



## Legislation Details (With Text)

**File #:** 2728-2013      **Version:** 2

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

**File created:** 11/13/2013      **In control:** Zoning Committee

**On agenda:** 12/9/2013      **Final action:** 12/11/2013

**Title:** To rezone 6193 CLEVELAND AVENUE (43229), being 2.2± acres located on the west side of Cleveland Avenue, 150± feet north of Homeacre Drive, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District and to declare an emergency (Rezoning # Z13-042).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2728-2013 Attachments, 2. Notice Of Public Hearing - Council Mtg 20131209

Date	Ver.	Action By	Action	Result
12/11/2013	2	CITY CLERK	Attest	
12/11/2013	2	ACTING MAYOR	Signed	
12/9/2013	2	COUNCIL PRESIDENT	Signed	
12/9/2013	1	Zoning Committee	Amended to Emergency	Pass
12/9/2013	1	Zoning Committee	Approved as Amended	Pass
12/2/2013	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z13-042

**APPLICANT:** TH Midwest, Inc.; c/o Christopher A. Rinehart, Atty.; Rinehart Legal Services, Ltd.; 300 East Broad Street, Suite 450; Columbus, OH 43215.

**PROPOSED USE:** Fuel sales and car wash in conjunction with convenience retail.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on November 14, 2013.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed a vacant restaurant and a parking lot, and is zoned in the L-C-4, Limited Commercial District. The requested CPD, Commercial Planned Development District will allow the site to be redeveloped with a fuel sales facility and car wash in conjunction with convenience retail. The site is located within the planning area of the *Northland Plan Volume I* (2001), but it is not within a Subarea that gives land use recommendations. The site is also subject to *The Northland Development Standards* (1992), which recommend a thirty-foot landscaped setback (building and parking) along arterial streets as well as maximum lot coverage of 85%. Staff does not object to this proposal since the request does not represent a significant change in the existing conditions with respect to open space and setbacks. The CPD text commits to a site plan, and includes use restrictions, setbacks, maximum lot coverage, landscaping, outdoor display, and abandonment provisions. Variances for car wash stacking spaces, maneuvering over a parcel line, and maximum number of parking spaces are included in the request. The proposal is consistent with the established zoning and development patterns of the area.

To rezone **6193 CLEVELAND AVENUE (43229)**, being 2.2± acres located on the west side of Cleveland Avenue, 150±

feet north of Homeacre Drive, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z13-042).

**WHEREAS**, application #Z13-042 is on file with the Department of Building and Zoning Services requesting rezoning of 2.2± 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 City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District, which will allow redevelopment of the site with a fuel sales facility and car wash in conjunction with convenience retail, is consistent with the established zoning and development patterns of the area; and

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; 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:

**6193 CLEVELAND AVENUE (43229)**, being 2.2± acres located on the west side of Cleveland Avenue, 150± feet north of Homeacre Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lots 107 through 115, inclusive of "Amended Plat No. 2, North Home Acre Park" Subdivision, recorded in Plat Book 20, Page 2, being all of those lands described in the deeds to Columbus Cooker Corporation and Cooker Restaurant Corporation, recorded in Official record Volume 9386-118 and Official Record Volume 18253-A04, respectively, (record references to those of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning at the intersection of the westerly right-of-way line of Cleveland Avenue, with the line common to Lots 115 and 116 of said Subdivision, being at the northwesterly corner of that 0.0141 acre tract of land described in the deed to the City of Columbus, recorded in Official Record Volume 9888-J01, said corner being North 86°20'58" West, 5.00 feet from a ¾" iron pipe found;

thence southerly through said Lots 115, 114, 113, 112, 111, and 110, being along said westerly right-of-way line of Cleveland Avenue, being also the westerly line of said 0.0141 acre tract, South 02°27'27" West, 245.38 feet to the intersection of said line, with the line common to Lots 109 and 110, being the southerly corner of said 0.0141 acre tract, said corner referenced by a 5/8" solid pin found 0.58 feet south and 0.93 feet east;

thence southerly through said Lots 109, 108 and 107, being along said westerly right-of-way line of Cleveland Avenue, said right-of-way line being 40 feet westerly of, as measured perpendicular to and parallel with, the centerline of said Cleveland Avenue, South 03°37'31" West, 91.78 feet to a point referenced by a 3/4" iron pipe found (capped Baker/5539) 0.06 feet north and 0.82 feet east;

thence westerly along a line 10.00 feet southerly of, as measured perpendicular to and parallel with, the line common to said Lots 107 and 108, North 86°20'58" West, 140.03 feet to a ¾" iron pipe found in the line common to Lots 103 and 107 of said Subdivision;

thence northerly along said line common to Lots 103 and 107, North 03°37'31" East, 10.00 feet to a corner common to said Lots 103, 107, 108 and 109, said corner being located 0.31 north of a ½" pinch top pin found in concrete;

thence westerly along the line common to Lots 103, 102, 101 and 109 of said Subdivision, North 86°20'58" West, 149.95 feet to the westerly corner common to said Lots 101 and 109, said corner being located 0.20 feet south on a ½" pinch top pin found in concrete;

thence northerly along the westerly line of said Lots 109, 111, 113 and 115, being the easterly line of Lots 77 and 76 of "North Home Acre Park," recorded in Plat Book 18, Page 20, North 03°37'53" East, (passing said ½" pinch top pin found in concrete at 0.20 feet) a distance of 327.11 feet to a ½" iron pipe found at the westerly corner common to said Lots 115 and 117 of said Subdivision;

thence easterly along the line common to said Lots 117, 115 and 116, South 86°20'58" East, 284.95 feet to the 'Point of Beginning,' containing 2.1955 acres of land, more or less, as surveyed and described in July of 2002, by Carl F. Turner Jr., Registered Professional Surveyor No. S-6702.

Subject, however, to all legal rights-of-way of previous record.

Bearings are referenced in Grid North (Ohio SPC System-South Zone) determined from GPS Observation. Iron pipes called for as set are ¾" I.D., 30" in length, drive flush with the ground, and capped with a yellow plastic plug inscribed "C. TURNER/P.S. 6702.

**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 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, "**SITE PLAN**," and text titled, "**CPD TEXT**" both dated October 30, 2013, and signed by Christopher A. Rinehart, Attorney for the Applicant, and the text reading as follows:

**CPD TEXT**

**2.2 ACRES +/-**

**EXISTING DISTRICT:** L-C-4, Limited Regional Scale Commercial District

**PROPOSED DISTRICT:** CPD, Commercial Planned Development District

**PROPERTY ADDRESS:** 6193 Cleveland Avenue / Parcel I.D.s: 010-207674 / 600-182484

**PROPERTY OWNER:** Bob Evans Farms, Inc.; 3776 South High Street; Columbus, Ohio 43207

**APPLICANT:** TH Midwest, Inc.; 2600 Corporate Exchange Blvd., Ste 170; Columbus, Ohio 43231; c/o: Christopher A. Rinehart, Esq.; Rinehart Legal Services, Ltd.; 300 East Broad Street, Suite 450; Columbus, Ohio 43215

**DATE OF TEXT:** October 30, 2013

**APPLICATION NUMBER:** Z13-042

**INTRODUCTION:**

The subject property consists of two (2) parcels totaling 2.2+/- acres located at 6193 Cleveland Avenue ("Site"). The Site is currently occupied by a vacant Bob Evans restaurant and is zoned L-C-4, Limited Regional Scale Commercial District.

Applicant proposes to rezone the Site to CPD, Commercial Planned District, to allow the construction of a Turkey Hill Minit Market. The approximate 2.2+/- acre site will be developed with (1) a retail convenience store, (2) a fuel sales canopy that includes eight pump island dispensers, totaling sixteen fueling positions, and (3) a one-bay automatic car wash, as illustrated on the attached CPD Site Plan. This CPD text is submitted in support of the zoning application.

**1. PERMITTED USES:**

**A. Chapter 3356 (C-4), Regional Scale Commercial District**

1. Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall be those allowed in Chapter 3356 (C-4), of the Columbus City Code.

**B. Chapter 3357 (C-5), Highway Oriented Commercial Development**

1. Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall include an automobile service station and car wash as permitted by Chapter 3357 of the Columbus City Code.

**C. Prohibited Uses**

The following uses are specifically prohibited and shall not be on the Site:

Assembly Hall  
Auto rental, new or used  
Auto repair (Garage)  
Auto sales, new or used  
Bar  
Billboards, except for the one two-faced presently located on the premises  
Bowling Alley  
Business College  
Cabaret  
Cellular Telephone Towers  
Commercial radio transmission or television station or appurtenances  
Dance halls  
Electric substation  
Funeral Parlor  
Hospital (public/private)  
Hotel  
Motel  
Motion picture theater  
Motor bus terminal  
Newspaper printing  
Night club  
Off premise graphics  
Pool Hall  
Private club  
Public parking for pay

Skating rink  
Telephone substation  
Testing or experimental laboratory  
Trade School

**2. DEVELOPMENT STANDARDS:** Unless otherwise stated herein, the applicable development standards shall be as specified in Chapter 3356 of the Columbus City Code.

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

1. Building Setbacks: The minimum building setback from Cleveland Avenue shall be as shown on the attached site plan.
2. Parking Setbacks: The minimum parking, loading and maneuvering setback shall be as shown on the attached site plan.
3. Lot Coverage: For structures and paved areas, lot coverage shall not exceed eighty-five percent (85%)

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

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Planning and Operations Division.
2. Curb cuts shall be approved by the City of Columbus Planning and Operations Division. Access to and from the Site is proposed to be provided from three access points, two access points located along Cleveland Avenue and one from the property west of the Site, as depicted on the attached site plan.

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

1. Landscaping shall be installed in accordance with the site plan.

**D. Building Design and/or Interior-Exterior Treatment Commitments [N/A]**

**E. Lighting, Outdoor Display Areas, and/or Other Environmental commitments**

1. Outdoor display and/or sales shall be limited to the following areas:
  - a. Outdoor displays shall be permitted on an internal sidewalk and shall be located in a manner that maintains a four (4) foot wide clear walkway for pedestrians at all times.
  - b. Pump island end cap displays shall not exceed a footprint of 3' x 3' nor exceed a height of 4'.

**F. Graphic and Signage Requirements**

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33, of the Columbus City Code as it applies to the C-4, Regional Scale Commercial District, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**G. Miscellaneous Commitments**

1. The Site shall be developed in accordance with the site plan and details. The plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of Development of Building and Zoning Services, or a designee, upon submission of the appropriate

data regarding the proposed adjustment.

2. Section 3357.18 of Columbus City Code shall apply if fuel sales are abandoned according to the definition included in this Section of the Columbus City Code. The owner/lessee shall follow the requirements found in Section 3357.18 (a through e) in order to secure the site and maintain the aesthetics of the property.

## **H. CPD Criteria**

### **1. Natural Environment**

The Site is located at the intersection of Corporate Exchange Boulevard and Cleveland Avenue. The natural environment of the Site is a vacant Bob Evans restaurant.

### **2. Existing Land Use**

The property is currently zoned LC-4, Limited Regional Scale Commercial District. The rezoning permits commercial use of the Site pursuant to existing C-4 standards as well as a limited C-5 use for an automobile service station, car wash, and ancillary parking.

### **3. Transportation and Circulation**

There will be direct vehicular access to the Site from Cleveland Avenue and from the property west of the Site, as illustrated on the attached CPD Site Plan.

### **4. Visual Form of the Environment**

The existing uses/zoning of the surrounding properties are as follows:

East: Across Cleveland Avenue are two parcels, one zoned C-4 and the other zoned C-3.  
North: There is one parcel to the north, and it is zoned LC-4.  
West: There are two parcels located directly to the west of the subject property. One parcel is a portion of the parcel to the north and is zoned LC-4. The other parcel lies outside of the boundaries of the City of Columbus and appears to be residential in nature.  
South: There are four parcels to the south. Three of the parcels are located outside of Columbus' jurisdiction and are zoned rural. The fourth parcel is located within the jurisdiction of the City of Columbus and is zoned C-1.

### **5. View and Visibility**

The Site is clearly visible from Cleveland Avenue.

### **6. Proposed Development**

The proposed development is a Turkey Hill Minit Market with (1) a retail convenience store, (2) a fuel sales canopy that includes eight pump island dispensers, totaling sixteen fueling positions, and (3) a one-bay automatic car wash, as illustrated on the attached CPD Site Plan.

### **7. Behavior Patterns**

As indicated and set forth on the site plan, access to the Site will be facilitated from Cleveland Avenue and from the property west of the Site. The proposed development is not expected to significantly alter existing traffic behavior patterns.

**8. Emissions**

No adverse emissions are expected from this development.

**9. Variances.**

The use of the CPD mechanism permits certain variances to the required development standards. Applicant requests the variances set forth in Section I below.

**I. Variances.**

Applicant seeks variances to the following provisions of the Columbus City Code:

1. 3312.11 Drive-Up Stacking Area

The applicant seeks a variance to the above-referenced section to allow an automatic car wash without an exclusive by-pass lane.

2. 3312.25 Maneuvering

The applicant seeks a variance to the above-referenced section to allow maneuvering to cross a parcel line as the two (2) parcels cannot be combined into one parcel.

3. 3312.49 Parking Spaces

The applicant seeks a variance to the above-referenced section to permit the location of 36 total parking spaces, two of which are handicap spaces, which is four more than the code-required maximum.

**SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~  
That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**