



Legislation Text

File #: 0922-2017, **Version:** 1

Rezoning Amendment Z03-073A

Ordinance No. 0618-2004, passed June 14, 2004 (Z03-073), rezoned 3.23± acres from the C-2, Commercial and R, Rural Districts to the L-C-4, Limited Commercial District. This legislation will amend Ordinance No. 0618-2004 by modifying the Limitation Text development standards to eliminate roof pitch requirements. The Limitation Text modification was reviewed by the Planning Division of the Department of Development to ensure the proposed amendment remains consistent with the land use recommendation of the *Northland I Area Plan* (2014) for limited commercial development. Additional use restrictions requested by the Northland Community Council were added to Limitation Text. This amendment does not alter any other requirement established by Ordinance No. 0618-2004.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To amend Ordinance No. 0618-2004, passed June 14, 2004 (Z03-073), by repealing Section 3 and replacing it with a new Section 3 thereby modifying the Limitation Text to eliminate roof pitch requirements within property located at **4004 CLEVELAND AVENUE (43219)** (Rezoning # Z03-073A).

WHEREAS, Ordinance No. 0618-2004, passed June 14, 2004 (Z03-073), rezoned 3.23± acres located at **4004 CLEVELAND AVENUE (43219)** from the C-2, Commercial and R, Rural Districts to the L-C-4, Limited Commercial District; and

WHEREAS, that rezoning established specific development standards addressing permitted uses, setbacks, lot coverage, access, landscaping, building design, and lighting commitments; and

WHEREAS, the Limitation Text development standards require all buildings to have a pitched or angled roof with a minimum slope of 5:12; and

WHEREAS, the Applicant proposes to modify the Limitation Text development standards to eliminate roof pitch requirements; and

WHEREAS, it is necessary to amend Section 3 of Ordinance No. 0618-2004, passed June 14, 2004 (Z03-073), to eliminate roof pitch requirements; and

WHEREAS, all other aspects of Sections 1 and 2 contained in Ordinance No. 0618-2004 are unaffected by this amendment and remain in effect, and are repeated below for clarity; and

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:

4004 CLEVELAND AVENUE (43219), being 3.23± acres located on the east side of Cleveland Avenue, 279± feet north of Ferris Road and being more particularly described as follows:

4004 CLEVELAND AVENUE DESCRIPTION

3.225 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus and bounded and described as follows:

Being a part of Quarter Township 2, Township 1, Range 17 United States Military Lands and also being all of the Richard L. Cash property (30690 H 13) and part of the Richard L. Cash property (25876 G 07) and being more particularly bounded and described as follows:

Beginning at a point marking the intersection of the centerlines of Ferris Road and Cleveland Avenue; thence N 04 degrees 26 minutes 03 seconds E 478.87 feet, along the centerline of Cleveland Avenue to a point; thence S 74 degrees 00 minutes 00 seconds E 40.83 feet to an iron pin set on the east right of way line of Cleveland Avenue, said iron pin being the True Place of Beginning of the herein described tract.

Thence S 74 degrees 00 minutes 00 seconds E 160.07 feet to an iron pin set.

Thence N 04 degrees 26 minutes 03 seconds E 92.13 feet to an iron pin set.

Thence S 74 degrees 00 minutes 00 seconds E 368.70 feet, along the north line of the Richard L. Cash property (25876 G 07), to an iron pin found.

Thence S 30 degrees 05 minutes 57 seconds W 549.99 feet, along the east line of the Richard L. Cash property (25876 G 07), to an iron pin set.

Thence N 74 degrees 05 minutes 13 seconds W 71.24 feet, along the north right of way line of Ferris Road, to an iron pin set.

Thence N 04 degrees 15 minutes 26 seconds E 209.10 feet to an iron pin set.

Thence N 03 degrees 59 minutes 32 seconds E 68.82 feet to an iron pin set.

Thence N 73 degrees 51 minutes 52 seconds W 10.20 feet to an iron pin set.

Thence 03 degrees 59 minutes 32 seconds E 20.40 feet to an iron pin set.

Thence N 73 degrees 51 minutes 52 seconds W 202.90 feet, along the south line of the Richard L. Cash property (30690 H 13), to an iron pin set.

Thence N 04 degrees 26 minutes 03 seconds E 152.90 feet, along the east right of way line of Cleveland Avenue, to the True Place of Beginning, containing 3.225 acres.

Subject to all legal and existing right of ways, easements, conditions, leases and regulations of record. All iron pins set are 5/8"@ x 30"@ rebar with an identification cap. The bearings are based on the deed call of the north line of the Richard L. Cash property (25876 G 07).

To Rezone From: from C-2, Commercial and R, Rural Districts,

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 Section 3 of Ordinance No. 0618-2004, passed June 14, 2004 (Z03-073), be hereby repealed and replaced with new Section 3 reading as follows:

SECTION 3. That the ~~Director of the Department of Development~~ **Director of the Department of Building and Zoning Services** be, and he is hereby authorized and directed to make the said changes on the said original zoning map ~~in the office of the Building Services Division~~ and shall register a copy of the approved L-C-4, Limited Commercial District and Application among the records of the ~~Building Services Division~~ **Department of Building and Zoning Services** as required by Section 3370.03 of the Columbus City Codes; said text being titled "**LIMITATION TEXT**", signed by ~~Jason W. Richards~~ **Han Nguyen, Attorney Applicant**, dated ~~May 6, 2004~~ **March 29, 2017**, and reading as follows:

Limitation Text

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

PROPERTY ADDRESS: 4004 Cleveland Avenue, Columbus, OH 43219

OWNER: ~~Richard L. Cash~~ **Sally Vo**

APPLICANT: ~~Benny Tran, Dat Nguyen, Kevin Ho~~ **Han Nguyen**

DATE OF TEXT: ~~May 6, 2004~~ **March 29, 2017**

APPLICATION NUMBER: Z03-073A

1. INTRODUCTION: The applicants seek reclassification for the property to bring new commercial development and a new visual aesthetic to the corner of Cleveland Avenue and Ferris Rd. The property is approximately 3.5 acres, made up of both an R-1 and C-2 zoning classification. Currently, the property holds a warehouse structure and is used for some storage. The property is surrounded by CPD and C-2 uses on the same northeast corner of Cleveland Avenue and Ferris Rd., while five (5) other properties with C-4 and/or L-C-4 classifications are located to the west, southwest, and south the property. An L M designation is also immediately adjacent to the southeast corner of the property. The rezoning sought by the applicants would continue and contain the commercial nature of this corner and intersection, without invading existing residential uses.

2. PERMITTED USES: L-C-4 - Applicants seek a C-4 classification as listed in Section 3356.03 of the Columbus City Code, however, the applicants would limit the uses allowed under said classification to the following:

All uses listed in C.C. 3351, 3353, and 3355;

Automotive accessories and parts
Caterers
~~Check Cashing and Loans~~
Consumer Goods Rental
Electronics Stores
Floor Covering Stores
General Merchandise Stores
Household and Personal Goods Maintenance and Repair
Linens and Uniform Supply
Motor Vehicle Accessories and Parts Dealers
Reupholster and Furniture Repair
Sporting Goods and Outfitters Stores
Supermarkets
Carpet and Upholstery Cleaning Services
Lawn and Garden Equipment and Supplies Stores
Paint and Wallpaper Stores
Performing Arts/ Dance Studio

Amusement Arcade

Applicants also agree not to engage in the following Specific Prohibited Uses:

Armory

Automobile salesroom

Bars

Bowling alley

Business college

Cabaret

Check Cashing and Loans

Dance hall

Electric substation

Funeral parlor

Garage repair shop

Hotel

Millinery

Motel

Motor bus terminal

Motion picture theater

Motor vehicle sales, service, maintenance, or leasing

New or second hand car lot

Nightclub

Off premises graphics

Pawn Shops

Poolroom

Poultry (killing and dressing for retail on premises)

Private Club

Public parking garage for pay

Public parking for pay

Stable (not for more than 5 animals)

Testing or experimental laboratory

Trade School

Commercial radio transmitting or television station and appurtenances including cellular towers

3. DEVELOPMENT STANDARDS:

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

1. Setback for building will be 50 feet off of Cleveland Avenue and 200 feet off of Ferris Rd.
2. Lot coverage with impervious surfaces shall not exceed 80%.

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

1. All circulation, curb cuts and access points shall be subject to the approval of the Division of Transportation.
2. The developer shall extend a sidewalk near the road along the Cleveland Avenue and Ferris Road sides of the property.

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

All of these Buffering, Landscaping, Open Space and/or Screening Commitments comply with the Northland Community

Council landscaping standards shall be followed, pursuant to the Northland Plan and Northland Standards.

1. Trees

Size of trees: The trees shall be two and a half (2.5) inches in caliper, deciduous. Tree trunk diameters shall be measured at four (4) feet from grade. Evergreen trees shall be at least five (5) feet high and shall equate to the minimum deciduous tree size. Frontage trees shall be at least three (3) inches in diameter.

General: The cumulative trunk diameter of trees required is based upon the ground coverage area of buildings and parking. A minimum of five (5) inches of trunk size is required for all development. In addition, one inch of trunk size is required for each 4000 square feet of ground coverage, up to 100,000 square feet. Over 100,000 square feet, one inch of trunk size is required for each additional 6000 square feet of ground coverage.

Frontage requirements: One (1) tree shall be planted for every forty (40) feet of frontage. Trees may be grouped or spaced and shall be at least ten (10) feet from the right-of-way. Trees shall be planted along the Ferris Rd. and Cleveland Ave. sides of the property at a ratio of one tree per twenty (20) linear feet. These trees may be evenly spaced or grouped.

One (1) tree shall be provided for every ten (10) parking spaces. Trees will also be planted in islands at the end of every parking aisle. At no less than every fourth (4th) parking aisle, a row of trees spaced one (1) one tree per forty (40) linear feet shall be planted in a median at least five (5) feet wide. In smaller lots, not exceeding two (2) parking aisles, trees may be planted on the periphery of the lot.

This tree planting program may be used within parking areas, as part of frontage treatment. Commercial sites shall have at least fifty percent (50%) of the landscaping requirements located within parking and service areas. Existing trees three (3) inches in trunk diameter or greater retained on site may be used to offset two-thirds (2/3) of these requirements as long as such trees are not located in the service areas.

Buffering along the North and South property lines adjacent to property lines shall be planted with evergreen trees at a ratio of one tree per twenty lineal feet. A continuous 30" hedge shall be planted along Cleveland Avenue and any area of parking lot adjacent to residentially zoned properties.

2. *Maintenance:* All shrubs, trees, grass, ground covers, and other JO plantings shall be well-maintained, properly weeded, mulched, and kept free of trash and other unsightly material and debris. Plant material which does not survive shall be replaced within six (6) months.

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

1. Building materials: The building shall be constructed of natural materials, a combination of wood, steel, brick, block, stucco, and glass.

2. ~~Pitched Roof: All buildings shall have a pitched or angled roof. Slope will be a minimum of 5 on 12.~~

3. Rooftop Mechanicals Screening: Any mechanical equipment or utility hardware on the roof of a building shall be screened from view to prevent the equipment from being visible from the property line of the parcel. Ground mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping or any fence or wall utilizing comparable and compatible materials as the building materials. Screening will also be specific so as to shield said mechanicals from existing residential uses on nearby Ferris Rd.

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

Lighting

1. All external lighting shall be cut-off fixtures (down-lighting) and shall be designed to prevent offsite spillage.

2. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to insure compatibility.
3. Accent lighting shall be permitted provided such light source is concealed.
4. Any wall-mounted lighting shall be shielded to prevent offsite spillage.
5. Light poles in the parking lot shall not exceed eighteen (18) feet.
6. Light poles shall not exceed 14 feet within 100 feet of residentially zoned property.

F. Graphics and/or Signage Commitments.

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

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