



Legislation Text

File #: 1665-2018, **Version:** 1

Rezoning Application: Z17-012

APPLICANT: Ronald J. & Ruby L. Passen; c/o Scott Klingensmith, Agent; Klingensmith Construction and Development; 470 Olde Worthington Road; Westerville, OH 43082.

PROPOSED USE: Limited commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 10, 2018.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with an automobile sales facility, a monopole telecommunications antenna, and a billboard, and is zoned L-M, Limited Manufacturing District. When Verizon rezoned the site in 2014 (Z14-022) to allow the construction of the monopole telecommunications antenna, commercial use restrictions were inadvertently added to the Limitation Text to permit only the uses that were occurring at that time. The requested CPD, Commercial Planned Development District will add automobile sales back into the list of permitted uses for this property in order for the owners to comply with Zoning Code violations. The site is within the boundaries of the *Northland I Area Plan* (2014), which recommends "Community Mixed Use" development for this location. The development text allows uses permitted in the C-1 and C-2, Commercial districts along with automobile sales and repair. The text also includes provisions for additional landscaping and screening. The CPD Plan depicts structures, setbacks, site access, automobile display areas, parking, and landscaping and screening. Variances for reduced parking setback, to maintain no landscaping within the parking lot, and to permit an existing unimproved surface for automobile display overflow are included in the request. Upon redevelopment of the site, these items would need to comply with those applicable code sections. The requested CPD, Commercial Planned Development District modifies the permitted uses and development standards for an automobile sales facility that needs to be brought into zoning compliance. The proposal includes improved landscaping and screening, and defines the areas where automobile display will be permitted. The request is consistent with the land use recommendations of the *Northland I Area Plan*, and with the development pattern of adjacent properties.

To rezone **3419 EAST DUBLIN-GRANVILLE ROAD (43231)**, being 0.84± acres located on the south side of East Dublin-Granville Road, From: L-M, Limited Manufacturing District, To: CPD, Commercial Planned Development District (Rezoning # Z17-012).

WHEREAS, application # Z17-012 is on file with the Department of Building and Zoning Services requesting rezoning of 0.84± acres from L-M, Limited Manufacturing 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 modifies the permitted uses and development standards for an existing automobile sales facility that needs to be brought into zoning compliance. The proposal includes improved landscaping and screening, and defines the areas where automobile display will be permitted. The request is consistent with the land use recommendations of the *Northland I Area Plan*, and with the development pattern of adjacent properties; 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:

3419 EAST DUBLIN-GRANVILLE ROAD (43231), being 0.84± acres located on the south side of East Dublin-Granville Road, 200± feet east of Westerville Road, and being more particularly described as follows:

Parcel “A”

LEGAL DESCRIPTION FOR 0.352 ACRE PROPERTY

Situated in the County of Franklin, State of Ohio and in the Township of Blendon, part of lots 4 and 5 of a Subdivision of the Third Quarter of Township 2, Range 17, United States Military Lands, and being the remainder of the 2 Tracts conveyed to Mary E. Roberts by Certificate of Transfer and recorded in Deed Book 3322, Page 449, Recorder’s Office, Franklin County, Ohio
and described as follows:

Commencing, at the intersection point in the centerline of Old Dublin Granville Road #161 (old) and the centerline of Westerville Road #3.

Thence, North 88° 47’ 58” East, along said Old Dublin Granville Road #161 (old) a distance of 247.95 feet to the Northeasterly corner of land conveyed to Waffle House, Inc. in Volume 3722, Page 432. and being the PRINCIPAL PLACE OF BEGINNING of the herein described parcel;

Thence, North 88° 47’ 58” East, continuing along said Old Dublin Granville Road #161 (old) a distance of 70.37 feet to a point.

Thence, South 4° 51’ 45” East, along a new line, passing through an iron pin set at 30.05 feet, continuing a total distance of 208.40 feet to an iron pin set on the northerly right of way line of State Route 161.

Thence, North 87° 28’ 58” West, along said northerly right of way line of State Route 161 a distance of 79.47 feet to an iron pin found at the Southeasterly corner of said land conveyed to Waffle House, Inc. in Volume 3722, Page 432.

Thence, North 2° 26’ 11” West, along the easterly line of said land conveyed to Waffle House, Inc. in Volume 3722, Page 432 passing through an iron pin found at a distance of 172.86 feet and a total distance of 202.86 feet to the PRINCIPAL PLACE OF BEGINNING of the herein described parcel;

Containing 0.352 acres of land, more or less. Subject to all easements, restrictions and rights-of-way of record.

All references are to records of the Recorder’s Office, Franklin County, Ohio.

The basis of bearing is North 88° 47’ 58” East for southerly line of Old Dublin Grandville Road (161) old, as observed by GPS measurements in April of 2017 utilizing the ODOT VRS RTK Network.

This description is based on a field survey performed in April of 2017.

All iron pins set are 5/8“ rebar with a yellow plastic cap stamped “POMEROY & ASSOC.”.

Parcel “B”

LEGAL DESCRIPTION FOR 0.491 ACRE PROPERTY

Situated in the County of Franklin, State of Ohio and in the Township of Blendon, part of lots 4 and 5 of a Subdivision of the Third Quarter of Township 2, Range 17, United States Military Lands, and being the remainder of the 2 Tracts conveyed to Mary E. Roberts by Certificate of Transfer and recorded in Deed Book 3322, Page 449, Recorder's Office, Franklin County, Ohio and described as follows:

Commencing, at the intersection point in the centerline of Old Dublin Granville Road #161 (old) and the centerline of Westerville Road #3.

Thence, North 88° 47' 58" East, along said the centerline of Old Dublin Granville Road #161 (old) a distance of 247.95 feet to the Northeasterly corner of land conveyed to Waffle House, Inc. in Volume 3722, Page 432;

Thence, North 88° 47' 58" East, continuing along said Old Dublin Granville Road #161 (old) a distance of 70.37 feet to a point and being the PRINCIPAL PLACE OF BEGINNING of the herein described parcel;

Thence, North 88° 47' 58" East, continuing along said Old Dublin Granville Road #161 (old) a distance of 112.21 feet to the Northwesterly corner of land conveyed to Meadow Tree Holding LTD by Instrument Number 2010004010038658.

Thence, South 0° 59' 33" West, along the Westerly line of land conveyed to said Meadow Tree Holding LTD, passing through an iron pin found at 30.00 feet, continuing a total distance of 214.02 feet to an iron pin found on the northerly right of way line of State Route 161;

Thence, North 87° 28' 58" West, along said northerly right of way line of said State Route 161 a distance of 90.90 feet to an iron pin set;

Thence, North 4° 51' 45" West, along a new line passing through an iron pin set at 178.35 feet and a total distance of 208.40 feet to the PRINCIPAL PLACE OF BEGINNING of the herein described parcel;

Containing 0.491 acres of land, more or less. Subject to all easements, restrictions and rights-of-way of record.

All references are to records of the Recorder's Office, Franklin County, Ohio.

The basis of bearing is North 88° 47' 58" East for southerly line of Old Dublin Grandville Road (161) old, as observed by GPS measurements in April of 2017 utilizing the ODOT VRS RTK Network.

This description is based on a field survey performed in April of 2017.

All iron pins set are 5/8" rebar with a yellow plastic cap stamped "POMEROY & ASSOC."

To Rezone From: L-M, Limited Manufacturing 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, "**PROPOSED LOT SPLIT FOR: RONALD & RUBY PASSEN - SHEETS S-1 and S-2,**" and text titled, "**COMMERCIAL PLANNED**

DEVELOPMENT TEXT,” all dated May 2, 2018, and signed by Scott Klingensmith, Agent for the Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT
0.84± ACRES

Existing District: L-M, Limited Manufacturing District

Proposed District: CPD, Commercial Planned Development District

Property Address: 3419 East Dublin-Granville Road (43231)

Owner/Applicant: Ronald J. & Ruby L. Passen c/o Scott Klingensmith

Date of Text: May 2, 2018

Application No.: Z17-012

I. INTRODUCTION:

The subject site ("Site") consists of 0.84± acres situated on the south side of East Dublin-Granville Road, east of Westerville Road. The site was zoned L-M, Limited Manufacturing District in 1986 (Z86-064) for a plumbing contractor and storage yard, and proposed a 2,400 square foot addition to an existing shop building. Z86-064 also permitted all C-4, Commercial uses (except adult entertainment uses). A site plan was committed to with that L-M District to show the proposed buildings and outside storage areas. The building addition never occurred, and the site was being used as an auto repair facility. Verizon rezoned the Site from L-M to L-M in 2014 (Z14-022) to remove the registered site plan and allow the construction of a monopole telecommunications antenna. Commercial use restrictions were inadvertently added to the Limitation Text as that request carried over only the uses that were occurring in 2014. This CPD request will add automobile sales back into the list of permitted uses in order for the owners to comply with Zoning Code violations. The owners believed that this use was still permitted after the 2014 rezoning, and their tenant began selling autos in 2016. In addition, C-1, Neighborhood Commercial and C-2, Office Commercial uses are proposed, as recommended by the *Northland Area Plan*, and the development as approved by Z14-022 is being carried over with this request as reflected on the attached CPD Plan.

The Site is surrounded on the west by a restaurant; on the north across East Dublin-Granville Road by auto sales and a tree service contractor; on the east by an office; and on the south by State Route 161. The Site lies within a significantly mixed-use neighborhood.

II. PERMITTED USES:

Only the following uses shall be permitted: Automobile maintenance and repair (not including auto body repair), Automobile sales (new and used), and commercial uses as permitted by Columbus City Zoning Code Sections 3351.03 and 3353.03.

III. DEVELOPMENT STANDARDS: The applicable development standards shall be those contained within Chapters 3312, 3321, and 3356 of the Columbus City Zoning Code except as indicated below.

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

The building setback from East Dublin-Granville Road shall be 25 feet. The parking setback from East Dublin-Granville Road shall be 0 feet to reflect existing conditions. Upon redevelopment of the site, applicable setbacks shall be required.

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

1. The Applicant shall maintain one full-service access point along East Dublin-Granville Road, unless otherwise approved by the Department of Public Service.
2. One bicycle rack shall be installed on the site in the general location depicted on Sheet S-2. Final location to be approved by the Department of Public Service during site compliance review.

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

1. The automobile display setback on the western side of the site (Sheet S-1) shall be maintained with grass and planted with four new deciduous trees having a 2 ½ inch caliper, and a hedge that meets the installation requirements for headlight screening. The landscaping in the planters along the frontage of the building on the eastern side of the site (Sheet S-2) shall be maintained.
2. Upon redevelopment of the site, applicable parking lot landscaping and screening shall be required.

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

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

The existing dumpster shall be screened with a 6 foot high enclosure that meets the requirements of Section 3321.01.

F. Graphics and Signage Commitments.

All signage shall conform to Chapters 3375 through 3383 of the Columbus City Code, as they apply to the C-4, Commercial District. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission for consideration.

G. MISCELLANEOUS:

1. Variances being requested for existing conditions are as follows:

- (a) 3312.27(4): to allow the existing reduced parking and automobile display setbacks for the current development.
- (b) 3312.21: to maintain no headlight screening along the frontage (only required along ADA space; not applicable for auto display) and to not provide interior landscaping.
- (c) 3312.43: to maintain gravel surface on Parcel A (Sheet S-1) for overflow automobile sales display.

2. For the current development, the site shall be developed in general conformance with the CPD Plan (Sheets S-1 and S-2). The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed 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. Future development of the site is subject to compliance with applicable zoning code requirements as they apply to parking, screening, landscaping, and setbacks.

3. CPD REQUIREMENTS

A. NATURAL ENVIRONMENT:

The site has already been developed with a 2,880 square foot commercial building, a 600 square foot shed, a monopole

telecommunications antenna, and a billboard. Existing paving is within the required setback, and is nonconforming.

B. EXISTING LAND USE:

Currently, the land uses are an automobile sales facility, a monopole telecommunications antenna, and a billboard.

C. TRANSPORTATION AND CIRCULATION:

The access is as depicted on the CPD Plan.

D. VISUAL FORM OF ENVIRONMENT:

Owners/Applicant intend to continue using the existing building for the proposed commercial uses. Owners/Applicant may also demolish the existing structures and redevelop the site with new commercial structure(s) in compliance with applicable landscaping, screening, and setback requirements.

E. VIEW AND VISIBILITY:

The landscaped setback along the western half of the site shall be maintained. The existing development on the site is consistent with the development pattern in the area.

F. PROPOSED DEVELOPMENT:

The proposed permitted commercial uses are consistent with the land use recommendations of the *Northland Area Plan*.

G. BEHAVIOR PATTERNS:

The permitted commercial uses will not generate any more vehicular and pedestrian traffic than that generated by the current L-M district or the adjacent developments.

H. EMISSIONS:

The site is surrounded on the west by a restaurant; on the north across East Dublin-Granville Road by auto sales and a tree service contractor; on the east by an office; and on the south by State Route 161. The site lies within a significantly mixed-use neighborhood. Emissions and odors will be comparable to that already experienced by motor vehicles traveling along the public thoroughfares bordering the subject property. Outside noise from this traffic will continue regardless of the commercial permitted uses proposed in this planned development text.

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