



Legislation Text

File #: 0173-2015, **Version:** 2

Rezoning Application Z14-042

APPLICANT: Moo Moo Express Car Wash; c/o David B. Perry, Agent; David Perry Co., Inc.; 145 East Rich Street, 3rd Floor; Columbus, OH 43215 and Donald Plank, Attorney; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Automatic car wash.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on November 13, 2014.

CLINTONVILLE AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently occupied by a used car lot zoned in the C-4, Commercial District. The original structure was constructed as a car wash in 1968 when they were permitted in the C-4 district prior to the creation of the C-5 district several years later. The structure was converted to a used car sales office in 1984. The requested CPD, Commercial Planned Development District will allow the re-establishment of a car wash utilizing the original structure. The site is located within the planning area of the Community Commercial Overlay (CCO) and the *Clintonville Neighborhood Plan* (2009), which recommends the following in regard to the site: retail and/or multi-family development (new developments abide by the CCO standards); ravine preservation; parking lots are recommended to incorporate Low Impact Design features to minimize their impact on nearby waterways; and developers are encouraged to preserve mature trees. The CPD commits to a site plan, landscaping plan, and elevation drawings, and the text provides use restrictions and development standards addressing access, ravine and tree preservation, and landscaping. The proposal includes three variances: due to the narrow configuration of the site, maneuvering for dumpster service is proposed within the stacking lane when the car wash is closed, and not to provide a by-pass lane; and to the Community Commercial Overlay requirement of a public entrance on the building's facade because that would be the vehicular exit from the car wash. Staff supports the proposal, noting efforts to increase landscaping, decrease pavement to improve storm water infiltration, and preserve the ravine area trees. With the proposed development standards, the request is consistent with the zoning and established development patterns of the area.

To rezone **5160 NORTH HIGH STREET (43214)**, being 0.67± acres located on the east side of North High Street, 250± feet north of Greencrest Drive, From: C-4, Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z14-042).

WHEREAS, application #Z14-042 is on file with the Department of Building and Zoning Services requesting rezoning of 0.67± acres from C-4, Commercial District, to CPD, Commercial Planned Development District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Clintonville Area Commission recommends disapproval 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 established zoning and development 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:

5160 NORTH HIGH STREET (43214), being 0.67± acres located on the east side of North High Street, 250± feet north of Greencrest Drive, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio, City of Columbus, being part of Lot No. 19 of the Scioto Company's Subdivision of Quarter Township 3, Township 2, Range 18, United States Military Lands, and being 0.669 acre out of the northwesterly corner of the 13.933 acre tract conveyed to Worthington Gardens by deed of record in Deed Book 2770, Page 279, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the centerline of North High Street, (U.S. Route No. 23), said point being the northwesterly corner of the said Worthington Gardens 13.933 acre tract;

thence along the northerly line of the said 13.933 acre tract, South 86° 26' East, (passing an iron pin at 45.26 feet), 400.00 feet to an iron pin;

thence South 3° 36' 19" West, 80.0 feet to an iron pin;

thence North 86° 26' West, (being parallel to and 80.0 feet Southerly from the northerly line of the said 13.933 acre tract), 110.0 feet to an iron pin;

thence North 41° 26' West, 14.14 feet to an iron pin;

thence North 86° 26' West, (being parallel to and 70.0 feet Southerly from the northerly line of the said 13.933 acre tract, and passing an iron pin at 247.0 feet), 280.0 feet to a point in the centerline of North High Street;

thence along the said centerline, North 3° 36' 19" East, 70.0 feet to the place of beginning, containing 0.669 acre, more or less.

To Rezone From: C-4, 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 plans and elevations being titled, "**SITE PLAN**," "**LANDSCAPING PLAN**," and "**EXTERIOR ELEVATIONS**," and text titled, "**CPD, COMMERCIAL PLANNED DEVELOPMENT**," signed by David B. Perry, Agent for the applicant, and Donald Plank, Attorney for the Applicant, dated January 5, 2015, and the text reading as follows:

CPD, COMMERCIAL PLANNED DEVELOPMENT
0.669 +/- ACRES

EXISTING ZONING: C-4, Commercial District
PROPOSED ZONING: CPD, Commercial Planned Development
PROPERTY ADDRESS: 5160 N High Street, Columbus, OH 43214
APPLICANT: Moo Car Express Car Wash LLC c/o Dave Perry, Agent, David Perry Company, Inc., 145 East Rich Street, FL 3, Columbus, OH 43215 and Donald Plank, Attorney, Plank Law Firm, 145 East Rich Street, FL 3, Columbus, OH 43215.
PROPERTY OWNER: Stanley and Teresa Bradham, 5160 N. High Street, Columbus, OH 43214-1555.
DATE OF TEXT: January 5, 2015
APPLICATION NUMBER: Z14-042

1. INTRODUCTION: The 0.669 +/- acre site is located on the east side of N. High Street, 235 +/- feet north of Greencrest Drive. The site is presently zoned C-4, Commercial. The existing building was built for and used as a single bay car wash prior to the 1972 C-5 legislation, then changed to a used car sales office and lot about 1983. Applicant proposes to rezone the site to CPD to permit a single bay automatic car wash and C-4 uses. The plans titled "Site Plan, Moo Moo Express Car Wash, 5160 N. High Street", "Landscaping Plan, Moo Moo Express Car Wash, 5160 N. High Street", and "Exterior Elevations, Moo Moo Express Car Wash, 5160 N. High Street", all dated January 5, 2015, hereinafter "Site Plan", "Landscaping Plan" and "Exterior Elevations", respectively, are submitted as the site, landscaping and exterior elevation plans for the automatic car wash. The proposed automatic car wash will be on the same footprint as the existing building and with the existing walls, but a new gable roof will be installed. The property is in the North High Street Community Commercial Overlay (CCO), but much of the CCO isn't applicable to the proposed use since the site development and building are existing and no expansion of the building is proposed.

2. PERMITTED USES: All uses of Chapter 3356, C-4, Commercial District, as presently permitted, and an automatic car wash, as depicted on the Site Plan, Landscaping Plan and Exterior Elevations, and as regulated herein.

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, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, of the Columbus City Code.

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

Use of the site as an automatic car wash shall be as depicted on the submitted Site Plan, Landscaping Plan and Exterior Elevations. Development standards of the Zoning Code shall apply to use of the property for uses of the C-4 District.

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, Landscaping Plan and Exterior Elevations. Development standards of the Zoning Code shall apply to use of the property for uses of the C-4 District.

2. Right of way totaling 60 feet from centerline of North High Street shall be deeded to the City of Columbus prior to approval of the final Site Compliance Plan for a car wash.

~~3. Vehicular access for the site shall be from the existing unsignalized full turning movement curbcut on N High Street, except if~~ If the site is developed with a car wash, as permitted herein, in which case vehicular access shall be from a signalized curbcut, located as depicted on the Site Plan, and subject to approved final engineering of the driveway and 4th signal leg by the City of Columbus, in conjunction with the final Site Compliance Plan. If a final Site Compliance Plan is submitted for the car wash permitted by this rezoning, car wash developer shall design and pay for the installation of the 4th signal leg to the existing three (3) leg signal at North High Street and Fenway Road. Developer shall also commit to a signal maintenance agreement with the City of Columbus for the applicable costs of maintenance of the 4th signal leg.

4. Subject to approval of the City of Columbus, the public sidewalk in and along North High Street shall be designed with a tree lawn between the North High Street curb and the public sidewalk.

5. An off-duty police officer shall be provided by the car wash owner during times of extreme high volume to prevent any traffic from stacking onto North High Street.

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

1. Required landscaping for the car wash shall be as depicted on the Landscaping Plan.

2. The Site Plan depicts an area with cross hatching labeled “Ravine Protection Area” (RPA). There shall be no disturbance of the RPA, except removal of dead trees, if needed, for the safety and protection of customers and property, and trimming of overhead branches as may be needed from time to time.

3. The Site Plan depicts an area with slanted hatching adjacent to the RPA and along the east property line where weeds and brush will be removed in conjunction with the site development, and low tree branches will be trimmed/removed, consistent with reasonable use of adjacent areas for business purposes, and safe operation of the car wash for customers and business purposes. Additional landscaping, as depicting on the Landscaping Plan, shall also be planted in the designated area adjacent to the RPA.

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

The Exterior Elevations shall be the required building elevations for a car wash.

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

1. The dumpster location is depicted on the Site Plan. The depicted location is the only location a dumpster shall be placed and kept.

2. There shall be no outdoor displays of merchandise.

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-5, Commercial District, if the site is developed with a car wash, or the C-4 Commercial District, if developed with a C-4, Commercial District Use and shall also comply with the Graphics standards (Section 3372.706, Graphics) of the Community Commercial Overlay (CCO). 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 east side of N. High Street, 235 +/- feet north of Greencrest Drive. N. High Street is a north/south arterial right of way. The site is flat. The North High Street corridor is an intense commercial arterial corridor developed with a wide variety of commercial uses.

2. Existing Land Use: There is a commercial building on the premises that was built as a single bay automatic car wash, then subsequently converted to the garage and office for the repair and sale of used cars. The site presently has almost 100% impervious surface coverage.

3. Circulation: Vehicular access will be via a full-turning movement curbcut on N High Street at North High Street and Fenway Road, as depicted on the submitted Site Plan. If the site is developed with a car wash, the curbcut for the car wash shall be signalized and shall be the 4th signal leg of the N High/Fenway signal.

4. Visual Form of the Environment: The North High Street corridor is an arterial right of way developed extensively with commercial uses.

5. Visibility: North High Street is an arterial right of way. The site will be visible from North High Street.

6. Proposed Development: Automatic car wash.

7. Behavior Patterns: For a car wash, as depicted on the Site Plan, vehicular access shall be via a full-turning movement curbcut on N High Street at the North High Street/Fenway Road signalized intersection by adding the 4th signal leg for signalized control of the car wash driveway. On-site circulation for an automatic car wash shall be as depicted on the Site Plan.

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.

The following code modifications apply only to use/development of the site as a car wash or the use of the existing building for a C-4, Commercial use. H(1) - H(3), inclusive, are not applicable to construction of a new building for a C-4, Commercial use. It is the intention of the Site Plan, Landscape Plan and Elevation Plan and these modifications to permit an automatic car wash, as depicted.

1. Section 3312.11, Drive-up Stacking Area, to not provide an exclusive by-pass lane for the car wash.

2. Section 3321.01, Dumpster Area, to permit access to the dumpster for private refuse service to not be exclusive, thereby using vehicle queuing lanes for the car wash for dumpster access, as depicted on the Site Plan, when the car wash is closed.

3. Section 3372.705(D)(F), Building Design Standards, to not have a primary entrance door on the North High Street façade, while applicant has provided pedestrian doors on the North High Street façade, but they aren't primary entrance doors; and to permit 5.5% of the area between two (2) feet and ten (10) feet above grade on the North High Street elevation to be finished with clear window glass rather than 40%. See the Exterior Elevation plan.

I.) Miscellaneous commitments.

1. Development of the site with an automatic car wash shall be in accordance with the Site Plan, Landscaping Plan and Exterior Elevations titled "Site Plan, Moo Moo Express Car Wash, 5160 N. High Street", Sheet 1 of 3, "Landscaping Plan, Moo Moo Express Car Wash, 5160 N. High Street", Sheet 2 of 3, and "Exterior Elevations, Moo Moo Express Car Wash, 5160 N. High Street", Sheet 3 of 3, all dated and signed January 5, 2015 by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. 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 Development or his designee upon submission of the appropriate data regarding the proposed adjustment.

2. The car wash vacuum system shall be designed and installed as a "central vacuum system". "Central vacuum system" means there will be a single vacuum motor and collection canister for all of the vacuum stations. The central vacuum system motor and canister shall be screened on the North High Street side of the equipment with evergreen plant material. Developer shall document the use of a central vacuum system in conjunction with the City of Columbus Site Compliance Plan and building permit processes and landscaping applicable to the central vacuum system shall be shown on the final Site Compliance Plan.

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

