Legislation Details (With Text)

File #:	1747-2019 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	6/19/2019	**In control:**	Zoning Committee
On agenda:	7/22/2019	**Final action:**	7/25/2019
Title:	To rezone 3588 S. HIGH ST. (43207), being 2.04± acres located on the east side of South High Street, 230± feet south of Highview Boulevard, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development and L-C-4, Limited Commercial Districts (Rezoning #Z19-025).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD1747-2019.Attachments, 2. ORD1747-2019.Labels		

Date	Ver.	Action By	Action	Result
7/25/2019	1	CITY CLERK	Attest	
7/24/2019	1	MAYOR	Signed	
7/22/2019	1	COUNCIL PRESIDENT	Signed	
7/22/2019	1	Zoning Committee	Approved	Pass
7/15/2019	1	Columbus City Council	Read for the First Time	

Rezoning Application: Z19-025

APPLICANT: Moo Moo Car Wash; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Car wash and future commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on June 13, 2019.

FAR SOUTH AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a vacant commercial building in the L-C-4, Limited Commercial District. The applicant is requesting the CPD, Commercial Planned Development District (Subarea A) to permit an automatic car wash and the L-C-4, Limited Commercial District (Subarea B) to permit future commercial development. The site is subject to the South High Street Regional Commercial Overlay (RCO) and is located within the boundaries of *Scioto Southland Plan* (2007), which recommends “Commercial” land uses for this location. The development text commits to a site plan and includes development standards addressing site access, landscaping, and graphics provisions. For Subarea A, a variance to drive-up stacking area is included in this request. The requested CPD, Commercial Planned Development and L-C-4, Limited Commercial districts are compatible with the scale and zoning of adjacent commercial developments, and are consistent with the land use recommendation of the *Scioto Southland Plan*.

To rezone **3588 S. HIGH ST. (43207),** being 2.04± acres located on the east side of South High Street, 230± feet south of Highview Boulevard, **From:** L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development and L-C -4, Limited Commercial Districts (Rezoning #Z19-025).

WHEREAS, application #Z19-025 is on file with the Department of Building and Zoning Services requesting rezoning of 2.04± acres from L-C-4, Limited Commercial District, to CPD, Commercial Planned Development and L-C-4, Limited Commercial Districts; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Far South Area 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 and L-C-4, Limited Commercial districts will allow commercial development that is compatible with the scale and zoning of adjacent commercial development. The request is also consistent with the "Commercial" land use recommendation of the *Scioto Southland Plan*; 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 #0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

3588 S. HIGH ST. (43207), being 2.04± acres located on the east side of South High Street, 230± feet south of Highview Boulevard, and being more particularly described as follows:

Subarea A, 1.147 acres

Situate in the State of Ohio, County of Franklin, City of Columbus and lying in Section 16, Township 4, Range 22 of the Congress Lands, and being part of a 2.038 acre tract being conveyed to Lemaster Real Estate, LLC, by deed of recorded in Instrument Number 201307110116530. All records herein are from the Recorder's Office, Franklin County, Ohio, said 1.147 acre tract being more particularly described as follows:

BEGINNING at the a point at the southwest corner of said 2.038 acre tract and at the southeast corner of 2.187 acre tract as shown and delineated on the record plat of Highview Boulevard and South High Street Dedication and Easements of record in Plat Book 76, Page 29 and the northwest corner of a 2.910 acre tract being conveyed to Aldi Inc., by deed of record in Instrument Number 200707250130013;

Thence North 21°21'52" East, a distance of 122.29 feet, along the lines common to said 2.038 acre tract and said 2.187 acre tract, to a point;

Thence South 86°24'58" East, a distance of 392.10 feet, over and across said 2.038 acre tract, to a point in the west line of what remains a 6.070 acre tract being conveyed to Archland Property I LLC, by deed of record in Instrument Number 201307110116530 ;

Thence South 21°30'30" East, a distance of 54.34 feet, along the east line of said 2.038 acre tract, to a point;

Thence South 03°34'54" West, distance of 67.22 feet, along the east line of said 2.038 acre tract, to a point at the southeast corner of said 2.038 acre tract and in the north line of said 2.910 acre tract;
Thence North 86°25'06" West, a distance of 452.49 feet, along the line common to said 2.038 acre tract and said 2.910 acre tract, to the POINT OF BEGINNING, containing 1.147 acres of land more or less.

Bearings are based on the limited access right-of-way of South High Street (U.S. Rt. 23) as being North 19°09'45" East,

as being observed by GPS observations using the Ohio VRS Network South Coordinate Zone.

To Rezone From: L-C-4, Commercial District

To: CPD, Commercial Planned Development District

Subarea B, 0.891 acres

Situate in the State of Ohio, County of Franklin, City of Columbus and lying in Section 16, Township 4, Range 22 of the Congress Lands, and being part of a 2.038 acre tract being conveyed to Lemaster Real Estate, LLC, by deed of recorded in Instrument Number 201307110116530. All records herein are from the Recorder's Office, Franklin County, Ohio, said 0.891 acre tract being more particularly described as follows:

BEGINNING FOR REFERENCE at the a point at the southwest corner of said 2.038 acre tract and at the southeast corner of 2.187 acre tract as shown and delineated on the record plat of Highview Boulevard and South High Street Dedication and Easements of record in Plat Book 76, Page 29 and the northwest corner of a 2.910 acre tract being conveyed to Aldi Inc., by deed of record in Instrument Number 200707250130013;

Thence North 21°21'52" East, a distance of 122.29 feet, along the lines common to said 2.038 acre tract and said 2.187 acre tract, to the POINT OF BEGINNING;

Thence North 19°09'45" East, a distance of 116.17 feet, continuing along the lines common to said 2.038 acre tract and said 2.187 acre tract to a point at the northwest corner of said 2.038 acre tract and in the line of what remains of a 6.070 acre tract being conveyed to Archland Property I, LLC, of record in Instrument Number 200406290149627;

Thence the following two (2) courses and distances along the lines common to said 2.038 acre tract and what remains of a 6.070 acre tract;

1. South 85°58'37" East, a distance of 309.62 feet, to a point;

2. South 21°30'30" East, a distance of 120.94 feet, to a point;

Thence North 86°24'58" West, a distance of 392.10 feet, over and across said 2.038 acre tract, to the POINT OF BEGINNING, containing 0.891acres of land more or less.

Bearings are based on the limited access right-of-way of South High Street (U.S. Rt. 23) as being North 19°09'45" East, as being observed by GPS observations using the Ohio VRS Network South Coordinate Zone.

To Rezone From: L-C-4, Commercial District

To: L-C-4, Limited Commercial District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development District and L-C-4, Limited Commercial 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 and L-C-4, Limited Commercial Districts and Application among the records of the Department of Building and Zoning Services as required by Sections 3311.12 and 3370.03 of the Columbus City Codes; said plan being titled, "**MOO MOO EXPRESS CAR WASH, 3558 S. HIGH STREET, REZONING SITE PLAN**," and text titled, "**DEVELOPMENT TEXT**," both dated July 1, 2019, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

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DEVELOPMENT TEXT
2.04 +/- ACRES

EXISTING ZONING: L-C-4, Commercial District
PROPOSED ZONING: CPD, Commercial Planned Development (Subarea A) and L-C-4, Limited Commercial Development (Subarea B)
PROPERTY ADDRESS: 3588 S High Street, Columbus, OH 43207
APPLICANT: Moo Car Express Car Wash LLC c/o Dave Perry, Agent, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Attorney, Plank Law Firm, 411 E Town Street, FL 2, Columbus, OH 43215.
PROPERTY OWNER: Lemaster Real Estate, LLC c/o Paul A. Lemaster, 156 Big Pete Road, Franklin Furnace, OH 45629
DATE OF TEXT: July 1, 2019
APPLICATION NUMBER: Z19-025

1. INTRODUCTION: The 2.04 +/- acre site is located on the east side of S. High Street, 200 +/- feet south of Highview Boulevard. The site is zoned L-C-4, Limited Commercial (Z91-093) and is presently developed with a commercial building to be razed. Applicant proposes to rezone the site to CPD (Subarea A) to permit a single bay automatic car wash and C-4 uses, as presently permitted, in Subarea A (1.147 +/- acres) and commercial uses, as presently permitted, and L-C -4, Limited Commercial in Subarea B (0.891 +/- acres). The site plan titled "Moo Moo Express Car Wash, 3558 S High Street, Rezoning Site Plan", hereafter "Site Plan", is submitted as the Site Plan for Subarea A, if Subarea A is developed with a car wash.

SUBAREA A (1.144 +/- acres):

2. PERMITTED USES: All uses of Chapter 3356, C-4, Commercial District and an automatic car wash. The following C-4 uses are not permitted: billboard, off-premise graphics, cabaret, nightclub.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan, which shall only be applicable for the proposed car wash, or in this written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, Chapter 3312, Off-Street Parking and Loading, Chapter 3321, General Site Development Standards and applicable sections of Chapter 3372, Planning Overlay, pertinent to the South High Street Regional Commercial Overlay, of the Columbus City Code.

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

Use of the site as an automatic car wash shall be as depicted on the submitted Site Plan. Development standards of the Zoning Code shall apply to use of the property for uses of the C-4 District.

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

1. Development of the site with a car wash shall be as depicted on the submitted Site Plan. Development standards of the Zoning Code shall apply to use of the property for uses of the C-4 District.

2. There shall be no direct vehicular access to S High Street. All vehicular access shall be from the existing full-turning movement signalized intersection abutting to the south and the existing full-turning movement signalized intersection at S. High Street and Highview Boulevard to the north. Both signals are accessed via existing easements.

C). Buffering, Landscaping, Open Space and/or Screening commitments.

Required landscaping for the car wash shall be in accordance with Chapters 3312, 3321 and 3372, as applicable to the South High Street Regional Commercial Overlay (RCO).

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

N/A

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

N/A

F). Graphics and Signage commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as applies to the C-4, Commercial District and the South High Street Regional Commercial Overlay. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration.

G). Other CPD Requirements.

1. Natural Environment: The site is located on the east side of S. High Street, 200 +/- feet south of north side of Highview Boulevard. S. High Street/US 23 is an intense arterial corridor developed with a wide variety of commercial uses.

2. Existing Land Use: The existing commercial building will be razed. Sites in all directions are developed with commercial uses.

3. Circulation: There shall be no direct vehicular access to S. High Street/US 23. Vehicular access shall be from the existing full-turning movement signalized intersection abutting to the south and the existing full-turning movement signalized intersection at S. High Street and Highview Boulevard to the north. Both signals are accessed via existing easement.

4. Visual Form of the Environment: The S. High Street/US 23 corridor is an arterial right of way extensively developed with commercial uses.

5. Visibility: S. High Street/US 23 is an arterial right of way. The site will be visible from S. High Street/US 23.

6. Proposed Development: Automatic car wash.

7. Behavior Patterns: There shall be no direct vehicular access to S. High Street/US 23. Vehicular access shall be from the existing full-turning movement signalized intersection abutting to the south and the existing full-turning movement signalized intersection at S. High Street and Highview Boulevard to the north. Both signals are accessed via existing easement.

8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

H). Modification of Code Standards.

The following code modifications apply only to use/development of the site as a car wash. It is the intention of the Site Plan and these modifications to permit an automatic car wash, as depicted.

Section 3312.11, Drive-up Stacking Area, to not provide an exclusive by-pass lane for the car wash.

I). Miscellaneous commitments.

Development of the site with an automatic car wash shall be in accordance with the site plan, “Moo Moo Express Car

Wash, 3558 S. High Street, Rezoning Site Plan", hereafter "Site Plan", dated and signed July 1, 2019 by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. The site plan is not applicable to any use of Subarea A other than an automatic car wash, except, if an automatic carwash is not developed on Subarea A, then only the S. High Street setbacks as shown on the Site Plan shall apply. The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

SUBAREA B (0.893 +/- acres):

2. PERMITTED USES: All uses of Chapter 3356, C-4, Commercial District, except billboard, off-premise graphics, cabaret and nightclub.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan, or in this written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, Chapter 3312, Off-Street Parking and Loading, Chapter 3321, General Site Development Standards and applicable sections of Chapter 3372, Planning Overlay, pertinent to the South High Street Regional Commercial Overlay, of the Columbus City Code.

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

N/A

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

There shall be no direct vehicular access to S High Street/US 23. All vehicular access shall be from the existing full-turning movement signalized intersection abutting to the south and the existing full-turning movement signalized intersection at S. High Street and Highview Boulevard to the north. Both signals are accessed via existing easements.

C). Buffering, Landscaping, Open Space and/or Screening commitments.

Required landscaping shall be in accordance with Chapters 3312, 3321 and 3372, as applicable to the South High Street Regional Commercial Overlay (RCO).

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

N/A

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

N/A

F). Graphics and Signage commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as applies to the C-4, Commercial District and the South High Street Regional Commercial Overlay. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration.

I). Miscellaneous commitments.

N/A

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

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