



Legislation Text

File #: 1743-2016, **Version:** 1

Rezoning Application Z15-056

APPLICANT: Mohammed Alwazan; c/o David Perry, Agent; David Perry Company, Inc.; 145 East Rich Street, 3rd Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Automobile sales.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (3-1) on May 12, 2016.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two parcels zoned in the C-5, Commercial District, currently developed with a self-serve carwash facility. The requested L-C-4, Limited Commercial District would allow for the development of an automobile sales facility. The limitation text allows C-4, Commercial District uses with an accompanied list of prohibited uses. Development standards in the text address vehicle access, screening and landscaping along Cleveland Avenue and Home Acre Drive, lighting, outdoor display areas, prohibited activities, and graphics. The limitation text commits to a site plan and elevation drawings if the property is to be used for auto sales. The site is located within the planning area of the *Northland I Area Plan* (2014), which recommends community commercial land uses at this location. The requested L-C-4, Limited Commercial District would allow redevelopment of the site along a commercial corridor with an automobile sales use while utilizing limitations and development standards consistent with established zoning and development patterns of the area. In addition, parking lot landscaping and screening, which does not exist with the current development, has been incorporated into the proposed development.

To rezone **6125 CLEVELAND AVENUE (43231)**, being 0.62± acres located at the southwest corner of Cleveland Avenue and Home Acre Drive, From: C-5, Commercial District, To: L-C-4, Limited Commercial District (Rezoning # Z15-056).

WHEREAS, application No. Z15-056 is on file with the Department of Building and Zoning Services requesting rezoning of 0.62± acres from C-5, Commercial 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, which would allow an automobile sales facility, is compatible with the established commercial uses along Cleveland Avenue; 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:

6125 CLEVELAND AVENUE (43231), being 0.62± acres located at the southwest corner of Cleveland Avenue and

Home Acre Drive, and being more particularly described as follows:

Situated in the state of Ohio, county of Franklin and in the city of Columbus:

Of a 0.624 acre parcel of ground , of which 0.341 acre is out lot#1 of the North Home Acre Park as recorded in plat book 18. Page 20 recorder's office, Franklin county , Ohio and 0.283 acre being out of a 0.50 acre tract in lot#6, QT, township #1 , T2N, R18W, USML, as recorded in official record 106 C07 of the Franklin County Recorder's office, Ohio , and said parcel to be conveyed is more particularly described as follow:

Beginning at an iron rod found at the intersection of the south right of way line of home acres road and the west right of way line of Cleveland Avenue. Said iron rod is marking the NE corner of the 0.624 acre parcel;

Thence south 06 33' 10" West, 138.91 feet, with the west right of way line of Cleveland avenue, to an iron pin found;

Thence North 83 42' 13" West, 195.00 feet, with the south line of the said 0.50 acre tract, to an iron pin found;

Thence North 06 33' 00" East, 139.71 feet, with a line common to a 0.321 acre tract , to an iron pin found in the south right of way line of home acres Road;

Thence south 83 27' 00" East, 195.00 feet, with the south right of way line of home acres road and part of the North line of said lot#1, to the iron rod at the place of beginning. And thus containing 0.624 Acre, more or less.

Parcel Numbers: 600-202557 and 600-202558

To Rezone From: C-5, Commercial District

To: L-C-4, Limited Commercial 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 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 plans being titled "**SITE PLAN**," and "**BUILDING ELEVATIONS**," and said text being titled, "**DEVELOPMENT TEXT**," all signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, dated June 1, 2016, and reading as follows:

DEVELOPMENT TEXT

PROPERTY ADDRESS: 6125 Cleveland Avenue, Columbus, OH 43231

PID: 600-202557, 600-202558

AREA: 0.62 +/- ac

EXISTING ZONING: C-5, Commercial District

PROPOSED DISTRICT: L-C-4, Limited Commercial District

APPLICANT: Mohammed Alwazan, c/o Dave Perry, David Perry Company, Inc.,
145 E. Rich Street, FL 3, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 145 E. Rich Street,
FL 3, Columbus, Ohio 43215

PROPERTY OWNER: Buckeye State Auto Sales c/o Dave Perry, David Perry Company, Inc.,
145 E. Rich Street, FL 3, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 145 E. Rich Street,
FL 3, Columbus, Ohio 43215

DATE OF TEXT: June 1, 2016

APPLICATION NUMBER: Z15-056

1. INTRODUCTION: The 0.62 +/- acre site is located at the southwest corner of Cleveland Avenue and Home Acre Drive. The site is developed with an 8 bay block self-serve open bay carwash built in the 1980's. Cleveland Avenue is a major arterial road appropriate for commercial uses. Applicant proposes to rezone the property from C-5, Commercial to L-C-4, Limited Commercial to abandon the carwash and redevelop the site and building to permit office, retail and/or restaurant uses. The Site Plan titled "Site Plan", dated June 1, 2016 and the building elevation plan titled "Building Elevations", dated June 1, 2016, are referenced in Section G.1. The Site Plan and Building Elevation referenced in G.1 shall only apply to use of the property for the sale of automobiles.

2. PERMITTED USES: Permitted uses, except as prohibited below, shall be all uses of Section 3356.03, C-4, Permitted Uses. The following uses shall not be permitted: Animal Shelter, Bars, Cabarets and Nightclubs, Blood and Organ Banks, Check Cashing and Loans, Halfway House, Mission/Temporary Shelters, Monopole Telecommunications Antenna(s), Sales, rental or leasing of Motorcycles, Boats, Recreational Vehicles, Trucks (exceeding 1 ton manufacturers rated weight capacity), Utility Trailers and off-road vehicles, Pawn Brokers, and auto-repair and/or auto body work other than light maintenance/repair of vehicles associated with preparation of vehicles for sale, such as, but not limited to: change of fluids and filters, brake repair/replacement, and other miscellaneous light repair, interior and exterior cleaning, and light body work to repair minor dents and scratches.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan, Building Elevations 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.

N/A

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

1. Vehicular access shall be from a full-turning movement curb cut on Home Acre Drive.
2. Vehicular access to Cleveland Avenue by the curb cut on the adjacent property to the south shall be closed and applicable pavement on the subject site removed.

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

1. Street tree planting within the 10 foot parking setback on both Cleveland Avenue and Home Acre Drive shall be provided as depicted on the site plan, with three (3) street trees per street.
2. If the property is used for the sale of automobiles, site landscaping shall be as depicted on the Site Plan. If the site is not used for the sale of automobiles, site landscaping shall comply with applicable code required landscaping.

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

The exterior elevation of the building shall be brick veneer, other than window and door areas. There shall be a brick parapet. The metal mansard roof on the existing building shall be removed.

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

If the property is used for the sale of automobiles, vehicles for sale shall only be parked/displayed for sale in the areas labeled "Inventory for Sale", as noted on the Site Plan. There shall be no outside display of merchandise/inventory for any

use other than the sale of automobiles.

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 District, except any new ground sign(s) shall be monument-style. There is an existing single pole ground sign located at the corner of Cleveland Avenue and Home Acre Drive. The existing sign may remain indefinitely, including replacement if destroyed, under applicable provisions of the Graphics Code, but shall not be enlarged, even if enlargement is otherwise permitted by C-4 standards. Any variance to applicable sign standards, other than enlarging the existing pole mounted ground sign, shall be submitted to the Columbus Graphics Commission for consideration. There is an existing billboard on the premises. Other than the existing billboard, no off-premise graphics shall be permitted on this site.

G. Miscellaneous commitments.

1. The site shall be developed in accordance with the submitted Site Plan titled "Site Plan" and the building elevation plan titled "Building Elevations", both dated and signed June 1, 2016, by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, if the property is used for the sale of automobiles. 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. All dimensions noted on the plan reflect applicant's best information at this time, but are subject to change with final surveying and/or final engineering. 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 his designee upon submission of the appropriate data regarding the proposed adjustment.

2. There shall be no outside storage of car parts. All refuse shall be contained within the dumpster box depicted on the site plan.

3. There shall be no wrecked vehicles on the premises. All vehicles shall have a current motor vehicle registration and license.

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