



## Legislation Text

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**File #:** 1384-2013, **Version:** 1

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### **Rezoning Application Z12-068**

**APPLICANT:** Worldwide Investments LLC; c/o Jeanne Cabral, Architect; 2939 Bexley Park Road; Columbus, Ohio 43209.

**PROPOSED USE:** Commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on February 14, 2013.

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a convenience store and is zoned in the R, Rural District as a result of a 1982 annexation from Clinton Township. The requested CPD, Commercial Planned Development District will secure proper zoning for the site and allow a two-story addition that is architecturally compatible with the surrounding residential buildings. The site is also located within the Urban Commercial Overlay (UCO). The CPD text commits to a site plan and elevation drawings, and includes use restrictions and setbacks. Variances for parking lot landscaping and to UCO standards pertaining to setbacks, parking lot and dumpster location, percent window glass, and fence requirements are included in the request. The site is located within the planning area of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends mixed-use development for this location. The requested CPD, Commercial Planned Development District is consistent with the land use recommendations of the *Fifth by Northwest Neighborhood Plan*, and the zoning and development pattern of the area.

To rezone **1717 NORTHWEST BOULEVARD (43212)**, being 0.27± acres located on the southwest side of Northwest Boulevard, 95± feet southeast of Chambers Road, From: R, Rural District, To: CPD, Commercial Planned Development District (Rezoning # Z12-068).

**WHEREAS**, application #Z12-068 is on file with the Building and Zoning Services Department requesting rezoning of 0.27± acres from R, Rural District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Fifth by Northwest Area Commission recommends approval of said zoning change; and

**WHEREAS**, the Columbus Public Health Healthy Places program reviews applications for active living features and recognizes this development has a new sidewalk installed along Northwest Boulevard that is a minimum of 5 feet in width and code-required bicycle parking for the uses included on the Site Plan; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District will secure proper zoning for the site and allow a two-story addition that is architecturally compatible with the surrounding residential buildings. The request is consistent with the land use recommendations of the *Fifth by Northwest Neighborhood Plan*, and the zoning and development pattern of the 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 No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**1717 NORTHWEST BOULEVARD (43212)**, being 0.27± acres located on the southwest side of Northwest Boulevard, 95± feet southeast of Chambers Road, and being more particularly described as follows:

Situated in the State of Ohio, Country of Franklin and City of Columbus and being a part of Lot 23 of John M. Pugh's Subdivision, Plat Book 4, Page 324, Recorder's Office, Franklin County, Ohio, and being a part of an alley (20 feet wide), in said John M. Pugh's Subdivision, and vacated by Rod Record 19, page 226, Engineer's Office, Franklin County, Ohio further bounded and described as follows:

Beginning at a point in the West line of said Lot 23, at the intersection of the Southwesterly line of Northwest Boulevard (100 feet wide), said Southwesterly line of Northwest Boulevard is as established in Road Record 13, page 271, March 1, 1927; thence South 62 degrees 4 minutes East, along the Southwesterly line of Northwest Boulevard a distance of 56.95 feet to a point of curve; thence continuing along the Southwesterly line of Northwest Blvd., and along a curve to the right having a radius of 751.25 feet, a chord which bears South 59 degrees 35 minutes 50 seconds East, a chord distance of 64.72 feet to a point of curve; thence continuing along said Northwest Boulevard and along a curve to the right having a radius of 751.25 feet and a chord which bears South 53 degrees 24 minutes 38 seconds East, a chord distance of 97.46 feet to an iron pin in the centerline of said vacated alley (20 feet wide); thence along the centerline of said vacated alley (20 feet wide) North 89 degrees 37 minutes 30 seconds West a distance of 183.85 feet to a point; thence North 0 degrees 22 minutes 30 second East, a distance of 10 feet to a point, in the Southwest corner of said Lot 23; thence North 0 degrees 19 minutes 30 seconds West along the Westerly line of said Lot 23 a distance of 106.32 feet to the place of beginning.

Subject to (a) taxes and assessments now or hereafter due and payable, (b) restrictions, reservations, conditions, covenants, easements and rights-of-way of record, if any, (c) public streets and highways, and (d) zoning and building laws and regulations.

Property Address: 1717 Northwest Boulevard, Columbus, OH 43212

Parcel Number: 010-192262

**To Rezone From R**, Rural 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 plan being titled, "**SITE PLAN**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," both signed by Jeanne Cabral, Architect, dated May 15, 2013, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

**1717 NORTHWEST BLVD.**

**.271 ± Acres**

**CURRENT ZONING: R (property with existing commercial building annexed into Columbus in 1982)**

**PROPOSED DISTRICT: CPD, COMMERCIAL PLANNED DEVELOPMENT**

**PROPERTY ADDRESS: 1717 Northwest Blvd. (43212 )**

**OWNER / APPLICANT: Worldwide Investments LLC**

**c/o Jeanne Cabral, Architect 2939 Bexley Park Road, Columbus, Ohio 43209-2236, [jeannecabral@aol.com](mailto:jeannecabral@aol.com).**

**DATE OF TEXT: May 15, 2013**

**APPLICATION NUMBER: Z12-068**

## **1. INTRODUCTION:**

The subject property ("Site") is located along Northwest Blvd., south of Chambers Road and North of King Ave. The Site lies within the boundaries of the Fifth by Northwest Area Commission.

The Site had been annexed to the City in 1982 with the existing commercial structure intact. Upon annexation, the Site was zoned R. This rezoning to CPD will legitimize the existing legal development of the site to CPD to allow the much needed improvement to the existing building as well as the expansion of the building with more retail area and with two apartments above the new addition. The site is surrounded by a variety of properties zoned C-2, C-4, CPD, ARLD and R, most of which are commercial uses.

This text and the CPD site plan are being submitted to visually depict the proposed conditions and uses. The existing retail building shall be permitted to remain as developed; however, any future development or expansion shall conform to the standards set forth herein.

## **2. PERMITTED USES:**

(C.C.C. §3353.03) uses shall be permitted for the Site.

## **3. DEVELOPMENT STANDARDS:**

Except as specified herein and on the submitted CPD Site Plan, the applicable development standards shall be as specified in Chapter 3356, C-4 Commercial District.

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

1. Building Setback: The minimum Building setback shall be fifteen (15) feet from the Northwest Blvd. right-of-way as depicted on the attached Site Plan.
2. Parking Setback: The minimum parking setback shall be zero (0) feet from the Northwest Blvd. right of way as shown on the attached Site Plan.

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

1. Two curb cuts are existing. The curb cut closest to Chambers Road will be closed and landscaped. Access to and from the Site shall be as depicted on the submitted site plan.
2. The property owner shall construct a five ft. wide sidewalk along Northwest Blvd.
3. The property owner agrees that the existing asphalt parking area that encroaches into the right-of-way will need to be removed at the time of the construction of the planned store improvements.

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

1. Current conditions shall remain and the following new conditions shall apply:

- a. Street tree and low planting shall be required along the right of way of Northwest Boulevard. Such tree species and spacing shall be those specified in the Columbus Street Program guidelines from the City of Columbus Forester.
- b. Densely planted bushes (4 foot in height at time of planting) will take the place of a fence along the south property line for the parking spaces east of the proposed addition.

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

- 1. Dumpster to be relocated and screened per C.C.C. 3321.01.

**F. Miscellaneous Commitments.**

1. The new development of the subject Site shall be in conformance with the submitted Site Plan. The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data determined at the time the 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 their designee, upon submission of the appropriate data regarding the proposed adjustment.

**G. CPD Requirements.**

1. Natural Environment. The Site is developed with an existing retail building. New development includes additional retail space and two apartments above the new addition. The Site will be in consistent in type and use of the surrounding area and in accordance with the Fifth by Northwest Neighborhood Plan following this rezoning.

2. Existing Land Use.

The site is used for retail sales.

3. Transportation and Circulation.

The Site will be accessed from Northwest Blvd. The existing access points will be reduced to one access point per the recommendation from the City of Columbus. Existing paving in the right-of way will be removed and fully landscaped which reduces the amount of paving on the site.

4. Visual Form of the Environment.

The existing uses/zoning of the surrounding properties are as follows:

West: Commercial use - (CPD and C-4) Kroger store and Kroger gas

North: Commercial uses (C-2 and C-4) - offices and retail

East: Commercial (C-4) and Multi-family apartments (ARLD)

South: Multi-family apartments (R)

5. View and Visibility.

Significant consideration has been given to visibility and safety issues. The expansion and improvement to the existing building will considerably increase the desirability of the area and transform what is now a run-down building. This development with the two story addition will buffer the gas station to the west/northwest and the apartments to the south. The redesign will become a transitional building between commercial and residential.

6. Proposed Development.

Existing building to remain and added to with more retail space and two apartments above the addition.

7. Behavior Patterns.

This area has existing traffic flows, including Northwest Blvd. as the major thoroughfare, and the major roadways in and around the area.

**8. Parking**

Existing lot is paved. Reconfiguration of existing parking lot and re-striping is allowed per C.C.C.3372.603.B as “Overlay standards do not apply to the restriping and reconfiguration of existing parking lots”.

**9. Emissions.**

Due to the nature of the use, there will be no relevant increase of or addition to emissions.

**I. Variances Requested.**

The following variances are requested to permit the existing conditions of the Site to remain once the property is rezoned to CPD. Upon any redevelopment or expansion, the Site shall be required to conform to City code requirements in effect at that time.

1. Variance from C.C.C. §3372.604 A & B to allow zero (0) foot parking set back and fifteen (15) foot building set back.
2. Variance from C.C.C. §3312.21 A to allow the tree coverage to be reduced (as-is condition allowed).
3. Variance from C.C.C. §3372.607.A to allow partial exclusion of a four foot high masonry or stone wall next to the parking and allow exclusion of landscaping inside the right-of way to allow for car maneuvering. The current parking lot extends into the right of-way and the portion of paving in the right of way will be removed. The requirement of a 4 foot high solid fence and landscaping 3 foot on both sides of the fence would not allow for proper traffic flow, parking space access and would obscure visibility for entering and exiting traffic. The apartment parking is for the two apartments. Due to the restrictions of the size of the site and the removal of existing paving which is now used for parking, the parking for the apartments extends from the right-of-way to the line of the sewer easement. This does not allow for the building of a fence; however, densely planted bushes (4 foot in height at time of planting) will take the place of a fence.
4. Variance from §3372.609.A to allow parking between the principal structure and the street right-of-way line as the existing building is towards the rear of the property and the addition will provide a buffer between the existing residential apartment buildings to the south and the traffic for the center and Northwest Blvd to the north.
5. Variance from §3372.605 D to allow less than 60% window glass on the lower level portion of the front of the building street side of building. 50% minimum will be provided.
6. Variance from 3372.607C to allow the screened dumpster to be located to the side of the building rather than the rear. Due to the location of the existing building and the existing curb cut, combined with removal of paving in the right of way, the best location for the dumpster is to the left of the front of the building.

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