



Legislation Text

File #: 1397-2019, **Version:** 1

Rezoning Application: Z19-013

APPLICANT: Homewood Corporation; c/o Laura MacGregor Comek, Atty.; 501 South High Street; Columbus, OH 43215.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on April 11, 2019.

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is undeveloped, and is zoned CPD, Commercial Planned Development District. The CPD district was established in 2017, and required Community Commercial Overlay (CCO) standards except for a planned dog shelter that was developed on the residual portion of the existing CPD district. This CPD district request modifies the CCO provisions for a second planned shelter facility that will be located on the northern portion of the site (Subarea 1A), and creates an additional subarea for future commercial development (Subarea 1B). The site is within the planning area of the *Southeast Land Use Plan* (2018), which recommends "Mixed Use 1" for this location. This area also includes adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines which recommends CCO development standards on commercial sites. The requested CPD district carries over limited C-4 and all C-5, Commercial District uses. The development text commits to site and an elevation rendering, and includes use restrictions, CCO standards for non-shelter uses, setbacks, traffic and access provisions, landscaping and screening, building materials commitments, and lighting controls. The requested CPD, Commercial Planned Development District will permit commercial development that is consistent with the land use and design guideline recommendations of the Southeast Land Use Plan and the Columbus Citywide Planning Policies. The proposal carries over appropriate development standards from the existing CPD district which will ensure compatible development with adjacent commercial and residential properties.

To rezone **6261 WRIGHT RD (43130)**, being 3.4± acres located at the southeast corner of Wright Road and Gender Road, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning #Z19-013).

WHEREAS, application #Z19-013 is on file with the Department of Building and Zoning Services requesting rezoning of 3.4± acres from CPD, Commercial Planned Development District, to the CPD, Commercial Planned Development District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Greater South East 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 will permit commercial development that is consistent with the land use and design guideline recommendations of the Southeast Land Use Plan and the Columbus Citywide Planning Policies. The proposal

carries over appropriate development standards from the existing CPD district which will ensure compatible development with adjacent commercial and residential properties; 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:

6261 WRIGHT RD (43130), being 3.4± acres located at the southeast corner of Wright Road and Gender Road, and being more particularly described as follows:

SUBAREA 1A

1.68 ACRES

Situated in the State of Ohio, County of Franklin, City Columbus, in Section 12, Township 11, Range 21, Congress Lands, being part of that 68.359 acre tract of land conveyed to Homewood Corporation by deed of record in Instrument Number 201707190098948 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the northwesterly corner of that 2.973 acre tract conveyed to Gigi's Dog Shelter by deed of record in Instrument Number 201802150022293, in the southerly right-of-way line of Wright Road;

Thence South 05° 28' 19" West, with the westerly line of said 2.973 acre tract, a distance of 50.01 feet to a point;

Thence South 04° 19' 34" West, with said westerly line, a distance of 178.70 feet to a point;

Thence North 85° 40' 26" West, crossing said 68.359 acre tract, a distance of 318.64 feet to a point in the easterly right-of-way line of Gender Road;

Thence North 04° 19' 34" East, with said easterly right-of-way line, a distance of 198.22 feet to a point;

Thence North 52° 14' 09" East, with said easterly right-of-way line, a distance of 53.02 feet to a point in said southerly right-of-way line;

Thence South 84° 38' 24" East, with said southerly right-of-way line, a distance of 280.35 feet to the POINT OF BEGINNING, containing 1.68 acres of land, more or less.

SUBAREA 1B

1.72 ACRES

Situated in the State of Ohio, County of Franklin, City Columbus, in Section 12, Township 11, Range 21, Congress Lands, being part of that 68.359 acre tract of land conveyed to Homewood Corporation by deed of record in Instrument Number 201707190098948 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the northwesterly corner of that 2.973 acre tract conveyed to Gigi's Dog Shelter by deed of record in Instrument Number 201802150022293, in the southerly right-of-way line of Wright Road;

Thence with the westerly line of said 2.973 acre tract the following courses and distances:

South 05° 28' 19" West, a distance of 50.01 feet to a point;

South 04° 19' 34" West, a distance of 178.70 feet to the TRUE POINT OF BEGINNING for this description;

South 04° 19' 34" West, a distance of 92.18 feet to a point of curvature to the right; and

With the arc of said curve, having a central angle of 90° 46' 11", a radius of 160.00 feet, an arc length of 253.48 feet, a chord bearing of South 49° 42' 40" West and chord distance of 227.79 feet to a point;

Thence North 85° 40' 26" West, crossing said 68.359 acre tract, a distance of 156.50 feet to a point in the easterly right-of-way line of Gender Road;

Thence North 04° 19' 34" East, with said easterly right-of-way line, a distance of 252.16 feet to a point;

Thence South 85° 40' 26" East, crossing said 68.359 acre tract, a distance of 318.64 feet to the TRUE POINT OF BEGINNING, containing 1.72 acres of land, more or less.

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**," "**SITE PLAN ENLARGEMENT**," "**EXTERIOR VIEW - SHEET A201**," and "**EXTERIOR ELEVATIONS - SHEET A202**," and said text being titled, "**CPD TEXT**," all dated May 7, 2019, and signed by Laura MacGregor Comek, Attorney for the Applicant, and the text reading as follows:

CPD TEXT

APPLICATION: Z19 - 013

PROPERTY ADDRESS: 6261 Wright Road

PROPERTY SIZE: 3.40 +/- Acres

CURRENT DISTRICT: CPD, Commercial Planned Development

PROPOSED DISTRICTS: CPD, Commercial Planned Development

OWNER/APPLICANT: Homewood Corporation; c/o Laura MacGregor Comek, Esq.; Laura MacGregor Comek Law, LLC; 501 S High St.; Columbus, OH 43215; laura@comeklaw.com

DATE OF TEXT: May 7, 2019

Introduction: The subject property site ("Site") was annexed in 2001, and a large portion of the annexed territory zoned TND at that time. The Site was rezoned in 2017 from TND to PUD 8 and included the corner area of 6.0 +/- acres as a CPD, Commercial Planned District.

In 2017, a private dog shelter (Gigi's Shelter for Dogs) was constructed at the northeastern corner of the original CPD subarea, Z16-054, as amended by Z16-054A. Gigi's is working in partnership with the Capital Area Humane Society, now referred to simply as COLUMBUS HUMANE, to provide certain evaluation and initial intake for COLUMBUS HUMANE's dog shelter operations.

This application is intended to reset the remaining CPD Development to revise standards for the remaining acreage of the CPD and to allow for a second, similarly styled, private dog shelter to be built. This CPD is divided into two sub areas, referred to as Subareas 1A and 1B, so as to remain consistent with the original zoning Z16-054, as amended Z16-054A in

context with other sub area designations from Z16-054 and Z16-054A.

The Site is bordered on the west by Gender Road and across Gender Road by a large unincorporated area. The World Harvest Church is located to the northwest, with unincorporated single-family lots and Metro Parks to the north. To the east and south is mixed residential housing types zoned PUD-8.

The CPD subject of this rezoning has approximately 3.4 +/- total acres and is depicted on the CPD Plan submitted herewith. The corner 1.68 +/- acres (Subarea 1A) will allow for additional dog shelter and dog training/care facilities, consistent with the general design of the building elevations submitted herewith and that closely relate to the existing Gigi's Dog shelter already developed within the original CPD zoning (Z16-054, as amended Z16-054A). The remainder 1.72 +/- acres (Subarea 1B) is proposed for future development with the same development standards proposed in Z16-045A.

1. **Permitted Uses:** The permitted uses for Subareas 1A and 1B shall include all uses allowed in Chapter 3356 (C-4) and 3357.01 (C-5) of the Columbus City Code excepting therefrom:

Automobile and Light Truck Dealers
Automotive Sales, Leasing and Rental
Community Food Pantry
Missions/Temporary Shelters
Motor Vehicle, Boat and Other Motor Vehicle Dealers
Outdoor Power Equipment Dealers
Pawn Brokers
Recreational Vehicle Dealers
Truck, Utility Trailer, and RV Sales, Rental and Leasing
Drive In Motion Picture Theatres
Farm Equipment and Supply Stores
Halfway House

2. **Development Standards:** Except as otherwise noted herein or on the CPD Site plan incorporated herein, the applicable standards of Chapter 3356 (C-4) and Chapter 3372.704-.709 (Community Commercial Overlay) shall apply to this CPD. If the CPD is developed with dog shelter(s) and/or dog facilities, then the standards of Chapter 3372.704-.709 (Community Commercial Overlay) shall specifically not apply.

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

1. Notwithstanding any provision of the foregoing paragraphs, no building or parking setback shall be required from any property line that is created within and internal to the total site such that the parcel created continues to function as part of the overall site. CCC 3372.704 shall not apply to interior parcel lines.
2. All subareas may be developed without regard to interior lot lines/sub area lines for purposes of access, drive aisles and roads, setbacks, etc., unless otherwise set forth herein.
3. Maximum height of buildings shall be 35 feet.
4. Building, paving and parking setbacks shall be as depicted on the attached CPD Site Plan.

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

1. Access shall be as depicted generally on the attached CPD Site Plan.

2. The exact location of access points as shown on the CPD Site Plan may be modified subject to the review and approval of the City's Department of Public Service without rezoning.
3. Internal drive aisles may be developed without regard to interior parcel lines, such that the parcels function seamlessly as part of the overall site. Cross access easements will be provided.
4. Parking spaces may be aggregated among all outparcels within the CPD.
5. A minimum 5 foot wide sidewalk will be provided within the right of way along the Gender Road CPD frontage, unless otherwise approved by the Department of Public Service.
6. A public multi-use path shall be installed along the south side of the Wright Road right-of-way and shall be minimum 8 feet in width unless otherwise approved by the Department of Public Service.
7. Connections and pathways are provided throughout the entire CPD area and the adjacent PUD-8 development.
8. The following traffic commitments apply:
 - a) Site Drive #1 shall be a right-in/left-in/right-out access point. A southbound left turn lane with a length of 243' (includes diverging taper) and a northbound right turn lane with a length of 225' (includes diverging taper) shall be installed at Site Drive #1. Development of Site Drive #1 may occur at the time of Development for Subarea 2 (from Z16-054/Z16-054A).
 - b) Site Drive #2 shall remain as set forth in Z16-054/Z16-54A and shall be a right-in/right-out/left-out access point. A northbound right turn lane with a length of 225' (includes diverging taper) shall be installed at Site Drive #2.
 - c) An eastbound right turn lane with a length of 225' (includes diverging taper) shall be installed at Site Drive #3.
 - d) Upon full development of Subarea 1 or development of greater than 100 dwelling units in Subarea 3 and Subarea 4, the developer shall install the following improvements:
 - 1) The southbound left turn lane at the intersection of Gender Road & Wright Road shall be increased by a length of 100'.
 - 2) The westbound right turn lane at the intersection of Gender Road & Wright Road shall be increased by a length of 100'.
 - 3) Full development of Subarea 1 shall not be construed to include the construction of dog shelters and/or related dog shelter uses/facilities such as dog training, dog care, etc.
 - e) Upon development of Subarea 1 and development of greater than 100 dwelling units in Subarea 3 and Subarea 4, the developer shall install a traffic signal at the intersection of Gender Road & Wright Road. The developer may make a request to recoup appropriate costs for the intersection traffic improvements as determined by the necessary consultations with any and all appropriate City agencies and obtaining the necessary approvals from any and all appropriate City agencies, in accordance with the City of Columbus Traffic Standards Code and this application's traffic impact study, as reviewed and approved by the Department of Public Service.

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

1. Street trees, one per 40 feet, shall be planted along the site frontages.
2. A black split rail/horse style fence shall be located in Subarea 1A as shown on the Site Plan Enlargement.

3. A landscape detail for the dog shelter on Subarea 1A is attached and shall be as generally shown on the Site Plan Enlargement, modified for final engineering, drainage, utility placement and the like.

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

1. Building materials for all buildings shall be of brick, brick veneer, stone and stone veneer, cultured stone, metal, stucco, vinyl, synthetic stucco (EIFS), cementitious siding, engineered wood, wood and/or glass or other such materials. No exposed or unpainted concrete block shall be permitted. Commercial decorative finish/facades to the concrete block may be used.
2. Roof mounted mechanicals shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible /complementary with the rooftop and aesthetic character of the building. Roofs may be dimensional shingles or standing metal seam.
3. The dog shelter facility proposed for Subarea 1A shall be substantially similar in style and design to that of the proposed building elevations submitted with this rezoning titled, "Exterior Elevations - Sheet A201" and "Exterior View - Sheet A202."

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

1. Light poles and lights shall be black, dark brown or bronze in color and coordinated with the overall architectural scheme for the CPD area.
2. Light poles shall have a maximum height of 18 feet. Light poles within 25 feet of a residentially zoned property shall be limited to 14 feet in height.

F. Graphics and/or Signage Commitments.

The Developer may submit a graphics plan for part or all of this development. If no graphics plan is submitted, all signage and graphics shall conform to Columbus City Code, as pertains to the C-4 commercial district and with Sections 3372.706. Any variance to the standards of this text or Columbus City Code shall be submitted to the Columbus Graphics Commission.

G. Variances Requested For Both Sub Areas 1A and 1B:

Variance to Sections 3356.05 in the C4 district to allow for buildings with the animal (dog) shelter use to be within 100 feet of a residential district; to allow for animal (dog) waste to be stored indoors but less than 100 feet from a residentially zoned district.

H. Miscellaneous Commitments:

1. Applicant shall comply with the City's Parkland Dedication Ordinance.
2. All subareas may be developed without regard to interior lot lines/sub area lines for purposes of access, drive aisles and roads, setbacks, etc., unless otherwise set forth herein.
3. The site shall be developed in general conformance with the CPD Site Plan, Site Plan Enlargement, Exterior Elevations - Sheet A201, and Exterior View - Sheet A202 provided herewith. Any slight adjustment to the plans will be reviewed and may be approved by the Director of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

4. The property owner(s) within the CPD shall be required to provide cross access easements to the property owner(s) of Subareas 1A, 1B and adjacent Subarea 2 (Zoned previous Z16-054 and Z16-054A) to permit the areas of Subareas 1A, 1B and Subarea 2 to access Wright Road via Site Drive #3 from Z16-054 and Z16-054A.

G. Other CPD Requirements

1. Natural Environment: The property is located along Gender Road, an area that has seen tremendous residential and commercial development.
2. Existing Land Use: The property currently is used agriculturally.
3. Circulation: All access for the Site will be approved by the City of Columbus, Public Service Department.
4. Visibility: Consideration has been given to the visibility and safety of the motorists and pedestrians as both on and off the subject property in the development of this site.
5. Proposed Development: Commercial development. Buffering development where intensity of uses is scaled away from the more intense areas and roads).
6. Behavior Patterns: Significant residential development in the area supports commercial uses in this corridor to service the existing residential population.
7. Emissions: No adverse effect from emissions is expected to 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.