



## Legislation Details (With Text)

**File #:** 1410-2020      **Version:** 1

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

**File created:** 6/11/2020      **In control:** Zoning Committee

**On agenda:** 6/29/2020      **Final action:** 7/2/2020

**Title:** To rezone 4899 CLEVELAND AVENUE (43231), being 0.26± acres located at the southwest corner of Cleveland Avenue and Kilbourne Avenue, From: L-C-3, Limited, Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z18-056).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1410-2020\_Attachments, 2. ORD1410-2020\_Labels

Date	Ver.	Action By	Action	Result
7/2/2020	1	CITY CLERK	Attest	
7/1/2020	1	MAYOR	Signed	
6/29/2020	1	COUNCIL PRESIDENT	Signed	
6/29/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
6/29/2020	1	Zoning Committee	Approved	Pass

### Rezoning Application Z18-056

**APPLICANT:** Ali Property Holding, LLC; c/o Behzad Vedaie, Agent; 1901 E Dublin Granville Road, Suite 304; Columbus, OH 43229.

**PROPOSED USE:** Neighborhood-scale commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on May 14, 2020.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a former beauty salon, zoned L-C-3, Limited Commercial District (Z93-014) which permits only office and salon/barber shop uses. The requested CPD, Commercial Planned Development District will allow all C-1, Commercial District uses. The CPD text commits to a site plan and contains development standards addressing building setback, access and sidewalks, pedestrian connections, landscaping, and graphics controls. The request includes variances to conform the existing parking setback and to reduce the required number of parking spaces from 21 to 18 for a proposed eating and drinking establishment. The site is located within the planning area of the *Northland I Area Plan* (2014), which recommends "Office" use at this location. While all C-1 district uses are a departure from the Plan's land use recommendation, Planning Division staff views the request as appropriate in consideration of the mix of surrounding commercial uses and because the location is on a major thoroughfare. The applicant has also committed to commercial signage that is limited to the existing sign or a monument-style sign, as requested by the Planning Division.

To rezone **4899 CLEVELAND AVENUE (43231)**, being 0.26± acres located at the southwest corner of Cleveland

Avenue and Kilbourne Avenue, **From:** L-C-3, Limited, Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z18-056).

**WHEREAS**, application #Z18-056 is on file with the Department of Building and Zoning Services requesting rezoning of 0.26± acres from the L-C-3, 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 proposes C-1, Commercial District uses is appropriate considering the surrounding land uses and because the location is on a major thoroughfare. The applicant has also committed to commercial signage that is limited to the existing sign or a monument-style sign, as requested by the Planning Division; 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:

**4899 CLEVELAND AVENUE (43231)**, being 0.26± acres located at the southwest corner of Cleveland Avenue and Kilbourne Avenue, and more particularly described as follows:

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

Being lots Numbered One (1); Two (2); Three (3); Four (4); and Five (5) in Block No. 1, VILLA PARK, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 5, Recorder's Office, Franklin County, Ohio

EXCEPTING THEREFROM THE FOLLOWING TWO PARCELS:

**PARCEL 1:**

Being Ten (10) feet off the entire eastern boundary of lots One (1), Two (2), Three (3), Four (4), and Five (5) in Block One of Villa Park Subdivision, of record in Plat Book 12, Pages 5 and 6 of the Franklin County Recorder's Office. Said Ten (10) feet being off the eastern boundary of 0.3196 acres as described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being 10 feet off the east end of lots 1, 2, 3, 4 and 5 of Block 1 of Villa Park Subdivision of record in Plat Book 12, Page 5, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a found iron pin at the southeast corner of said lot 1, (westerly line of Cleveland Avenue) said point being in a northerly line of the dedication of Edmonton Road, Cleveland Avenue and Easements of record in Plat Book 35, Page 47 said Recorder's Office, said point being North 84 degrees 10 minutes 50 seconds West, 30.00 feet from the northeasterly corner of said dedication plat and centerline of said Cleveland Avenue;

Thence, along the northerly line of said dedication plat and the southerly line of said Lot 1, North 84 degrees 10 minutes 50 seconds West, 10.00 feet to a set iron pin;

Thence, across said lots 1, 2, 3, 4 and 5, North 05 degrees 45 minutes 10 seconds East, 116.00 feet to a set iron pin in the northerly line of said lot 5 and southerly line of Kilbourne Avenue (50.00 feet wide);

Thence, along the southerly line of said Kilbourne Avenue and northerly line of said lot 5, South 84 degrees 10 minutes 50 seconds East, 10.00 feet to a found iron pin at the northeast corner of said lot 5 (intersection of said southerly line of

Kilbourne Avenue with the Westerly line of Cleveland Avenue);

Thence, along the east line of said lots 5, 4, 3, 2 and 1 (West line of said Cleveland Avenue), South 05 degrees 45 minutes 10 seconds West, 116.00 feet to the place of beginning CONTAINING 0.027 ACRES, subject however to all legal highways, easements, restrictions, leases and agreements of record and of records in the respective utility offices Basis of bearings is the northerly line of said dedication plat.

Bearings were calculated from a boundary survey of the parcel by Arnold Surveying Company dated November 18, 1992, P.B. 35, Page 47.

**PARCEL 2:**

Situated in the Township of Sharon, County of Franklin, State of Ohio, being a part of Lots 1-5 of Villa Park Block No. 1 as the same are numbered and delineated upon the plat thereof, of record in Plat Book 12, Pages 5 and 6, also being part of the land conveyed to the Grantor as described in Official Record 22736, Page E09 as both are recorded in the Franklin County Recorder's Office, and bounded and described as follows:

**PARCEL NO. 56 WD:**

Being a parcel of land lying on the left side of the centerline of a survey for Franklin County Engineer's Office, and being located within the following described points in the boundary thereof:

Commencing at the centerline intersection of Cleveland Avenue and Morse Road at a found State Highway Monument Box;

Thence N 03°58'05" E, along the centerline of Cleveland Avenue, a distance of 690.11 feet to a found railroad spike at Station 16+90.11;

Thence N 04°00'00" E, continuing along the centerline of Cleveland Avenue, a distance of 2,913.04 feet to a point at Station 46+03.15;

Thence N 86°00'00" W, leaving said centerline a distance of 40.00 feet to a point at the Southeast corner of lot No.1, 40.00 feet left of Station 46+03.15, being the POINT OF BEGINNING;

Thence N 85°52'22" W, along the Grantor's southerly property line, a distance of 10.00 feet to a point 50.00 feet left of Station 46+03.19;

Thence N 04°00'00" E. a distance of 116.00 feet to a point on the Grantor's northerly property line 50.00 feet left of Station 47+19.19;

Thence S 85°52'22" E, along the Grantor's northerly property line, a distance of 10.00 feet to a point on the northeast corner of Lot No.5, 40.00 feet left of Station 47+19.15;

Thence S 04°00'00" W, along the Grantor's easterly property line, a distance of 116.00 feet to the POINT OF BEGINNING;

The above parcel of land contains 1,160 square feet, more or less, of which, the public road occupies 0.000 acres.

A net take of 232 square feet is taken from each of Lot Nos. 1-5 of Villa Park.

Basis of bearings is the centerline of Cleveland Avenue, being N 04°00'00" E, as shown on the plate of Cleveland Heights Nos. 1, 2, & 3, Recorded in Plat Book 16, Page 56, Plat Book 16, Page 66, and Plat Book 18, Page 12, respectively, Recorder's Office, Franklin County, Ohio.

The above description was prepared by Dan Krajcovic. Registered Surveyor No. 7110. State of Ohio.

Parcel No.: 600-147581-00

**To Rezone From:** L-C-3, 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 site plan being titled, “**SITE PLAN**,” dated June 2, 2020, and signed by Behzad Vedaie, Agent for the Applicant, and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT**,” dated May 5, 2020, and signed by Saeed Ali, Applicant, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

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

**PROPERTY ADDRESS:** 4899 Cleveland Avenue, Columbus, OH 43231

**OWNER:** Ali Property Holding, LLC

**APPLICANT:** Ali Property Holding, LLC

**DATE OF TEXT:** 5/5/2020

**APPLICATION:** Z18-056

**INTRODUCTION:** The properties has been purchased by Ali Property Holding, LLC with the intent to convert the existing structure located at 4899 Cleveland Avenue, currently zoned L-C-3, Limited Commercial District, into a coffee shop under the CPD, Commercial Planned Development District. C-1, Commercial District uses are proposed, and the parking lot and access point will be reconfigured to come close to meeting the minimum number of parking spaces required. The rezoning request is part of an effort to develop and better utilize the vacant properties. The site is located within the Northland Community Council Civic Group and is subject to the *Northland I Area Plan*. The Plan recommends office uses for the parcel.

**1. PERMITTED USES:** The current intended use for the subject site shall be a restaurant, office spaces, and a supporting parking lot. In the event the subject building is no longer used for a restaurant, other permitted uses shall include those identified in Chapter 3351 C-1 Neighborhood Commercial District.

**2. DEVELOPMENT STANDARDS:** Unless otherwise indicated in this text, the applicable development standards are contained in Chapter 3351 C-1 Neighborhood Commercial District.

**A. Density, Height and Setback Commitments:**

The parking setback along Cleveland Avenue shall be maintained at 0 feet, and along Kilbourne Avenue at approximately

8 feet.

**B. Access, Loading, Parking and other Traffic- Related Commitments:**

Access shall be 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 in the right-of-way along Cleveland Avenue with the approval of the Department of Public Service.

**D. Dumpsters, Lighting, Outdoor Display Areas, and/or Other Environmental Commitments: N/A**

**E. Graphics and Signage Commitments:** The existing wood ground sign shall be maintained or replaced with a monument-style sign in conformance with the Columbus Graphics Code as it applies to the C-1, Commercial District.

**F. Miscellaneous Commitments:**

1) Variances:

- a. Applicant is requesting a variance under Section 3312.27, Parking setback, to reduce from 10 feet to 0 feet along Cleveland Avenue to which was rendered noncompliant when Cleveland Avenue was widened. Additionally under the same Section, Applicant is requesting a setback from 10 feet to approximately 8 feet along Kilbourne Avenue.
- b. Applicant is requesting a variance under Section 3312.49, Minimum numbers of parking spaces required, to reduce the minimum number of parking spaces required to provide 18 spaces instead of 21 for a proposed eating and drinking establishment within the existing building (approximately 1,574 square feet).

2) This subject site shall be in accordance with the site plan. 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 site 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.

3) The applicant shall construct a sidewalk along the Kilbourne Road frontage to connect the proposed extension of the existing sidewalk along Cleveland Avenue with a future sidewalk along the frontage of the adjacent property immediately to the west (Parcel # 600147586) at the time that property is developed.

4) CPD Criteria:

1. Natural Environment. The natural environment of the site is flat.

2. Existing Land Use. The property contains an existing commercial building and associated parking and an undeveloped lot. The existing building was last used as a beauty salon.

3. Circulation. Access to and from the site includes pedestrian access, and access from Kilbourne Avenue, which is being moved further west to improve the safety of the Cleveland Avenue/Kilbourne Avenue intersection.

4. Visual Form. The area surrounding the site is zoned for residential and office commercial uses. The proposed CPD will augment the landscaping on Cleveland Avenue.

5. Visibility. The site is visible from Cleveland Avenue and Kilbourne Avenue.

6. Proposed Development. Commercial uses appropriate for the site/area.

7. Behavior Patterns. This area of development will integrate selective commercial uses that encourage pedestrian access. Existing traffic flow shall be maintained.

8. Emissions. This 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.

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