



## Legislation Details (With Text)

**File #:** 0960-2003      **Version:** 1

**Type:** Ordinance      **Status:** Defeated

**File created:** 5/8/2003      **In control:** Zoning Committee

**On agenda:** 11/19/2018      **Final action:** 11/19/2018

**Title:** To rezone 4939 NORTH HIGH STREET (43214), being 0.5+ acres located at the northwest corner of North High Street and Rathbone Avenue, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0960-2003siteplan.tif, 2. Z99-041JT.wpd, 3. ORD0960-2003zone.tif, 4. ORD0960-2003gis.tif, 5. ORD0960-2003areacomm.tif, 6. ORD0960-2003areacomm2.tif, 7. ORD0960-2003devcomm.tif, 8. ORD0960-2003projdes.tif

Date	Ver.	Action By	Action	Result
11/19/2018	1	Zoning Committee	Taken from the Table	Pass
11/19/2018	1	Zoning Committee	Defeated	Fail
9/10/2003	1	Dev Zoning Drafter	Sent for Approval	
9/10/2003	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
9/10/2003	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
9/9/2003	1	Dev Zoning Drafter	Sent for Approval	
7/29/2003	1	City Clerk's Office	Sent back for Clarification/Correction	
5/8/2003	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	

Rezoning Application Z99-041

HONORABLE MEMBERS OF COUNCIL:

The attached legislation is submitted for Council action.

APPLICANT: Jack Holstein; c/o Michael T. Shannon, Atty.; 10 West Broad Street; Columbus, Ohio 43215.

PROPOSED USE: Expansion of permitted uses for existing commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Disapproval (2-3) on June 10, 1999.

CLINTONVILLE AREA COMMISSION RECOMMENDATION: Disapproval.

To rezone 4939 NORTH HIGH STREET (43214), being 0.5+ acres located at the northwest corner of North High Street and Rathbone Avenue, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District.

WHEREAS, application #Z99-041 is on file with the Building and Development Services Section of The Department of Trade and Development requesting rezoning of 0.5+ acres from CPD, Commercial Planned District to CPD, Commercial Planned Development District, and;

WHEREAS, the Development Commission recommends Disapproval 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 staff can support limited and carefully controlled commercial development only if the design of the site is compatible with the surrounding residential areas. Considering the nature of the neighboring Beechwold Historic District and the site's close proximity to single family uses, the site should have sensitive development standards that mitigate the more intensive effects of commercial development. Crucial to this goal is requiring masonry building materials, pitched roofs, appropriate buffering and landscaping, subdued graphics and site lighting, and other elements. The recently submitted CPD site plan retains these requirements mandated by the former rezoning of the site, now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Zoning Map attached to Ordinance No. 1620-77, passed September 19, 1977, and as subsequently amended be, and the same is hereby revised by changing the zoning of the property as follows:

4939 NORTH HIGH STREET (43214), being 0.5+ acres located at the northwest corner of North High Street and Rathbone Avenue, and being more particularly described as follows:

#### LEGAL DESCRIPTION

4939 NORTH HIGH STREET (43214), being 0.71 ± area located at the northwest corner of North High Street and Rathbone Road, and being more particularly described as follows:

Being 1.0 ± acre located on the west side of North High Street between Rathbone Avenue and Leland Avenue (4939 North High Street), and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus:

Being Lots No. 7, 8, 9, and 10 of Delwanda Addition, as the said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 17, Recorder's Office, Franklin County, Ohio

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.

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Section 3. That the Director of the Department of Trade and 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 and Development Services Section and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building and Development Services Section as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "4939 NORTH HIGH STREET -CPD PLAN," signed by Michael T. Shannon, dated June 9, 1999; and text titled, "COMMERCIAL PLANNED DEVELOPMENT TEXT," signed by Michael T. Shannon, dated June 9, 1999, and reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

Z99-041 - 4939 NORTH HIGH STREET

PROPOSED DISTRICT:	CPD, COMMERCIAL PLANNED DEVELOPMENT
EXISTING DISTRICT:	CPD, COMMERCIAL PLANNED DEVELOPMENT
PROPERTY ADDRESS:	4939 NORTH HIGH STREET, COLUMBUS, OHIO
OWNER:	JACK D. HOLSTEIN C/O MICHAEL T. SHANNON, ESQ.
APPLICANT:	JACK D. HOLSTEIN C/O MICHAEL T. SHANNON, ESQ.
DATE OF TEXT:	JUNE 9, 1999
APPLICATION NUMBER:	Z99-041

1. INTRODUCTION:

The 0.71+ acre parcel is located at the northwest corner of North High Street and Rathbone Road, which is also the intersection with Morse Road and North High Street. The parcel is presently zoned CPD, Commercial Planned Development by Ordinance 901-93, passed April 26, 1993 (Z93-002). Ordinance 901-93 limits the use of the property exclusively to a dental office and further controls use of the property by conditioning the development of the property to a the site plan referenced in the ordinance. The site plan indicates the existing building, parking and maneuvering areas, setbacks, landscaping and circulation patterns.

The site is located on a major arterial and at a signalized arterial intersection with extensive commercial zoning and traffic but, site development and uses need to be sensitive to residential uses in proximity to the site. While the land use relationship of commercially developed property closely abutting residential uses exists throughout the North High Street corridor, the existing site development minimizes any impact on residential uses. Applicant desires to protect this development and the use relationships by conditioning this rezoning request on a site plan reflecting the existing development, as Ordinance 901-93 is conditioned.

Permitted land use is unusually restrictive in that only a single use of the property as a dental

office is permitted, while clearly there are comparable and similar land uses that are compatible with the commercial and residential land use pattern and with the existing development. Site development being limited to the existing development including the existing small building in itself limits the potential impact of any use on the site and surrounding uses. The purpose of this rezoning request then is solely to provide alternate land uses for the property. Permitting additional land uses will permit a vacant, deteriorating building that is being vandalized to be returned to compatible, productive use.

## 2. PERMITTED USES:

The following uses are the only permitted uses:

- a). Art Studio
- b). Bank
- c). Child/Adult Day Care
- d). Financial services, including check cashing, money orders, travelers checks, wire transfers, financing or loan company, mortgage broker and stock broker.
- e). Office
- f). Photography studio
- g). Veterinary hospital (small animals only, no outside runs or pens)

The area of the site west of the alley, as depicted on the plan titled "4939 North High Street - CPD Site Plan" shall be used for no purpose other than accessory parking and placement of a dumpster.

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3. DEVELOPMENT STANDARDS: Unless otherwise indicated in the submitted site plan or in the written text, the applicable development standards shall be those standards contained in Chapter 3353, C-2, Commercial, of the Columbus City Code.

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

- 1. Density: N/A
- 2. Height: The only building permitted on the premises shall be the existing building as depicted on the plan titled "4939 North High Street - CPD Site Plan."
- 3. Lot: N/A
- 4. Setbacks: All building and parking setbacks are existing and shall be as depicted on the plan titled "4939 North High Street - CPD Site Plan."

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

- 1. Access: Access points are existing and shall remain as depicted on the plan titled "4939 North High Street - CPD Site Plan."
- 2. Loading: N/A
- 3. Parking: All parking spaces shall be designed and located as depicted on the plan titled

"4939 North High Street - CPD Site Plan."

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

1. Tree planting and landscaping shall be as depicted on the plan titled "4939 North High Street - CPD Site Plan."

2. If it is necessary to replace any existing plant material from time to time or if additional plant material is provided, the following standards shall apply for minimum caliper/size of new plant material at the time of planting:

- a). Deciduous street trees: 2 1/2" caliper
- b). Evergreen trees: 5-6 feet height
- c). Ornamental Trees: 1" caliper
- d). Shrubs: 2 gallon

3. All landscaping shall be maintained in a healthy condition and any dead plant material shall be removed and replaced within sixty days, weather permitting, with like material at the same size as originally required.

4. Landscaping in addition to that shown on the plan titled "4939 North High Street - CPD Site Plan" may be provided.

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

1. The only permitted building shall be the existing building as depicted on the plan titled "4939 North High Street - CPD Site Plan."

2. There shall be no change to the exterior of the building other than the option to enclose the existing drive-thru area. If the drive-through area is enclosed, the exterior finish of the enclosure shall be brick and the design of the enclosure, materials and colors of materials shall be the same or comparable to the existing exterior of the building. This section shall not be interpreted to mean that the colors of painted areas of the building or roof shingle color cannot change, but rather that the building, with or without the drive-thru area enclosed, shall have a single unifying color scheme.

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

1. Existing parking lot lighting poles (2) are depicted on the site plan. The existing parking lot light poles are sixteen to eighteen feet (16 - 18' +/-) tall. A section view of the existing poles and fixture is depicted on the site plan. Additional parking lot lighting may be installed, but parking lot lighting shall not exceed the height of existing parking lot light poles and fixtures (16 - 18' +/- existing) and shall use the same or comparable fixture in the area east of the alley. Parking lot lighting shall not exceed a total height of fourteen (14) feet in height in the accessory parking area west of the alley and fixtures shall be designed to direct light down and away from the abutting residential dwellings to the west. There may be accent lighting on landscaping and building, but all lighting shall be placed and/or shielded to prevent off-site glare.

2. All light fixtures shall be the same color, which color shall be dark and no-reflective.

3. Dumpsters shall be located and screened as indicated on the plan titled "4939 North High Street - CPD Site Plan."

F. Graphics and Signage commitments.

1. Other than as specified, signage shall conform to the requirements of Article 15, Columbus Graphics Code as applicable to the C-2, Commercial District.

a). Ground Sign: There shall be only one (1) free-standing ground sign on the property, which sign shall be monument-style with a maximum size and height of thirty-five (35) square feet and six (6) square feet, respectively. The ground sign shall be located as depicted on the plan "4939 North High Street - CPD Site Plan."

b). Wall Sign: One (1) internally illuminated wall sign limited to a maximum graphic area of sixty (60) square feet shall be permitted on the east wall of the building, facing North High Street. The existing roof sign facing North High Street shall be removed. Applicant intends to relocate the existing roof mounted internally illuminated graphic by mounting the same sign cabinet on the east wall of the building as a wall graphic. If it is not possible to relocate the existing sign cabinet, the roof mounted sign shall be removed and a new internally illuminated wall sign may be erected facing North High Street, with graphic area being a maximum of sixty (60) square feet.

c). Wall Sign: One (1) non-illuminated wall sign facing Rathbone Road limited to a maximum graphic area of twelve (12) square feet shall be permitted on the south wall of the existing building.

G. Other CPD Requirements

1. Natural Environment: The natural environment is flat. The existing structure is a closed dental practice. The area of the site east of the alley is developed with a one (1) story building, parking and landscaping with one (1) curbcut to Rathbone Avenue. The area west of the alley is presently developed with accessory parking.

2. Existing Land Use: The property is currently zoned CPD, Commercial Planned Development, but use of the property is limited exclusively to a dental office. The following is surrounding zoning and land use: North - Multifamily zoning with one unit having a variance for use as an architects office; East - North High Street with extensive areas of C-4 zoning and commercial uses; South - residentially zoned and garages and rear yards of dwellings; West - residential zoning and single family dwellings along Rathbone Avenue.

3. Circulation: Access points, parking and vehicular circulation patterns are existing and as depicted on the plan titled "4939 North High Street - CPD Site Plan."

4. Visual Form of the Environment: The proposed land uses will use the existing building and site as presently developed, except that the drive-thru area may be enclosed to create additional space. Adequate parking presently exists on-site to meet code requirements with enclosure of the drive-thru area. The development text requires the use of brick if the drive-thru area is enclosed and further requires the same or comparable design, material and colors as the existing building.

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5. Visibility: All site development is existing. The site is visible from both North High Street and Rathbone Avenue. Existing site development creates a pleasing appearance with an attractive one (1) story brick building and substantial landscaping.

6. Proposed Development: All site development is existing and is as depicted on the plan titled "4939 North High Street - CPD Site Plan".

7. Behavior Patterns: The site fronts on both North High Street and Rathbone Avenue, but there is no direct vehicular access to North High Street. There is one (1) existing curbcut on Rathbone Avenue to that portion of the site that is located east of the public alley. The accessory parking area located west of and abutting the public alley is accessed from the public alley. Parking lot aisles provide vehicular circulation areas to parking spaces.

8. Emissions: No adverse effect from emissions shall result from the use of the existing building.

9. Variances: The existing approved site plan upon which Ordinance 901-93 is conditioned and upon which this ordinance is conditioned includes 1) a variance to the minimum parking setback from North High Street for the maneuvering aisle pavement parallel to North High Street and 2) a variance to the minimum ground sign setback to permit the existing ground sign to be three (3) feet from the North High Street right of way.

#### H. Miscellaneous

1. The Subject Site shall be developed in accordance with the plan titled "4939 North High Street - CPD Site Plan" dated June 9, 1999 and signed by Michael T. Shannon. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data. Any slight adjustment to the Plan shall be reviewed and approved by the Director of the Department of Trade and 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.