



## Legislation Details (With Text)

**File #:** 1014-2019      **Version:** 1

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

**File created:** 4/3/2019      **In control:** Zoning Committee

**On agenda:** 4/29/2019      **Final action:** 5/2/2019

**Title:** To rezone 8500 NORTH HIGH STREET (43035), being 1.11± acres located at the northeast corner of North High Street and Lazelle Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z18-081).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1014-2019\_Attachments, 2. ORD1014-2019\_Labels

Date	Ver.	Action By	Action	Result
5/2/2019	1	CITY CLERK	Attest	
5/1/2019	1	ACTING MAYOR	Signed	
4/29/2019	1	COUNCIL PRESIDENT	Signed	
4/29/2019	1	Zoning Committee	Waive the 2nd Reading	Pass
4/29/2019	1	Zoning Committee	Approved	Pass

### Rezoning Application Z18-081

**APPLICANT:** Richard M. Turner; Diamond Z Engineering; 5670 State Road; Cleveland, OH 44134.

**PROPOSED USE:** Fuel station and convenience store.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on March 14, 2019.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 1.19± acre site is developed with a fuel station and convenience store in the CPD, Commercial Planned Development District. The applicant is requesting a new CPD district to permit the redevelopment of the site with a new fuel station and convenience store. The CPD text establishes use restrictions and supplemental development standards that address building and parking setbacks, traffic access, landscaping and screening, dumpster location, lighting controls, and includes a commitment to a site plan. Additionally, a variance to reduce the parking setback along North High Street is included in the text. The site is within the boundaries of the *Far North Area Plan* (2014), which recommends "Mixed-use Community" land uses at this location. The proposed use is consistent with the Plan's recommendation and is compatible with the surround zoning and development patterns along North High Street.

To rezone **8500 NORTH HIGH STREET (43035)**, being 1.11± acres located at the northeast corner of North High Street and Lazelle Road, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning #Z18-081).

**WHEREAS**, application #Z18-081 is on file with the Department of Building and Zoning Services requesting rezoning of 1.19± 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 requested CPD, Commercial Planned Development District will permit a new fuel station and convenience store which is consistent with the *Far East Land Use Plan*'s land use recommendation; 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:

**8500 NORTH HIGH STREET (43035)**, being 1.1± acres located at the northeast corner of North High Street and Lazelle Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Delaware, City of Columbus, in Farm Lot 8, Section 3, Township 3 North, Range 18 of West of the United States Military District Lands, and being a portion of land conveyed to True North Energy LLC & Claire Acquisitions, LLC in Volume 719, Pages 1799 - 1805 of the Delaware County Deed Records and is further bounded and described as follows:

Commencing at the centerline intersection of North High Street (U.S Route 23) (Width Varies) and Lazelle Road (55' wide), thence South 87°07'48" East along the centerline of said Lazelle Road, a distance of 69.35 feet; Thence North 02°53'01" West, a distance of 25.13 feet to the Southeasterly corner of the said North High Street Right-of-Way Drop as recorded in Volume, Page of the Delaware County Deed Records and a point on the Northerly right of way of said Lazelle Road and said point being the Principal Place of Beginning of the parcel herein described;

Thence North 02°53'01" West, along the Easterly line of said North High Street Right-of-Way Drop, a distance of 274.73 feet to the Northerly line of said True North Energy LLC & Claire Acquisitions, LLC parcel and the Southerly line of a parcel of land conveyed to Robert H. Rice & Rhonda Rice Co-Trustees by deed recorded in Book 1379, Pages 2770 - 2771 of Delaware County Records;

Thence South 87°21'22" East, along the Northerly line of said True North Energy LLC & Claire Acquisitions, LLC parcel & the Southerly line of said Rice parcel, a distance of 175.86 feet to a capped iron pin found at the Northeasterly corner of said True North Energy LLC & Claire Acquisitions, LLC parcel and an interior corner of said Rice parcel;

Thence South 02°53'01" East, along the Easterly line of said True North Energy LLC & Claire Acquisitions, LLC parcel and A Westerly line of said Rice parcel, a distance of 275.43 feet to a 3/4" iron pipe found at the Southeasterly corner of said True North Energy LLC & Claire Acquisitions, LLC parcel and the Southwesterly corner of said Rice parcel on the Northerly right of way of said Lazelle Road;

Thence North 87°07'48" West, along the Northerly right of way for said Lazelle Road, a distance of 175.93 feet to the Principal Place of Beginning and containing a total of 1.1054 Acres (48,151 Square Feet) of land, as surveyed by Thomas J. Neff, Jr., Registered Surveyor No.7065-Ohio of Neff & Associates, Dated: February 16, 2018.

The basis of bearings for the premises surveyed is derived from VRS GPS observations performed in February, 2018, NAD83 (CORS96), Ohio State Plane Coordinate System, South Zone (3402), observed bearing for Lazelle Rd., as stated North 87°07'48" West, and are used to denote angles only.

Monuments described as "5/8" iron pin set are (5/8"x30") rebar with yellow cap stamped "Neff & Assoc."

Be the same more or less, but subject to all legal highways and easements of record.

**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 site plan being titled, “**CPD SITE PLAN**” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT**,” both dated February 21, 2019, and signed by Richard M. Turner, Agent for the Applicant, and the text reading as follows:

#### **COMMERCIAL PLANNED DEVELOPMENT TEXT**

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

**PROPERTY ADDRESS:** 8500 North High Street, Lewis Center, OH 43035

**OWNER:** True North Energy LLC and Clare Acquisitions LLC

**APPLICANT:** Richard M. Turner - Diamond Z Engineering

**5670 State Road Cleveland, OH 44134**

**DATE OF TEXT:** 2/21/2019

**APPLICATION NUMBER:** Z18-081

**I. INTRODUCTION:** The property subject to this rezoning is located on the NE corner of North High Street and Lazelle Road. The property has been a retail gasoline dispensing facility since 1993. It was annexed into the City of Columbus in 2000 under CPD Z00-056. If approvals can be obtained, the site will be razed and rebuilt in 2019. As a result of review by the Columbus Traffic Management, 14’ of additional right-of-way is required along High Street. At the city’s request, the CPD is being revised to bring the use into conformance with current zoning requirements. The site is located within the Far North Columbus Communities Coalition jurisdiction.

**II. PERMITTED USES:** The permitted use shall be a gasoline service station with canopy, pump islands, and convenience store.

**III. DEVELOPMENT STANDARDS:** Unless otherwise indicated in the written text or the submitted Site Plan, the applicable development standards are contained in Chapter 3356, C-4 Regional Scale Commercial Development of the Columbus City Code.

**A. Density, Height and Setback Commitments:** The parking setback along High Street shall be maintained at 5 feet and along Lazelle Road at 10 feet. The building setback along High Street shall be 39’ and along Lazelle Road 30’, as shown on the submitted plan.

**B. Access, Loading, Parking and other Traffic- Related Commitments:** Access shall be through the existing approaches, as shown on the site plan unless otherwise approved by the Department of Public Service, Division of Traffic Management.

**C. Buffering, Landscaping, Open space and/or Screening Commitments:** Applicant shall install headlight screening or landscaping along both the High and Lazelle frontages as shown on the submitted plan.

**D. Building Design and/or Interior-Exterior Treatment Commitments:** The building shall be constructed of brown brick with a tan EIFS accent band. The building entrance will be covered by faux stone topped with bronze colored

flashing to match the rest of the building.

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

1. The dumpster enclosure shall be constructed of brick to match the building with a 6' high gate across the front.
2. The outside display areas shall be limited to the following locations and shall be permitted only in association with a gas/convenience store user:
  - a. In front of the building and/or along the side of the building, four (4) feet in depth and twelve (12) feet in width.
  - b. In a four (4) foot by four (4) foot area at the end of each fuel pump.
  - c. The maximum height for any outside display area shall be three (3) feet. Any exterior propane display enclosure shall be located within the area identified above for outdoor display. 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, fire wood, mulch, flowers, Christmas wreaths.
  - d. All types of vending machines except ice machines, video rental machines, and air machines shall be located inside the building.
3. Canopy light fixtures shall be recessed into the canopy deck. The maximum height of pole lighting shall be 18 feet.

**F. Graphics and Signage Commitments:** All graphics and signage shall conform to Article 15 and Chapter 3377 of the Columbus City Code. Any variance to graphics and signage commitments shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous Commitments:**

1. The Site shall be developed in accordance with the submitted or CPD Site Plan. The Plan may be adjusted to reflect engineering, topographical, or other site data developed at the time the development and engineering plans are completed. Any adjustment to the Plan shall be reviewed and may be approved by the director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.
2. Requested Variance: Applicant is requesting a variance under Section 3312.27, Parking Setback Line, to reduce the parking setback from 10 feet to 5 feet along N. High Street, which was rendered noncompliant with C-4 development standards when the City required 14' of property to be dedicated as right-of-way along High Street.
3. Abandoned fuel sales establishments: An abandoned service station, filling station, or fuel sales establishment is one which has ceased operations or is closed to the public for at least six months in any 12-month period. The owner or lessee of the abandoned service station, filling station, or fuel sales establishment or related structures shall, within, seven days of the beginning of the closure period referred to herein: (a) Install wheel blocks, firmly attached, across the driveway entrance to the service station to prohibit unauthorized vehicle parking or abandonment of motor vehicles; (b) Shall remove all signs and pumps; (c) Shall board up all windows, garage doors and entrances to prevent the breakage of glass and the unauthorized entrance therein; (d) Take appropriate action as required by the city of Columbus Fire Code to treat abandoned underground tanks and; (e) Shall during the closure period cut all grass, remove all rubbish and weeds and continue such maintenance as may be necessary to prevent the building or structure from deteriorating into a state of disrepair.

**IV. CPD REQUIREMENTS:**

**A. Natural Environment:** The Site is located on the NE corner of North High Street and Lazelle Road in Delaware County. The site is bordered by Delaware County PC and parkland to the west; C-2 to the north and east; and Columbus

CPD to the south.

**B. Existing Land Use:** The property is currently developed under CPD Z00-056 as a gasoline service station with canopy, pump islands, and convenience store.

**C. Transportation and Circulation:** Access to and from the site includes a curb cut onto each street as shown on the site plan.

**D. Visual Form of the Environment:** The proposed development will be of an aesthetically pleasing form that will have no detrimental effect to the environment.

**E. View and Visibility:** In the development of the subject property and the location of the buildings and access points, consideration has been given to the visibility and safety of the motorists and pedestrians.

**F. Proposed Development:** A gasoline service station with canopy, pump islands, and convenience store.

**G. Behavior Patterns:** The proposed development will have no detrimental effect on the current behavior patterns of the area.

**H. Emissions:** No adverse effect from emissions shall result from the proposed development.

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