



Legislation Text

File #: 3298-2018, **Version:** 2

Rezoning Application: Z18-046

APPLICANT: Mendoza Co., Inc.; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Commercial uses.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on November 8, 2018.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 1.19± acre site consists of a single undeveloped parcel that is zoned in the P-1, Parking and L-C-4, Limited Commercial districts. The applicant proposes the CPD, Commercial Planned Development District to permit a commercial building on the site. The CPD text includes commitments to a site plan and C-4 development standards while also establishing use restrictions and a commitment to using a monument-style ground sign. A variance to reduce drive aisle width for a one-way aisle is included in this request. The site is located within the *Northland I Area Plan* (2014) which recommends "Community Mixed Use" at this location. The proposed CPD district will allow a commercial development that is consistent with the Plan's land use recommendations and both compatible and comparable to adjacent commercial developments along both the Fuji Drive and East Dublin-Granville corridors.

To rezone **2337 FUJI DRIVE (43229)**, being 1.19± acres located on the south side of Fuji Drive, 170± feet east of Spring Run Drive, From: P-1, Parking District and L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z18-046).

WHEREAS, application #Z18-046 is on file with the Department of Building and Zoning Services requesting rezoning of 1.19± acres from P-1, Parking District and L-C-4, Limited Commercial 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 is consistent with the *Northland I Area Plan's* land use recommendations and both compatible and comparable to adjacent commercial developments along both the Fuji Drive and East Dublin-Granville corridors; 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:

2337 FUJI DRIVE (43229), being 1.19± acres located on the south side of Fuji Drive, 170± feet east of Spring Run Drive, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a part of Quarter-Township 4, Township 2, Range 18 United States Military Lands, also being a 0.599 acre tract (0.600 acres as surveyed) as conveyed to The Central Ohio Community Improvement Corporation as described in Instrument No. 201509290137410, Tract 1 and a 0.566 acre tract (0.585 acres as surveyed), the remainder of those lands as conveyed to The Central Ohio Community Improvement Corporation as described in Instrument No. 201509290137410, Tract 2; being more particularly described as follows:

Beginning at a MAG nail found at the northwesterly corner of said 0.599 acre tract, said point also being the southwesterly corner of Fuji Drive as dedicated in "Cleveland Avenue and Fuji Drive Dedication and Easements" as recorded in Plat Book 64 Page 13, said point also being along the easterly line of a 0.2082 acre tract as conveyed to City of Columbus as recorded in Official Record 4279 I-03, said point also being along the centerline of Fuji Drive, said point also being the TRUE POINT OF BEGINNING, and from said beginning point running thence,

Along the northerly lines of said 0.599 acre tract and said 0.566 acre tract, also being along a line through Fuji Drive and then along a portion of the southerly line of a 1.47 acre tract as conveyed to Ghana Holy Order Cherubim and Seraphim American Branch as described in Instrument No. 201003180032433, South 87° 10' 35" East for a distance of 331.00' to a 1" iron pipe found, said point being the northeasterly corner of said 0.566 acre tract and the northwesterly corner of a 3.694 acre tract as conveyed to Slam Properties V, L.L.C. as described in Instrument No. 199812310337724; thence,

Along the easterly line of said 0.566 acre tract and along the westerly line of said 3.694 acre tract, South 02° 52' 54" West for a distance of 155.80' to a point, said point being the southeasterly corner of said 0.566 acre tract and a southwesterly corner of said 3.694 acre tract, said point also being the northwesterly corner of a 1.639 acre tract as conveyed to TD & G Investments as described in Official Record 33605 A-19 and the northeasterly corner of a 1.536 acre tract as conveyed to The Sehgal Family Limited Partnership as described in Instrument No. 200601040001754, said point witnessed by a 1" iron pipe found that bears South 11° 35' 11" East for a distance of 1.15' from said point; thence,

Along the southerly lines of said 0.566 acre tract and said 0.599 acre tract, also being along northerly line of said 1.536 acre tract and then along a portion of the northerly line of a 1.507 acre tract as conveyed to Chang Restaurant Group, LLC as described in Instrument No. 200412150283934, North 87° 07' 22" West for a distance of 332.06' to a 1" iron pipe found, said point being the southwesterly corner of said 0.599 acre tract, said point being along the northerly line of said 1.507 acre tract, said point also being a southeasterly corner of 1.3405 acre tract, the residual of those lands as conveyed to KGL Cook LTD. as described in Instrument No. 199904230102074 Exhibit "C"; thence,

Along the westerly line of said 0.599 acre tract and the easterly line of said 1.3405 acre tract, North 03° 16' 32" East for a distance of 155.49' to the point of beginning, containing 1.185 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by The Kleingers Group in June and July, 2018.

To Rezone From: P-1, Parking District and L-C-4, Limited Commercial 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 plan being titled, "**FUJI DRIVE DEVELOPMENT**," and text titled, "**CPD, COMMERCIAL PLANNED DEVELOPMENT**," both by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated November 8, 2018, and the text reading

as follows:

CPD, COMMERCIAL PLANNED DEVELOPMENT
1.2 +/- ACRES

PROPERTY ADDRESS: 2337 Fuji Drive, Columbus, OH 43229

EXISTING ZONING: P-1, Private Parking and L-C-4, Limited Commercial District

PROPOSED ZONING: CPD, Commercial Planned Development

APPLICANT: Mendoza Co., Inc. c/o Dave Perry, Agent, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Attorney, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215.

PROPERTY OWNER: Central Ohio Community Improvement Corporation c/o Curtis L. Williams, Sr., 845 Parsons Avenue, Columbus, OH 43206

DATE OF TEXT: November 8, 2018

APPLICATION NUMBER: Z18-046

1. INTRODUCTION: The 1.2 +/- acre site is located on the south side of Fuji Drive, 180 +/- feet east of Spring Run Drive. The site is presently zoned both P-1, Private Parking District (Z80-030) and L-C-4, Limited Commercial (Z88-3087, Z96-107). Applicant proposes to develop the site with a 7,000 +/- SF commercial building. The site development plan titled "Fuji Drive Development, 2337 Fuji Drive, Columbus, OH" dated November 8, 2018, hereafter "Site Plan", is submitted with this application.

2. PERMITTED USES: Permitted uses shall be all uses of Section 3356.03, C-4, Permitted Uses, except the following uses which are prohibited: Animal Shelter, Bars, Billboards, Blood and Organ Banks, Bowling Center, Cabarets and Nightclubs, Check Cashing and Loans, Extended Stay Hotel, Halfway House, Mission/Temporary Shelters, Monopole Telecommunications Antenna(s); Sales, rental or leasing of Automobiles, Motorcycles, Boats, Recreational Vehicles, Trucks, Utility Trailers and/or off-road vehicles, Auto-repair, service and/or auto body work, Off-premise Graphics, and Pawn Brokers.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3355, C-4, Commercial District, of the Columbus City Code.

A.) Density, Height, Lot and/or Setback commitments.

The Height District shall be H-35.

B.) Access, Loading, Parking and/or other Traffic related commitments.

Fuji Drive right of way totaling 25' from centerline shall be deeded to the City of Columbus prior to approval of the final Site Compliance Plan.

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

N/A

D.) Building design and/or Interior-Exterior treatment commitments.

N/A

E.) Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

N/A

F.) Graphics and Signage commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4, Commercial District. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration. A ground sign shall be monument-style.

G.) Other CPD Requirements.

1. Natural Environment: The site is located on the south side of Fuji Drive, 180' +/- east of Spring Run Drive.
2. Existing Land Use: The site is undeveloped.
3. Circulation: The site shall have direct Vehicular access to Fuji Drive.
4. Visual Form of the Environment: Fuji Drive and Spring Run Drive connect with E. Dublin Granville Road and Cleveland Avenue. E. Dublin Granville Road and Cleveland Avenue are major arterial roads. Spring Run Drive and Fuji Drive are developed with commercial and multi-family residential uses.
5. Visibility: The site is visible from both Fuji Drive and Spring Run Drive.
6. Proposed Development: Applicant proposes the development of a 7,000 +/- SF commercial building, as depicted on the Site Plan.
7. Behavior Patterns: Vehicular access will be from Fuji Drive. ~~, directly or indirectly from the adjacent parcel to the west (PID: 010-196706).~~
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text. There will be no objectionable emissions.

H.) Modification of Code Standards.

Section 3312.09, Aisle, to reduce aisle width from 13 feet to 11 feet for a one-way aisle on the east side of the proposed building.

I.) Miscellaneous commitments.

1. Development of the site shall be in accordance with the Site Plan titled "Fuji Drive Development, 2337 Fuji Drive, Columbus, OH" dated November 8, 2018, and signed by David B. Perry, agent for applicant and Donald Plank, attorney for applicant. The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Plan shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustment. The parking calculations noted on the Site Plan are based on office use. Other uses of the building, as permitted by Section 2. Permitted Uses, are permitted, subject to applicable code requirements.

2. Parkland Dedication Ordinance fees, as applicable, shall be paid prior to approval of the final Site Compliance Plan.

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