# Legislation Details (With Text)

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| **File #:** | 1944-2017 **Version:** 2 | | |
| **Type:** | Ordinance | **Status:** | Passed |
| **File created:** | 7/10/2017 | **In control:** | Zoning Committee |
| **On agenda:** | 7/31/2017 | **Final action:** | 8/3/2017 |
| **Title:** | To rezone 1541 SCHROCK ROAD (43229), being 0.7± acres located at the southwest corner of Schrock and Karl Roads, From: C-5, Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z17-004). | | |
| **Sponsors:** | | | |
| **Indexes:** | | | |
| **Code sections:** | | | |
| **Attachments:** | 1. ORD1944-2017AttachmentsAmended.pdf, 2. ORD1944-2017Labels, 3. ORD1944-2017Attachments | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 8/3/2017 | 2 | ACTING CITY CLERK | Attest | |
| 8/2/2017 | 2 | MAYOR | Signed | |
| 7/31/2017 | 2 | COUNCIL PRESIDENT | Signed | |
| 7/31/2017 | 1 | Zoning Committee | Approved as Amended | Pass |
| 7/31/2017 | 1 | Zoning Committee | Amended as submitted to the Clerk | Pass |
| 7/24/2017 | 1 | Columbus City Council | Read for the First Time | |

**Rezoning Application: Z17-004**

**APPLICANT:** Morning Star Partners, LLC; c/o Kyle Kitzmiller, Applicant; 7795 Five Mile Road; Cincinnati, OH 45230; and Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215.

**PROPOSED USE:** General retail.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-1) on July 13, 2017.

**CITY DEPARTMENTS' RECOMMENDATION:** ~~Disapproval.~~ **Approval.** The site is undeveloped and zoned in the C-5, Commercial District. The requested CPD, Commercial Planned Development District would permit general retail development. The CPD text commits to a site plan and elevation drawing, provides commitments for buffering and screening, and includes a parking reduction of six required spaces. The permitted uses in the CPD text include only those uses in the C-4, Commercial District with several restrictions. The site is located within the boundaries of the *Northland I Area Plan* (2014), which recommends "Neighborhood Commercial" land uses for this location. The *Northland I Area Plan* also recommends that buildings be designed to address the street and enhance the pedestrian experience, that parking be located to the rear of the building, and that parking needs be balanced with the goal of creating walkable, bikeable neighborhoods. ~~Staff is supportive of the use, but requests the building be placed at the corner with parking to the rear, as recommended by the Plan. Staff does not believe that deviation from this provision is warranted on the subject site.~~ **While the Plan recommends that the building be placed at the corner with parking to the rear, Staff supports deviation from this provision because the parcel is part of a platted subdivision, and adjacent properties along Schrock Road have comparable building setbacks. The proposed use is consistent with the Plan's land use**



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**recommendations.**

To rezone **1541 SCHROCK ROAD (43229),** being 0.7± acres located at the southwest corner of Schrock and Karl Roads, From: C-5, Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z17-004).

**WHEREAS,** application # Z17-004 is on file with the Department of Building and Zoning Services requesting rezoning of 0.7± acres from C-5, 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 ~~dis~~approval of said zoning change because the *Northland I Area Plan* recommends **"Neighborhood Commercial" land uses for this location** ~~design criteria that would place the building at the corner with parking to the rear. While staff is supportive of the proposed use, staff does not believe that deviation from the Plan's design criteria is warranted~~ **While the Plan recommends that the building be placed at the corner with parking to the rear, Staff supports deviation from this provision because the parcel is part of a platted subdivision, and adjacent properties along Schrock Road have comparable building setbacks. The proposed use is consistent with the Plan's land use recommendations**; and

**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:

**1541 SCHROCK ROAD (43229),** being 0.7± acres located at the southwest corner of Schrock and Karl Roads, and being more particularly described as follows:

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

And known as being 0.701 acre out of Lot Number One hundred nineteen (119) in Devonshire North, as shown of Record in Plat Book 43, Pages 58 and 59, Recorder's Office Franklin, County, Ohio, as said 0.701 acre tract was conveyed to the Standard Oil Company by Deed of Record in Deed Book 3456, Page 803, Recorder's Office Franklin County, Ohio, and bounded and described as follows:

Beginning at a 3/4 inch ID iron pipe set in the West line of Karl Road (80 feet wide), at the Southeast corner of said 0. 701 acre tract and at the Northeast corner of a 0.333 acre tract of land conveyed out of said Lot No. 119 to Lois]. Coughlin by Deed of Record in Official Records Volume 1732, Page G 14, Recorder's Office Franklin County, Ohio, said iron pipe being North 3 deg. OS' 00" East, a distance of 243.60 feet from a point at the Southeast corner of said Lot No. 119

Thence North 87 deg. 25' 43" West, along the South line of said 0.701 acre tract and along the North line of said 0.333 acre tract, a distance of 175.00 feet to a 3/4 inch ID iron pipe found at the Southwest corner of said 0.701 acre tract, at the Northwest corner of said 0.333 acre tract and at the Southeast corner of a 0.641 acre tract of land conveyed out of said Lot No. 119 to Richard C. and Mary L Shay by Deed of Record in Deed Book 3624, Page 400, Recorder's Office Franklin County, Ohio;

Thence North 3 deg. OS' 00" East, along the West line of said 0.701 acre tract and along the East line of said 0.641 acre tract, a distance of 17 5.00 feet to a 3/4 inch ID iron pipe set in the South line of Schrock Road (120 feet wide), in the North line of said Lot No. 119, at the Northwest, corner of said 0.701 acre tract and at the Northeast corner of said 0.641 acre tract;

Thence South 87 deg. 25' 43" East, along the South line of Schrock Road, along a portion of the North line of said Lot


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No. 119 and along the North line of said 0.701 acre tract, a distance of 154.82 feet to a 3/4 inch ID iron pipe set at a point of curvature;

Thence Southeasterly along a curve, connecting the South line of Schrock Road with the West line of Karl Road, along the curved Northeast line of said 0.701 acre tract, along the curved Northeast line of said Lot No. 119, and with a curve to the right, data of which is: Radius- 20.00 feet and Delta- 90 deg. 30' 43", a chord distance of 28.41 feet bearing South 42 deg. 10' 21" East, to a 3/4 inch ID iron pipe set at a point of tangency, in the West line of Karl Road, in the East line of said Lot No. 119 and in the East line of said 0. 701 acre tract;

Thence South 3 deg. OS' 00" West, along the West line of Karl Road, along a portion of the East line of said Lot No. 119 and along the East line of said 0.701 acre tract, a distance of 154.82 feet to the place of beginning;

Containing 0.701 acres of land, more or less.

The above description was prepared by John F. Wicker, Jr., Ohio Surveyor No. 6261, of C. F. Bird & R, .J. Bull, Inc., Consulting Engineers & Surveyors, Worthington, Ohio, from an actual field survey performed in May, 1989. Basis of bearings is the Plat of Devonshire North (Plat Book 43, Pages 58 and 59).

PPN: 610-105223-00

**To Rezone From:** C-5, 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 plans being titled, "**SITE PLAN**," **dated July 27, 2017, and signed by Dave Perry, Agent, David Perry Company, Inc.,** and "**EXHIBIT A**," dated July 6, 2017, and signed by Kyle Kitzmiller, Applicant, and text titled, "**CPD TEXT**," dated July ~~13~~ **27**, 2017, and signed by Dave Perry, Agent, David Perry Company, Inc., and the text reading as follows:

**CPD TEXT**

**PROPOSED DISTRICT: CPD; Commercial Planned Development**
**PROPERTY ADDRESS: 1541 Schrock Road**
**OWNER: Rader Car Real Estate, LLC**
**APPLICANT: Morning Star Partners, LLC**
**DATE OF TEXT: 07/~~13~~ 27/2017**
**APPLICATION: Z17-004**

**INTRODUCTION:**

The site ~~in question~~ is located at the southwest corner of Schrock **Road** and ~~&~~ Karl Road~~s~~. ~~in the City of Columbus.~~ The proposed application is to re-zone subject site from C-5 to CPD.

**1. PERMITTED USES:**

Those uses permitted in Chapter 3356 of C-4, Commercial **District** of the Columbus City Code, except the following uses, which shall be prohibited: bars, cabarets, nightclubs, blood/organ banks, check cashing/loans, halfway houses,

missions/temporary shelters, pawn brokers, monopole telecommunication antennas, animal shelters, billboards & other off-premises signs, motorcycle, boat & other motor vehicle dealers (not including new car dealers), truck, utility trailer & RV (recreational vehicle) sales, rental & leasing, used automobile sales, unless associated with a new automobile dealership.

**2. DEVELOPMENT STANDARDS:**

Unless otherwise indicated in this text or submitted drawings, the applicable development standards are contained in Chapter 3356; C-4, Commercial **District,** of the Columbus City Zoning Code.

**A. Density, Height, Lot and/or Setback Requirements:**

N/A

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

~~N/A~~ **Code required parking is reduced from 34 spaces to 28 spaces.**

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

~~1. The frontage along Schrock Road & Karl Road shall be landscaped as follows: 1 tree per 40 lineal feet, as shown on the site plan. Trees may be grouped or evenly spaced.~~

**1. Street trees shall be provided along the frontage of Schrock Road and Karl Road. Street trees shall be placed at approximately one (1) tree per 40 lineal feet, as depicted on the site plan. Street trees may be placed in the right of way of Schrock Road and Karl Road, with applicable City permission, or, otherwise shall be placed in the ten (10) foot parking setback on each street.**

2. Parking lots **screening** shall be screened provided in accordance with Section 3312.21(D), Landscaping and Screening, and, in addition, perennial flowering plant beds shall be provided as depicted on the site plan. ~~from Schrock Road & Karl Road by headlight screening a minimum of 3 feet in height, as shown on the site plan.~~

~~3. A minimum of two (2) brick (finish) columns shall be placed along each of the Schrock Road and Karl Road property lines, in both directions from the corner of Schrock Road and Karl Road. The columns shall be a minimum of 3'-0" tall and located 20 feet +/- on center. Fence with an appearance of wrought iron (aluminum) and 2'-6" (minimum) tall shall be placed between the columns.~~

**3. A total of four (4) brick (finish) columns shall be installed, with two (2) placed along each of the Schrock Road and Karl Road property lines, as depicted on the Site Plan. The columns shall be a minimum of 3'-0" tall and located 20 feet +/- on center on each frontage. The exact location of the columns shall be determined in conjunction with the final Site Compliance Plan and the location of the columns is subject to approval by the Department of Public Service.**

**D. Building Design and/or Interior-Exterior Treatment Commitments:**

The building design shall be as indicated on the attached Building Elevation rendering, titled 'Exhibit A'

**E. Dumpsters, Lighting, Outdoor Display Areas, and/or other Environmental Commitments:**

N/A

**F. Graphics and Signage Commitments:**



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All graphics and signage shall comply with the Graphics Code, Article 15; Title 33 of the Columbus City Code. Any variances to the above requirements will be submitted to the Columbus Graphics Commission for consideration.

**G. Miscellaneous:**

The Subject Site shall be developed in accordance with the Site Plan & Elevations (Exhibit A), dated and signed by Dave Perry, Agent, and/or Kyle Kitzmiller, Applicant. The Site Plan and Elevations may be adjusted to reflect engineering, topographical or other site data obtained at the time of development or when engineering plans are completed. Any adjustment to the Zoning Site Plan shall be reviewed and may be approved by the Director of the Department of Building & Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment

***Variances:***
Section 3312.49(C), *Table 2; Parking Requirements for Retail and Other Commercial Uses*: To reduce the required number of parking spaces from 34 to 28.

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