Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	4/1/2021	**In control:**	Zoning Committee
On agenda:	4/19/2021	**Final action:**	4/22/2021
Title:	To rezone 2900 CASSADY AVE. (43219), being 1.82± acres located on the west side of North Cassady Avenue, 280± feet north of Airport Drive, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z20-088).		
Sponsors:			
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Attachments:	1. ORD#0874-2021_Attachments, 2. ORD#0874-2021_Labels		

Date	Ver.	Action By	Action	Result
4/22/2021	1	CITY CLERK	Attest	
4/21/2021	1	MAYOR	Signed	
4/19/2021	1	COUNCIL PRESIDENT	Signed	
4/19/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
4/19/2021	1	Zoning Committee	Approved	Pass

Rezoning Application: Z20-088

APPLICANT: SkilkenGold Development, LLC; c/o Sarah Gold; 4270 Morse Road; Columbus, OH 43230.

PROPOSED USE: Fuel sales, convenience store, and eating and drinking establishment.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on January 14, 2021.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one undeveloped parcel zoned in the L-C-4, Limited Commercial District. The requested CPD, Commercial Planned Development District would allow the site to be developed with a fuel sales facility, including an eating and drinking establishment, convenience store with drive-in window service, and limited outdoor display sales. The development text permits most C-4 and C-5 uses, commits to a site plan, landscaping plan, and building elevations, and includes development standards addressing setbacks, site access, landscaping, building design, lighting, and graphics provisions. A variance to locate an air pump within the required parking setback along Cassady Avenue is included in this request. This site is within the planning boundaries of the *Northeast Area Plan* (2007), which recommends airport related land uses at this location and supports retail, office, warehouse, and other airport related services. This site is also located within the planning area of the *Port Columbus Joint Economic Development Strategy* (2008), which recommends office land uses. Although the *Northeast Area Plan* recommends buildings be parallel to and facing the street with parking and gas pumps provided at the rear of the building, the Planning Division has reviewed alternative site layouts and recognizes that there are constraints which limit the site configuration. The Planning Division supports the submitted plans which includes a pedestrian connection to the site, street trees along Cassady Avenue, and adequate landscaping to further mitigate the impact of the site design. The

proposal is consistent with the Plan's land use recommendation and is compatible with the zoning and development pattern of the surrounding area.

To rezone **2900 CASSADY AVE. (43219)**, being 1.82± acres located on the west side of North Cassady Avenue, 280± feet north of Airport Drive, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z20-088).

WHEREAS, application #Z20-088 is on file with the Department of Building and Zoning Services requesting rezoning of 1.82± 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 Northeast 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 District will allow a fuel sales and convenience store development that is consistent with the recommendations of *Northeast Area Plan* and compatible with the zoning and development pattern of the surrounding area; 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:

2900 CASSADY AVE. (43219), being 1.82± acres located on the west side of North Cassady Avenue, 280± feet north of Airport Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1 North, Range 17 West, United States Military Lands, and being a 1.820 acre portion of a 3.785 acre tract of land conveyed to Friendley, Inc., by deed of record in Instrument No. 201106270079769, all references being to the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the east line of said 3.785 acre tract and in the west line of an unrecorded deed for Cassady Avenue right-of-wat purposes and dated December 15, 1999 (current ownership is an original 9.922 acre tract of land conveyed to Port Columbus Enterprises, by deed of record in Official Record 21179, Page C 16), said point being N 87º 20' 56" W a distance of 16.88 feet and S 03º 08' 35" W a distance of 45.00 feet from the northeast corner of said 3.785 acre tract;

thence S 03º 08' 35" W along a portion of the east line of said 3.785 acre tract and along a portion of the west line of said unrecorded right-of-way tract a distance of 307.60 feet to a point at the southeast corner of said 3.785 acre tract and at the northeast corner of a 1.557 acre tract of land conveyed to Archland Property I, LLC, by deed of record in Instrument No. 200406290149631;

thence N 86º 52' 32" W along a south line of said 3.785 acre tract and along the north line of said 1.557 acre tract a distance of 259.98 feet to a point at a southwest corner of said 3.785 acre tract, at the northwest corner of said 1.557 acre tract and in the east line of a 1.805 acre tract of land conveyed to CNI Propco Fr, LLC., by deed of record in Instrument No. 201711170163360;

thence N 03º 37' 55" E along a west line of said 3.785 acre tract and along a portion of the east line of said 1.805 acre tract, and said lines extending northerly, crossing a portion of said 3.785 acre tract, a distance of 305.48 feet to a point;

thence S 87º 20' 56" E crossing a portion of said 3.785 acre tract and parallel with and forty-Five (45) feet southerly, by perpendicular measurement, from the north line of said 3.785 acre tract a distance 257.38 feet to the place of beginning;

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containing 1.820 acres of land, more or less.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of V3 Companies, Ltd. (formerly Bird+Bull, Inc.), Consulting Engineers & Surveyors, Columbus, Ohio from an actual field survey, performed under his supervision, in July, 2020. Basis of bearings is the centerline of Cassady Avenue, being S 03º 08' 35" W, derived from observations referencing monument, PID designation of AJ7184 and CORS_ID of COLB, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian.

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 plans being titled, "**CPD SITE PLAN**," and " **OVERALL LANDSCAPE PLAN**," elevations titled, "**ELEVATIONS, SHEETS 1-2**," and text titled, " **DEVELOPMENT TEXT**," all dated March 22, 2021, and signed by Frank Petruziello, President of Development with SkilkenGold Development, LLC, and the text reading as follows:

DEVELOPMENT TEXT

CURRENT OWNER: Columbus Airport Hospitality, Inc.
APPLICANT: SkilkenGold Development, LLC
EXISTING ZONING: LC4, Commercial District
PROPOSED ZONING: CPD, Commercial Planned Development District
DATE OF TEXT: 03/22/21
APPLICATION NUMBER: Z20-088

1. **INTRODUCTION:** This 1.82 acre vacant site is located just north of the Airport Drive and Cassady Avenue intersection on the west side of the street (the "Site"). The Site consists of one parcel, PN 010-253470-00 - approximately 3.78 acres in total. The parcel is in the process of being split and the requested rezoning is only for 1.82 acres of the total parcel. The Site is currently zoned "LC4" Commercial District. The applicant will develop the property with a restaurant with indoor and outdoor seating, convenience store with drive-in window service and fuel sales and minimal outdoor display sales. The proposed building of approximately 6,070 square feet (eating/drinking space constitutes 1,048 sf and convenience retail use is 5,022 sf) with seven double-sided fuel dispensers. Additional site amenities include a dumpster enclosure, underground storm water detention system, and underground fuel tanks. The applicant proposes to rezone the site to a CPD, Commercial Planned Development District to accommodate the new use.

2. **PERMITTED USES:**

a. 3356.03 C-4 permitted uses with the following exclusions: Dance Hall; Electric substation; Funeral parlor; Motor bus terminal; Night club/cabaret; Pool room; Trade School; Halfway house; Monopole telecommunication antennas

b. 3357.01 C-5 permitted uses with the following exclusions: Monopole telecommunication antennas

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in this Text or on the submitted development

plan ("CPD Site Plan"), the applicable development standards are contained in Chapter 3356 C-4, Commercial District.

A. Height, Lot and/or Setback Requirements:

a. Height District of thirty -five (35) feet is hereby established.

b. Setbacks for parking along Cassady Avenue shall be 25'. Setbacks for buildings shall be 50' along Cassady Avenue. One air pump will be located within the parking setback along Cassady Avenue per the CPD Site Plan.

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

1. Access points are shown on the submitted site plan, which include one new full curb cut on Cassady Avenue and an existing curb cut on Cassady Avenue.

2. The improvements required by the City of Columbus Division of Traffic Management, further delineated below and based on the approved Traffic Impact Study, dated February 10, 2021, prepared by Carpenter Marty Transportation. The Requirements are as follows:

a. North Cassady Avenue shall be restriped to provide a two-way left turn lane between the intersection of North Cassady Avenue and Amerihost Drive and the intersection of North Cassady Avenue and the northern access point to North Cassady Avenue while maintaining two southbound lanes between these two intersections.

b. The eastbound approach to the intersection of North Cassady Avenue and the southern access point to North Cassady Avenue shall be restricted to right-in and right-out movements only.

c. Signage shall be provided to direct exiting vehicles traveling north toward the signalized intersection of North Cassady Avenue and Plaza Properties Boulevard by means of the proposed cross access easement with the properties to the north.

d. The developer shall provide a contribution of $165,635.72 toward potential future transportation improvements along North Cassady Avenue in the vicinity of the site.

C. Buffering, Landscaping, Open Space and/or Screening commitments: Buffering, landscaping, and screening shall be in conformance with Section 3321.07 and Section 3312.21 of the General Site Development of the City of Columbus zoning code, and as generally shown on the submitted landscaping plan. An irrigation system shall be utilized.

D. Building Design and/or Interior -Exterior treatment commitments: Primary and accessory structures will be developed with uniform design and finishes, and shall primarily be comprised of brick, stone, or other aesthetically comparable building materials. Canopy columns and dumpster materials shall match those used on the primary building. Outdoor dining/seating is shown on the site plan.

E. Dumpsters, Lighting, Outdoor Display areas and/or other environmental commitments:

1. Lighting shall be in accordance with 3321.03(A) of the General Site Development.

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2. Dumpsters shall be in accordance with Chapter 3321 of the Columbus City Code.

F. **Graphics and Signage commitments:** Graphics on the Site will comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4 Commercial District for C-4 uses and C-5, Commercial District for C-5 uses. Variances to the sign requirements, if any, shall be submitted to the Columbus Graphics Commission for consideration.

G. **Additional CPD Requirements:**

1. Natural Environment: The natural environment of the Site is flat and vacant. Neighboring properties comprise of other commercial, fast food and airport related businesses.

2. Existing Land Use: The Site is currently a vacant, undeveloped piece of property.

3. Circulation: Circulation on the Site shall be in accordance with the CPD Site Plan.

4. Visual Form of the Environment: The surrounding properties are developed with commercial and airport related uses.

5. Visibility: The Site can be viewed from Cassady Avenue.

6. Proposed Development: Restaurant with outdoor seating and drive-in service, convenience store, retail fuel sales and accessory outdoor display sales.

7. Behavior Patterns: Commercial uses as developed on the surrounding properties. Existing development in the area has established behavior patterns for the motorists.

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

H. **Modification of Code Standards-Variance:** A variance to Section 3312.27, Parking Setback Line, is being requested to allow an air pump within the required parking setback, as shown on the submitted site plan.

I. **Miscellaneous:**

1. Development of the site shall be in accordance with the submitted Site Plan and landscaping plan titled, "CPD Site Plan," and "Overall Landscape Plan," respectively. The Plans may be adjusted to reflect engineering, topographical or other site data and minor changes developed at the time of development and engineering plans for all or a portion of the Site affected by said development. Any such adjustment may be reviewed and approved by the Director of the Department of Building and Zoning Services or his/her designee upon submission of the appropriate information regarding the adjustment.

2. The buildings shall be developed in accordance with the submitted plans titled, "Building Elevations"; however, the building elevations may be slightly adjusted to reflect architectural, engineering, topographical, or other development data established at the time of development and engineering plans are completed. The Director of the Department Building and Zoning Services or the Director's designee may approve any slight adjustment to the building elevations upon submission of the appropriate data regarding the proposed adjustment.

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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