



## Legislation Text

**File #:** 3012-2016, **Version:** 1

### Rezoning Application Z16-051

**APPLICANT:** AutoZone Development, LLC; c/o Wesley R. Berlin, Agent; 9137 Lyndenglen Court; Howell, MI 48843.

**PROPOSED USE:** Automobile parts retail store.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels zoned in the CPD, Commercial Planned Development District, and is developed with a vacant gas station. The site is also within the Community Commercial Overlay (CCO). The requested CPD, Commercial Planned Development District would permit the development of an automobile parts retail store in accordance with the submitted site plan and building elevations. The CPD text permits only the proposed retail auto parts store, commits to CCO graphics requirements, and provides access and circulation restrictions requested by the Department of Public Service. The proposal also provides for variances to the setback, building design, and parking and circulation requirements of the CCO. Those variances are supported because they provide for better site design by placing the building in a manner that orients the entrance and parking and circulation areas away from the adjacent residential uses. While *The Northwest Plan* (2007) does not provide specific land use recommendations for this site; the updated Plan that is awaiting adoption by City Council recommends commercial development at this location. The proposed CPD district will permit redevelopment of this vacant gas station site with a new retail use that provides appropriate development standards in consideration of adjacent residential uses.

To rezone **1770 WEST HENDERSON ROAD (43220)**, being 0.84± acres located at the northeast corner of West Henderson and Reed Roads, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z16-051).

**WHEREAS**, application No. Z16-051 is on file with the Department of Building and Zoning Services requesting rezoning of 0.84± 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 City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District, includes a commitment to a site plan and building elevations as well as commitments to setbacks, site access, landscaping and graphics controls. Additionally, the CPD district will complement existing adjacent commercial development; 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:

**1770 WEST HENDERSON ROAD (43220)**, being 0.84± acres located at the northeast corner of West Henderson and

Reed Roads, and being more particularly described as follows:

As-Surveyed Legal Description (By MDM, LLC)  
AutoZone Columbus OH4596 1770 W. Henderson Road

ALL THAT CERTAIN parcel or tract of land located in the City of Columbus, County of Franklin and State of Ohio, being in Section 1, Range 19, United States Military Lands, and being more particularly bounded and described as follows:

BEGINNING at an iron pin with cap found on the northerly right-of-way line of W. Henderson Road at the southeast corner of the herein described property;

1) THENCE following the northerly right-of-way line of W. Henderson Road, N 67°12'03" W, a distance of 196.03 feet to an iron pin with cap set at the intersection of the northerly right-of-way line of W. Henderson Road with the easterly right-of-way line of Reed Road;

2) THENCE following the easterly right-of-way line of Reed Road, N 4°13'30" E, a distance of 165.11 feet to an iron pipe found at the dividing line between the herein described property and property now or formerly of Realty Income Corporation, recorded as Instrument No. 200306030164919 in the Recorder of Deeds Office of Franklin County, OH;

3) THENCE following said dividing line, S 85°46'30" E, a distance of 185.82 feet to an iron pin with cap found on the westerly line of property now or formerly of Moreland Drive 4767-73, LLC, recorded as Instrument No. 200802050017708;

4) THENCE following the westerly line of property now or formerly of Moreland Drive 4767-73, LLC and also the westerly lines of property now or formerly of Moreland Drive 4755-61, LLC, recorded as Instrument No. 200802050017710 and Alice M. Kelemen, recorded as Document No. 02612B11 and lastly following the northerly right-of-way line of W. Henderson Road, S 04°13'30" W, a distance of 227.55 feet to the POINT OF BEGINNING for the herein described property.

CONTAINING within said bounds a total 0.837 acres (36,482.00 square feet).

BEING the same premises conveyed to F.W. Englefield, IV and Benjamin B. Englefield by BP Products North America, Inc. by Limited Warranty Deed dated 02/02/2009 and recorded as Instrument No. 200902100017351.

THE ABOVE description is based upon an actual field survey conducted under the direct supervision of Howard G. McIlvried, Ohio Licensed Land Surveyor No. 8015 on March 1, 2016.

THE BASIS OF BEARINGS for the above legal description is the bearing of the easterly right-of-way line of Reed Road as described in Instrument No. 200902100017351. Said bearing is N 4°13'30" E.

MONUMENTS described as "iron pin with cap set" are 5/8 diameter rebar, 30 inches in length, with a plastic I.D. cap bearing the inscription "MDM 724-934-2810".

**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**,” and “**COLOR ELEVATION**”, dated November 14<sup>th</sup>, 2016, and text titled, “**CPD TEXT**,” dated November 15, 2016, all signed by Wesley R. Berlin, Agent for the Applicant, and the text reading as follows:

**CPD TEXT**

**PROPOSED DISTRICT: CPD, Commercial Planned Development**

**PROPERTY ADDRESS: 1770 W. Henderson Road**

**CURRENT OWNER: Reed and Henderson Duchess, LLC**

**FUTURE OWNER: AutoZone Development, LLC**

**APPLICANT: AutoZone Development, LLC, Mr. Jeff Kauerz**

**DATE OF TEXT: November 14, 2016 (revised)**

**APPLICATION: Zoning Number 1770 W. Henderson Road**

1. **INTRODUCTION:** The property subject to this rezoning is located at the northeast corner of Henderson and Reed Roads. The parcel address and parcel IDs are 1770 W. Henderson Road, and PID 010-129893 and 010-016275, respectively. There is an existing vacated building on the property formerly occupied as a BP gas station. The site is currently zoned CPD and lies within the Community Commercial Overlay (CCO) District. The proposal is to rezone the property to CPD consistent with the proposed redevelopment use of auto parts retail sales.

2. **PERMITTED USES:** The permitted use shall be auto parts retail sales, consistent with Chapter 3356, City of Columbus Zoning Code for use description Automotive Accessories, Parts and Tire Stores.

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in this text the applicable development standards are contained in Chapter 3356 and 3372 of the Columbus City Code.

A. **Density, Height, Lot and/or Setback Requirements.** The site development, height, and setback commitments are depicted within the accompanying Site Plan

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

1. All circulation, curb cuts and access points are as shown on the Site Plan, and are subject to the approval of the Department of Public Service, Division of Traffic Management
2. The existing curb cut along Henderson Road shall be closed
3. The existing southern curb cut on Reed Road shall be closed
4. The existing northern curb cut on Reed Road shall remain at the current general location. Pavement repairs and/or geometric improvements may be performed as required to obtain City related approvals
5. Loading of merchandise into the building shall occur along the north wall of the building
6. Vehicular parking and bicycle parking shall be provided as calculated on the accompanying Site Plan
7. Reed Road, 85 foot current right-of-way width, is master planned for a 100 foot right-of-way. An additional 7.5 foot right-of-way width shall be dedicated to the City of Columbus prior to Final Site Compliance Plan approval by the City of Columbus

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

1. Street trees shall be planted along public street frontages at a rate of one tree per 40 lineal feet of frontage, subject to the review and approval of the Recreation and Parks Division
2. Interior parking area landscaping, parking lot setback landscaping, and buffering landscaping east of the proposed building shall be provided in general conformance with the information depicted on the accompanying Site Plan

3. Landscaping shall be placed around the base of the monument sign within a minimum 4 foot coverage area from the base of the sign

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

1. The width of the principal building along Henderson road shall be a minimum of 32% of the lot width (excludes building overhang canopy as shown in the accompanying Site Plan)
2. The exterior elevation shall, in general, conform to the attached elevations

**E. Dumpster, Lighting, Outdoor Display Areas and/or Other Environmental Commitments:**

Dumpster shall be screened on three sides to a height of 6', with a gate on the fourth side as depicted on the accompanying Site Plan. Light pole and bases shall be dark brown in color.

**F. Graphics and Signage Commitment** All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the City of Columbus Code as it applies to the C-4 district, along with requirements of the Community Commercial Overlay specifically Section 3372.706. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**G. Miscellaneous**

1. Variances.

The subject site is located at the northeast corner of Reed Road and Henderson Road. The dual roadway frontage, adjacent residential located immediately east, and the requirements of the Community Commercial Overlay (CCO) create unique hardships for this property. Redevelopment of this property in full compliance with the requirements of the zoning district and the CCO, while still meeting the needs of the Applicant, is not feasible thus resulting in the necessity for variances. The variances listed below are needed to allow for the site to be redeveloped, provide access and maneuvering of cars/delivery trucks, minimize impacts to the adjacent residential parcel to the east by maximizing the buffer between the parking and loading areas, all while still meeting all other aspects of the zoning and CCO requirements.

- a) Section 3372.704 (B) Setback Requirements: To increase the permitted maximum building setback from a non-primary street (Reed Road) from 25 feet to 68' +/-
- b) Section 3372.705 (B) Building Design Standards: To reduce the width of the principal building along the primary building frontage (Henderson Road) from 60% of the lot width to a minimum of 32% (32% excluding canopy, 40.8% including canopy)
- c) Section 3372.709 (A) Parking and Circulation: To permit parking and circulation aisles between the principal building and a street right of way line (Reed Road).

2. Site Plan. The Property shall be developed in accordance with the Site Plan revision dated 11-14-16 prepared by Spartan Engineering Solutions, LLC, Agent for Applicant. The aforementioned plan may be slightly adjusted to reflect engineering, topographical, architectural or other data produced at the time of development and when engineering and architectural plans are completed. Any slight adjustment to the Site 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.

3. Building Elevation. The building shall be developed in accordance with the building elevation drawings. The building elevation may be slightly adjusted to reflect engineering, topographical, or other site data produced at the time of the development and when engineering and architectural plans are completed. Any slight adjustment to the Building

Elevations 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. Signage shown on the elevation drawings is conceptual and shall comply with 3.F. above.

#### 4. CPD Criteria (3361.05)

a) Natural Environment: The property is located at the northeast corner of Reed and Henderson Roads. The site is currently occupied by a vacant gas station building, which will be demolished for the proposed redevelopment. All City of Columbus requirements for storm water drainage and runoff, soil erosion control, natural vegetation preservation etc. shall be adhered to as part of the proposed redevelopment.

#### b) Activities:

1. The proposed development will provide a commercial retail sales use complimenting the surrounding commercial and residential uses
2. The proposed development will meet the needs of the community by providing a business of need to local citizens, provide long term employment opportunities, improve traffic circulation and safety, and provide a long-term solution to the vacancy of the subject site

#### c) Behavior Patterns:

1.
  - a. Some of the existing development in the area has pedestrian sidewalk systems with access to both Reed and Henderson Roads. Sidewalk is proposed along Reed Road, and a sidewalk connection between the proposed building and the existing asphalt pathway along Henderson Road is proposed. Pedestrian access and safety will be improved with the proposed development
  - b. Vehicular traffic patterns will be improved with the proposed development. The subject site currently contains three (3) drive approaches, two on Reed Road and one on Henderson Road. The proposed redevelopment includes closure of two of the three approaches, which will improve traffic flows and safety
2. The proposed development will allow people to use the area in new ways by the proposed pedestrian access features as described above. Additionally, the building is positioned in close proximity to Henderson Road with a pedestrian sidewalk connection to the existing Henderson Road asphalt walkway. This, combined with the proposed bicycle parking spaces, will promote foot and bicycle traffic by users of the area

d) Circulation: As described in 4 c) above, vehicular and pedestrian traffic circulation and safety is significantly improved with the addition of the proposed sidewalks combined with closure of multiple curb cuts.

e) Form of the Environment: The site is subject to the Community Commercial Overlay which contains building design requirements. The building height, size and scale will compliment adjacent surrounding site uses.

f) Views and Visibility: As described in 4 c) above, vehicular and pedestrian traffic circulation and safety is significantly improved with the addition of the proposed sidewalks combined with closure of multiple curb cuts. The residential property immediately east will benefit from a less intense site use as compared to the previous gas station use. The strategic positioning of the proposed parking and loading areas, in conjunction with the landscape screening proposed, will greatly improve views from the parcel to the east and drastically increase the visual buffering from the parking and loading areas as compared to existing site conditions.

g) Emission: The proposed retail sales use will not have negative effects on emission levels of light, sound, smell or dust.

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