



## Legislation Details (With Text)

**File #:** 1196-2021      **Version:** 2

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

**File created:** 5/5/2021      **In control:** Zoning Committee

**On agenda:** 6/7/2021      **Final action:** 6/10/2021

**Title:** To rezone 5940 CHANTRY DR. (43232), being 2.41± acres located at the northwest corner of Chantry Drive and Brice Road, From: C-4, Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z20-109) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1196-2021\_Attachments, 2. ORD1196-2021\_Labels

Date	Ver.	Action By	Action	Result
6/10/2021	2	CITY CLERK	Attest	
6/8/2021	2	MAYOR	Signed	
6/7/2021	2	COUNCIL PRESIDENT	Signed	
6/7/2021	1	Zoning Committee	Amended to Emergency	Pass
6/7/2021	1	Zoning Committee	Approved as Amended	Pass

### Rezoning Application Z20-109

**APPLICANT:** Moo Moo Car Wash; c/o Dave Perry, Agent; David Perry Company; 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:** Commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on March 11, 2021.

**FAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with an eating and drinking establishment in the C-4, Commercial District. The requested CPD, Commercial Planned Development District will permit a future lot split, resulting in Subarea A (1.51 acres) which contains the existing eating and drinking establishment, and Subarea B (0.89 acres) to permit the development of a new car wash facility. The CPD text establishes appropriate use restrictions and addresses supplemental development standards. While the proposed use is consistent with the *Far East Land Use Plan's* land use recommendation for "Mixed Use 2", the Plan states that areas designated for "Mixed Use" should incorporate Community Commercial Overlay standards and connect to other development through streets, sidewalks, and pedestrian connectivity. Additionally, the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines recommend green technologies to manage stormwater runoff within parking lots. Planning Division staff would like to mitigate the lack of parking lot shade trees with additional street trees and landscaping at the intersection of Brice Road and Chantry Drive. While these design considerations are unmet with this proposal, the Department of Public Service staff notes that an improvement project to Brice Road will commence in the next five to ten years which will

include the desired considerations. Incorporating these considerations into the right-of-way at this time is not practical since they will likely be removed for the impending improvement project.

To rezone **5940 CHANTRY DR. (43232)**, being 2.41± acres located at the northwest corner of Chantry Drive and Brice Road, **From:** C-4, Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z20-109) **and to declare an emergency.**

**WHEREAS**, application #Z20-109 is on file with the Department of Building and Zoning Services requesting rezoning of 2.41± acres from and C-4, Commercial District, To: CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Far East Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change noting that, while the proposed CPD, Commercial Planned Development District does not address additional C2P2 Design Guideline recommendations for site connectivity, stormwater treatment, and additional landscaping, the request is consistent with the *Far East Land Use Plan*'s recommendation for "Mixed Use 2" at this location. With the planned improvement project to Brice Road, staff considers the unmet design considerations supportable, as it would be impractical for these elements to be installed because they would likely need to be removed when the roadway improvement project commences:

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance, the lender and buyer request the ordinance be in effect for closing for the immediate preservation of the public peace, property, health and safety; 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:

**5940 CHANTRY DR. (43232)**, being 2.41± acres located at the northwest corner of Chantry Drive and Brice Road, and being more particularly described as follows:

**SUBAREA A: Description of 1.507 Acres**

Situate in the State of Ohio, County of Franklin, Half Section 45, Section 26, Township 12 North, Range 21 West, Refugee Lands and being part of a 2.414 acre tract (Tract 1) and all of a 557 square feet tract (Tract 2) being conveyed to Franklin Progressive Assets II, LLC, by deed of record in Instrument Number 201905150056896, all records herein are from the Recorder's Office Franklin County, Ohio, said 1.507 acre tract being more particularly described as follows:

BEGINNING FOR REFERENCE, at a point at the northwesterly corner of Dedication of Scarborough Boulevard, Chantry Drive, Park Crescent, Alshire Road and Easements, as shown in Plat Book 46, Page 52 and in the westerly line of a 1.059 acre tract being conveyed to the City of Columbus, by deed of record in Deed Book 3239, Page 319;

Thence South 03°57'25" West, a distance 319.79 feet, along the westerly right-of-way line of Brice Road as shown in Plat Book 46, Page 52 to the POINT OF BEGINNING;

Thence South 03°57'25" West, a distance of 155.38 feet, continuing along the westerly right-of-way line of said Brice Road, to a point;

Thence the following four (4) courses and distances along the northerly right-of-way lines of Chantry Drive (R/W Varies)

as shown in Plat Book 46, Page 52;

1. South 51°27'35" West, a distance of 63.61 feet, to a point;
2. South 77°33'51" West, a distance of 125.03 feet, to a point;
3. Along a curve to the right, having a delta angle of 06°38'46", an arc length of 111.48 feet, a radius of 961.12 feet, a chord bearing of North 89°30'11" West, and chord length of 111.42 feet, to a point;
4. North 86°10'30" West, a distance of 9.37 feet, to a point

Thence the following three (3) courses and distances along the lines of said 31.568 acre tract;

1. North 04°03'36" East, a distance of 29.52 feet, to a point;
2. North 86°10'30" West, a distance of 64.30 feet, to a point;
3. North 06°34'15" East, a distance of 113.68 feet, to a point

Thence the following three (3) courses and distances over and across said 2.414 acre tract:

1. South 86°14'55" East, a distance of 102.54 feet, to a point;
2. North 03°49'20" East, a distance of 96.57 feet, to a point;
3. South 86°09'51" East, a distance of 244.19 feet, to the TRUE POINT OF BEGINNING containing 1.507 acres of land more or less. Being subject to all easements restrictions and rights-of-way of record.

The bearings are based on the right-of-way line of Brice Road as being South 03°57'25" West of record in Instrument Number 201905150056896.

#### **SUBAREA B: Description of 0.894 Acres**

Situate in the State of Ohio, County of Franklin, Half Section 45, Section 26, Township 12 North, Range 21 West, Refugee Lands and being part of a 2.414 acre tract (Tract 1) being conveyed to Franklin Progressive Assets II, LLC, by deed of record in Instrument Number 201905150056896, all records herein are from the Recorder's Office Franklin County, Ohio, said 0.894 acre tract being more particularly described as follows:

BEGINNING FOR REFERENCE, at a point at the northwesterly corner of Dedication of Scarborough Boulevard, Chantry Drive, Park Crescent, Alshire Road and Easements, as shown in Plat Book 46, Page 52 and in the westerly line of a 1.059 acre tract being conveyed to the City of Columbus, by deed of record in Deed Book 3239, Page 319;

Thence South 03°57'25" West, a distance 233.79 feet, along the westerly right-of-way line of Brice Road as shown in Plat Book 46, Page 52 to the POINT OF BEGINNING;

Thence South 03°57'25" West, a distance of 86.00 feet, continuing along the westerly right-of-way line of said Brice Road, to a point;

Thence the following three (3) courses and distances over and across said 2.414 acre tract:

1. North 86°09'51" West, a distance of 244.19 feet, to a point;
2. South 03°49'20" West, a distance of 96.57 feet, to a point;
3. North 86°14'55" West, a distance of 102.54 feet, to a point an easterly line of a 31.568 acre tract being conveyed to Franklin Progressive Assets, LLC, by deed of record in Instrument Number 201111230153491;

Thence North 06°34'15" East, a distance of 182.86 feet, along the easterly line of said 31.568 acre tract, to a point at the southwest corner of said 1.521 acre tract;

Thence South 86°10'30" East, a distance of 338.16 feet, along the line common to said 2.414 acre tract and said 1.521 acre tract, to the TRUE POINT OF BEGINNING containing 0.894 acres of land more or less. Being subject to all

easements restrictions and rights-of-way of record.

The bearings are based on the right-of-way line of Brice Road as being South 03°57'25" West of record in Instrument Number 201905150056896.

Property Address: 5940 Chantry Drive, Columbus, OH 43232

Parcel ID: 010-232020

**To Rezone From:** C-4, 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, "**MOO MOO EXPRESS CAR WASH**," and text titled, "**DEVELOPMENT TEXT**," both dated March 12, 2021, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

#### **DEVELOPMENT TEXT**

**EXISTING ZONING:** C-4, Commercial District

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

**PROPERTY ADDRESS:** 5940 Chantry Drive, Columbus, OH 43232

**APPLICANT:** Moo Moo Car Wash, c/o Dave Perry, David Perry Company, Inc., 411 E.

Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E.

Town Street, FL 2, Columbus, OH 43215

**OWNER:** Franklin Progressive Assets II LLC c/o Stephen Lindsay, 5858 Scarborough

Boulevard, Columbus, OH 43232

**DATE OF TEXT:** March 12, 2021

**APPLICATION NUMBER:** Z20-109

#### **INTRODUCTION:**

The site (PID: 010-232020) is 2.41 +/- acres located at the northwest corner of Chantry Drive and Brice Road. The site is zoned C-4 Commercial and is developed with a restaurant and accessory parking. The accessory parking substantially exceeds code required parking. Applicant proposes to split 1.507 ac (Subarea A) for the restaurant building and restaurant accessory parking. 0.894 acres (Subarea B) will be split for development of a car wash. The site plan titled "Rezoning Site Plan - 5940 Chantry Drive", dated March 12, 2021, hereafter "Site Plan", is submitted with this application as the site plan for Subareas A and B.

#### **SUBAREA A, 1.507 +/- ACRES:**

**1. PERMITTED USES:** The permitted uses shall be as permitted in Section 3356.03, C-4 Permitted Uses.

**2. 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, of the Columbus City Code.

#### **A. Density, Height, Lot and/or Setback Commitments.**

Existing perimeter parking setbacks, which vary around the perimeter of the Subarea A, as depicted on the Site Plan, shall be the required parking setbacks.

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

1. Subarea A has one (1) existing full turning movement curbcut on Chantry Drive. It is anticipated Subarea A will be split from Subarea B by lot split. Access to Subarea B shall be by easement across Subarea A. Applicable easement(s) shall be provided on Subarea A for vehicular and pedestrian access for Subarea B.
2. Subarea A shall have vehicular and pedestrian access on Subarea B by easement.
3. There shall be no direct vehicular access to Brice Road from Subarea A.

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

1. Certain existing parking lot landscaping islands do not meet current design standards and the number of islands and parking lot trees are less than current requirements. All existing islands and the total existing number of parking lot trees shall be permitted other than with complete redevelopment of the existing parking lot. No new parking lot islands or parking lot trees shall be required in Subarea A.
2. Existing mounding and screening on the east and south side of the site shall be maintained.

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

N/A

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

N/A

**F. Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-4, Commercial District. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

**G. Other CPD Requirements.**

1. Natural Environment: Subarea A is located at the northwest corner of Brice Road and Chantry Drive.
2. Existing Land Use: Subarea A is developed with a restaurant and accessory parking. Commercial uses are located in all directions from the site.
3. Circulation: There is one (1) curbcut on Chantry Drive, which shall remain. Subarea A will also have vehicular connection across Subarea B and to property to the north. All existing vehicular access shall be permitted to remain. There shall be no direct vehicular access to Brice Road.
4. Visual Form of the Environment: The proposed uses are appropriate for the location. Brice Road and Chantry Drive are extensively developed with commercial uses.
5. Visibility: The site is visible from Brice Road and Chantry Drive.

6. Proposed Development: Subarea A is developed with a restaurant building and accessory parking. The existing development will remain.

7. Behavior Patterns: Vehicular access will be from the existing Chantry Drive curbcut. On-site circulation will be as depicted on the referenced Site Plan.

8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

#### **H. Modification of Code Standards.**

1. Section 3312.21(B)(D), Landscaping and Screening, to permit any existing parking lot island(s) non-compliant with current width, radius, area standards and number of parking lot interior trees, to not provide headlight screening in the existing Brice Road and Chantry Drive parking setback, unless or until the site is redeveloped.

2. Section 3312.27(4), Parking Setback Line, to reduce the Brice Road and Chantry Drive minimum 10' parking setback to 3 - 6 feet to reflect existing conditions, as depicted on the Site Plan.

#### **I. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. Development of the site shall be in accordance with the Site Plan titled "Rezoning Site Plan - 5940 Chantry Drive", dated March 12, 2021, and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, 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 Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustment.

#### **SUBAREA B, 0.894 +/- acres:**

**1. PERMITTED USES:** The permitted uses shall be as permitted in Section 3356.03, C-4 Permitted Uses, and a car wash.

**2. 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, of the Columbus City Code.

#### **A. Density, Height, Lot and/or Setback Commitments.**

Subarea B shall have the minimum building and parking setbacks as depicted on the Site Plan.

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

1. It is anticipated Subarea B will be split from Subarea A by lot split. Vehicular access for Subarea B shall be by easement across Subarea A.

2. There shall be no direct vehicular access from Subarea B to Brice Road.

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

Street trees at 40' +/- on-center shall be provided along Brice Road either in the right of way or in the parking setback.

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

Exterior building materials for a car wash shall include cultured stone, hardie-plank board and/or batten siding and asphalt shingles.

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

N/A

**F. Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-4, Commercial District. Any ground sign shall be monument-style. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

**G. Other CPD Requirements.**

1. Natural Environment: Subarea B is located north of the northwest corner of Brice Road and Chantry Drive.
2. Existing Land Use: Subarea B is presently developed with accessory parking for the restaurant use located in Subarea A. Subarea B will be redeveloped with a car wash as depicted on the Site Plan. Commercial uses are located in all directions from the site.
3. Circulation: There is one (1) curbcut on Chantry Drive in Subarea A. Subarea B shall be accessed through Subarea A and from abutting property to the north of Subarea B. There shall be no direct vehicular access to Brice Road.
4. Visual Form of the Environment: The proposed uses are appropriate for the location. Brice Road and Chantry Drive are extensively developed with commercial uses.
5. Visibility: The site is visible from Brice Road and Chantry Drive.
6. Proposed Development: Subarea B is developed with accessory parking for the restaurant located in Subarea A. Subarea B will be redeveloped with a car wash, as depicted on the Site Plan.
7. Behavior Patterns: Vehicular access will be from the existing Chantry Drive curbcut on Subarea A and from abutting property to the north of Subarea B. On-site circulation will be as depicted on the referenced Site Plan.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

**H. Modification of Code Standards.**

The following code modification applies only to use/development of the site as a car wash.

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

**I. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.
2. Development of the site shall be in accordance with the Site Plan titled “Rezoning Site Plan - 5940 Chantry Drive”,

dated March 12, 2021, and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, 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 Building and Zoning Services Department or his designee 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.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**