



## Legislation Details (With Text)

**File #:** 1312-2013      **Version:** 1

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

**File created:** 5/23/2013      **In control:** Zoning Committee

**On agenda:** 6/10/2013      **Final action:** 6/12/2013

**Title:** To rezone 1944 HILLIARD-ROME ROAD (43026), being 0.62± acres located on the east side of Hilliard-Rome Road, 185± feet south of Tanglewood Park Boulevard From: CPD, Commercial Planned Development To: CPD, Commercial Planned Development District. (Rezoning # Z13-027).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1312-2013Attachmentst.pdf, 2. Notice Of Public Hearing - Council Mtg20130610

Date	Ver.	Action By	Action	Result
6/12/2013	1	CITY CLERK	Attest	
6/11/2013	1	MAYOR	Signed	
6/10/2013	1	COUNCIL PRESIDENT	Signed	
6/10/2013	1	Zoning Committee	Approved	Pass
6/3/2013	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z13-027

**APPLICANT:** Moo Moo Express Car Wash LLC; c/o Dave Perry, The David Perry Co.; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215 and Donald Plank, Atty.; Plank Law Firm; 145 East Rich St., 3<sup>rd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** Car wash development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on April 11, 2013.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The proposed car wash development is no more intense than the current car wash and is consistent with the *Trabue / Roberts Area Plan*, (2011), and with the zoning and development patterns of the area. Staff finds the proposed variances to be negligible.

To rezone **1944 HILLIARD-ROME ROAD (43026)**, being 0.62± acres located on the east side of Hilliard-Rome Road, 185± feet south of Tanglewood Park Boulevard From: CPD, Commercial Planned Development To: CPD, Commercial Planned Development District. (Rezoning # Z13-027).

**WHEREAS**, application #Z13-027 is on file with the Department of Building and Zoning Services requesting rezoning of 0.62± acres from CPD, Commercial Planned Development 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 proposed car wash development is no more intense than the current car wash and is consistent with the *Trabue / Roberts Area Plan*, (2011), and with the 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:

**1944 HILLIARD-ROME ROAD (43081)**, being 0.62± acres located on the east side of Hilliard-Rome Road, 185± feet south of Tanglewood Park Boulevard, and being more particularly described as follows:

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

Situated in the state of Ohio; County of Franklin, City of Columbus, LYING in Virginia Military Survey No. 7065 and being part of the 4.693 acre tract conveyed to Continental/HR, LLC by deed or record in Instrument Number 200304170112366 (All references refer to the Records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a PK nail found marking the centerline intersection of Hilliard Rome Road and Tanglewood Park Boulevard;

Thence South 10° 50' 40" East, a distance of 18.00 feet, along said centerline of Hilliard Rome Road, to a point;

Thence North 79° 09' 20" East, a distance of 60.00 feet, across said Hilliard Rome Road right-of-way, to an iron pin set in the easterly right-of-way line of said Hilliard Rome Road at the northwesterly corner of said 4.693 acre tract;

Thence South 10° 50' 40" East, a distance of 167.49 feet, along said easterly right-of-way line of Hilliard Rome Road and westerly line of said 4.693 acre tract, to an iron pin set. Said iron pin being the true point of beginning of the herein described tract;

Thence North 79° 09' 20" East, a distance of 250.65 feet, across said 4.693 acre tract, to an iron pin set in the easterly line of said 4.693 acre tract;

Thence South 04° 57' 17" East, a distance of 110.59 feet, along said easterly line of 4.693 acre tract, to an iron pin set; Thence South 79° 09' 20" West, a distance of 239.30 feet, across said 4.693 acre tract, to an iron pin set in the aforesaid easterly right-of-way line of Hilliard Rome Road and westerly line of said 4.693 acre tract;

Thence North 10° 50' 40" West, a distance of 110.00 feet, along said easterly right-of-way line of Hilliard Rome Road and Westerly line of said 4.693 acre tract, to the TRUE POINT OF BEGINNING, containing 0.619 acres, more or less.

**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.

**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 plan being titled, " **MOO MOO CARWASH - 1944 HILLIARD ROME ROAD,**" and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" both dated April 23, 2013, and signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, and the text reading as follows:

### **COMMERCIAL PLANNED DEVELOPMENT TEXT**

Existing Zoning: CPD (Z03-098)  
Proposed District: CPD  
Property Address: 1944 Hilliard-Rome Road, Columbus, OH 43026  
Applicant: Moo Moo Express Car Wash LLC c/o Dave Perry, David Perry Co., Inc., 145 East Rich Street, FL 3, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 145 East Rich Street, FL 3, Columbus, OH 43215  
Property Owner: Bluewave Laser Wash LLC c/o Kevin Kroos, 2625 Sherwood Road, Bexley, OH 43209  
Date of Text: 04/23/2013  
Application Number: Z13-027

**1.INTRODUCTION:** The subject property was rezoned from L-C-4 to CPD (Z03-098) to add a car wash as a permitted use. The Z03-098 rezoning application was conditioned on a site plan for the car wash. Applicant proposes to raze the existing car wash and build a new car wash that complies with every development standard of the 2003 CPD, but applicant's site plan is different than the site plan upon which the 2003 CPD rezoning was conditioned.

**2.PERMITTED USES:** An automatic car wash and all uses of Section 3356.03, C-4 Permitted Uses, except the following: Used car automobile lot, unless part of a new car automobile dealership, and Off-premise Graphics (Billboards).

**3.DEVELOPMENT STANDARDS:** Unless otherwise required in this text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Regional Scale Commercial District, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards, of the Columbus City Code.

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

- 1.The Hilliard Rome Road building setback shall be a minimum of 60 feet except the setback for vacuum islands, gate access controls or similar equipment that is accessory to a car wash and/or accessory equipment to a C-4 use, such as, but not limited to, a menu board, order station, and/or canopy, shall be permitted at a minimum setback of 25 feet.
- 2.The parking and maneuvering setback from Hilliard Rome Road shall be 25 feet.
3. The maximum building and pavement coverage for the site shall be 85%.

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

All circulation, curb cut and access provided shall be subject to the approval of the City's Public Service Department.

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

1. Street trees shall be planted at approximately 40' on center spacing in the Hilliard Rome Road parking setback. Existing trees in the Hilliard Rome Road parking setback shall satisfy this requirement on a one (1) for one (1) basis.
2. Additional buffering shall be provided along the north, east and west sides of the subject site in a minimum five (5) foot wide strip, consisting of either ornamental trees planted fifteen (15) feet on center, or a continuous hedge measuring a minimum of thirty (30) inches in height. Break(s) in the east buffer shall be provided for vehicular access to the site and break(s) may be provided in the north or south buffers to provide vehicular connection(s) between adjacent property.

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

N/A

**E. Dumpsters, Lighting, Outdoor display areas and/or other environment commitments:**

N/A

**F. Graphics and/or Signage Commitments:**

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

**G. Other CPD Requirements:**

1. Natural Environment. The site is developed with a car wash and is in an area that is extensively developed with commercial uses.
2. Existing Land Uses. The area is developed with commercial uses in all directions.
3. Transportation and Circulation. Access to the site shall be via an internal circulation drive in the shopping center to the east of the site. The shopping center has access to Hilliard Rome Road.
4. Visual form of the Development. The site is located in an area that is extensively developed with commercial uses. Development of the site will be compatible with the area.
5. View and Visibility. The site is located in an area that is extensively developed with commercial uses. Development of the site will be compatible with the area.
6. Proposed Development. Commercial uses as permitted by this development text.
7. Emissions. No adverse affects from emissions shall result from the proposed development. Development of this site is consistent with a broad range of commercial development in all directions from the site.
8. Behavior Patterns. The site fronts on an arterial right of way and is an outlot to a commercial shopping center, as are numerous other outlots on the east side of Hilliard Rome Road. Vehicular access will be from an internal vehicular circulation aisle abutting this site and other outlots to the east. All required parking and maneuvering is fully contained within the outlot.

**H. Modification of Code Standards.**

- 1.3356.11, C-4 District Setback Lines, to reduce the 60 foot Hilliard Rome Road building setback line to 25 feet for vacuum islands, gate access controls, a menu board, order station, and/or canopy or similar equipment that is accessory to a car wash and/or a C-4 use.
- 2.3312.11, Drive-up Stacking Area, to not provide an exclusive by-pass lane, while an outlet from the queuing lanes is provided.

**I. Miscellaneous Commitments:**

1. Applicant's site development plan, titled "Moo Moo Carwash - 1944 Hilliard Rome Road", dated April 23, 2013 and signed April 23, 2013 by David B. Perry and, Agent for applicant, and Donald Plank, Attorney for applicant, is submitted with this application as the site development plan for a car wash built after the effective date of this (Z13-027) rezoning. The referenced site plan is not applicable to the existing car wash nor any site development for a C-4, Commercial District use permitted in paragraph 2. Permitted Uses. The site plan may be slightly 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 is subject to review and approval by the Director of Building and Zoning Services or his designee upon the 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.