



City of Columbus

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

Legislation Text

File #: 1236-2015, **Version:** 1

Rezoning Application # Z15-003

APPLICANT: Bruce Taylor; c/o Chris Vallette; DSA Architects; 1277 Worthington Woods Boulevard; Worthington, OH 43085.

PROPOSED USE: Mixed commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on April 9, 2015.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a convenience store and truck rental facility that was zoned CPD, Commercial Planned Development District in 2005, to allow limited commercial uses with limits on access, lot coverage, building size, and a commitment to a site plan. The requested CPD, Commercial Planned Development District, would adjust the CPD plan to conform the configuration of the existing site development in order to comply with zoning code violations that were issued for noncompliance with the current CPD plan. The site is within the planning area of the *Olentangy West Plan* (2013), which recommends community mixed uses for this location. The CPD maintains existing conditions for the development as shown on the plan; however, building expansion, demolition, change of use, or redevelopment will trigger removal of two existing access points unless otherwise approved by the Department of Public Service, and code-required landscaping and parking setbacks are also to be installed upon redevelopment. Staff supports the intended use of the property as the request is consistent with the land use recommendations of the *Olentangy West Plan* and with the zoning and development patterns of the area.

To rezone **868 WEST LANE AVENUE (43221)**, being 0.83± acres located at the northeast corner of West Lane Avenue and Kenny Road, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning # Z15-003).

WHEREAS, application #Z15-003 is on file with the Department of Building and Zoning Services, requesting rezoning of 0.83± 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, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District, is consistent with the land use recommendations of the *Olentangy West Plan* and with the zoning and development patterns of the area. In addition, the revised CPD district will enable the applicant to comply with zoning code violations that were issued for noncompliance with the existing CPD plan, and proposes access restrictions and code-required landscaping and parking setbacks upon redevelopment; 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:

868 WEST LANE AVENUE (43221), being 0.83± acres located at the northeast corner of West Lane Avenue and Kenny Road, and being more particularly described as follows:

0.825 ACRE BOUNDARY DESCRIPTION

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Quarter Township 3, Township 1 North, Range 18 West, United States Military Lands, also being all of Lot Numbers 3, 4, 7 and 8, and a portion of Lot Numbers 5 and 6 of the Second Wood-Brown Co. Addition, as the same are numbered and delineated upon the recorded plat there in Plat Book 5, Page 247, and a portion of original West Lane Avenue as vacated in Road Record Number 18, Page 344, Franklin County Engineer's Office, Columbus, Ohio, and also being the lands conveyed to Church On The Lane Antique And Gift Shop, Inc. in Deed Volume 1616, Page 46 and Deed Volume 2457, Page 310 and all of the lands conveyed as Tract 17 to Equilon Enterprises LLC in Instrument Number 200101250016276, all references herein cited being to the records of the Franklin County Recorder's Office, Columbus, Ohio, and being more particularly bounded and described as follows:

Beginning at a 5/8 inch solid iron pin found at the southwesterly corner of Lot Number 2 of said Second Wood-Brown Co. Addition and the southeasterly corner of said Lot Number 3, and at the southwesterly corner of lands conveyed as Parcel 1 to Loren S. Legg and Helen L. Detrick in Instrument Number 199802040025986, and said iron pin also being on the easterly line of said Equilon Enterprises LLC lands and the original northerly line of said vacated portion of West Lane Avenue, and said iron pin found being the true point of beginning of the parcel herein described:

Thence S. 22 degrees 21' 30" E. leaving said original northerly line of the vacated portion of West Lane Avenue and along said easterly line of the Equilon Enterprises LLC lands, and crossing said vacated portion of West Lane Avenue, a distance of 33.03 feet to a point in asphalt on the original centerline and southerly line of said vacated portion of West Lane Avenue, said original centerline now being the existing northerly line of West Lane Avenue (variable right-of-way width), and at the southeasterly corner of said Equilon Enterprises LLC lands:

Thence N. 87 degrees 38' 30" W. along said original centerline and southerly line of said vacated portion of West Lane Avenue and said existing northerly line of West Lane Avenue, and along the southerly line of said Equilon Enterprises LLC lands, a distance of 82.58 feet to a point at the southwesterly corner of said Equilon Enterprises LLC lands:

Thence N. 22 degrees 21' 30" W. leaving said original centerline and southerly line of said vacated portion of West Lane Avenue, and along said existing northerly line of West Lane Avenue and the westerly line of said Equilon Enterprises LLC lands, and crossing said vacated portion of West Lane Avenue, a distance of 33.03 feet to a point in asphalt on said original northerly line of the vacated portion of West Lane Avenue, and at the southwesterly corner of said Lot Number 4 and the southeasterly corner of said Lot Number 5;

Thence N. 87 degrees 38' 30" W. along said existing northerly line of West Lane Avenue and the southerly line of said Lot Numbers 5, 6, 7 and 8, and along the southerly line of said Church On The Lane Antique And Gift Shop, Inc. lands, a distance of 165.16 feet to a point at the intersection of said existing northerly line of West Lane Avenue and the easterly line of Kenny Road (variable right-of-way width), and at the southwesterly corner of said Lot Number 8 and said Church On the Lane Antique And Gift Shop, Inc. lands, and said point is referenced by a 3/4 inch hollow iron pin found bent at a bearing of N. 22 degrees 55' 33" W. and a distance of 0.67 feet;

Thence N. 22 degrees 13' 05" W. along said easterly line of Kenny Road, and along the westerly line of said Lot Number 8 and said Church On The Lane Antique And Gift Shop, Inc. lands, a distance of 125.00 feet to a point at the intersection of said easterly line of Kenny Road and the southerly line of Legg Avenue (variable right-of-way width) as indicated in Road Record Number 18, Page 60, Franklin County Engineer's Office, Columbus, Ohio, and at the northwesterly corner of said Lot Number 8 and said Church On The Lane Antique And Gift Shop, Inc. lands;

Thence N. 67 degrees 31' 27" E. along said southerly line of Legg Avenue and the northerly line of said Lot Numbers 8

and 7, and along a northerly line of said Church On The Lane Antique And Gift Shop, Inc. lands, a distance of 75.00 feet to a ¾ inch hollow iron pin found at the northeasterly corner of said Lot Number 7 and the northwesterly corner of said Lot Number 6, and at a northerly corner of said Church On The Lane Antique And Gift Shop, Inc., lands;

Thence N. 84 degrees 49' 58" E. continuing along said southerly line of Legg Avenue and northerly line of said Church On The Lane Antique And Gift Shop, Inc. and crossing said Lot Number 6 and a portion of Lot Number 5, a distance of 68.26 feet to a ¾ inch solid iron pin found at a northeasterly corner of said Lot Number 5 and said Church On The Lane Antique And Gift Shop, Inc. lands;

Thence S. 21 degrees 47' 05" E. continuing along said southerly line of Legg Avenue, and along an easterly line of said Lot Number 5 and said Church On The Lane Antique And Gift Shop, Inc., a distance of 47.05 feet to a point at northeasterly corner of said Lot Number 5 and said Church On The Lane Antique And Gift Shop, Inc. lands;

Thence N. 67 degrees 31' 27" E. continuing along said southerly line of Legg Avenue, and along a northerly line of said Lot Number 5 and the Church On The Lane Antique And Gift Shop, Inc. lands, and along the northerly lines of said Lot Numbers 4 and 3 and the Equilon Enterprises LLC lands, passing a ¾ inch hollow iron pipe found at 10.10 feet at the northeasterly corner of said Lot Number 5 and the northwesterly corner of said Lot Number 4, a total distance of 85.00 feet to a ¾ inch solid pin found at the northeasterly corner of said Lot Number 3 and the northwesterly corner of said Lot Number 2 and at the northeasterly corner of said Equilon Enterprises LLC lands and the northwesterly corner of said Loren S. Legg and Helen L. Detrick Lands;

Thence S. 22 degrees 21' 30" E. leaving said southerly line of Legg Avenue and along the easterly line of said Lot Number 3 and the westerly line of said Lot Number 2, and along the easterly line of said Equilon Enterprises LLC lands and the westerly line of said Loren S. Legg and Helen L. Detrick lands, a distance of 161.70 feet to the true point of beginning of the parcel herein described, containing 0.825 acres, more or less, and subject to all previous easements, restrictions and rights-of-way of record.

The basis of bearings for this description is the centerline of original West Lane Avenue, being N. 87 degrees 38' 30" W. as described in the vacation of part of original West Lane Avenue, of record in Road Record Number 18, Page 344, Franklin County Engineer's Office, Columbus, Ohio

This description was prepared from record information and an actual field survey of the premises conducted in April of 2001.

**Franklin County Auditor's Permanent Parcel Numbers:
010-245536, 010-245534, 010-245535**

Street Address: 868 W. Lane Avenue

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 Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**SITE PLAN**," signed by

Chris Vallette, Agent for the Applicant, and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT**,” signed by C. Bernard Brush, Agent for the Owner, both dated April 29, 2015, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

Proposed District: CPD

Property Address: 868 W. Lane Avenue; Columbus, Ohio 43221

Owners: Church on the Lane Antique and Gift Shop, Inc.

Applicant: Bruce Taylor; c/o Chris Vallette; DSA Architects

Date of Text: April 29, 2015

Application Number: Z15-003

1. INTRODUCTION

The subject property is approximately eight-tenths (0.825+/-) acre located at the northeast corner of West Lane Avenue and Kenny Road, being Franklin County Auditor's Parcel Nos. 010-245536, 010-245534, and 010-245535. The site previously operated as a gasoline service station was annexed into the City of Columbus in July 1998, and was rezoned in 2005 by the owner resulting in the current CPD district classification (Z05-017). The property surrounding the subject premises is zoned manufacturing directly to the east and on the south side of Legg Ave. (warehouse buildings used for dance lessons) as well as continuing on the east side of Legg Ave. to the railroad tracks (automotive repair shops). Directly to the north and across Legg Ave. from the subject property is the LUCRPD designation along with another rural district parcel (used as a storage yard for building materials).

Owners wish to continue the present commercial zoning for this corner to allow for office, retail and highway-oriented businesses, including automobile service stations carryouts, and fast-food business. The purpose of this new CPD district is to allow the curb cuts to remain as is with no changes as required by Z05-017 for the current site development. Variances for existing site conditions which are only applicable to the current development, and for building setback lines are included in the proposed district.

2. PERMITTED USES

All C-4 permitted uses listed in Sections 3356.03 and 3356.05 of the Columbus City Code, excepting adult and child day care centers, schools as defined in C.C. 3303, dwelling units, veterinarians, pet day care or grooming, crematory, community food pantry, mission/temporary shelters, pawn brokers, astrology, fortune-telling and palm-reading, warehouse clubs and super centers, bowling centers, drive-in motion picture theaters, hotels and motels, hospitals, theaters, dance companies and dinner theaters, animal shelter, amusement arcade, halfway house, bars, cabarets and night clubs, billboards, and off-site signs, which shall be prohibited. Further, automobile service stations, carryouts, and fast-food business as permitted in the C-5 commercial district in section 3357 of the Columbus City Code, shall be allowed. All development shall be subject to the following development standards and requirements:

3. DEVELOPMENT STANDARDS:

A. Density Lot and/or setback commitments:

1. The existing paved area, which is beyond the required setbacks on West Lane Avenue, Kenny Road and Legg Avenue, shall be maintained for the current development.

2. Building and Canopy setbacks: Other than the current existing building and canopy located on the site, which shall be allowed to remain on the property for any permitted use herein, canopies shall be set back at least 15 feet from Lane Avenue and Kenny Road, and all buildings, including any additions or improvements thereto, shall be set back at least 25 feet from Lane Avenue and Kenny Road. The building and canopy setbacks from Legg Avenue shall be 10 feet and the

building and canopy setbacks along the eastern property line abutting Loren S. Legg and Helen L. Detrick lands shall be in accordance with building code requirements upon site compliance review.

3. Height. The height of any building permitted shall not exceed 35 feet.
4. Building size: The maximum total size of all buildings on the property shall not exceed 8,000 square feet.
5. Lot Coverage: Upon redevelopment, lot coverage, including all paved areas and buildings, shall not exceed 85% of the Property Area.

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

2. Access: For the current development, access to the Property shall be located and limited as shown on the site plan dated March 20, 2015 which allows the existing curb cuts to remain along Legg Avenue, Lane Avenue and Kenny Road. If a building expansion, demolition, change of use, or redevelopment action takes place on this site, the access point on Kenny Road and the western access point to Lane Avenue shall be removed unless otherwise approved by the Department of Public Service. Upon removal of any access points, the former access areas shall be landscaped in accordance with applicable code requirements.

C. Buffering Landscaping Open Space and/or Screening Commitments: N/A

D. BUILDING DESIGN AND/OR INTERIOR-EXTERIOR TREATMENT COMMITMENTS:

The existing building shall be permitted to continue to be used, maintained or improved by utilizing comparable and compatible materials.

E. DUMPSTERS, LIGHTING OUTDOOR DISPLAY AREAS AND/OR ENVIRONMENTAL COMMITMENTS:

1. Outdoor Display areas:

- a. In front of any building, four feet in depth and twelve feet in width provided outdoor display on the sidewalk will only be permitted if a 5 foot wide section of sidewalk remains open along the entire length and a 4' x 4' area at each end of any pump island, if installed.
- b. The maximum height for any outside display area shall be three feet.
- c. The outdoor display area shall contain only those items normally and customarily sold by a convenience store and other seasonal items and products, including but not limited to, firewood, mulch, flowers, Christmas wreaths, etc.
- d. The area beneath the 1,250 sq ft canopy may be used for seasonal sales such as Christmas trees and wreaths, pumpkins, and other seasonal items. This area may also be used as a temporary sales area.

2. Lighting: Light poles in the parking lot shall not exceed 25 feet.

F. GRAPHICS AND/OR SIGNAGE COMMITMENTS:

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

4. CPD REQUIREMENTS

A. NATURAL ENVIRONMENT:

The site has already been developed for use as an automobile service station. The existing vegetation shall be located within the parking setbacks and shall be maintained or replaced with suitable or compatible screening materials.

B. EXISTING LAND USE:

Currently, the land use is an existing vacant automobile service station.

C. TRANSPORTATION AND CIRCULATION:

The site is located at the northeast corner of West Lane Avenue and Kenny Road from which vehicular access will be closed along Kenny Road as provided for above, allowing vehicular access to and from Legg Avenue, and to and from Lane Avenue (right-in/right-out only as provided above) at least 165 feet from the western property line bordering Kenny Road.

D. VISUAL FORM OF ENVIRONMENT:

Owners/Applicant intends to continue using the existing building, if at all possible, for the permitted commercial uses. Owners/Applicant may also demolish the existing vacant structure and remove any overgrown landscaping in conjunction with the development of any new commercial structure with new landscaping that would also enhance the visual environment, if upon expiration of current lease with Shell Oil, owners/applicant are unsuccessful in finding a suitable user for the existing building.

E. VIEW AND VISIBILITY:

Repairing, remodeling or upgrading the existing building, together with the installation of new landscaping in the proposed paving set back areas, will assist in attracting the allowed commercial activity back to the Property and will enhance the surrounding neighborhood, which looks depressed because of the current vacancy.

F. PROPOSED DEVELOPMENT:

The proposed permitted commercial uses, including but not limited to, auto service stations, carryouts and fast-food business, will continue in the existing building, or if a new building structure becomes necessary, the improvements will be at least equal in size as the existing service station. No variances for parking will be needed and the existing curb cuts on Legg Avenue and one existing curb cut on Lane Avenue will be utilized.

G. BEHAVIOR PATTERNS:

The permitted commercial uses will not generate any more vehicular and pedestrian traffic than that generated by the previous automobile service station.

H. EMISSIONS:

The site is bordered on the three sides by public streets and manufacturing lots with warehouse buildings along the eastern property line to the east. Odors will be comparable to that already experienced by a motoring public traveling along the public thoroughfares bordering subject property for which there have been no complaints submitted to Code Enforcement. Outside noise from this traffic will continue regardless of the commercial permitted use allowed in this planned text. Trash from any commercial activity will be contained within a dumpster, situated to the satisfaction of the Division of Refuse Collection. Refuse will be dumped between the hours of 8 A.M. and 8 P.M. and will not unduly disturb adjoining properties.

I. MISCELLANEOUS:

1. Variances being requested for existing conditions and future building setbacks upon redevelopment are as follows:

(1) 3356.11 (A) (1) and (2): allowing existing building to remain on the property for any permitted use within the proposed setbacks as shown on the site plan; and any and all additions or any improvements thereto or new buildings would be permitted a variance from the setback requirements to 15 foot canopy setback along Lane Avenue and Kenny Road, and 10 foot building and canopy setbacks from Legg Avenue (northern property line);

(2) 3312.21: to provide no required headlight screening along Lane Avenue, Kenny Road, and Legg Avenue and to not

provide interior landscaping.

(3) 3312.27(4): to allow the existing reduced parking setbacks for the current development.

2. For the current development, the Subject Site shall be developed in general conformance with the 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 shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or a designee upon submission of the appropriate data regarding the proposed adjustment. Future development of the site is subject to compliance with applicable zoning code requirements as they apply to parking, screening, and landscaping, and the building setback variances above.

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