



City of Columbus

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

Legislation Text

File #: 0940-2005, **Version:** 1

REZONING APPLICATION: Z04-055

APPLICANT: Cassady Retail Ventures Limited; c/o Jackson B. Reynolds, III, Atty; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

PROPOSED USE: Convenience retail, fuel sales, carwash and unspecified commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 12, 2005.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant's request for the CPD, Commercial Planned Development District to develop a convenience store with fuel sales, a carwash and unspecified commercial uses is consistent with the *Northeast Area Plan* (1994) and the existing zoning and development pattern at the intersection of North Cassady Avenue, Airport Drive and I-670. The proposed CPD zoning district adds two C-5, Commercial land-uses, fuel sales and carwash, to the existing L-C-4, Limited Commercial zoning district that was established on this site in 2003, and at the same time an expanded list of prohibited commercial uses will be adopted. The proposed CPD text includes use restrictions and customary development standards. The CPD site plan depicts parking and building setbacks.

To rezone **1500 NORTH CASSADY AVENUE (43219)**, being 2.02± acres located at the northeast corner of North Cassady Avenue and Airport Drive, **From:** L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development District (Z04-055).

WHEREAS, application #Z04-055 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.02± 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 Northeast Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of the applicant's request for the CPD, Commercial Planned Development District to develop a convenience store with fuel sales, a carwash and unspecified commercial uses because the rezoning proposal is consistent with the *Northeast Area Plan* (1994) and the existing zoning and development pattern at the intersection of North Cassady Avenue, Airport Drive and I-670. The proposed CPD zoning district adds two C-5, Commercial land-uses, fuel sales and carwash to the existing L-C-4, Limited Commercial zoning district that was established on this site in 2003, and at the same time an expanded list of prohibited commercial uses will be adopted. The proposed CPD text includes use restrictions and customary development standards. The CPD site plan depicts parking and building setbacks; 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:

1500 NORTH CASSADY AVENUE (43219), being 2.02± acres located northeast of the intersection of North Cassady Avenue and Airport Drive, and being more particularly described as follows:

2.016 Acre Tract Description, East of North Cassady Avenue, North of Interstate 670, Franklin County, Ohio

Situated in the State of Ohio, County of Franklin, Mifflin Township, located in Quarter Township 3, Township 1, Range 17, United States Military Lands, and being a part of the Cassady Retail Ventures, LTD 35.689 acre tract of record in Instrument Number 200203140066897, of record in the Recorder's Office, Franklin County, Ohio, said 2.016 acre tract being more particularly described as follows:

Beginning, For Reference, at the southwest corner of said 35.689 acre tract in the center of Cassady Avenue and in a northerly Limited Access right-of-way line of I-670(FRA-670-3.93 AA), said point being referenced by a P.K. Nail found 0.28 feet South, and 0.52 feet East;

thence **South 87°40'33" East 70.01 feet** , in a southerly line of said 35.689 acre tract and in a northerly Limited Access right-of-way line, to an iron pipe set marking the **Place of Beginning** of the 2.016 acre tract herein described;

thence **North 42°14'12" West 28.07 feet**, in a proposed Cassady Avenue easterly right-of-way line, to an iron pipe set;

thence **North 03°12'08" East 133.62 feet**, in a proposed Cassady Avenue easterly right-of-way line, to an iron pipe set;

thence **North 03°09'56" East 188.75 feet**, in a proposed Cassady Avenue easterly right-of-way line, to an iron pipe set;

thence **South 86°50'04" East, 260.00 feet**, to an iron pipe set;

thence **South 41°50'04" East, 21.21 feet**, to an iron pipe set;

thence **South 3°09'56" West, 236.54 feet**, to an iron pipe set in a southerly line of said 35.689 acre tract and in a northerly limited access right-of-way line of Interstate 670 (FRA-670-3.93);

thence **South 57°59'06" West 153.84 feet**, in a southerly line of said 36.689 acre tract and a northerly limited access right-of-way line of Interstate 670, to an iron pin found with a cap stamped "Franklin";

thence **North 87°40'33" West 129.37 feet** in a southerly line of said 35.689 acre tract and a northerly limited access right-of-way line of Interstate 670, to the **Place of Beginning** containing 2.016 acres more or less.

Bearings are based on the centerline of Cassady Avenue being North 3°09'56" East as shown on the State of Ohio Department of Transportation's Right of Way Plan FRA-670-3.93-AA, Sheet 17 of 20. Iron pipes set are ¾ inch galvanized pipe 30 inches long with identification cap stamped "POMEROY & ASSOC". This description is based on the results of a field survey in June, 2004 by Gary L. Elswick, Registered Surveyor #6395.

Pomeroy & Associates, LTD; Gary L. Elswick, Registered Surveyor No. 6395.

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 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 text titled, "**CPD OVERLAY TEXT**," and CPD plan titled, "**AIRPOINTE CENTRE**," both signed on May 6, 2005 by Jackson B. Reynolds, III, attorney for the applicant, and the text reading as follows:

CPD OVERLAY TEXT

PROPOSED DISTRICT: CPD, Commercial Planned District

EXISTING DISTRICT: L-C-4

PROPERTY ADDRESS: 1500 North Cassady Avenue

OWNER: Cassady Retail Ventures Ltd.

APPLICANT: Cassady Retail Ventures Ltd.

DATE OF TEXT: May 6, 2005

APPLICATION NUMBER: Z04-055

1. INTRODUCTION: The 2.02± acre tract is being rezoned to add a gasoline sales location with a convenience store and carwash facility to the permitted uses.

2. PERMITTED USES: Gasoline sales, carwash and those uses permitted in Sections 3355.01 and 3356.03, except those uses listed in Chapter 3349 and the following listed uses:

amusement arcade
animal shelter
armored car services
automobile and light truck dealers
automotive repair
automotive sales, leasing and rental
bars, cabarets and nightclubs
billboards
book bindery
bowling centers
building materials and supplies dealers
bus or truck terminal
check cashing and loans
community food pantry
coin operated laundromat
crematory
colleges
dance hall
discount department stores
drive-ins
drive-in motion picture theaters
educational facilities
establishment serving food or beverages to customers in their automobiles
farm equipment and supply stores
funeral homes and services
halfway house
hotels and motes
hospitals
limousine and taxi service
outdoor power equipment stores
missions/temporary shelters
motorcycle, boat and other motor vehicle dealers
motor vehicle sales
parking lots and garages
pawn brokers
payroll services
recreational vehicle dealers
rooftop telecommunications (does not prohibit dish for computer transaction)

monopole telecommunication antennas
schools
skating rink
social services offices
social advocacy organizations
stable
truck, utility trailer, and RV (Recreational Vehicle) sales, rental and leasing
veterinarians
warehouse clubs and super centers

3. DEVELOPMENT STANDARDS: Unless otherwise specified in the following Development Standards, the Development Standards shall be as specified in the Columbus City Code as applicable to the C-4, Commercial District (Chapter 3356).

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

1. The site shall have maximum height of thirty-five (35) feet .
2. The building and parking setbacks from North Cassady Avenue and I-670 shall be 50 feet and 25 feet, respectively.
3. Lot coverage (pavement and building) for the entire site shall not exceed eighty-five (85) percent.
4. The building and parking setbacks to the north and east shall be 10 feet.

B. Access, Loading, Parking and/or other Traffic related commitments.

1. The site will utilize a right turn-in curb cut off North Cassady Avenue which was approved in case ORD #2009-2003 (Z00-084) and will have access to other curb cuts included in the 35± acre rezoning approved by Council as a part of said ordinance. The Transportation Division shall review and approve the curb cut.
2. The access point may be modified with the approval of the City of Columbus Transportation Division.
3. Where appropriate the developer shall install left turn lanes and right drop lanes per City of Columbus specifications.

C. Buffering, Landscaping, Open space and/or Screening commitments.

1. Street trees shall be planted within the parking setback along North Cassady Avenue and I-670 at a ratio of one tree per thirty (30) feet of frontage.
2. Within the parking setback area along North Cassady Avenue and I-670 a three (3) foot average height continuous (except at access points) planting hedge, fence, wall, earth mound or combination hereof shall be installed.
3. Any interior public streets shall meet the same landscaping standards contained in items 3(C) 1 and 2 above.
4. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months.
5. All landscaping shall meet the following minimum size at the time of planting:

Shade trees 2 ½" caliper
Ornamental trees 1 ½" caliper
Evergreen trees 5 feet in height
Shrubs 2 gallon in size

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

1. Mechanical equipment or other utility hardware on the roof of a building shall be screened from view at the property lines.
2. The building material for any office or commercial building shall be brick, stone, glass, masonry (including pre cast) EFIS,

individually or in any combination thereof.

3. The buildings shall have the same building materials on all four (4) sides to provide a consistent facade in all directions.

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

1. All external outdoor lighting shall be cut-off fixtures (down lighting) and shall be designed and placed to prevent spillage of light off the site.

2. Accent lighting shall be permitted provided such light source is concealed from adjacent right-of-way.

3. All wall-mounted lighting shall be shielded to prevent off-site spillage.

4. Except for decorative lighting, all other light poles shall be metal and such light poles shall be of the same color. Light poles in the parking lots shall not exceed 18 feet in height.

5. Wiring within the subject site shall be underground, unless a utility company providing service through or over the property prohibits under ground installation.

6. Dumpsters shall be screened on three sides with material consistent with that which is used on the building to a height of six feet with a gate on the fourth side.

7. The outside display area shall be limited to the following location:

a. Outdoor displays shall only be permitted on a sidewalk area if that sidewalk has a minimum depth of nine (9) feet. At least five (5) feet of said sidewalk shall remain free of display materials to permit pedestrian transit. Outdoor displays measuring four (4) feet by four (4) feet are also permitted at the ends of fuel pump islands. Display areas at the end of fuel islands must be shown on the approved zoning clearance plan.

b. The maximum height for any outside display area shall be three (3) feet.

F. Graphics and Signage commitments.

All signage shall conform to Article 15, Title 33 of the Columbus City Code as it applies to the C-4, Commercial District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous commitments.

1. CPD Criteria

A. Natural Environment: The site is currently vacant and once was part of a nursery operation.

B. Existing Land Uses: To the north and east is vacant property zone L-C-4, to the south is I-670, and to the west is commercial uses zoned L-C-4.

C. Transportation and Circulation: One right turn in to the site has been approved by the Traffic Division and the other access point will utilize a private drive that will serve the surrounding L-C-4 zoned property.

D. Visual Form of the Environment: There are no elevations for the user of the property at this time and the remainder of the 35± acres is vacant so the visual form is minimal.

E. View and Visibility: In the development of the subject property and in location of the buildings, access points and signage, consideration will be given to the visibility and safety of motorists and pedestrians as well as the aesthetic quality of the development.

F. Proposed Development: Convenience store with gasoline and car wash and other permitted uses.

G. Emissions: No adverse affects from emissions are anticipated from the proposed development.

H. Behavior Patterns: The proposed development will mimic the patterns created by the existing convenience store, gas station and car wash located directly southwest of the site.

2. Variances.

No variances to development standards are requested in this ordinance.

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