



## Legislation Details (With Text)

**File #:** 1161-2005      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 6/16/2005      **In control:** Zoning Committee

**On agenda:** 7/18/2005      **Final action:** 7/20/2005

**Title:** To rezone 868 WEST LANE AVENUE (43221), being 0.83± acres located at the northeast corner of West Lane Avenue and Kenny Road, From: R, Rural District, To: CPD, Commercial Planned Development District. (Rezoning # Z05-017)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Z05-017ReportMapProjD.pdf, 2. Z05-017 Mailing Labels.pdf, 3. Z05-017 Data Form.pdf

Date	Ver.	Action By	Action	Result
7/20/2005	2	MAYOR	Signed	
7/20/2005	2	ACTING CITY CLERK	Attest	
7/18/2005	1	Zoning Committee	Approved	Pass
7/18/2005	2	Zoning Committee	Amended as submitted to the Clerk	Pass
7/18/2005	2	COUNCIL PRESIDENT	Signed	
7/11/2005	1	Columbus City Council	Read for the First Time	
7/5/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
7/5/2005	1	Dev Drafter	Sent for Approval	
7/5/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
7/5/2005	1	Dev Drafter	Sent to Clerk's Office for Council	
6/16/2005	1	Dev Drafter	Sent for Approval	

**Rezoning Application Z05-017**

**APPLICANT:** Church on the Lane Antique and Gift Shop, Inc.; c/o C. Bernard Brush, Atty.; 5530 Columbia Road, S.W.; Pataskala, Ohio 43062.

**PROPOSED USE:** Commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on June 9, 2005.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The proposed CPD, Commercial Planned Development District, would permit use of a former gasoline service station building for limited commercial uses and allow for future development of the site consistent with the established zoning and development patterns of the area. The 0.83± acre site is developed with a vacant service station that has been zoned in the R, Rural District since it was annexed into the City in 1998. The applicant is requesting the CPD, Commercial Planned Development District, to bring the existing development into conformance with zoning and to provide additional options for future development.

To rezone **868 WEST LANE AVENUE (43221)**, being 0.83± acres located at the northeast corner of West Lane Avenue and Kenny Road, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District. (Rezoning # Z05-017)

**WHEREAS**, application #Z05-017 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.83± acres from the R, Rural 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, would permit use of a former gasoline service station building for limited commercial uses and allow for future development of the site consistent with the established zoning and development patterns of the area and the 0.83± acre site is developed with a vacant service station that has been zoned in the R, Rural District since it was annexed into the City in 1998. The applicant is requesting the CPD, Commercial Planned Development District, to bring the existing development into conformance with zoning and to provide additional options for future development, 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:

**868 WEST LANE AVENUE (43221)**, being 0.83± acres located at the northeast corner of West Lane Avenue and Kenny Road, and being more particularly described as follows:

**0.825 ACRE BOUNDARY DESCRIPTION**

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Quarter Township 3, Township 1 North, Range 18 West, United States Military Lands, also being all of Lot Numbers 3, 4, 7 and 8, and a portion of Lot Numbers 5 and 6 of the Second Wood-Brown Co. Addition, as the same are numbered and delineated upon the recorded plat there in Plat Book 5, Page 247, and a portion of original West Lane Avenue as vacated in Road Record Number 18, Page 344, Franklin County Engineer's Office, Columbus, Ohio, and also being the lands conveyed to Church On The Lane Antique And Gift Shop, Inc. in Deed Volume 1616, Page 46 and Deed Volume 2457, Page 310 and all of the lands conveyed as Tract 17 to Equilon Enterprises LLC in Instrument Number 200101250016276, all references herein cited being to the records of the Franklin County Recorder's Office, Columbus, Ohio, and being more particularly bounded and described as follows:

Beginning at a 5/8 inch solid iron pin found at the southwesterly corner of Lot Number 2 of said Second Wood-Brown Co. Addition and the southeasterly corner of said Lot Number 3, and at the southwesterly corner of lands conveyed as Parcel 1 to Loren S. Legg and Helen L. Detrick in Instrument Number 199802040025986, and said iron pin also being on the easterly line of said Equilon Enterprises LLC lands and the original northerly line of said vacated portion of West Lane Avenue, and said iron pin found being the true point of beginning of the parcel herein described:

Thence S. 22 degrees 21' 30" E. leaving said original northerly line of the vacated portion of West Lane Avenue and along said easterly line of the Equilon Enterprises LLC lands, and crossing said vacated portion of West Lane Avenue, a distance of 33.03 feet to a point in asphalt on the original centerline and southerly line of said vacated portion of West Lane Avenue, said original centerline now being the existing northerly line of West Lane Avenue (variable right-of-way width), and at the southeasterly corner of said Equilon Enterprises LLC lands:

Thence N. 87 degrees 38' 30" W. along said original centerline and southerly line of said vacated portion of West Lane Avenue and said existing northerly line of West Lane Avenue, and along the southerly line of said Equilon Enterprises LLC lands, a distance of 82.58 feet to a point at the southwesterly corner of said Equilon Enterprises LLC lands:

Thence N. 22 degrees 21' 30" W. leaving said original centerline and southerly line of said vacated portion of West Lane Avenue, and along said existing northerly line of West Lane Avenue and the westerly line of said Equilon Enterprises LLC lands, and crossing said vacated portion of West Lane Avenue, a distance of 33.03 feet to a point in asphalt on said original northerly line of the vacated portion of West Lane Avenue, and at the southwesterly corner of said Lot Number 4 and the southeasterly corner of said Lot Number 5;

Thence N. 87 degrees 38' 30" W. along said existing northerly line of West Lane Avenue and the southerly line of said Lot Numbers 5, 6, 7 and 8, and along the southerly line of said Church On The Lane Antique And Gift Shop, Inc. lands, a distance of 165.16 feet to a point at the intersection of said existing northerly line of West Lane Avenue and the easterly line of Kenny Road (variable right-of-way width), and at the southwesterly corner of said Lot Number 8 and said Church On the Lane Antique And Gift Shop, Inc. lands, and said point is referenced by a ¾ inch hollow iron pin found bent at a bearing of N. 22 degrees 55' 33" W. and a distance of 0.67 feet;

Thence N. 22 degrees 13' 05" W. along said easterly line of Kenny Road, and along the westerly line of said Lot Number 8 and said Church On The Lane Antique And Gift Shop, Inc. lands, a distance of 125.00 feet to a point at the intersection of said easterly line of Kenny Road and the southerly line of Legg Avenue (variable right-of-way width) as indicated in Road Record Number 18, Page 60, Franklin County Engineer's Office, Columbus, Ohio, and at the northwesterly corner of said Lot Number 8 and said Church On The Lane Antique And Gift Shop, Inc. lands;

Thence N. 67 degrees 31' 27" E. along said southerly line of Legg Avenue and the northerly line of said Lot Numbers 8 and 7, and along a northerly line of said Church On The Lane Antique And Gift Shop, Inc. lands, a distance of 75.00 feet to a ¾ inch hollow iron pin found at the northeasterly corner of said Lot Number 7 and the northwesterly corner of said Lot Number 6, and at a northerly corner of said Church On The Lane Antique And Gift Shop, Inc., lands;

Thence N. 84 degrees 49' 58" E. continuing along said southerly line of Legg Avenue and northerly line of said Church On The Lane Antique And Gift Shop, Inc. and crossing said Lot Number 6 and a portion of Lot Number 5, a distance of 68.26 feet to a ¾ inch solid iron pin found at a northeasterly corner of said Lot Number 5 and said Church On The Lane Antique And Gift Shop, Inc. lands;

Thence S. 21 degrees 47' 05" E. continuing along said southerly line of Legg Avenue, and along an easterly line of said Lot Number 5 and said Church On the Lane Antique And Gift Shop, Inc., a distance of 47.05 feet to a point at northeasterly corner of said Lot Number 5 and said Church On The Lane Antique And Gift Shop, Inc. lands;

Thence N. 67 degrees 31' 27" E. continuing along said southerly line of Legg Avenue, and along a northerly line of said Lot Number 5 and the Church On The Lane Antique And Gift Shop, Inc. lands, and along the northerly lines of said Lot Numbers 4 and 3 and the Equilon Enterprises LLC lands, passing a ¾ inch hollow iron pipe found at 10.10 feet at the northeasterly corner of said Lot Number 5 and the northwesterly corner of said Lot Number 4, a total distance of 85.00 feet to a ¾ inch solid pin found at the northeasterly corner of said Lot Number 3 and the northwesterly corner of said Lot Number 2 and at the northeasterly corner of said Equilon Enterprises LLC lands and the northwesterly corner of said Loren S. Legg and Helen L. Detrick Lands;

Thence S. 22 degrees 21' 30" E. leaving said southerly line of Legg Avenue and along the easterly line of said Lot Number 3 and the westerly line of said Lot Number 2, and along the easterly line of said Equilon Enterprises LLC lands and the westerly line of said Loren S. Legg and Helen L. Detrick lands, a distance of 161.70 feet to the true point of beginning of the parcel herein described, containing 0.825 acres, more or less, and subject to all previous easements, restrictions and rights-of-way of record.

The basis of bearings for this description is the centerline of original West Lane Avenue, being N. 87 degrees 38' 30" W. as described in the vacation of part of original West Lane Avenue, of record in Road Record Number 18, Page 344, Franklin County Engineer's Office, Columbus, Ohio

This description was prepared from record information and an actual field survey of the premises conducted in April of 2001.

**Franklin County Auditor's Permanent Parcel Numbers:**  
**010-245536, 010-245534, 010-245535**

**Street Address: 868 W. Lane Avenue**

**To Rezone From: R, Rural 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, "**SITE PLAN**," signed by C. Bernard Brush, attorney for the Applicant, and Donald Schofield, architect for the applicant and dated June 2, 2005; and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," signed by C. Bernard Brush, attorney for the Applicant, and dated June 2, 2005, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

**Proposed District:** CPD  
**Property Address:** 868 W. Lane Avenue  
Columbus, Ohio 43221  
**Owners:** Church on the Lane Antique and Gift Shop, Inc.  
Equilon Enterprises LLC  
**Applicant:** Church on the Lane Antique Gift Shop, Inc.  
c/o C. Bernard Brush, Attorney for same  
**Date of Text:** June 2, 2005  
**Application Number** Z05 - 017

**1. INTRODUCTION**

The subject property is approximately eight-tenths (0.825+/-) acre located at the northeast corner of West Lane Avenue and Kenny Road, being Franklin County Auditor's Parcel Nos.010-245536, 010-245534, and 010-245535. Since 1969, Shell Oil as tenant has operated a gasoline service station on this site with Church on the Lane Antique and Gift Shop, Inc. as owner and landlord of a 0.520 acre parcel (#010-245536) and with Equilon Enterprises, LLC as owner and landlord of a 0.145 acre parcel (#010-245534) and a 0.160 acre parcel (#010-245535). Recently, Shell has removed its pumps and underground tanks and notified the owners that it does not intend to renew its lease when it expires this year. The subject property formerly zoned manufacturing in the township, was annexed into the City of Columbus by Equilon Enterprises LLC (a wholly-owned subsidiary of Shell Oil Company) in July 1998 without a zoning designation, resulting in the current rural district classification. The property surrounding the subject premises is zoned manufacturing directly to the east and on the south side of Legg Ave.(warehouse buildings used for dance lessons) as well as continuing on the east side of Legg Ave. to the railroad tracts (automotive repair shops). Directly to the north and across Legg Ave. from the subject property is the LUCRPD designation along with another rural district parcel (used as a storage yard for building materials). Owners wish to continue the present commercial zoning for this corner to allow for office, retail and highway-oriented businesses, including automobile service stations carryouts, and fast-food business, with development standards that will improve traffic flow at this intersection, promote attractive landscaping and be compatible with surrounding properties by closing one vehicular access to the subject property from Lane Avenue near the intersection with Kenny Road, closing vehicular access from Kenny Road and allowing only one vehicular access (right-in/right-out only) from Lane Avenue, and retaining two vehicular access points from Legg Avenue.

**2. PERMITTED USES**

All C-4 permitted uses listed in Sections 3351, 3353, 3355 and 3356 of the Columbus City Code, excepting adult and child day care centers, schools as defined in C.C. 3303, dwelling units, veterinarians, pet day care or grooming, crematory, community food pantry, mission/temporary shelters, pawn brokers, astrology, fortune-telling and palm-reading, warehouse clubs and super centers, bowling centers, drive-in motion picture theaters, hotels and motels, hospitals, theaters, dance companies and dinner theaters, animal shelter, amusement arcade, halfway house, bars, cabarets and night clubs, billboards, and off-site signs, which shall be prohibited. Further, automobile service stations, carryouts, and fast-food business as permitted in the C-5 commercial district in section 3357 of the Columbus City Code, shall be allowed. All development shall be subject to the following development standards and requirements:

### **3. DEVELOPMENT STANDARDS:**

#### **A. Density Lot and/or setback commitments:**

1. The parking, maneuvering and loading setback from Legg Ave. shall be 10 feet.
2. Building and Canopy setbacks: Other than the current existing building and canopy located on the site, which shall be allowed to remain on the property for any permitted use herein, canopies would be set back at least 15 feet from Lane Avenue and Kenny Road, and all buildings, including any additions or improvements thereto, would be set back at least 25 feet from Lane Avenue and Kenny Road. The building and canopy setbacks from Legg Avenue shall be 10 feet and the building and canopy set backs along the eastern property line abutting Loren S. Legg and Helen L. Detrick lands shall be in accordance with building standards upon zoning clearance.
3. Height. The height of any building permitted shall not exceed 35 feet.
4. Building size: The maximum total size of all buildings on the property shall not exceed 8,000 square feet.
5. Lot Coverage: Lot coverage, including all paved areas and buildings, shall not exceed 85% of the Property Area.

#### **B. Access, Loading, Parking and/or Other Traffic Related Commitments:**

1. Parking Requirements: The parking set back line shall be at least 10 feet from the street right-of-way line.
2. Access: Access to the Property shall be located and limited as shown on the site plan dated June 2, 2005 which allows access only from the existing curb cuts on the northern property line along Legg Avenue and from the south along Lane Avenue (right-in/right-out only) at least 165 feet from Kenny Road, unless the City of Columbus Division of Transportation approves different access locations and/or limitations if the existing building is ever removed, added to, or another building is constructed. The existing curb cuts along Kenny Road and on Lane Avenue nearest Kenny Road shall be closed and landscaped under Section 3(C)(1) herein.

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

1. Surface Parking: Any surface parking lot adjacent to Kenny Road or Lane Avenue shall be screened from Kenny Road or Lane Avenue with a minimum 3 foot high continuous hedge (except at access points), planting hedge, fence, wall, trees or earth mound, or any combination thereof with a minimum opacity of 75%.
2. Miscellaneous Commitments:
  - a. The landscaping required in this section shall count towards satisfying any other landscaping requirements of the Columbus City Code.
  - b. The landscaping required in this section may be satisfied or offset by preserving existing vegetation.
  - c. 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 occurs sooner.
  - d. Frontage trees along Lane Avenue, and Kenny Road shall be planted at the rate of one tree per 30 foot of frontage and allowed to be grouped. The minimum size of any trees at installation shall be 2.5 inch caliper for deciduous and 1.5 inch caliper for ornamental.

#### **D. BUILDING DESIGN AND/OR INTERIOR-EXTERIOR TREATMENT COMMITMENTS:**

1. The existing building shall be permitted to continue to be used, maintained or improved by utilizing comparable and compatible materials.

2. Roof top mechanicals: Any roof top mechanicals equipment or other utility equipment shall be screened from view to prevent equipment from being visible from the property line of the parcel. Ground mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping or any fence or wall utilizing comparable and compatible materials as the building materials.

**E. DUMPSTERS, LIGHTING OUTDOOR DISPLAY AREAS AND/OR ENVIRONMENTAL COMMITMENTS:**

1. Outdoor Display areas:

a. In front of any building, four feet in depth and twelve feet in width provided outdoor display on the sidewalk will only be permitted if a 5 foot wide section of sidewalk remains open along the entire length and a 4' x 4' area at each end of any pump island, if installed.

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

c. The outdoor display area shall contain only those items normally and customarily sold by a convenience store and other seasonal items and products, including but not limited to, firewood, mulch, flowers, Christmas wreaths.

2. Lighting:

a. All external lighting shall be cut-off fixtures (down-lighting) and shall be designed to prevent offsite spillage.

b. All external outdoor lighting fixtures to be used shall be from the same or similar manufacture types to insure compatibility.

c. Accent lighting shall be permitted provided such light source is concealed.

d. Any wall-mounted lighting shall be shielded to prevent offsite spillage.

e. Canopy lighting shall be recessed.

f. Light poles in the parking lot shall not exceed 25 feet.

**F. GRAPHICS AND/OR SIGNAGE COMMITMENTS:**

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**4. CPD REQUIREMENTS**

**A. NATURAL ENVIRONMENT:**

The site has already been developed for use as an automobile service station. The existing vegetation shall be located within the parking setbacks and shall be maintained or replaced with suitable or compatible screening materials.

**B. EXISTING LAND USE:**

Currently, the land use is an existing vacant automobile service station.

**C. TRANSPORTATION AND CIRCULATION:**

The site is located at the northeast corner of West Lane Avenue and Kenny Road from which vehicular access will be closed along Kenny Road, allowing vehicular access to and from Legg Avenue, and to and from Lane Avenue (right-in/right-out only) at least 165 feet from the western property line bordering Kenny Road.

**D. VISUAL FORM OF ENVIRONMENT:**

Owners/Applicant intends to continue using the existing building, if at all possible, for the permitted commercial uses. Owners/Applicant may also demolish the existing vacant structure and remove any overgrown landscaping in conjunction with the development of any new commercial structure with new landscaping that would also enhance the visual environment, if upon expiration of current lease with Shell Oil, owners/applicant are unsuccessful in finding a suitable user for the existing building.

**E. VIEW AND VISIBILITY:**

Repairing, remodeling or upgrading the existing building, together with the installation of new landscaping in the proposed paving set back areas, will assist in attracting the allowed commercial activity back to the Property and will enhance the surrounding neighborhood, which looks depressed because of the current vacancy.

**F. PROPOSED DEVELOPMENT:**

The proposed permitted commercial uses, including but not limited to, auto service stations, carryouts and fast-food business, will continue in the existing building, or if a new building structure becomes necessary, the improvements will be at least equal in size as the existing service station. No variances for parking will be needed and the existing curb cuts on Legg Avenue and one existing curb cut on Lane Avenue will be utilized.

**G. BEHAVIOR PATTERNS:**

The permitted commercial uses will not generate any more vehicular and pedestrian traffic than that generated by the previous automobile service station.

**H. EMISSIONS:**

The site is bordered on the three sides by public streets and manufacturing lots with warehouse buildings along the eastern property line to the east. Odors will be comparable to that already experienced by a motoring public traveling along the public thoroughfares bordering subject property for which there have been no complaints submitted to Code Enforcement. Outside noise from this traffic will continue regardless of the commercial permitted use allowed in this planned text. Trash from any commercial activity will be contained within a dumpster, situated to the satisfaction of the Division of Refuse Collection. Refuse will be dumped between the hours of 8 A.M. and 8 P.M. and will not unduly disturb adjoining properties.

**I. MISCELLANEOUS:**

Variances being requested are: (1) allowing existing building to remain on the property for any permitted use within the proposed setbacks; (2) any and all additions any improvements thereto or new buildings would request a variance from the 25 foot building setback requirement to only 15 foot canopy setback along Lane Avenue, Kenny Road, and 10 foot building and canopy setbacks from Legg Avenue (northern property line); (3) a variance from the 25 foot building set back, front and side yards, to a 10 foot building and canopy setbacks, front and side yards; and (4) variance from 5-foot high parking lot screening requirement to a 3-foot high continuous or planting hedge, planters, fence, wall or earth mound, or any combination thereof along Lane Avenue, Kenny Road, and Legg Avenue and excepting any curb cuts for access. (C.C.C. Sections 3357.01 (D) (1) and (2); 3357.13 (d); 3361.04(A); 3342.17 (a))

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

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

