



Legislation Text

File #: 1929-2018, **Version:** 1

Rezoning Application Z18-024

APPLICANT: Energy Management LLC; c/o Jackson B. Reynolds III, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Fuel sales with convenience retail.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on June 14, 2018.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a fuel sales facility in the CPD, Commercial Planned Development District. The applicant proposes a new CPD, Commercial Planned Development District to remove automatic changeable copy signage restrictions and update the text and site plan to depict existing conditions. A Graphics Commission variance would be required to have automatic changeable copy for a fuel sales sign. The CPD text restricts uses on the site to the existing convenience store, restaurant, fuel sales, canopy, and outdoor display areas. Also included are a site plan and development standards addressing setbacks, access, landscaping, building materials and design, lighting, and graphics provisions. The text also stipulates that should complete redevelopment of the site occur, the site shall comply with Urban Commercial Overlay requirements. The site is subject to the Sullivant Avenue / Greater Hilltop Urban Commercial Overlay and is within the planning area of *Greater Hilltop Plan Amendment* (2010), which recommends "Neighborhood Mixed Uses" at this location. While this development is compatible with the development standards of adjacent commercial uses along the Sullivant Avenue corridor and with Plan recommendations, Planning Division staff is not supportive of the proposed removal of language prohibiting automatic changeable copy signs within the CPD text. Zoning staff considers signage restrictions of this sort inappropriate within zoning texts and considers the Graphics Commission, where GC18-004 has been filed, the appropriate venue for deliberation of signage issues.

To rezone **2800 SULLIVANT AVENUE (43205)**, being 0.93± acres located at the northwest corner of Sullivant Avenue and Hague Avenue, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z18-024).

WHEREAS, application # Z18-024 is on file with the Department of Building and Zoning Services requesting rezoning of 0.93± 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 permits an existing fuel sales facility that is compatible with the development standards of

adjacent commercial uses along the Sullivant Avenue corridor and with the recommendation of the *Greater Hilltop Plan Amendment*. Planning Division staff is not supportive of the proposed removal of language prohibiting automatic changeable copy signs within the CPD text. Zoning staff considers signage restrictions of this sort inappropriate within zoning texts and considers the Graphics Commission, where GC18-004 has been filed, the appropriate venue for deliberation of signage issues; 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:

2800 SULLIVANT AVENUE (43205), being 0.93± acres located at the northwest corner of Sullivant Avenue and Hague Avenue, and being more particularly described as follows:

Being part of Lot 7 in the Subdivision of M.L. Sullivant's Land, as recorded in Plat Book 11, P. 21, Franklin County Records and being in the City of Columbus, Franklin County, Ohio, bounded and described as follows:

Commencing at a drill hole set at the intersection of a line that is 156.25 feet north of, and parallel to the centerline of Sullivant Avenue, so called, and the West right-of-way of South Hague Avenue, so called. Said point being the true point of beginning.

Thence South 00 degrees, 01 minute, 00 seconds East, along the West right-of-way of South Hague Avenue, a distance of 103.25 feet to a drilled hole set.

Thence South 46 degrees, 43 minutes, 07 seconds West, a distance of 29.43 feet to a magnetic nail set on the Northerly right-of-way of Sullivant Avenue.

Thence South 89 degrees, 32 minutes, 00 seconds West, along the Northerly right-of-way of Sullivant Avenue, a distance of 122.57 feet to a found ¾" iron pipe on the East line of a parcel of land as conveyed to C&E Partnership by ORV 15409, P. G19.

Thence continuing South 89 degrees, 32 minutes, 00 seconds West, along the Northerly right-of-way of Sullivant Avenue, a distance of 144.00 feet to a ½" galvanized steel pipe set on the Easterly right-of-way of Powell Avenue, so called.

Thence North 00 degrees, 01 minute, 00 seconds West, along the Easterly right-of-way of Powell Avenue, a distance of 159.62 feet to a ½" galvanized steel pipe set on a line that is 192.62 feet north of, and parallel with, the centerline of Sullivant Avenue.

Thence North 89 degrees, 32 minutes, 00 seconds East along a line that is 192.62 feet north of, and parallel with the centerline of Sullivant Avenue, a distance of 144.00 feet to a ½" galvanized steel pipe set on a line that is 174.00 feet Westerly of, and parallel to the centerline of South Hague Avenue.

Thence South 00 degrees, 01 minutes, 00 seconds East, along a line that is 174.00 feet Westerly of, and parallel to the centerline of South Hague Avenue, a distance of 36.37 feet to a point on a line that is 156.25 feet north of, and parallel to the centerline of Sullivant Avenue.

Thence North 89 degrees, 32 minutes, 00 seconds East, along a line that is 156.25 feet north of, and parallel to the centerline of Sullivant Avenue, a distance of 144.00 feet to the true point of beginning.

Containing 40,517.87 square feet, or 0.930 acres of land. Subject to all easements of record, or now in use. All bearings are based upon an assumed meridian and are for the express purpose of showing angular measurement. All ½" galvanized steel pipe set are marked with a cap bearing the company name and P.S. number 7476. The above description

is based upon a field survey performed by Matthew D. Lewandowski, P.S., on December 1, 2000.

PARCEL NO. 010-027061

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, “**CPD SITE PLAN**,” and text titled, “**TEXT**,” dated May 17, 2018, and signed by Jeffrey L. Brown, Attorney for the Applicant, on June 19, 2018 and the text reading as follows:

TEXT

PROPERTY ADDRESS: 2800 Sullivant Avenue

OWNER: Premier Commercial Properties #2 LLC

APPLICANT: Energy Management LLC

DATE OF TEXT: May 17, 2018

APPLICATION: Z18-024

I. INTRODUCTION: The site is developed with a gas station that includes a restaurant. The current zoning text prohibits automatic changeable copy on signage. The applicant wants to remove that sign restriction.

II. PERMITTED USES: A convenience store, restaurant, fuel sales, canopy, and outdoor display areas shall be permitted on the Property.

III. DEVELOPMENT STANDARDS: Except as otherwise listed in this Commercial Planned Development Text, the development standards contained in Columbus City Code Chapter 3356 for C-4, Commercial District, Shall apply to the Property.

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

1. **Building Location:** The convenience store and restaurant building shall be located in the area designated as “Building Envelope” on the CPD Site Plan submitted with the rezoning (the “Site Plan”).

2. **Canopy Location:** The canopy and pump islands shall be located in the area designated as “Canopy Envelope” on the Site Plan.

3. **Parking Setback:** Parking and maneuvering areas may be located anywhere on the Property other than in the areas designated to be landscaped on the Site Plan, except that no parking spaces shall be permitted within 15 feet of Sullivant Avenue or in a driveway.

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

1. Curb Cuts: Unless otherwise approved by the City's Division of Traffic Management, the curb cuts shall be located and limited as shown on the Site Plan.

2. Parking Requirements: So long as the Property is used as a convenience store with restaurant, fuel sales and outdoor display areas, parking requirements for the Property, including that building area used as an ancillary eating area, shall be calculated at 1 parking space for each 250 square feet of gross floor area.

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

1. Landscape Plan: The Subject Property shall be landscaped as shown on the Site Plan.

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

1. Building Design: No more than forty-nine percent of the gross floor area of the convenience store and restaurant building shall be used for the restaurant.

2. Building Materials: No concrete block buildings shall be permitted on the Property unless the building has a façade of composite metal material, brick, brick veneer, real or synthetic stucco, real or synthetic stone, glass, wood (including cedar), wood shingles, marble, or a combination of any of these materials.

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

1. Lighting:

a. All external lighting shall be cutoff type fixtures (down-lighting). However, buildings and landscaping may be up-lighted from a concealed source so long as such up-lighting does not interfere with safe vehicular movement and does not illuminate areas beyond the Property lot lines.

b. Canopy ceiling light fixtures shall not extend below the lowest edge of the canopy.

F. Graphics and Signage Commitments. The applicable graphics standards shall be those contained in Columbus City Code Article 15 as they apply to C-4, Commercial District in the Sullivant Avenue / Greater Hilltop Urban Commercial Overlay. Variances to those requirements will be submitted to the City of Columbus Graphics Commission for consideration.

G. Miscellaneous

1. Site Plan Revision Allowance. The property shall be developed in accordance with the Site Plan; however, the Site plan may be slightly adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of the Department of Building and Zoning Services Development or his designee may approve any slight adjustment to the Site Plan upon submission of the appropriate data regarding the proposed adjustment.

2. In the event of redevelopment of the site, which means a complete reconstruction of the building and removal of the gas pumps (except for the installation of new pumps and underground tanks) the Urban Commercial Overlay shall apply.

3. The property shall comply with the provisions of the Columbus City Code Section 3357.18 with the following exception, such that in the event that redevelopment and/or new construction activity causes the retail fuel sales operation to cease for more than six months within a calendar year, the operation will not be considered abandoned for so long as there is an active building permit for said construction that is causing the closure.

IV. CPD REQUIREMENTS:

A. Natural Environment: The site was a group of lots that have been combined into one tax parcel located at a well-traveled intersection on the west side of Columbus. The site has been used for a number of years for convenience purposes (i.e., A gas station and fast food restaurant). The nearby street frontages are also dominated by commercial uses and much of the surrounding area is covered with impervious surfaces. Residential uses occupy much of the surrounding area beyond the street frontages.

B. Existing Land Use: A gas station with a building and canopy and a restaurant are currently developed on the Property.

C. Transportation and Circulation: The property is located at the intersection of Sullivant Avenue and Hague Avenue where a light controls traffic. Access is shown on the submitted Site Plan.

D. Visual Form of the Environment: The property is surrounded by commercial uses such as United Dairy Farmer convenience store and gas station, a Family Dollar, and a car lot. In addition, a library occupies the property immediately north of the Property.

E. View and Visibility: The Property is visible from Sullivant Avenue, Hague Avenue, and Powell Avenue.

F. Proposed Development: A convenience store, restaurant, fuel sales, canopy and outdoor display areas.

G. Behavior Patterns: The Property will serve surrounding residents traveling on Sullivant Avenue and Hague Avenue to work or to other retail shopping.

H. Emissions: No adverse effect from emissions shall result from the proposed development.

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