



Legislation Text

File #: 2517-2016, **Version:** 1

Rezoning Application Z16-029

APPLICANT: The Kroger Co.; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Building and parking lot expansion.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on July 14, 2016.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two parcels zoned in the CPD, Commercial Planned Development District developed with a grocery store and associated parking lot, car wash, and gas station. The requested CPD, Commercial Planned Development District will allow a 1,460 square foot expansion of the existing building, demolition of the existing carwash, and expansion of the parking lot to include a total of 190 parking spaces. The CPD text allows all uses in the C-4, Commercial District, and includes commitments to setbacks, access, buffering, landscaping, building design, outdoor display, and lighting. Variances for reduced number of required parking spaces from 229 to 190 spaces, as well as reduced building and parking setbacks along East Main Street and Holtzman Avenue are included in the text. The applicant will modify the site in accordance with the provided site plan. The site is located in the planning area of the *Near East Area Plan* (2005), which recommends light industrial or commercial uses at this location. The proposed CPD, Commercial Planned Development District is consistent with the Plan's land use recommendations, continues to provide an appropriate transitional use from the manufacturing and commercial uses north and west of the site to the residential uses east of the site, and is an appropriate land use on a corridor such as East Main Street.

To rezone **2000 EAST MAIN STREET (43205)**, being 5.19± acres located at the northeast corner of East Main Street and Holtzman Avenue, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z16-029).

WHEREAS, application No. Z16-029 is on file with the Department of Building and Zoning Services requesting rezoning of 5.19± acres from CPD, Commercial Planned Development District, to CPD, Commercial Planned Development District; and

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

WHEREAS, the Near East 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 is compatible with the existing commercial development pattern along East Main Street and continues to provide a transitional use between manufacturing uses to the west and residential uses to the east; 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:

2000 EAST MAIN STREET (43205), being 5.19± acres located at the northeast corner of East Main Street and Holtzman Avenue, and being more particularly described as follows:

Tract 1: Being situated in the City of Columbus, Franklin County, State of Ohio and being part of Lot fifty-eight (58) of Martin & Stage's Fairwood Addition to the City of Columbus of record in Plat Book 2, Page 98 and being part of that land of record in Deed Volume 2152, Page 527 and Deed Volume 3674, Page 523 and Official Record 195, Page F-18 in the Franklin County Recorder's Office and being more particularly described as follows:

Beginning at a chisel cross on the westerly headwall of bridge on Alum Creek, said point being the southeast corner of Lot 58;

Thence from the place of beginning North 87° 51' 02" West along the north line of Main Street (80 feet wide) a distance of 249.55 feet to a point;

Thence along the easterly boundary of The Kroger Co. (O.R. 20 P. E-17, O.R. 109, P. H-14, D.V. 3741 P. 868 and D.V. 3732 P. 88) the following seven (7) courses:

1. North 2° 08' 58" East a distance of 117.46 feet (passing over a spike at 2.00 feet) to a spike;
2. North 87° 51' 02" West a distance of 35.00 feet to a point;
3. North 2° 08' 58" East a distance of 107.01 feet to a point;
4. North 87° 51' 02" West a distance of 82.94 feet to a point;
5. North 3° 56' 47" East a distance of 16.00 feet to a point;
6. North 87° 51' 02" West a distance of 3.00 feet to a point;
7. North 3° 56' 47" East a distance of 149.00 feet to an iron pin;

Thence South 87° 51' 02" East a distance of 255.87 feet (passing over an iron pin at 178.00 feet) to a point in the centerline of Alum Creek;

Thence South 31° 07' 40" East along the centerline of Alum Creek also being the westerly boundary of Trust Realty Company (D.V. 3121 P. 559) a distance of 148.53 feet to a point;

Thence South 19° 21' 36" East along the centerline of Alum Creek and the west boundary of said Trust Realty Company a distance of 100.79 feet to a point;

Thence South 5° 09' 20" West along the east line of Lot 58 a distance of 171.68 feet to the place of beginning - containing 2.565 acres, more or less.

Tract 2: Situated in the City of Columbus, County of Franklin, State of Ohio, being located north and east of the intersection of East Main Street and Holtzman Avenue and being part comprised of Lots 6 through 17 of Henry Holtzman's Addition, as shown and recorded in Plat Book 5, pages 176 and 177, also part of lots 57 and 58 of Martin and Stages Fairwood Addition of record in Plat Book 2, page 98, and in part by portions of vacated Alley's platted within said Additions:

Being also those tracts of land deeded to the Kroger Company by the following instruments: 0.261 Acre Tract 1 and 0.989 Acre Tract 2 contained in deed recorded in D.B. 3741, pg. 868;

0.888 Acres out of that 1.017 Acre parcel recorded in Deed Book 3732, page 88;

0.261 Acres recorded in Official Record Vol. 20, page E-17;

0.144 Acres recorded in Official Record Vol. 109, page E-14, and including also 0.129 Acres located within portions of alleys vacated by City of Columbus, Ordinance No. 1482-80 and being more particularly described as follows:

Beginning at the southwest corner of the herein described parcel, said point being located at the intersection of the north line of E. Main Street (80 foot right-of-way) with the east line of Holtzman Avenue (60 foot right-of-way), as shown on the plat of said Henry Holtzman Addition, said point being also the southwest corner of said 0.989 Acre Tract 2, (D.B. 3741, pg. 868);

Thence along said east line of Holtzman Avenue and west line of said 0.939 Acre and 0.251 acre tract of record in Official Records Vol. 20, page E-17, N 3° 56' 47" E a distance of 389.59 feet to a point;

Thence along said north line of last mentioned 0.261 Acre parcel and said line extended to the center line of an alley vacated by City of Columbus, Ordinance No. 1482-80, S 87° 51' 02" E a distance of 180.01 feet to a point;

Thence along the centerline of said alley N 3° 56' 47" E a distance of 7.99 feet to a point;

Thence crossing said vacated alley and along the north line of said 0.144 Acre parcel S 87° 51' 02" E a distance of 50.00 feet to a point;

Thence along the east line of said 0.144 Acre parcel S 3° 56' 47" W a distance of 157.00 feet to a point in the north line of said 1.017 Acre parcel;

Thence along said north line S 87° 51' 02" E a distance of 3.03 feet to a point at the northwest corner of an 0.129 acre parcel deed to Diamond Harmony foods, Inc. by deed of record in O.R. Vol. 196, Page F-18;

Thence crossing through said 1.017 Acre parcel along the boundary of said 0.129 Acre parcel the following four (4) courses:

1. S 3° 56' 47" W a distance of 16.00 feet to a point;
2. S 87° 51' 02" E a distance of 82.94 feet to a point;
3. S 2° 08' 58" W a distance of 107.01 feet to a point;
4. S 87° 51' 02" E a distance of 35.00 feet to appoint in the east line of said 1.017 Acre parcel;

Thence along said east line S 2° 08' 58" W a distance of 117.46 feet to a point in the north line of E. Main St.;

Thence along the north line of E. Main Street N 87° 51' 02" W a distance of 358.03 feet to the place of beginning.

This description is based on a survey of said land by Robert A. Hock, Ohio Registered Surveyor No. 5674.

To Rezone From: CPD, Commercial Planned Development 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, “**SITE PLAN**,” “**OVERALL LANDSCAPE PLAN**,” and “**LANDSCAPE DETAILS**,” and text titled, “**CPD TEXT**,” all dated July 19, 2016, signed by David Hodge, Attorney for Applicant, and the text reading as follows:

CPD TEXT

PROPOSED DISTRICT: CPD, Commercial Planned Development District

PROPERTY ADDRESS: 2000 East Main Street, Columbus, Ohio 43205

OWNER: The Kroger Co.

APPLICANT: The Kroger Co.

DATE OF TEXT: July 19, 2016

APPLICATION NUMBER: Z16-029

1. **INTRODUCTION:** The Kroger Co. plans a minor expansion to its existing grocery store at this location, and also plans to raze the car wash located along the eastern portion of its property and to use that area for parking. As such the CPD Plan and CPD Text need to be revised.

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

3. **DEVELOPMENT STANDARDS:**

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

Parking and building setbacks are as shown on the submitted site plan.

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

All circulation, curb cuts and access points shall remain in their existing configuration, as reflected on the CPD Plan.

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

Raised curbs and landscaping shall be maintained in substantial conformity with the submitted landscape plans.

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

1. All exterior treatments of the building shall be consistent with the existing Kroger store and fuel center canopy, maintaining similar colors and materials.

2. The fueling facility building(s) shall be finished on all sides/elevations with brick veneer.

3. The fueling facility canopy structure shall be finished with one or more of the following materials, individually, or in any combination thereof: a) brick, b) stucco (or comparable material), c) thru wall masonry units, d) split face, fluted, or polished masonry units, e) wood, f) glass, g) aluminum and glass framing and/or pre-colored metal or shingles.

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

1. Outside sales displays will be limited, at the fueling facility, to automotive displays as follows:
 - a. In front of the building along the sidewalk, four (4) feet in depth and twelve (12) feet in width.
 - b. A 4' x 4' area at the ends of the pump islands.
2. All light poles and standards shall be white, bronze, navy blue, or black in color.
3. All light poles will conform in height to the height of the light poles in the adjacent shopping center.
4. All light poles on the subject property shall be placed as shown on the submitted drawing.

F. Graphics and/or Signage Commitments.

All graphics and signage shall comply with the City Graphics Code, Title 33, Article 15, of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Variances Requested.

1. Applicant requests a variance to the parking space requirement outlined in Section 3312.49 to reduce the minimum number of required parking spaces from 229 required parking spaces to 190 parking spaces.
2. The parking and building setbacks shall be reduced on East Main Street and Holtzman Avenue as shown on the submitted site plan.

H. Miscellaneous Commitments.

1. The property owner shall comply with C.C. 3357.18 Abandoned fuel sales establishments; in the event the fuel sales establishment on this property ceases operation.

The Subject Site shall be maintained in accordance with the Site Plan and Landscape Plans submitted herewith. The Site Plan and Landscape Plans may be slightly adjusted to reflect engineering, topographical or other unforeseen site data developed at the time of the contemplated improvement. Any slight adjustment shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

4. CPD REQUIREMENTS:

A. NATURAL ENVIRONMENT

This property is currently developed with a grocery store, fuel sales, and a car wash. It is located along the north side of East Main Street, north of the intersection of Main Street and Alum Creek Drive. Alum Creek is located to the east of the site.

B. EXISTING LAND USE

The existing land use is primarily a grocery store, with a supportive fuel sales center, car wash, and surface parking lot.

C. TRANSPORTATION AND CIRCULATION

The transportation and circulation pattern with this proposal will not change. The property will retain its two access points from East Main Street, and one from Holtzman Avenue. The easternmost access point shall remain a right-in / right-out access, the western access point is full service at the signal at East Main Street and Alum Creek Drive. The Holtzman Avenue access point shall remain a full service access.

D. VISUAL FORM OF THE ENVIRONMENT

East Main Street is a commercial corridor with the predominant land use in either direction being commercial. Alum Creek is located immediately to the east. Pumphouse Park is located to the south across East Main Street. Auto repair and salvage is located on the property to the north.

E. VIEW AND VISIBILITY

The proposed use and improvements will enhance the site and in no way diminish the neighborhood.

F. PROPOSED DEVELOPMENT

Applicant plans a minor addition to the grocery building to provide a better service to its customer base, and to raze the car wash to provide additional parking.

G. BEHAVIOR PATTERNS

The behavior patterns will not change from the existing development on the property, with the exception that additional parking will be provided on what is now the car wash.

H. EMISSIONS

Emissions generated from the use of this site will not substantially affect the environment or alter the use and enjoyment of the surrounding neighborhood or neighborhoods.

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