



Legislation Text

File #: 2946-2016, **Version:** 1

Rezoning Application Z16-059

APPLICANT: 620 Georgesville Road, LLC; c/o Brian D. Biglin, Atty.; Nardone Limited; 300 East Broad Street, Suite 490; Columbus, OH 43215.

PROPOSED USE: Revise CPD plan to allow restaurant with drive-through.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on November 10, 2016.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District replaces the current CPD plan to accommodate a new fast-food establishment. The CPD text includes appropriate use restrictions and development standards which will ensure compatibility with adjacent uses. The site is located within the planning area of *The Greater Hilltop Plan Amendment* (2010) which recommends community commercial uses for this location. The proposal is consistent with the zoning and development pattern of the area.

To rezone **620 GEORGESVILLE ROAD (43228)**, being 0.72± acres located at the southeast corner of Georgesville Road and Atlanta Drive, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning # Z16-059).

WHEREAS, application # Z16-059 is on file with the Building and Zoning Services Department requesting rezoning of 0.72± 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 Greater Hilltop 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 replaces the current CPD plan to accommodate a new fast-food establishment. The CPD text includes appropriate use restrictions and development standards which will ensure compatibility with adjacent uses. The proposal is consistent with the land use recommendations of the *Greater Hilltop Plan Amendment*, and with 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:

620 GEORGESVILLE ROAD (43228), being 0.72± acres located at the southeast corner of Georgesville Road and Atlanta Drive, and being more particularly described as follows:

Being Reserve "B" of Georgian Heights No. 5 as said reserve is lettered and delineated on the recorded plat thereof, of record in Plat Book 27, Page 82, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at an iron pin at the Southwest corner of said Reserve "B" and in the East line of Georgesville Road (75 feet wide) as the said corner is located in the above mentioned plat;

Thence S 81° 43' E along the South line of said Reserve "B" an the North line of Lot No. 31 a distance of 169.00 feet to a point at the Southeast corner of said Reserve "B" and the Northeast corner of said Lot No. 31 (passing an iron pin on line at 157.00 feet);

Thence N. 8° 17' E along the East line of said Reserve "B" and the West line of Lots Nos. 16, 15, 14 and 13 a distance of 202.94 feet to an iron pin in the South line of Sullivant Avenue South, (80 feet wide) said iron pin being also the Northeast corner of said Reserve "B" and the Northwest corner of said Lot No. 13;

Thence S. 87° 44' W along the North line of said Reserve "B" and the South line of said Sullivant Avenue South a distance of 146.97 feet to an iron pin at the beginning of a curve, data of which is: radius-30.00 feet, tangent-24.93 feet, delta 79° 27' left, a curve length-41.60 feet, to an iron pin at the end of said curve, said iron pin being in the East line of said Georgesville Road;

Thence S. 8° 17' W along the West line of said Reserve "B" and the East line of said Georgesville Road a distance of 146.54 feet to the Place of Beginning;

Containing 0.723 acre of land more or less, and being subject to a utility easement of Five feet off the entire East side of said Reserve "B", and the other easements of record, if any, including however all rights, Reversionary or otherwise, in the abutting roads and avenue.

Parcel No.: 010-122507

Property Address: 620 Georgesville Road, Columbus, OH 43228

Prior Instrument Reference: Recorded in Official Record Instrument No. 200212270333237, Recorder's Office Franklin County, Ohio.

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, "**REZONING SITE PLAN**," and "**LANDSCAPE PLAN**," signed by Michael S. Williamson, Professional Engineer, and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," signed by Eric Laeuffer, Agent for the Applicant, and Brian D. Biglin, Attorney for the Applicant, all dated November 15, 2016, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD, Commercial Planned Development

PROPERTY ADDRESS: 620 Georgesville Road, Columbus, Ohio 43228; .723 + Acres

OWNER: MAMJ Enterprises, LLC. P. O. Box 3416. Dublin, Ohio 43016

APPLICANT: 620 Georgesville Road, LLC, 114 Dorchester Square, Westerville, Ohio 43016

DATE OF TEXT: November 15, 2016

APPLICATION #: Z16-059

1. INTRODUCTION

The subject property (the "Site") (Parcel ID# 010-122507) is located on the south-east corner of Atlanta Road and Georgesville Road. The Site is currently owned by MAMJ Enterprises, LLC. MAMJ Enterprises, LLC currently operates the car wash (10 self-serve bays) on the Site. The property was rezoned on February 14, 1994, from L-C-3 to CPD, Commercial Planned Development District, allowing C-4 uses-see exclusions set forth in Section 2 below-plus car wash and retail vehicle repair center uses.

Applicant proposes to rezone the Site to CPD, Commercial Planned Development District to allow all permitted C-4, Commercial District uses, specifically a restaurant. The approximate .723 acre site will be developed by demolishing all existing structures and constructing a Taco Bell restaurant. The Applicant also is requesting in this application for a variance regarding the set-back line along Georgesville Road to allow for appropriate parking for the newly constructed restaurant. This CPD text is submitted in support of the zoning application and variance request and is intended to comply with the Greater Hilltop Plan.

The CPD text also reflects the change of use for the Site to a restaurant, referencing the site plan. The site plan is compliant with Columbus City Code development standards. Any variances to the City Code requirements are identified in the CPD Text.

2. PERMITTED USES

A. This application proposes that the Site will be re-zoned to allow all permitted C-4 uses, plus a car wash, with the exception of those exclusions listed below in this Section 2. The permitted C-4 uses for this Site, will include, but not be limited to in any way, the construction of a restaurant in accordance with the site plan.

B. Exclusions From Use on This Site: The following exclusions from uses currently permitted under Section 3356.03, C-4 Commercial of the Columbus City Code will not be allowed on this Site:

Animal shelter; Armored car, investigation, guard and security services; Astrology, fortune telling and palm reading; Auto body repair; Blood and organ banks; Bars, Cabarets and nightclubs; Check cashing and loan facilities; Community food pantry; Crematory; Drive-in motion picture theaters; Funeral homes and services; Halfway houses; Missions/temporary shelters; Pawn brokers; Performing arts, spectator sports and related industries; Repossession services; Theaters, dance companies, and dinner theaters; Tire sales/service store.

3. DEVELOPMENT STANDARDS

Unless otherwise indicated in the submitted written text, the applicable development standards shall be those contained in Chapters 3356 (C-4, Commercial District), of the Columbus City Code.

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

The development of the Site will be changed to demolish the existing structures and construct a restaurant as shown on the site plan.

B. Access, Loading, parking and/or Other Traffic Related Commitments.

1. Access to and from the Site shall be provided via Atlanta Road and Georgesville Road, as illustrated on the attached site plan.
2. With this redevelopment of the Site as a restaurant, the access point to Georgesville Road shall become a right-in/right-out access point. For the purposes of this section, “redevelopment” shall be defined as action including both the demolition of the existing building and construction of a new building. The “right-in/right-out” is shown on the site plan utilizing a traffic diverting device.

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

The six foot high wood privacy fence along the east property line shall be maintained.

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 exterior sound system either portable or permanent on this property, other than the drive-up speakers, that can be heard from the single-unit subdivision east of this Site.

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, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Other CPD Requirements.

1. Natural Environment: The Site consists of .723 acres located on the east side of Georgesville Road and south of Atlanta Drive. Existing commercial properties are in existence on the south, west, and north sides of the development with residential to the east.
2. Existing Land Use: The Site is currently being utilized as a ten bay car wash with an equipment room. This structure will be demolished and replaced with a new restaurant.
3. Circulation: The Site is currently being serviced by a curb cut on Georgesville Road and an additional curb cut on Atlanta Drive. Access will be in accordance with a curb cut on Atlanta Drive and Georgesville Road as set forth in the site plan.
4. Visual Form of the Environment: The existing structure of the property will be demolished and replaced with the construction of a Restaurant.
5. Visibility: The Site is visible from the street along both Georgesville Road and Atlanta Drive; Applicant believes that the proposed improvements will enhance the Site and that the Site will continue to be utilized in a safe and effective manner.
6. Proposed Development: The proposed development consists of constructing a restaurant, plus C-4, Commercial District uses.
7. Behavior Patterns: This property is currently being operated without adverse effect to its neighbors. The area is

primarily commercial except for a residential area to the east that is currently screened by a wooden fence. The proposed changes will not significantly alter the behavior patterns that currently occur on the site and will significantly enhance the Site with a newly constructed restaurant. This new development should not cause problems in relationship to its neighbors.

8. Emissions: There will be no additional emissions of sound, odor or dust of any kind in excess of that currently occurs on site. The Site will be fully supervised and only authorized activities will occur and then in an effective and lawful manner.

H. Modification of Code Standards.

Variance to the Columbus City Code requirements requested:

The Applicant is requesting a variance from Section 3312.27 to allow for a reduction in the parking setback from the Georgesville Road right of way from 10 feet to one foot. The request will not result in parking that encroaches onto the roadway, however, as the parking spaces will still be more than 40 feet from the existing edge of Georgesville Road. The addition of the proposed bicycle path along the Georgesville right of way will force the parking at the Site to begin further back to comply with the additional right of way requirements the construction of the bicycle path will entail. The owner and applicant have agreed to grant the City of Columbus additional set-back from the Georgesville Road right of way to construct the bicycle path. The parking will not intrude into the proposed bicycle path. The adjacent property owner to the south has parking that is situated similarly.

I. Miscellaneous Commitments.

The Site shall be developed for the proposed restaurant in accordance with the site plan and details. The plan may be slightly adjusted to reflect engineering, topographical or other Site data obtained at the time of development and when 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 a designee, upon submission of the appropriate data regarding the proposed adjustment. The setback and access depicted on the site plan will apply for any other permitted use at this Site.

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