



City of Columbus

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

Legislation Text

File #: 0936-2005, Version: 1

Rezoning Application Z05-005

APPLICANT: TJQ Realty, LLC; c/o Jeffrey L. Brown, Atty., Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Restaurant.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on March 10, 2005.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-C-4, Limited Commercial District would permit commercial development which is consistent with the zoning and land use patterns of the area.

To rezone **5701 CLEVELAND AVENUE (43231)**, being 0.83± acres located on the west side of Cleveland Avenue, 370± feet north of East Dublin-Granville Road, **From:** L-C-4, Limited Commercial District, **To:** L-C-4, Limited Commercial District. (Rezoning # Z05-005)

WHEREAS, application #Z05-005 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.83± acres From: L-C-4, Limited Commercial District, To: L-C-4, Limited Commercial 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 L-C-4, Limited Commercial District would permit commercial development which is consistent with the zoning and land use 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:

5701 CLEVELAND AVENUE (43231), being 0.83± acres located on the west side of Cleveland Avenue, 370± feet north of Dublin-Granville Road,, and being more particularly described as follows:

**5701 Cleveland Avenue
1.025 Acres**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of the Northeast Quarter of Quarter Township 4, Township 2, Range 18, United States military Lands, and being all of the 1.02 acre tract conveyed to Helen Thomas Winckelman in Deed Book 1012, Page 516, all records being of the Recorder's Office, Franklin County, Ohio, unless otherwise noted, and being more particularly described as follows:

Commencing at the centerline intersection of Cleveland Avenue and East Dublin-Granville Road (State Route 161);

Thence, along the centerline of Cleveland Avenue, North 03 degrees 29 minutes 07 seconds East, 435.70 feet to a set railroad spike at the northeast corner of a 1.02 acre tract conveyed to The City National Bank and Trust Company of Columbus in Deed Book 3510, Page 85 and being the True Point of Beginning of the parcel herein intended to be described;

Thence, along the north line of said City National Bank and Trust Company of Columbus 1.02 acre tract, North 84 degrees 03 minutes 38 seconds West, 319.10 feet to a found iron pin at the northwest corner of said City National Bank and Trust Company of Columbus 1.02 acre tract and in the east line of a 0.9136 acre tract conveyed to Thomas D. Pope in Official Record Volume 22598 G-19;

Thence, along part of the east line of said 0.9136 acre tract and part of the east line of a 1.231 acre tract conveyed to Thomas D. Pope in Official Record Volume 27752 A-14, Parcel 2, North 03 degrees 27 minutes 20 seconds East, 140.00 feet to a found iron pin at the southwest corner of a 1.34 acre tract conveyed to Alcisio Carifa in Official Record Volume 22634 I-10;

Thence, along the south line of said 1.34 acre tract, South 84 degrees 03 minutes 38 seconds East, passing a found iron pin at 279.13 feet, 319.17 feet to a found railroad spike in the centerline of Cleveland Avenue at the southeast corner of said 1.34 acre tract;

Thence, along the centerline of Cleveland Avenue, South 03 degrees 29 minutes 07 seconds West, 140.00 feet to the True Point of Beginning, CONTAINING 1.025 ACRES, subject however to all legal easements, restrictions, and rights-of-way of record and of records in the respective utility offices.

This description is based on a field survey completed by Myers Surveying Company in December 1995. Iron pins set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. #6579". Basis of bearings is North 03 degrees 29 minutes 07 seconds East on the centerline of Cleveland Avenue per the Cleveland Avenue and Fuji Drive Dedication and Easements Plat recorded in Plat Book 64, Page 13, Recorder's office, Franklin County, Ohio.

MYERS SURVEYING COMPANY, INC.

Paul T. Dinan, P.S. #7312

PTD/kmh (25121895)

EXCEPTING THEREFROM the following described 0.193 acre heretofore conveyed to the City of Columbus, Ohio:

0.193 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of the northeast Quarter of Quarter Township 4, Township 2, Range 18, United States Military Lands, and being part of the 1.025 acre tract conveyed to Holding Corporation of Ohio, in Official Record Volume 31134 J-14, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at the set railroad spike at the southeast corner of said 1.025 acre tract and the northeast corner of a 1.02 acre tract conveyed to the City National Bank and Trust Company of Columbus in Deed Book 3510, page 85, and in the centerline of Cleveland Avenue;

Thence, along part of the south line of said 1.025 acre tract and part of the north line of said 1.02 acre tract, North 84 degrees 03 minutes 38 seconds West, 60.05 feet to a point;

Thence, across said 1.025 acre tract, parallel with the centerline of Cleveland Avenue, North 03 degrees 29 minutes 07 seconds East, 140.00 feet to a point in the north line of said 1.025 acre tract and in the south line of a 1.34 acre tract conveyed to Alcisio Carifa in Official Record Volume 22634 I-10;

Thence, along part of the north line of said 1.025 acre tract and part of the south line of said 1.34 acre tract, South 84 degrees 03 minutes 38 seconds East, 60.05 feet to a found railroad spike at the northeast corner of said 1.025 acre tract and the southeast corner of said 1.34 acre tract and in the centerline of Cleveland Avenue;

Thence, along the east line of said 1.025 acre tract and the centerline of Cleveland Avenue, South 03 degrees 29 minutes 07 seconds West, 140.00 feet to the Point of Beginning, CONTAINING 0.193 ACRES, subject however to all legal easements, restrictions and rights-of-way of record and of records in the respective utility offices.

This description is based on a field survey by Meyers surveying Company in December 1995. Basis of bearings is North 03 degrees 29 minutes 07 seconds East on the centerline of Cleveland Avenue per the Cleveland Avenue and Fuji Drive Dedication and Easements Plat recorded in Plat Book 64, Page 13, Recorder's Office, Franklin County, Ohio.

To Rezone From: L-C-4, Limited Commercial District,

To: L-C-4, Limited Commercial District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-C-4, 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-4, 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 OVERLAY TEXT**," signed by Jeffrey L. Brown, Attorney for the Applicant, dated February 17, 2005, and reading as follows:

LIMITATION OVERLAY TEXT

PROPOSED DISTRICT: L-C-4
PROPERTY ADDRESS: 5701 Cleveland Avenue
OWNER: TJQ Realty, LLC
APPLICANT: TJQ Realty, LLC
DATE OF TEXT: 2/17/05
APPLICATION NUMBER: Z05-005

1. INTRODUCTION: The applicant seeks to rezone an approximately 0.832+/- acre tract located along Cleveland Avenue south of Fuji Drive for commercial activities, including a restaurant. The site was rezoned to an L-C-4 classification in 1996 to permit the same uses that are the subject of this text.

This limitation text remains substantially the same as the text that was a part of the 1996 rezoning of the subject property. The only substantive change is the provision of a full service curbcut on Cleveland Avenue to provide access to and from the subject property and the adjacent property immediately to the north.

It may be necessary from time to time to modify the development standards for this property and to provide for additional uses which could not be foreseen but are compatible with the uses allowed on the site. The property may be the subject of a zoning application filed with the City of Columbus and nothing contained herein shall prevent the current or future owners of the property from filing and processing a zoning application on the property.

2. PERMITTED USES: The following uses shall be permitted on this parcel: Those uses listed in Chapter 3356.03 (C-4, Regional Scale Commercial District) of the Columbus City Code, including a restaurant, and all uses accessory or customarily incidental thereto.

A. The following uses are excluded from this site:

1. Automobile sales
2. Bowling centers
3. Business college
4. Cabaret
5. Radio and television broadcasting stations and studios appurtenances
6. Funeral parlor
7. Garage repair shop
8. Hotel
9. Motel
10. Motion picture theater
11. Motor bus terminal
12. Motor vehicle sales, service, maintenance, or leasing

- 13. Nightclub
- 14. Off-premises graphics
- 15. Parking lots and garages

3. DEVELOPMENT STANDARDS: Except as otherwise noted above and herein, the applicable development standards of Chapter 3356 (C-4) shall apply to this site.

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

- 1. Height district shall be 35 feet as measured per Columbus City Code.
- 2. Parking setbacks shall be 30 feet from the existing right-of-way lines of Cleveland Avenue and 10 feet from the north and west property lines except for access point to the north and 5 feet from the south property line.
- 3. For structures and paved areas, lot coverage shall not exceed 80%.

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

- 1. Major driving aisles and curb lanes shall be defined with raised-curb island dividers or medians. Raised areas shall be planted and maintained with trees and other landscaping to increase visibility of the island or divider as outlined below.
- 2. The location and design of all curbcuts shall be approved by the City of Columbus, Division of Transportation. Access to and from the site via Cleveland Avenue shall be provided from a full service curbcut serving Parcel Identification Numbers 010-104530 and 010-148410.

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

- 1. In all parking areas, headlights shall be screened from the street or adjacent properties. Such screening may be accomplished by the use of shrubs, landscaped mounding, low brick or stone walls, alternating lap type or picket style fencing, topographical differences or combination thereof. The height of screening shall not be less than 30 inches in height. Such screening shall not obstruct the vision of cars entering or exiting the site.
- 2. One tree shall be planted for every 40 feet of frontage. Trees may be grouped or spaced and shall be within the parking setback noted in Section 3.A.2 above.
- 3. One tree shall be planted along the property lines for every 10 parking spaces, so long as sufficient distances between the plantings exist to ensure the health, maintenance and growth of the trees.
- 4. Minimum deciduous tree diameter shall be 2 inches measured at 4 feet from the ground. Evergreens shall be at least 5 feet high. Frontage trees shall be at least 3 inches in diameter.
- 5. All trees and landscaping shall be well maintained. Dead items shall be replaced within 6 months or the next planting season, whichever comes first.
- 6. Loading areas shall be fully screened by structures and/or landscaping to a minimum height of six feet. Such screening shall maintain at least a 90% opacity.

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

- 1. All non-decorative lighting shall be down lighting (cut off fixtures). Decorative lighting shall not exceed 4,000 lumens.
- 2. All external outdoor lighting fixtures within a given area shall be from the same or similar manufacturer's type to ensure compatibility.
- 3. Parking lot lighting standards shall not exceed 28 feet in height.
- 4. In parking lots, lights shall be placed in raised islands or medians, or adequately protected by concrete barriers, to protect both

lights and vehicles from damage.

5. Wiring, other than existing facilities, within the development shall be underground.

6. The dumpster area shall be within a three-sided enclosure consisting of an alternating lap type or picket style fence, or similar design, with gate.

E. Graphics and/or Signage Commitments.

1. There shall be no off premise graphics or billboards.

2. Signs shall be internally illuminated or silhouette lighted. There shall be no floodlighting of elevated signs.

3. Ground mounted illumination shall be concealed from view of the public right-of-way by a landscape screen of low shrubs or equivalent.

4. Prohibited signs include: signs with flashing lights, co-op signs, rotating signs, trailer type signs, tethered balloons, roof signs, banners, and pennants.

5. There shall only be 1 free-standing, dual pole sign along Cleveland Avenue. Such sign shall be located within the parking setback noted in Section 3.A.2 above. The base of the sign shall be landscaped.

6. Street addresses shall be incorporated into the free-standing sign or prominently displayed on the building. Addresses shall be in Arabic numerals and be readable from the street.

7. Directional graphics and site identification graphics, identifying on-site traffic flow and locations, shall be permitted.

8. All other graphic requirements not otherwise specified in E.1 through E.7 above, shall meet the requirements of Article 15 of the Columbus Zoning Code. Any variance to the requirements of Article 15 shall be heard by the City Graphics Commission.

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