm. Neil as defined in plat book 3, page 168, with said bearing being South 86 deg. 45' 00" East. All iron pipes set are 30 inch long. ¾ inch I.D. hollow steel pipes with a plastic cap stamped "Ohio Geomatics" and all iron pipes found are ¾" steel pipes, unless otherwise noted. All references can be found recorded at the Franklin County Recorders office. This description is based on a field survey completed by Ohio Geomatics in May, 2007.

**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, "**NORTHWEST & KING,**" and text titled, "**COMMERCIAL PLANNED DEVELOPMENT,**" both signed by David B. Perry, Agent for the Applicant, and Donald T. Plank, Attorney for the Applicant, dated June 19, 2007, and the text reading as follows:

**Commercial Planned Development**

**Existing District:** CPD, Commercial Planned Development

**Proposed District:** CPD, Commercial Planned Development

**Property Address:** 1270 King Avenue, Columbus, OH 43212

**Owner:**

Adcon Developments LLC c/o Dave Perry, Agent, The David Perry Co., 145 East Rich Street, 3<sup>rd</sup> Floor, Columbus, OH 43215 and Donald Plank, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215

**Applicant:**

Adcon Developments LLC c/o Dave Perry, Agent, The David Perry Co., 145 East Rich Street, 3<sup>rd</sup> Floor, Columbus, OH 43215 and Donald Plank, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215

**Acreage:** 0.64 +/- Acres

**Proposed Use:** Commercial Uses (Retail, Office, Restaurant)

**Date of Text:**

June 19, 2007

**Application Number:**

Z06 -016

**INTRODUCTION:**

This 0.65+/- acre site is zoned CPD by Ordinance 1547-2005, passed December 12, 2005 (Z05-011). C-4, Commercial uses and development standards as established by Ordinance 1547-2005 are permitted. Applicant submits this rezoning application to permit certain changes to the site plan referenced in Ordinance 1547-2005. The site plan titled "Northwest and King - Site Plan", hereafter "The Plan", dated June 19, 2007, is submitted with this application as the development plan for the site, subject to adjustment with final engineering, with any such adjustment being approved by the Development Director or Designee.

**1. Permitted Uses:** Permitted uses are those contained in Section 3356.03, C-4, Commercial District, Permitted Uses, of the Columbus City Code, except the following:

- a) Animal shelter
- b) Armored car, investigation, guard and security services
- c) Automotive sales, leasing and rental
- d) Astrology, fortune telling and palm reading
- e) Blood and organ banks
- f) Billboards
- g) Cabarets and nightclubs
- h) Check cashing and loans
- i) Community food pantry
- j) Crematory
- k) Display advertising
- l) Drive-in motion picture theaters
- m) Farm equipment and supply stores
- n) Funeral homes and services
- o) Garden, landscaping and nursery centers and sales
- p) Halfway house
- q) Hospitals
- r) Lawn and garden equipment and supplies stores
- s) Missions/temporary shelters
- t) Motor vehicle accessories and parts dealers
- u) Motorcycle, boat and other motor vehicle dealers
- v) Outdoor power equipment stores
- w) Pawn broker
- x) Performing arts, spectator sports and related industries
- y) Recreational vehicle dealers
- z) Repossession services
- aa) Truck, utility trailer and RV sales, rental and leasing
- bb) Warehouse clubs and super centers
- cc. Dwelling Units

**2. DEVELOPMENT STANDARDS:** Unless otherwise indicated in the submitted written text or the referenced site plan, the applicable development standards shall be those contained in Chapter 3356, C-4, Commercial District of the Columbus City Code.

**A. Density, Height, Lot Coverage, and Setback Requirements:**

1. Height district shall be H-35. The building shall be one (1) story.
2. The minimum building setback from Northwest Boulevard shall be as depicted on the Plan, and shall be a minimum of ten (10) feet at the southeast corner of the building and a minimum of 6 feet 4 inches (6' 4") at the northeast corner of the building. The King Avenue building setback shall be a minimum of nine (9) feet.
3. Parking setbacks shall be a minimum of nine (9) feet from King Avenue and variable, as noted on the Plan, on Northwest Boulevard, with a minimum 10 inch setback at the northeast corner of the site.

**B. Parking standards, Access, and Traffic:**

1. All circulation, curb cuts, and access points shall be subject to the design review and approval of the City's Division of Transportation, but full turning access on King Avenue and right-in, right-out turning movements on Northwest Boulevard shall be permitted.

**C. Buffering, Landscaping, Open Space, and Screening requirements:**

1. Parking lot screening shall consist of a six (6) foot tall wood privacy fence along both the north and west property lines. The fences along both property lines shall terminate at the King Avenue and Northwest Boulevard parking setback lines.
2. All landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced with like materials within six months or the next available planting season, whichever occurs first. The size of new material shall equal the size of the original material when it was installed.
3. Street trees shall be planted on both the Northwest Boulevard and King Avenue frontages. The street trees shall be planted in the right of way of both streets at the rate of one (1) tree per 50 lineal feet of frontage, with actual planting location subject to: a) approval of the City Forester, b) applicable clear vision requirements related to driveway access points and c) other site considerations, such as the location of sidewalk(s).
4. The minimum size of all trees at installation shall be 2 ½ inch caliper for deciduous, 1 ½ inch caliper for ornamental and 5 feet in height for evergreen.

**D. Building Design and/or Interior-Exterior treatment commitments: N/A**

1. Exterior building materials shall be brick, except for doors, windows, window trim, decorative panels, such as wood panels above or below store front windows, gables and gable/roof trim or ventilation panels, or comparable areas.

**E. Dumpsters, Lighting, Outdoor display areas and/or environmental commitments.**

1. The maximum height of light poles shall be 18 feet.
2. All waste and refuse shall be containerized and fully screened from view by a solid wall or fence.

**F. Graphics and Signage requirements.**

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

**G. Miscellaneous commitments.**

1. Prior to development, the rock pile located in the northwest corner of the property shall be removed.
2. Prior to development, any grave that currently exists on the property shall be removed. Said removal shall be in compliance with all local, state, and federal regulations and/or laws.
3. Seasonal outside seating for a restaurant use shall be permitted up to a maximum of 650 sq ft. There shall be no outside

amplification on or associated with the outside seating. Outside seating, if any, shall generally be located as depicted on the Plan, in the King Avenue and/or Northwest Boulevard building setback.

4. The plan titled "Northwest and King - Site Plan" dated June 19, 2007, hereafter 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 site. The Plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development. 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.

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

1. **NATURAL ENVIRONMENT:** The site is zoned CPD for commercial development. Existing development will be removed under both the existing and proposed commercial zoning. The site is flat and located at the intersection of arterial streets.

2. **EXISTING LAND USES:** The properties to the east, south, and west are all zoned C-4, Regional Scale Commercial. The property northwest of the site is zoned M, Manufacturing, and to the north is zoned ARLD, multi-family residential.

3. **TRANSPORTATION AND CIRCULATION:** The proposed access points are located at the southwest corner of the property and at the northeast corner of the property. Design of the access points are subject to the review and approval of the City's Division of Transportation.

4. **VISUAL FORM OF THE ENVIRONMENT:** This property is located in a mixed-use area with adjacent zoning classifications being commercial and the greater neighborhood consisting of zoning designations ranging from the intensity of M, Manufacturing to R-4, Residential.

5. **VIEW AND VISIBILITY:** In the development of the subject property and in the location of the buildings and access points, consideration will be given to the visibility and safety of the motorist and pedestrian.

6. **PROPOSED DEVELOPMENT:** Commercial uses: Retail, office, restaurant.

7. **EMISSIONS:** No adverse effects from emissions shall result from the proposed development.

8. **BEHAVIOR PATTERNS:** The proposed development will not substantially change the behavior pattern at this property. The proposed development is consistent with mid-town area mixed use development at an arterial intersection. Existing conditions in the neighborhood have established behavior patterns in the area.

#### **9. CODE MODIFICATIONS:**

a) 3342.28, Minimum Number of Parking Spaces Required, to reduce calculated parking from 59 spaces to 44 spaces for retail, office and restaurant uses, subject to a maximum restaurant area of 1,500 square feet and a maximum seasonal outside seating area of 650 square feet. The proposed mixed uses and the location of the development is consistent with the provisions of the Urban Commercial Overlay applicable to streets in the area, availability of public transit, on-street parking and shared use of spaces, in addition to being characteristic of mid-town area development.

b) 3342.29, Minimum Number of Loading Spaces Required, which Section requires a loading space, as defined, for any retail commercial use greater than 5,000 square feet, while applicant proposes no loading space.

c) 3356.11, C-4, Commercial District Setback Lines, to reduce the building setback on King Avenue to nine (9) feet and on Northwest Boulevard to a variable setback, as depicted on the Plan, ranging from ten (10) feet (southeast corner of building) to six feet, 4 inches (6' 4") at the northeast corner of the building.

d) 3342.18, Parking Setback Line, to reduce the King Avenue parking setback to nine (9) feet and to reduce the Northwest Boulevard parking setback to a variable setback, as depicted on the plan, with the closest pavement being 10 inches from the right of way at the northeast corner of the site.

e) 3342.25(a), Vision Clearance, to permit part of parking space # 40, as numbered on the Plan, to be located in the vision clearance triangle on the north side of the driveway for access to Northwest Boulevard.

**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.**