



# City of Columbus

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

## Legislation Text

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**File #: 0718-2008, Version: 2**

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### **Rezoning Application Z07-041**

**APPLICANT:** Egan Ryan Funeral Service; c/o David Perry, Agent; 145 East Rich Street, Third Floor; Columbus, OH 43215.

**PROPOSED USE:** Funeral home.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on March 13, 2008.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 1.37± acre site is developed with two dwellings used as offices. The property is zoned in the CPD, Commercial Planned Development District, allowing office uses. The applicant is requesting a revision to the CPD to allow only a funeral home. The proposed CPD, Commercial Planned Development District commits to a maximum building footprint of 6,900 square feet and landscaping, building elevations, access, and lighting controls. This request includes variances to reduce the building and parking setbacks along Godown Road and Kenny Road. The requested CPD would permit a funeral home developed in accordance with the text, site plan, and building elevations. The request is compatible with development in the area.

To rezone **4653 KENNY ROAD (43220)**, being 1.37± acres located north of the intersection of Kenny and Godown Roads, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District **and to declare an emergency.** (Rezoning # Z07-041)

**WHEREAS**, application #Z07-041 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.37± acres from the 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 obtaining the Certificate of Zoning Clearance/building permit application 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 proposed development is compatible with development in 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:

**4653 KENNY ROAD (43220)**, being 1.37± acres located north of the intersection of Kenny and Godown Roads, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Section 1, Township 1, Range 19, United States Military

Lands, and Lots 4 and 5 in the case of John C. Richards vs. Mary Richards, et. Al, shown in complete record 220, page 456, Court of Common Pleas, and being part of the original 1.10 acre tract conveyed by Mediserve, Inc. by deed of record on O.R. 9498B03, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a railroad spike in the centerline of Kenny Road at the common corner to said original 1.10 acre tract and the 0.528 acre tract conveyed to Jerry Urse and Jean Boggs, by deed of record in O.R. 2635C19, said point being located S 22 30' 00" W, a distance of 210.05 feet from a railroad spike found at the southeasterly corner of "Sheffield", of record in Plat Book 39, Page 1;

Thence S 22 30' 00" W, a distance of 169.18 feet, along the centerline of Kenny Road and the southerly line of said 1.10 acre tract (passing a railroad spike on line in the common corner to said lots 4 and 5 at a distance of 75.30 feet), to a point at the northeasterly corner of the 0.023 acre tract conveyed to the City of Columbus by deed of record in O.R. 11219E15;

Thence S 66 59' 27" W, a distance of 76.49 feet, along the northerly line of the said 0.023 acre tract, to a point at the northeasterly corner of said 0.023 acre tract, said point also being in the common line to the said 1.10 acre tract and the 0.096 acre tract (Tract B) conveyed to the City of Columbus, by deed of record in O.R. 845D07;

Thence the following three (3) courses and distances along the common line to the said 1.10 and 0.096 acre tracts:

1. Thence N 85 09' 24" W, a distance of 36.05 feet (passing an iron pin on line at a distance of 31.50 feet), to an iron pin;
2. Thence N 04 56' 00" E, a distance of 40.00 feet, to an iron pin;
3. Thence N 85 11' 42" W, a distance of 29.82 feet, to an iron pin in a curve at the southeasterly corner at the 0.246 acre tract conveyed to the City of Columbus, by deed of record in O.R. 1184A04 now being in the easterly right of way of Godown Road (80 feet in width);

Thence along the easterly line of said 0.246 acre tract and easterly right of way line of Godown Road, with a curve to the left having a radius of 640.00 feet, a central angle of 17 02' 14", the chord of which bears N 29 36' 58" W, a chord distance of 189.61 feet, to an iron pin in the common line to said 1.10 and 0.528 acre tracts;

Thence S 85 16' 44" E, a distance of 292.03 feet along the common line of the said 1.10 and 0.528 acre tracts (passing an iron pin on line at a distance of 260.52 feet) to the point of beginning, containing 0.815 acres, more or less, and being subject to all easements, restrictions and rights of way of record.

The bearings in the above description were based upon the centerline bearing of Kenny Road (N 22 30' 00" E), as shown in O.R. 9498B03.

**Tract 2:**

Situated in the State of Ohio, County of Franklin, and in the City of Columbus, being situated in Range 19, Township 1, Section 1, United States Military Lands and being part of Lot Number Four (4), as shown of record in complete record 220, page 456, Clerk's Office, Franklin County, Ohio and more particularly described as follows:

Commencing at an iron pin in the southeasterly corner of said lot number four, said point being in the centerline of Kenny Road; thence N 22 30' 00" E along the centerline of Kenny Road a distance of 75.45 feet to a spike, said spike being at the southeast corner of a parcel of land as described in a deed to Mark L. and Margaret R. Richmond recorded in Volume 274, page B-04, Franklin County Recorder's Office, and being the true place of beginning of the parcel of land being herein described; thence N 85 18' 03" W along the north line of a parcel owned by Kendall T. and Ima E. Hibbs a distance of 305.80 feet to an iron pin, said pin being in the east line of the "Sheffield" subdivision, recorded in Plat Book 39, pages 1 - 3, Franklin County Recorder's Office; thence N 04 55' 00" E along the said "Sheffield" east line a distance of 70.39 feet to an iron pin, said iron pin being at the southwest corner of a 1.00 acre parcel of land owned by Omega Tau Sigma and recorded in Volume 3332, page 475, Franklin County Recorder's Office; Thence S 86 03' 00" E along the south line of the said Omega Tau Sigma parcel a distance of 329.22 feet to a point in the centerline of Kenny Road, said point also being the northwest corner of the Mark L. and Margaret R. Richmond parcel; thence S 22 30' 00" W along the centerline of Kenny Road a distance of 78.45 feet to the place of beginning; containing 0.528 acres of land, more or less, and subject to all legal highways and easements of record.

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 plans being titled, "**1 of 3**," "**2 of 3**," and "**3 of 3**," and text titled, "**DEVELOPMENT TEXT**," all signed by David B. Perry, agent for the Applicant, Donald Plank, attorney for the Applicant, and dated March 21, 2008, and the text reading as follows:

**DEVELOPMENT TEXT**  
**CPD, COMMERCIAL PLANNED DEVELOPMENT**  
**1.37 +/- ACRES**

EXISTING ZONING: CPD, Commercial Planned Development  
PROPOSED ZONING: CPD, Commercial Planned Development  
PROPERTY ADDRESS: 4653 Kenny Road, Columbus, OH 43220  
OWNER: E-R Development Northwest, LLC. c/o David B. Perry, Agent, The David Perry Co., 145 East Rich Street, 3<sup>rd</sup> Floor, Columbus, OH 43215 and Donald Plank, Attorney, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215.  
APPLICANT: Egan Ryan Funeral Service, c/o David B. Perry, Agent, The David Perry Co., 145 East Rich Street, 3<sup>rd</sup> Floor, Columbus, OH 43215 and Donald Plank, Attorney, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215.  
DATE OF TEXT: 03/21/08  
APPLICATION NUMBER: Z07-041

**1. INTRODUCTION:** The site is located at the intersection of Kenny Road and Godown Road. The site is zoned CPD, Commercial Planned Development (Ordinance 0869-01, passed June 4, 2001, Z01-001). The current CPD zoning permits all office uses, is subject to a site plan for site development and allows a 2 story office building with basement totaling 30,500 square feet. Applicant proposes to develop the site with a one (1) story funeral home with partial basement totaling 8,730 +/- square feet. The submitted site plan and elevation drawings, referenced in Section I, hereafter referred to as the "Plan", are submitted as the site development plan and building elevations for the funeral home.

**2. PERMITTED USES:** A Funeral home and Services, as permitted in Section 3355.03 C-3 permitted uses (B), Funeral Home and Services, and accessory site development, as depicted on the Plan.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated on the Plan or in the written text, the applicable development standards shall be those standards contained in Chapter 3355, C-3, Commercial, of the Columbus City Code.

**A.) Density, Height, Lot and/or Setback commitments.**

1. Height District shall be H-35 with a roof ridge height not to exceed 34 feet.
2. The permitted building footprint shall not exceed 6,900 sq ft.
3. Building setbacks shall be not less than as depicted on the Plan, including a Godown Road building setback line of 19 feet (closest point of building to Godown Road) for the southwest corner of the building, as depicted.

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

1. Vehicular access shall be from a full-turning movement curbcut on Kenny Road. The Kenny Road curbcut shall be located approximately as depicted on the Plan, subject to final engineering and engineering approval of the City of Columbus. A right-out only curbcut on Godown Road, as depicted on the Plan is permitted, at developers' option, located approximately as depicted on the

Plan, subject to final engineering. If a right-out only access to Godown Road is built, the curbcut shall be gated.

2. Kenny Road right of way totaling 30 feet from centerline and Godown Road right of way, as depicted on the Plan and being five (5) feet and ten (10) feet of right of way dedication, as depicted, shall be deeded to the City of Columbus prior to or in conjunction with the Certificate of Zoning Clearance.

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

1. Fencing (6 feet opaque, wood) shall be provided along the Godown Road frontage, where indicated on the Plan, as well as the west property line and the west 50 +/- feet of the north property line, as depicted. Fencing (3' wood), shall be provided along the Godown Road frontage, where indicated on the Plan.
2. Trees and other landscaping shall be provided along the Godown Road and Kenny Road parking setback, as depicted on the Plan, at the rate of one (1) street tree per 40 +/- feet. Additional landscaping with shrubs and ornamental trees shall be provided in the parking setback between the street trees.
3. In addition to code required parking lot screening along the north property line, landscaping consisting of trees and shrubs shall be provided along the north property line, as depicted on the Plan.
4. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months with landscape materials per the original requirements.
5. One tree shall be planted on the site for every ten (10) parking spaces, which shall count toward satisfying the interior tree requirement of Chapter 3342 of the Columbus City Code.
6. Minimum tree sizes at installation: deciduous trees, 2 1/2" caliper, ornamental trees 1 1/2" inch caliper; evergreen five (5) feet in height.

**D.) Building design and/or Interior-Exterior treatment commitments.**

1. Building elevations are submitted with this application and as noted in Section I. The funeral home building shall be one (1) story above grade and be designed and constructed to conform to the style and building materials depicted on the submitted building elevations. The primary exterior building material is brick.

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

1. All non-decorative lighting shall be down lighting (cut off fixtures).
2. All external outdoor lighting fixtures shall be from the same or similar manufacturer's type to insure compatibility.
3. Pole mounted parking lot lighting shall not exceed sixteen (16) feet in height.
4. Wiring within a development shall be underground, unless an applicable utility directs or requires wires to be above ground.
5. The developer shall install sidewalks along the Kenny Road and Godown Road frontage of the site.

**F.) Graphics and Signage commitments.**

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-3, Commercial District. Any ground sign shall be monument-style. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration.

**G.) Other CPD Requirements.**

1. Natural Environment: The natural environment of the site is flat. The site is located at the intersection of Kenny Road and Godown Road. Godown Road is an arterial right of way. Kenny Road is a local right of way connecting the Godown/Kenny split and Bethel

Road. The site is a triangular shaped parcel with development parameters not otherwise applicable to parcels with a single road frontage and rectangular in shape.

2. Existing Land Use: The property is zoned for commercial development but is developed with two dwellings and two accessory buildings.
3. Circulation: Public access to and from the site will be via Kenny Road. A right-out only curbcut is permitted on Godown Road for the service area, as depicted on the Plan, at developers option. The Godown Road right-out only curbcut will be gated.
4. Visual Form of the Environment: The site is presently zoned CPD for office development. The east side of Kenny Road is zoned and developed with commercial and industrial uses in the CPD and M-1 Districts. The west side of Kenny Road is zoned for residential uses. Godown Road is zoned for residential uses other than an L-C-2, Limited Commercial) tract on the west side at Kenny Road and Godown Road.
5. Visibility: Godown Road is an arterial right of way. Kenny Road between the Godown/Kenny split and Bethel Road is a local right of way.
6. Proposed Development: A funeral home.
7. Behavior Patterns: Vehicular access will be from Kenny Road. Site development will be as depicted on the submitted site plan. A right-out only curbcut is permitted on Godown Road for the service area, as depicted on the Plan, at developers option. The Godown Road right-out only curbcut will be gated.
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). Modification of Code Standards.**

1. Section 3355.09 C-3 district setback lines, to reduce the Godown Road building setback line from 50 feet to 19 and 22 feet, for portions of the building, as depicted on the Plan.
2. Section 3342.18, Parking Setback Line, to reduce the Godown Road parking setback from ten (10) feet to zero (0) feet except where noted on the Plan as being 3', and to reduce the Kenny Road parking setback from ten (10) feet to three (3) feet.

#### **I.) Miscellaneous commitments.**

1. Development of the site with a funeral home shall be in accordance with the site plan and building elevation drawings titled "Egan Ryan Funeral Home, 4653 Kenny Road, Columbus, OH", Sheets 1, 2 and 3, dated March 21, 2008 and signed March 21, 2008 by David B. Perry, Agent, and Donald Plank, Attorney. The site plan and building elevation drawings may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment shall be reviewed and may be approved by the Director of the Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment.
2. The developer shall comply with the parkland dedication ordinance by donating \$400/acre to the Recreation and Parks Department.

**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.**