



Legislation Text

File #: 1024-2015, **Version:** 2

Rezoning Application Z14-057

APPLICANT: Mouth of Wilson LLC; c/o Jeffrey L. Brown, Atty.; Smith and Hale LLC; 37 West Broad Street, Suite 460; Columbus, Ohio 43215.

PROPOSED USE: Expansion of retail garden center.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on March 12, 2015.

WESTLAND AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant's request for an L-C-4, Limited Commercial District and proposal to expand the existing garden retail center would allow the site to be developed in a manner consistent and compatible with surrounding uses. The *Westland Area Plan* (1994) recommends office uses, however the existing CPD, Commercial Planned Development District, is tied to a site plan for a car wash. It is unlikely that a car wash will be developed on this site since it is directly adjacent to another car wash development. Furthermore, the proposed expansion of the retail garden center is no more intense than the car wash that is allowed under the existing zoning. The limitation text includes permitted uses, provisions for access, outdoor retail sales, and street trees. With the limitations proposed, the request remains consistent with the zoning and development patterns of the area.

To rezone **5526 WEST BROAD STREET (43228)**, being 1.79± acres located on the north side of West Broad Street, 360± feet west of Hilliard-Rome Road, From: CPD, Commercial Planned Development District, To: L-C-4, Limited Commercial District **and to declare an emergency** (Rezoning # Z14-057).

WHEREAS, application #Z14-057 is on file with the Department of Building and Zoning Services requesting rezoning of 1.79± acres from CPD, Commercial Planned Development District, to L-C-4, Limited Commercial 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 L-C-4, Limited Commercial District remains consistent with the zoning and development patterns of the area. The proposed L-C-4 district replaces a zoning district that permits only a car wash development, and allows for appropriate expansion of an existing retail garden center; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible 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:

5526 WEST BROAD STREET (43228), being 1.79± acres located on the north side of West Broad Street, 360± feet west of Hilliard-Rome Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Virginia Military Survey No. 6953, and being a portion of an original 2.070 acre tract presently owned by Mouth of Wilson LLC as recorded in Instrument No. 200605110091126 (PID: 570-187765), and being more particularly described as follows:

Beginning, for reference, at a railroad spike found marking the intersection of the center lines of Hilliard Rome Road and W. Broad Street (U.S. Route 40),

thence South 87° 02' 34" West 416.71 feet, along the centerline of W. Broad Street, to a PK nail set marking the southeast corner of said 2.070 acre tract and southwest corner of a 4.864 acre tract presently owned by Mouth of Wilson LLC as recorded in Instrument No. 200605110091126, recorded in Instrument No. 200504010060046;

thence North 14° 09' 52" East 73.25 feet, along the east line of said 2.070 acre tract and west line of said 4.864 acre tract, to an (3/4") iron pipe found in concrete in the north line of W. Broad Street (U.S. Route 40) and being the **true point of beginning** of the herein described tract,

thence **South 87° 02' 34" West 180.90 feet**, in said north right of way line and across said 2.070 acre tract, to an (3/4") iron pipe found in concrete in the west line of said 2.070 acre tract and east line of a 1.137 acre tract, presently owned by Midwest Development Systems LLC, recorded in Instrument No. 200602270036344;

thence **North 14° 23' 34" East 446.95 feet**, along the west line of said 2.070 acre tract and east line of said 1.137 acre tract, to an iron pin found (3/4") in the south line of a 0.620 acre tract presently owned by Broadman Baptist Church, recorded in Official Record 10535, Page I 07, marking the northwest corner of said 2.070 acre tract and northeast corner of said said 1.137 acre tract;

thence **North 84° 58' 38" East 181.17 feet**, along the north line of said 2.070 acre tract and south line of said 0.620 acre tract, to an iron pin found (3/4") marking the northeast corner of said 2.070 acre tract, southeast corner of said 0.620 acre tract, southwest corner of a 0.633 acre tract presently owned by DG properties of Central Ohio LLC, recorded in Instrument No. 200604190072719, and northwest corner of said 4.864 acre tract;

thence **South 14° 09' 52" West 453.23 feet**, along the east line of said 2.070 acre tract and west line of said 4.864 acre tract, to the true point of beginning, containing an area of **1.779 acres**.

To Rezone From: CPD, Commercial Planned Development District

To: L-C-4, Limited Commercial District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the 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 changes on the said original zoning map and shall register a copy of the approved L-C-4, Limited Commercial District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said text being titled, "**TEXT**," signed by Jeffrey L. Brown, Attorney for the Applicant, dated March 6, 2015, and reading as follows:

TEXT

PROPOSED DISTRICT: L-C-4

PROPERTY ADDRESS: 5526 West Broad Street

OWNER: Mouth of Wilson LLC

APPLICANT: Mouth of Wilson LLC

DATE OF TEXT: 3/6/15

APPLICATION: Z14-057

1. **INTRODUCTION:** This site was rezoned to the CPD classification in 1990 to permit a car wash. The zoning text also permitted all C-4 uses but committed to the car wash site plan. This zoning application eliminates the site plan and car wash use and updates the development standards.

2. **PERMITTED USES:** Those uses permitted in Chapter 3356 C-4, Commercial of the Columbus City Code.

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in the limitation text, the applicable development standards are contained in Chapter 3356 C-4, Commercial of the Columbus City Code.

A. Density, Height, Lot and/or Setback Requirements

N/A

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

Access to this site shall be from the tax parcel to the east unless the Ohio Department of Transportation permits a separate curb cut for this site.

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

Street trees shall be installed along the West Broad Street frontage on the basis of one tree for every forty feet of frontage. These trees may be grouped together or spaced apart.

D. Building Design and/or Interior-Exterior Treatment Commitments

N/A

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

There shall be no outdoor displays of merchandise within 100 feet of the right of way of West Broad Street.

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 it applies to the C-4, Commercial zoning classification and any variance to these requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous

N/A

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.