



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 2261-2017, **Version:** 1

Rezoning Application Z17-014

APPLICANT: United Dairy Farmers, Inc.; c/o Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Fuel sales facility.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on July 13, 2017.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with retail fuel sales and a convenience store in accordance with a CPD, Commercial Planned Development District established in 1990. The site was recently the subject of right-of-way acquisition by the city of Columbus which rendered the existing sign, parking, and building setbacks out of compliance with the CPD district. The requested CPD district will resolve those non-compliant setbacks by modifying the required minimum setbacks to reflect the new right-of-way line. Staff recommends approval of this request noting that the reduced setbacks were created by the city's acquisition of right-of-way and are consistent with the other three corners of this commercial intersection.

To rezone **530 SOUTH HAGUE AVENUE (43204)**, being 0.51± acres located at the northeast corner of South Hague Avenue and Sullivant Avenue, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z17-014).

WHEREAS, application # Z17-014 is on file with the Department of Building and Zoning Services requesting rezoning of 0.51± 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 would bring an existing fuels sales facility with convenience store into compliance after a right-of-way taking by the City of Columbus. This development is compatible with the development standards of adjacent commercial uses along the Sullivant Avenue corridor, and is consistent with the land use recommendations of the *Greater Hilltop Plan Amendment* (2010), which recommends "Neighborhood Mixed Uses"; 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:

530 SOUTH HAGUE AVENUE (43204), being 0.51± acres located at the northeast corner of South Hague Avenue and Sullivant Avenue, and being more particularly described as follows:

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

Being Lots No. 608, 609, 610, 611, 612 and 613 in WICKLOW ADDITION EXTENSION as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 7, pages 65, 66, and 67, Recorder's Office, Franklin County, Ohio.

LESS AND EXCEPTING:

Beginning at a point at the intersection of the centerline of Sullivant Avenue and the centerline of Hague Avenue, said point being Station 199 + 99.09 on Sullivant Avenue and also being Station 10 + 00.00 on Hague Avenue as shown by plans for Group 7 Intersection Improvements;

Thence along the centerline of Sullivant Avenue North 89°32'00" East a distance of 30.41 feet to a point at Station 200 + 29.50 on said centerline;

Thence North 0°28'00" West a distance of 50.00 feet to a point on the Grantor's westerly line, also being on the easterly right-of-way line of Hague Avenue and 50.00 feet left of Station 200 + 29.50 on said centerline of Sullivant Avenue, and being the True Point of Beginning for the parcel herein conveyed;

Thence South 50°48'00" East a distance of 26.63 feet to a point;

Thence North 89°32'00" East, parallel to the centerline of Sullivant Avenue a distance of 159.43 feet to a point on the Grantor's easterly line;

Thence along said Grantor's easterly line South 0°13'06" East a distance of 3.00 feet to a point at the Grantor's southeasterly corner, said point also being on the northerly right-of-way line of Sullivant Avenue;

Thence along said northerly right-of-way line and Grantor's southerly line, South 89°32'00" West, parallel to the centerline of Sullivant Avenue, a distance of 164.93 feet to a point;

Thence along said right-of-way line with a curve to the right having a radius of 15.00 feet, an arc length of 23.63 feet, an interior angle of 90°16'00", and a chord bearing North 45°20'33" West a distance of 21.26 feet to a point on the easterly right-of-way line of Hague Avenue and the Grantor's westerly line;

Thence along said right-of-way line and Grantor's westerly line, North 0°13'06" West a distance of 4.94 feet to the True Point of Beginning and containing 666 square feet, more or less.

LESS AND EXCEPTING:

Being a parcel of land lying on the north side of the centerline of existing right-of-way of Sullivant Avenue, as shown and delineated upon the centerline plat with the right-of-way plans designated as FRA-C.R. 143-2.07 prepared for the City of Columbus, Department of Public Services by Carpenter Marty Transportation Inc., as recorded in Plat Book ___, Page ___ (made a part hereof by reference), and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of said Sullivant Avenue with S. Hague Avenue, from said intersection an iron pin found in the northerly right-of-way line of Sullivant Avenue bears North 82°21'19" West a distance of 175.30 feet, said pin being 33.00 feet left of Station 198+27.01 in the centerline of said Sullivant Avenue;

Thence along the centerline of said Sullivant Avenue North 86°47'27" East a distance of 50.82 feet to Station 200+50.00 in said centerline;

Thence leaving said centerline North 3°12'33" West a distance of 33.00 feet to a point on the existing northerly right-of-way line, also being the northerly line of a 666 square foot parcel conveyed to the City of Columbus by Instrument number 199709240100834, said point being the Grantor's southwesterly corner, said point being 33.00 feet left of Station 200+50.00 in said centerline, said point also being the TRUE POINT OF BEGINNING of the parcel herein conveyed;

Thence along the northeasterly line of said 666 square foot parcel, also being the Grantor's southwesterly line, North 53°32'29" West a distance of 26.52 feet to a point in the Grantor's westerly line, said point being 49.93 feet left of Station 200+29.58 in said centerline;

Thence along said westerly line, also being the existing easterly right-of-way line of S. Hague Avenue, North 2°44'33" West a distance of 2.58 feet to an iron pin set 52.51 feet left of Station 200+29.61 in said centerline;

Thence along the proposed right-of-way line South 53°32'29" East a distance of 30.57 feet to an iron pin set in the Grantor's southerly line, also being the northerly line of said 666 square foot parcel, said pin being 33.00 feet left of Station 200+53.13 in said centerline;

Thence along said line South 86°47'27" West a distance of 3.13 feet to the TRUE POINT OF BEGINNING, containing 0.001 acres, of which the present road occupies 0.000 acres.

PARCEL NO. 010-066555

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 "**LANDSCAPE PLAN**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," all dated July 19, 2017, and signed by Donald Plank, Attorney for the Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

EXISTING ZONING: CPD

PROPOSED ZONING: CPD

OWNER: United Dairy Farmers, Inc.

APPLICANT: United Dairy Farmers, Inc. c/o Donald Plank, Plank Law Firm

DATE OF TEXT: July 19, 2017

APPLICATION: Z17-014

I. INTRODUCTION: The subject property consists of approximately 0.51 acres located at the northeast corner of Hague and Sullivant Avenues, as more particularly described in the legal description submitted as part of the rezoning application (the "Property"). Applicant is seeking to amend the existing CPD, Commercial Planned District due to City of Columbus right-of-way takes, which have caused the signage, parking area, and the building to be closer to the right-of-way than permitted by the existing CPD Development Plan.

II. PROPERTY: 0.51 +/-Acres (CPD)

1. **PERMITTED USES:** Allowable uses for the Property shall include a convenience store with ancillary eating area, retail sales of gasoline, and carry-out. Other allowable uses shall include all uses permitted under Chapter 3356 and Chapter 3357 of the Columbus City Codes relative to C-4 and C-5, Commercial Districts, with the following excluded uses: Arcades, automobile sales room, billboards, off premises graphic, bowling alley, cabaret, dance hall, garage repair shop, plumbing shop, poolroom, skating rink, and supermarket.

2. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in this text or site plan dated June 8, 2017, and signed on July 19, 2017 (the "Site Plan"), the applicable development standards are contained in Chapter 3356, C-4, Regional Scale Commercial District of the Columbus City Code.

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

1. Thirty-five (35) foot height limitation shall be in effect.
2. The size of the building on the Property shall not exceed 3,449 S.F.
3. All setbacks established shall be minimum requirements:
 - (a) North: 0' parking setback with 0' building setback
 - (b) East: 3' parking setback with 1' building setback
 - (c) South: 8' parking setback with 25' building setback
 - (d) West: 10' parking setback with 25' building setback

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

1. As long as the Property is used as a convenience store, carry-out with ancillary eating area, the parking requirement for the Property, shall be thirteen (13) spaces.
2. The Property has access to and from Hague and Sullivant Avenues.

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

Landscaping on the Property shall consist of a mix of grass, mulch, plants, and shrubs along the west and south property lines as set forth on the Landscape Plan dated May 27, 2017, and signed on July 19, 2017.

D. Graphics and/or Signage Commitments

1. Ground Graphic. A ground graphic with maximum height of 22' with a maximum copy area of 10' x 12' (120 S.F. each side) shall be permitted at a setback of 1' from the existing right-of-way.
2. Wall Graphic. A wall graphic sign mounted to the building canopy, with a maximum copy area of 3' x 24' (72 S.F. total) shall be permitted.
3. Logos. A maximum of three (3) UDF internally illuminated identification logos shall be permitted to be placed onto the facing of the gas island canopy. The total combined copy area of the identification logos shall not exceed 30 S.F.

E. Miscellaneous

1. Variances. The existing ground graphic is non-conforming.

(a) A variance from Section 3377.17 to permit a sign setback of 1' from the right-of-way

2. In the event of redevelopment of the site, which means a complete reconstruction of the building and removal of the gas pumps, the Urban Commercial Overlay in place shall apply.

F. CPD Requirements

1. Natural Environment. The Property is not being redeveloped and will have no impact on the drainage run off or soil erosion or vegetation.

2. Circulation. Access to and from the Property are limited to the existing curb cuts previously approved by Traffic & Engineering. The Property complies with all other requirements of the Columbus City Codes pertaining to maneuvering and loading.

3. Existing Land Use. United Dairy Farmers store with assorted additional retail.

4. Visual Form. The area surrounding the Property is mostly commercial with residential north along Hague Avenue.

5. Visibility. The Property has excellent visibility from both Hague and Sullivant Avenues. The existing use is defined both physically and visually, with no large signs or other environmentally distracting materials. Clear and unobstructed views are maintained and the structure is aesthetically pleasing for the passerby.

6. Proposed Development. The Property is developed as a convenience store, including ancillary eating area, with gasoline sales.

7. Behavior Patterns. The Property has access to and from Hague and Sullivant Avenues. There is a traffic signal at the intersection that facilitates traffic in the area. The existing use encourages people from the nearby residential areas to utilize the Property for the uses stated and will not create problems for neighbors, customers or passerby.

8. Emissions. The Property and the use thereof will not emit light, sounds, smells and/or dust adverse to the surrounding area.

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