



City of Columbus

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

Legislation Text

File #: 1516-2021, **Version:** 1

Rezoning Application: Z19-038

APPLICANT: Jeanne Cabral; 2939 Bexley Park Road; Columbus, OH 43209.

PROPOSED USE: Limited commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on April 8, 2021.

MIDEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 1.87± acre site consists of single parcel zoned in both the C-2, Commercial, and R, Rural districts. The owner has been cited by Code Enforcement (order #19470-01296) for establishing an automobile sales use without obtaining a Certificate of Zoning Clearance. The requested L-C-4, Limited Commercial District will legitimize the automobile sales use and will allow a variety of general commercial uses. The site is not located within a planning area, but is subject to the recommendations of *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The limitation text contains use restrictions and includes setback, landscaping, screening, tree preservation, and graphics provisions. A site plan commitment is included in the limitation text which demonstrates removal of pavement within the required parking setback area with landscaping installed, and maintenance of the existing privacy fence on the southern portion of the site. The request is consistent with the established development pattern along Refugee Road, and includes landscaping along the site frontage and appropriate buffering from the residential development that abuts the site to the south, as recommended by C2P2 Design Guidelines.

To rezone **3553 REFUGEE RD. (43232)**, being 1.87± acres located on the south side of Refugee Road, 550± feet east of Weyburn Road, **From:** R, Rural District and C-2, Commercial District, **To:** L-C-4, Limited Commercial District (Rezoning #Z19-038).

WHEREAS, application #Z19-038 is on file with the Department of Building and Zoning Services requesting rezoning of 1.87± acres from the R, Rural District and C-2, Commercial District, to the L-C-4, Limited Commercial District; and

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

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

WHEREAS, the City Departments recommend approval of said zoning change because the proposed L-C-4, Limited Commercial District is compatible with the *Livingston East Area Plan's* land use recommendations and C2P2 guiding principles which support mixed-use and high density residential infill development along the Livingston Avenue corridor; 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:

3553 REFUGEE RD. (43232), being 1.87± acres located on the south side of Refugee Road, 550± feet east of Weyburn Road,, and being more particularly described as follows:

The Land referred to herein below is situated in the County of Franklin, City of Columbus, State of Ohio, and is described as follows:

TRACT I:

Being Lot Number Two Hundred Thirty (230), Lot Number Two Hundred Thirty-one (231), Lot Number Two Hundred Thirty-two (232) and Lot Number Two Hundred Thirty-three (233), Berwick subdivision, as said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book Number 19, Pages 25, 26 and 27, Recorder's Office, Franklin County, Ohio.

Part of Parcel Number 010-087759-00.

TRACT II:

Being Lots Nos. 210, 211, 212, 224, 225, 226, 227, 228, 259, 260, 261 and 262, Berwick Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 19, Pages 25, 26 and 27, Recorder's Office, Franklin County, Ohio.

Parcel Number 010-087745-00 (Lot 210)

Parcel Number 010-087746-00 (Lot 211)

Parcel Number 010-087747-00 (Lot 212)

Part of Parcel Number 010-087759 (Lots 224-228) and (Lots 259-262)

TRACT III:

Being part of Berwick Park, the same being part of Berwick Subdivision, as the same is shown of record in Plat Book 19, Pages 25, 26 and 27, Recorder's Office, Franklin County, Ohio and being particularly described as follows:

Beginning at an iron pin in the southerly line of Livingston Avenue, at the northwesterly corner of said Berwick Park, same point also being the northeast corner of Lot No. 228 of said Berwick Subdivision; Thence from said beginning point, South 89° 55' East, along the northerly line of Berwick Park and along the southerly line of Livingston Avenue, a distance of 106.0 ft. to an iron pin at the northeasterly corner of said Berwick Park and the northwesterly corner of Lot No. 230 of said Berwick Subdivision;

Thence South 70° 29' West, along the westerly line of Lots Nos. 230, 231, 232 and 233, a distance of 298.50 ft. to a point at the southwesterly corner of said Lot No. 233, same point being witnessed by an iron pin 1.0 ft. Southerly;

Thence North 81° 40' West on a line of the southerly line of Lot No. 233, produced Westerly; a distance of 34.72 ft. to an iron pin in the center line of a ravine;

Thence South 16°07' West, along the center line of said ravine, a distance of 71.22 ft. to an iron pin at an angle in said ravine;

Thence South 49° 00' West and continuing along the center line of said ravine, a distance of 218.25 ft. to an iron pin in the line of the southerly line of Lot No. 259 of said Berwick Subdivision, produced Southeasterly, to the center line of said ravine;

Thence North 53° 43' West, along the line of the southerly line of Lot No. 259, produced Easterly, a distance of 63.44 ft.

to an iron pin at the southeasterly corner of said Lot No. 259; Thence North 29° 25' East, along the easterly line of Lots Nos. 259, 260, 261, 262 and 228, a distance of 413.32 ft., more or less, to an iron pin at an angle point in the easterly line of said Lot No. 228;

Thence North 00° 05' East and continuing along the easterly line of said Lot No. 228, a distance of 105 ft. to the point of beginning, containing 1.374 Acres; subject to all easements and restrictions shown of record.

Part of Parcel No. 010-087759

TRACT IV:

Situate in the State of Ohio, County of Franklin, City of Columbus and being part of Berwick Par, Berwick, of record in Plat Book 19, Pages 25, 26 and 27; also being part of the same tract as conveyed to Walnut Hill Golf Club, Inc. by deed of record in Deed Book 2044 , Page 258; both of the foregoing records being in the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

TRACT V:

Beginning at the northwesterly corner of Lot No. 234, Berwick, of record in Plat Book 19, Pages 25, 26 and 27;

Thence from said point of beginning, South 7° 29' 56" West, along the westerly line of said Lot No. 234, a distance of 45 ft. to the southwesterly corner of Lot No. 234;

Thence North 75° 02' 12" West, with the westerly extension of the southerly line of said Lot No. 234, a distance of 41.15 ft. to a point;

Thence North 16° 7' East, a distance of 41.03 ft. to a point; Thence South 81° 41' East, along the northerly line of said Lot No. 234 , extended Westerly, a distance of 34.72 ft. to the place of beginning; subject to all easements and restrictions shown of record.

TRACT VI:

Beginning at the northwesterly corner of Lot No. 235 Berwick, of record in Plat Book 19, Pages 25, 26 and 27; Thence from said point of beginning, South 7° 29' 56" West, along the westerly line of said Lot No. 235, a distance of 45 ft. to the southwesterly corner of Lot No. 235;

Thence North 66° 20' 30" West, along the southerly line of said Lot No. 235, extended Westerly, a distance of 52.31 ft. to a point;

Thence North 48° 57' 25" East, a distance of 7.33 ft. to a point;

Thence North 16° 7' East, a distance of 30.19 ft. to a point;

Thence South 75° 02' 12" East, along the northerly line of said Lot No. 235, extended Westerly, a distance of 41.15 ft. to the place of beginning; subject to all easements and restrictions shown of record.

Parcel No. 010-092531 (as to 0.039 acres)

Parcel No. 010-092757 (as to 0.044 acres)

The property described above is the same property that is described in Schedule A of First American Title Insurance Company Commitment No. NCS-966168-COL, having an effective date of July 5, 2019.

*SCRIVENOR'S ERROR: Should Read "Thence South 7° 29' West, along the westerly line of Lots Nos. 230, 231, 232 and 233, a distance of 298.80 ft."

To Rezone From: R, Rural District and C-2, 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 Building and Zoning Services be, and is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Department of Building and Zoning Services and shall register a copy of the approved L-AR-1, Limited Apartment Residential District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes, said site plan titled, "**SITE PLAN**," dated March 5, 2021, and said text titled, "**LIMITATION TEXT**," dated April 2, 2021, both signed by Jeanne Cabral, Applicant, and the text reading as follows:

LIMITATION TEXT
3553 REFUGEE ROAD
1.872 Acres

CURRENT ZONING: C-2 AND ANNEX 3671-R (rear of property annexed into Columbus in 1974)
PROPOSED DISTRICT: L-C-4, Limited Commercial District
PROPERTY ADDRESS: 3553 Refugee Rd. (43232)

OWNER: 1414 Property Unlimited LLC

APPLICANT: Jeanne Cabral, Architect; 2939 Bexley Park Road, Columbus, Ohio 43209-2236,
jeannecabral@aol.com.

DATE OF TEXT: April 2, 2021

APPLICATION NUMBER: Z19-038

1. INTRODUCTION:

The subject property ("Site") is located along Refugee Rd., west of Courtright Road and east of Schwartz Rd. The Site lies within the boundaries of the Mideast Area Commission.

A portion of the Site had been annexed to the City in 1974 with R zoning while the remainder of the Site is zoned C-2. The single family house remains and has been used as offices for used car sales for over twenty years. The site has been used for used car sales for approximately 20 years. Upon annexation, the portion of the Site was zoned R. This rezoning to LC-4 will legitimize the use of used car sales and to allow the much needed improvement to the existing building as well as the potential redevelopment of the property at a future date. The site is surrounded by a variety of properties zoned C-2, C-4, L-C-4, L-M, C-3, RRR, LI, ARLD and R, most of which are used as commercial uses. The sites directly to the east and to the west are zoned L-C-4 and car sales and other uses are allowed. The other sites to the east and the west are zoned C-4. This rezoning would be consistent with the other parcels on both sides of this parcel.

This text and the site plan are being submitted to visually depict the existing and proposed setbacks. The existing building shall be permitted to remain as developed; however, any future development or expansion shall conform to the standards set forth in the Columbus Zoning Code.

2. PERMITTED USES:

(C.C.C. §3353.03) C-4 uses shall be permitted for the Site as defined in the Columbus Zoning Code 3356 except:

Automotive Driving Training Facility
Bars, Caberets and Nightclubs
Blood and Organ Banks
Check Cashing and Loans
Community Food Pantry
Missions/Temporary Shelters
Ohio Medical Marijuana Control Program Retail Dispensary
Outdoor Power Equipment Stores
Parking Lots and Parking Garages allowed in C.C. 3356.05
Pawn Brokers
Supermarkets
Vending Machine Operators
Warehouse Clubs and Super Centers
Bowling Centers
Drive-in Motion Picture Theaters
Exterminating and Pest Control Services
Farm Equipment and Supply Stores
Garden, Landscaping and Nursery Centers and Sales
Hotels and Motels
Hotels, Extended Stay
Hospitals
Limousine and Taxi Services
Performing Arts, Spectator Sports and Related Industries
Theater, Dance Companies and Dinner Theaters
Animal Shelter
Amusement Arcade
Halfway House

3. DEVELOPMENT STANDARDS:

Except as specified herein, the applicable development standards shall be as specified in Chapter 3356, C-4 Commercial District.

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

1. Building Setback: The minimum Building setback from the rear property line shall be one hundred (100) feet as depicted on the attached Site Plan.
2. Parking Setback: The minimum parking setback shall be ten (10) feet from Refugee Road right of way as shown on the attached Site Plan.

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

1. One curb cut is existing and will remain. Access to and from the Site is existing and shall be as depicted on the submitted site plan.
2. A commitment is being made with this rezoning that the site shall participate in driveway consolidation by obtaining access to Refugee Road via a cross-access agreement with an adjacent property to obtain access to Refugee Road upon redevelopment of this site or redevelopment of either of the adjacent properties with access to Refugee Road.
3. No parking or storage of vehicles shall be permitted in the public right-of-way.
4. Right of way dedication of 60 feet from the centerline of Refugee road will be required per CCC 4309.17.
4. Sidewalk will be installed upon approval of Site Compliance plan.

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

1. The existing fence will be maintained at the rear property line, with new fence replacing those sections that are unrepairable.
2. Existing paved area in the right of way will be replaced with grass.
3. Screening and landscaping within the setback area and right of way shall be determined at Site Compliance review.

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

N/A

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

N/A

F. Graphics and Signage Commitments

1. For all signage, no more than one tenant panel shall be permitted unless a graphics plan is approved by the Graphics Commission.
2. All signage and graphics will conform to the Columbus Graphics Code. Any variances needed for the applicable graphics requirements will be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments

The site shall be developed in general conformance with the submitted Site Plan. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that 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.

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