



City of Columbus

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

Legislation Text

File #: 1814-2022, **Version:** 1

Rezoning Application Z22-014

APPLICANT: Moo Moo Car Wash; c/o Dave Perry, Agent; 411 East Town Street, 1st Floor; Columbus, OH 43201; and Donald Plank, Atty.; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Car wash facility.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0-1) on June 9, 2022.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two undeveloped parcels in the L-C-4, Limited Commercial District located within two separate Delaware County tax districts. The applicant requests a CPD, Commercial Planned Development District to permit the construction of a car wash facility. The CPD text contains appropriate use restrictions and development standards for both a car wash development and for other commercial uses. The site is within the boundaries of the *Far North Area Plan* (2014), which recommends "Community Mixed Use" land uses for this location. The request is consistent with the Plan's land use recommendation and the surrounding zoning and development pattern. Additionally, the request includes a site plan that places the building along the Antares Avenue frontage with parking and circulation to the rear, and appropriate site landscaping along with additional street trees along Antares Avenue, all consistent with Plan's design guidelines.

To rezone **9190 ANTARES AVE. (43240)**, being 2.42± acres located on the west side of Antares Avenue, 280± feet north of Gemini Place, **From:** L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z22-014).

WHEREAS, application #Z22-014 is on file with the Department of Building and Zoning Services requesting rezoning of 2.42± acres from L-C-4, Limited Commercial 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 *Far North Area Plan's* land use recommendation and the surrounding development and zoning pattern of the area, and includes a commitment to develop the site as demonstrated on the submitted site plan; 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:

9190 ANTARES AVE. (43240), being 2.42± acres located on the west side of Antares Avenue, 280± feet north of Gemini Place, and being more particularly described as follows:

SITUATED in the State of Ohio, County of Delaware, City of Columbus, and being a part of LANDS 18 3 4 14 TIF, NP

Limited Partnership, Delaware County Recorder's Office; All Records referred to are those of record in the Delaware County Recorder's Office, unless otherwise noted.

BEGINNING at the southeast corner of the said lot, which is at the intersection of west right of way line of Antares Ave (60' wide) and the centerline of the private drive along the south property line.

THENCE South 70 degrees 31 minutes 29 seconds West 223.87' then South 19 degrees 28 minutes, 31 seconds East 24 feet then North 87 degrees 53 minutes 17 seconds West 82.01' to a 90 degree property corner.

THENCE North 02 degrees 06 minutes 43 seconds East 176.33' then North 03 degrees 22 minutes 27 seconds East 70.43 feet then North 03 degrees 07 minutes 25 seconds East 269.36 feet to the north property corner at the Antares Avenue right of way line.

THENCE Radius 345 feet Delta 76 degrees 21 minutes 33 seconds Bearing South 36 degrees 48 minutes 51 seconds East Chord 426.51 feet Arc 459.79 feet then Radius 530 feet Delta 8 degrees 38 minutes 38 seconds Bearing South 02 degrees 57 minutes 24 seconds East Chord 79.88 feet Arch 79.96 feet along the Antares Avenue right of way line to the True Point of Beginning, have an area of 105,254.52 square feet or 2.417 acres to be rezoned.

Property Address: 9190 Antares Ave., Columbus, OH 43240
Parcel Numbers: 45-31843201018000 & 46-31843201002001

To Rezone From: L-C-4, Limited Commercial 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 site plan being titled, "**ZONING SITE PLAN**," and text titled, "**CPD, COMMERCIAL PLANNED DEVELOPMENT**," both dated May 27, 2022, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

CPD, COMMERCIAL PLANNED DEVELOPMENT
2.417 +/- ACRES

EXISTING ZONING: L-C-4, Limited Commercial District (Z91-018C, Z03-088)

PROPOSED ZONING: CPD, Commercial Planned Development District

PROPERTY ADDRESS: 9190 Antares Avenue, Columbus, OH 43240

APPLICANT: Moo Car Express Car Wash LLC c/o Dave Perry, Agent, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Attorney, Plank Law Firm, 411 E Town Street, FL 2, Columbus, OH 43215.

PROPERTY OWNER: NP Limited Partnership c/o Franz Geiger, 8800 Lyra Drive, Suite 650, Columbus, OH 43240

DATE OF TEXT: May 27, 2022

APPLICATION NUMBER: Z22-014

1. INTRODUCTION: The 2.417 +/- acre site (Delaware County PID: 45-31843201018000 and 46-31843201002001) is located on the west side of Antares Avenue, 300' +/- north of Gemini Place. The 2.417 acre site consists of two (2) tax parcels, with one located in Delaware County Tax District 45 and the other in Delaware County Tax District 46. The site

is zoned L-C-4, Limited Commercial (Z91-018C, Z03-088). Most C-4 uses are presently permitted and are continued with this application. Applicant proposes a car wash, as depicted on the Site Plan. All uses of the current L-C-4 ordinances and a car wash are appropriate for the location as part of a major regional commercial development (Polaris Centers of Commerce). The site plan, titled "Zoning Site Plan Moo Moo Car Wash" hereafter "Site Plan", dated May 27, 2022, depicting a single unit tunnel car wash, is submitted as the site development plan for the automatic car wash. If the car wash is not developed, only the Antares Avenue and interior property line building and parking setbacks depicted on the Site Plan shall apply to the property. The two (2) tax parcels cannot be combined since they are located in different Delaware County Tax Districts. Site development shall be treated as a single site regardless of the two (2) tax parcels.

2. PERMITTED USES: All uses of Chapter 3356, C-4, Commercial District, and an automatic car wash, as depicted on the Site Plan, and as regulated herein. The following C-4, Commercial uses are prohibited: billboards, used car lots, except used car lots in conjunction with the new car sales, outside display of items with the exception of items offered for sale and accessory to a permitted use, such as hardware, lumber or landscaping sales use, and halfway houses.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan, which shall only be applicable for the proposed car wash, or in this written text, or, if not developed with a car wash, the Antares Avenue building and parking setbacks only, as shown on the Site Plan, and this written text, shall be the applicable development standards, and those standards contained in Chapter 3356, C-4, Commercial District, of the Columbus City Code.

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

- 1). Use of the site as an automatic car wash shall be as depicted on the submitted Site Plan. Development standards of the Zoning Code shall apply to uses of the property for all other uses permitted by this text in addition to Antares Drive building and parking setbacks, only, depicted on the Site Plan, for all uses other than a car wash as a primary use.
- 2). Building setbacks shall be minimum of 50' from Antares Avenue, 15' from any side property line and 10' from any rear property line.
- 3). Parking setbacks shall be minimum of 35' from Antares Avenue, and 3' from any side or rear property line, except no parking (pavement) setback shall be required related to the access easement or connection to the access easement abutting the south side of the site.
- 4). There shall be no required building or parking setback from the Delaware County Tax District line for Tax District 45 and 46 and the tax district line shall be disregarded for development of the site.

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

- 1). Development of the site with a car wash shall be as depicted on the submitted Site Plan. Development standards of the Zoning Code and the Antares Avenue and interior property line building and parking setbacks, only, as shown on the Site Plan, shall apply to use of the property for all other uses than a car wash.
- 2). All vehicular access to the Site shall be from the private drive abutting the site to the south.

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

- 1). Total lot coverage for building and pavement shall be a maximum of 80% of lot area.
- 2). Street trees shall be provided along Antares Avenue at approximately 40' +/- on center with a combination of existing and proposed street trees, as depicted on the Site Plan.
- 3). Required landscaping for the car wash shall be as depicted on the Site Plan.

4). Provision for handling all truck service shall be totally within each parcel. No off-street loading areas or loading docks shall be located on or along the front wall of any building, within the front yard of any parcel or nearer than fifteen (15) feet from any side or rear property line. Off-street loading areas or loading docks located on or along the side wall of any building shall in no event be located nearer than twenty-five (25) feet from the front of the building and such facilities and all activities therein shall be screened from view from all public streets with buildings or view-obscuring treatment such as landscaped mounds, a wall or fence, dense planting, strips of trees or shrubs, or a combination thereof so as to achieve a minimum height of 6' high and an opacity of not less than seventy five percent (75%). All such view-obscuring measures shall be maintained in good condition and appearance by the owner of the property containing such freight loading area at all times.

5). All open areas on each developed parcel not occupied by buildings, structures, outside storage areas, parking areas, street right-of-way paved areas, driveways, walkways and off-street loading areas shall be suitably graded and drained and shall be landscaped with lawns, trees and shrubs

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

All buildings shall be finished on all four (4) sides to the same quality and level of finish. There shall be no exposed smooth face block.

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

N/A.

F. Graphics and Signage Commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as applies to the C-4, Commercial District. Any ground sign shall be monument-style. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration.

G. Other CPD Requirements.

1). Natural Environment: The site is located on the west side of Antares Avenue, 300' +/- north of Gemini Place. The area is extensively developed with commercial uses.

2). Existing Land Use: Undeveloped.

3). Circulation: All vehicular access to the Site shall be from Antares Avenue and the private drive abutting the site to the south.

4). Visual Form of the Environment: Antares Avenue and Gemini Place are extensively developed with commercial uses, as well as multi-family uses.

5). Visibility: The site will be visible from Antares Avenue.

6). Proposed Development: Automatic car wash.

7). Behavior Patterns: All vehicular access to the Site shall be from Antares Avenue and the private drive abutting the site to the south.

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 3312.11, Drive-up Stacking Area, to not provide an exclusive by-pass lane for the car wash and to permit stacking spaces for a car wash to be divided by the Delaware County Tax District line for Tax District 45 and 46, as depicted on the Site Plan.

2). Section 3312.29, Parking Space, to permit parking spaces and car wash vacuum spaces to be divided by the Delaware County Tax District line for Tax District 45 and 46, as depicted on the Site Plan.

I. Miscellaneous Commitments.

Development of the site with an automatic car wash shall be in accordance with the Site Plan titled “Zoning Site Plan Moo Moo Car Wash”, dated May 27, and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. If the car wash is not developed, only the Antares Avenue in interior property line building and parking setbacks depicted on the Site Plan shall apply to the property. These plans 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 to the Plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment. The Delaware County Tax District line for Tax District 45 and 46 shall be disregarded for development of the site.

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