



Legislation Text

File #: 0517-2007, Version: 2

Rezoning Application Z06-080

APPLICANT: Guo Ping Liang; c/o Thomas McCash, Architect; 6864 Fallen Timbers Drive; Dublin, OH 43017.

PROPOSED USE: Neighborhood commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on January 11, 2007.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 0.93± site is developed with a vacant ice-cream shop in the CPD, Commercial Planned Development District. The property was rezoned in 2002 with the only permitted use being sale of ice cream and dairy products. Staff did not support that rezoning request. The applicant is requesting a revision to the CPD to expand permitted uses to include many C-1, Commercial District uses, including all C-2, office uses, which are permitted in the C-1 district. The C-1 district limits some uses to a maximum of 2,000 square feet, while the CPD revision proposes to allow them up to a maximum of 2,200 square feet, the size of the existing building. The proposed CPD provides screening and buffering including a five (5) foot high fence and evergreen and deciduous trees along the south property line, with additional landscaping provided along the east and north boundaries. A 30-foot building setback and 25-foot parking setback is proposed for the south property line, exceeding the C-1 district requirements, which do not have any required side yard setbacks. The patio is required to close by 11:00 p.m. and outdoor amplification is not permitted. With the specified uses, landscaping, and screening, which exceeds C-1 and C-2 development standards, the proposed development is compatible with development in the area.

To rezone **2035 HILLIARD ROME ROAD (43026)**, being 0.93± acres located on the west side of Hilliard Rome Road, 270± feet north of Tanglewood Park Boulevard, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District. (Rezoning # Z06-080)

WHEREAS, application #Z06-080 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.93± 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, the City Departments recommend approval of said zoning change because, with the specified uses and landscaping, and screening, exceeding C-1 and C-2 development standards, the proposed development is compatible with development in the area. The proposed CPD provides screening and buffering including a five (5) foot high fence and evergreen and deciduous trees along the south property line, with additional landscaping provided along the east and north boundaries. A 30 foot building setback and 25 foot parking setback is proposed for the south property line, exceeding the C-1 district requirements, which do not have any required side yard setbacks. The patio is required to close by 11:00 p.m. and outdoor amplification is not permitted, 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:

2035 HILLIARD ROME ROAD (43026), being 0.93± acres located on the west side of Hilliard Rome Road, 270± feet north of

Tanglewood Park Boulevard, and being more particularly described as follows:

ZONING DESCRIPTION OF 0.932 ACRE
WEST OF HILLIARD-ROME ROAD
NORTH OF TANGLEWOOD PARK BOULEVARD
COLUMBUS, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey No. 6542, being 0.932 acre of that original 1.139 acre tract described in a deed to T.D. Lee Properties LLC, of record in Instrument No. 200111050254763, all recording references herein being to the records of the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning FOR REFERENCE at a point at the centerline intersection of Hilliard-Rome Road and Tanglewood Park Boulevard, said point being shown and delineated upon the plat "Tanglewood Park Boulevard and Hilliard-Rome Road Dedication and Easements", a subdivision of record in Plat Book 76, Page 61; thence North 08°51'49" West, along the centerline of Hilliard-Rome Road, a distance of 60.00 feet to a angle point; thence North 08°17'02" West, continuing along said centerline, a distance of 176.48 feet to a point at the southeasterly corner of that 0.207 acre tract as described in a deed to the City of Columbus, of record in Instrument No. 200210020245869; thence North 87°45'06" West, along the southerly line of said 0.207 acre tract, a distance of 61.01 feet to the southwesterly corner of said tract, in the westerly right-of-way line of Hilliard-Rome Road and the TRUE PLACE OF BEGINNING;

Thence North 87°45'06" West, along the northerly line of Hilliard Village Condominium and the southerly line of said 1.139 acre tract, a distance of 288.98 feet to a point at the southwesterly corner of said 1.139 acre tract and at a angle point in the southerly perimeter of that 5.268 acre tract as described in a deed to Marcus Pohlmann Properties II, LLC, of record Instrument No. 200302140047302;

Thence North 02°14'54" East, along said southerly perimeter and the westerly line of said 1.139 acre tract, a distance of 147.51 feet to a point;

Thence South 87°45'06" East, continuing along said southerly perimeter and the northerly line of said 1.139 acre tract, a distance of 261.78 feet to a point in the westerly right-of-way line of Hilliard-Rome Road and at the northwesterly corner of the aforementioned 0.207 acre tract;

Thence South 08°12'00" East, along said westerly right-of-way line and the westerly line of said 0.207 acre tract, a distance of 150.00 feet to the TRUE PLACE OF BEGINNING and containing 0.932 acre of land.

Bearings herein are based on South 08°12'00" East for the centerline of Hilliard-Rome Road as referenced in Instrument No. 200111050254763.

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, "**GOLDEN CHOPSTICKS RESTAURANT,**" signed by Thomas M. McCash, Architect, dated March 5, 2007 and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" signed by Thomas L. Brower, Owner, and Guo Ping Liang, Applicant, and dated April 26, 2007, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPERTY ADDRESS: 2035 Hilliard-Rome Rd.
Parcel ID: 560-168639

OWNER: T. D. Lee Properties (Thomas Brower)
APPLICANT: Guo Ping Liang (Jimmie Liang), Golden Chopsticks Restaurant
DATE OF TEXT: ~~April 26, 2007~~ June 4, 2007
APPLICATION NO.: Z06-080

I. INTRODUCTION:

The property subject to this rezoning is a 0.932 Acre site located on the west side of Hilliard-Rome Rd. The site was part of a larger tract which was annexed in 1974, the property to the West and North is zoned LC2. The property to the south is zoned AR-12 for multifamily residential. The remaining parcels on the west and east side of Hilliard-Rome Rd. are zoned commercial, except for a small portion across from the subject site which contains multifamily residential. In 2002 the parcel was rezoned under case Z01-095 for one unique use, being Ice Cream and Dairy product sales/restaurant, which is a C1, Commercial District Use. A structure, classified as A2, Assembly under the Ohio Building Code was constructed and occupied for the designated use. The business was closed and the property now sits vacant. No other use, other than an Ice Cream store can utilize the property without a rezoning. The applicant proposes to operate an ethnic restaurant specializing in Asian & Far Eastern cuisine in the existing 2200 SF facility (a C3, Community Scale Commercial Development District use due to being over 2000SF) but also desires to establish limited zoning uses which are not in conflict with the uses of the area and balance the concerns of the adjoining residential use by providing additional development standards.

II. PERMITTED USES:

The following uses shall be permitted for this property:

All office uses as listed in C.C. 3353.03

Gift, Novelty, and Souvenir Stores

Ice Cream and Yogurt Stores

Book, Newspaper and Magazine Stores (2,200 square feet or less)

~~Butcher Shops, Fish, Meat, and Seafood Markets (2,200 square feet or less)~~

Cafes, Delicatessens and Restaurants (2,200 square feet or less)

The term Restaurant herein shall have the same meaning as defined in Columbus City Code Section 3303.18, and will prohibit fast food establishments, but shall not prohibit carryout food orders. It is further understood that Bars (CC Section 3303.02) and/or Nightclubs (CC Section 3303.14) are not a permitted use of the property.

Barber Shops, Beauty and Nail Salons

Florists

III. DEVELOPMENT STANDARDS:

Except as otherwise listed in this Commercial Planned Development Text, the development standards contained in Columbus City Code Chapter 3351 for C-1, Neighborhood Commercial District, shall apply to the Subject Property.

A. Density, Height Lot and/or Setback Commitments

1. **Building Front Setback.** The principal building shall be set back 60 feet from the right of way as indicated on the CPD site plan. The outdoor seating area shall be located in front of the principal building. Any other permitted structures (including trash dumpsters) shall be set back from the property lines as shown on the CPD site plan.
2. **Building Side Yard Setback.** The side yard setback from the southern property line shall be 30 feet as long as the southern adjoining parcel is zoned for residential use, otherwise the side yard setbacks shall be as provided in the Columbus City Code for C1, Commercial District Standards.
3. **Parking Setback.** Parking setbacks shall be 10 feet from the right-of-way; 25 feet from the southern property line; 10 feet from the west property line and 3 feet from the northern property line, provided that cross parking agreements with the adjoining north or west parcels shall permit drive aisles and maneuvering areas to encroach into the parking setback.
4. **Building Size.** The principal building shall not exceed 2,200 SF.

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

1. **Access.** Access shall be by a shared curb cut with the northern adjacent property as indicated on the CPD site plan.
2. **Vehicular Service Drives.** No drive thru shall be permitted for the Subject Parcel.

C. Buffering, Landscaping, Open Space and/or Other Environmental Commitments

1. Landscape Plan. The Subject Property shall be landscaped as shown on the CPD site plan.
2. Fence. So long as adjacent property sharing a common property line with the Subject Property is zoned for residential uses, a minimum 5 foot high board on board wood fence shall be installed and maintained along the south property line within the parking setback from the west property line to the east (front) parking setback as indicated on the attached CPD site plan.
3. Miscellaneous Commitments
 - a. Landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced with like materials at the next planting season or within 6 months, whichever is sooner.
 - b. The minimum size of any trees at installation shall be 2.5 inch caliper for deciduous, 5 feet high for evergreen, and 1.5 inch for ornamental.

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

1. Roof Top Mechanicals. Any mechanical equipment or utility hardware on the roof of the building shall be screened from view to prevent the equipment from being visible from 6 feet above ground on the property line of the parcel and from the second floor of the existing residential buildings located adjacent to the Subject Property's southern property line. Ground mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping or any fence or wall using comparable and compatible materials as the building materials.
2. Building Materials. The principal building shall be finished with its predominant materials being E.I.F.S, brick, glass, synthetic stone, porcelain or ceramic tile, marble or granite, individually or in combination.

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

1. Dumpster Screening. Dumpsters shall be screened with a minimum 6 foot high wood fence on three sides and a wood gate on one side. Dumpsters shall not be located within 50 feet of the southern property line.
2. Lighting
 - a. All external lighting shall be cut off type fixtures (down lighting). However, Buildings and landscaping may be up lighted from a concealed source so long as such up lighting does not interfere with safe vehicular movement.
 - b. Parking lot lighting shall be no higher than 16 feet.

F. Graphics Commitments

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

G. Variances Requested

1. Outdoor Seating Area. The outdoor seating area may be located between the front building setback line and the street right of way as indicated on the CPD site plan. Outdoor seating shall be limited to the present area of 1600 SF of hard surfaced area. The outdoor seating area shall not be permitted to have any form of amplification devices, speakers, or outdoor entertainment and shall not be used later than 11:00PM.
2. Maximum Square Feet. The size of any Book, Newspaper and Magazine Stores, ~~Butcher Shops, Fish, Meat, and Seafood Markets~~, Cafes, Delicatessens and Restaurant use shall be limited to the size of the existing building, 2200 SF.

H. Miscellaneous Commitments

1. **Site Plan Revision Allowance.** The Subject Property shall be developed in accordance with the CPD site plan; however, the CPD site plan may be slightly adjusted to reflect engineering, topographical, or other site data established at the time development and engineering plans are completed. The Director of the Department of Development or the Director's designee may approve minor deviations or adjustments to the CPD site plan upon submission of the appropriate data regarding the proposed adjustment and that such adjustment does not otherwise compromise commitments made herein.

2. **Connectivity to Public Sidewalk.** The Subject Property shall provide a 5' wide concrete sidewalk in the general area indicated on the CPD site plan or as otherwise approved by staff due to ADA Accessibility grading concerns, to connect the existing patio/entrance walk to the public sidewalk which will be constructed at the time of widening of Rome-Hilliard Rd. The installation of the connection walk shall be done by the Subject Property at the time said public walk is constructed.

IV. CPD REQUIREMENTS

A. Natural Environment. The subject Property is relatively flat site located along a developed arterial. The site was developed with a building and parking under a prior rezoning and development submission.

B. Existing Land Use. A 2200 SF single story commercial structure exists on the property along with associated parking, landscaping and dumpster enclosure. The structure was constructed in 2002 as an Ice Cream/Custard dine-in facility and is classified as an A2, Assembly (restaurant) under the Ohio Building Code.

C. Transportation and Circulation. The Subject Property has one curb cut on Hilliard-Rome Rd. which is a shared access point with the adjoining parcel to the north.

D. Visual Form of the Environment. Most of Hilliard-Rome Rd. is developed with commercial uses with some multifamily development.

E. View and Visibility. The Subject Property is visible from Hilliard-Rome Rd.

F. Proposed Development. The proposed development will allow for the reuse of a vacant building and parcel, which at the present time could only be used for Ice Cream/Custard Shop, for a restaurant and allow future compatible land uses.

G. Behavior Patterns. The Subject Property will serve surrounding residents and others traveling on Hilliard-Rome Rd.

H. Emissions. The proposed use does not emit adverse emissions and no adverse emissions shall result from the proposed uses.

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