



Legislation Text

File #: 2603-2019, **Version:** 1

Rezoning Application: Z19-034

APPLICANT: The Champion Companies; c/o Aaron L. Underhill, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Daycare or unspecified commercial development and parking lot.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on June 13, 2019.

MILO GROGAN AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of five parcels, three zoned in the C-4, Commercial District developed with a daycare facility, and two undeveloped parcels zoned in the R-4, Residential District. The applicant is requesting the CPD, Commercial Planned Development District to redevelop the site with a new Boys and Girls Clubs of Columbus daycare facility (Subarea A) and parking lot (Subarea B). The development text commits to a site plan and elevations while establishing use restrictions and supplemental development standards that address building and parking setbacks, access, number of parking spaces, buffering and landscaping, dumpster screening, and lighting controls. Variances to landscaping and screening, building and parking setback lines, minimum number of parking spaces, and Urban Commercial Overlay building design standards are included in the request. The site is subject to the Milo-Grogan UCO and is within the boundaries of the *Milo-Grogan Area Plan* (2007), which recommends "Institutional" and "Single-family Residential" land uses at this location. Staff finds the proposed CPD, Commercial Planned Development District to be consistent with the Plan's land use recommendation and the intent of the UCO, includes adequate buffering and landscaping, and minimizes off-site impacts, thus making the expansion of the commercial development compatible with adjacent uses.

To rezone **1012 CLEVELAND AVE. (43201)**, being 0.95± acres located at the northeast corner of Cleveland Avenue and Gibbard Avenue, **From:** R-4, Residential District and C-4, Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z19-034).

WHEREAS, application #Z19-034 is on file with the Department of Building and Zoning Services requesting rezoning of 0.95± acres from R-4, Residential District and C-4, Commercial District, to the CPD, Commercial Planned Development District; and

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

WHEREAS, the Milo Grogan 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 is consistent with the *Milo-Grogan Area Plan*'s land use recommendation and the intent of the Urban Commercial Overlay, includes adequate buffering and landscaping, and minimizes off-site impacts, thus making the expansion of the commercial development compatible with adjacent 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:

1012 CLEVELAND AVE. (43201), being 0.95± acres located at the northeast corner of Cleveland Avenue and Gibbard Avenue, and being more particularly described as follows:

ZONING DESCRIPTION - SUBAREA A

0.70+/- ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Half Section 4, Township 5, Range 22, Refugee Lands and being all of Lots 12 through 16, inclusive, part of Lot 17 of Solomon J. Woolley's Reserve Addition of record in Plat Book 7, Page 188, also being all of that tract of land as conveyed to Central Ohio Transit Authority of record in Instrument No. 201902050014107 and containing 0.70+/- acres of land, with said Lot 12 being in the name of Boys Club of Columbus, Inc. of record in Official Record 5642, Page F20 and said Lots 13 through 17 being in the name of Boys and Girls Club of Columbus, Inc. of record in Instrument No. 200706220109745, said 0.70+/- acres being more particularly described as follows;

Beginning, at the southwesterly corner of said Lot 12, said corner also being at the right-of-way line intersection of the easterly line of Cleveland Avenue (R/W varies) and the northerly line of Gibbard Avenue (50') as dedicated in said Plat Book 4, Page 190;

Thence N 03° 45' 34" E, with the westerly lines of said Lots 12, 13, 14, 15, 16 and part of Lot 17 and along said easterly right-of-way line, 188.0+/- feet to a southwesterly corner of that 0.001 acre tract of land described as Parcel 10WD in the deed to the City of Columbus of record in Instrument No. 201607130089071;

Thence S 86° 27' 50" E, with a southerly line of said Parcel 10WD and across said Lot 17, 7.0+/- feet to an angle point;

Thence, N 03° 45' 34" E, across said Lot 17, with an easterly line of said Parcel 10WD, with an easterly line of Parcel 11WD as described in the deed to the City of Columbus of record in Instrument No. 201812100166807 and with a westerly line of said Central Ohio Transit Authority tract, 49.0+/- feet to a northeasterly corner of said Parcel 11WD, also being the northwesterly corner of said Central Ohio Transit Authority tract and in the southerly line of that tract of land as conveyed to Virgil S. Schnell, Jr. and Margie Schnell of record in Instrument No. 200812180181611;

Thence S 86° 27' 50" E, with the northerly line of said Central Ohio Transit Authority tract and the southerly line of said Schnell tract, 123.0+/- feet to a common corner thereof and in the westerly line of said 20' Alley;

Thence S 03° 45' 34" W, with the easterly line of said Central Ohio Transit Authority tract, the easterly lines of said Lots 12 through 17 and along the westerly line of said 20' Alley, 237.0+/- feet to a common corner thereof, said corner being in the northerly right-of-way line of said Gibbard Avenue (50');

Thence N 86° 27' 50" W, with the southerly line of said Lot 12 and with the northerly right-of-way line of said Gibbard Avenue (50'), 130.0+/- feet to the True Point of Beginning and containing 0.70+/- acre more or less.

To Rezone From: C-4, Commercial District

To: CPD, Commercial Planned Development District

ZONING DESCRIPTION - SUBAREA B

0.25 +/- ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Half Section 4, Township 5, Range 22,

Refugee Lands and being all of Lots 18 and 19 of Solomon J. Woolley's Reserve Addition of record in Plat Book 7, Page 188, said Lots 18 and 19 being in the name of Boys and Girls Club of Columbus, Inc. of record in Instrument No. 201410080133124 (Lot 18) and Instrument No. 201410080133121 (Lot 19), also being part of a 20' Alley as dedicated in the record plat for Woolley's 2nd Addition of record in Plat Book 4, Page 190, said 0.25+/- acres being more particularly described as follows;

Beginning, for Reference at the southwesterly corner of Lot 12 of said Solomon J. Woolley's Reserve Addition, said corner also being at the right-of-way line intersection of the easterly line of Cleveland Avenue (R/W varies) and the northerly line of Gibbard Avenue (50') as dedicated in the record plat for Woolley's 2nd Addition of record in Plat Book 4, Page 190;

Thence S 86° 27' 50" E, with a southerly line of said Lot 12 and the northerly right-of-way line of said Gibbard Avenue (50'), 130.0+/- feet to the southeasterly corner of said Lot 12, also being the right-of-way intersection of the north line of said Gibbard Avenue (50') and the westerly line of a 20' Alley as dedicated upon the record plat of said Woolley's 2nd Addition;

Thence N 03° 45' 34" E, with the easterly lines of said Lots 12, 13, 14 and partially Lot 15 and along the westerly right-of-way line of said 20' Alley, 120.0+/- feet to a point;

Thence S 86° 27' 50" E, across said 20' Alley, with the northerly lines of said Lots 18 and 19 and with the southerly line of that 17' Alley as dedicated in said Solomon J. Woolley's Reserve Addition, 90.0+/- feet to the northeasterly corner of said Lot 19, also being the northwesterly corner of Lot 20 of said plat, said Lot 20 being in the name of Gregory Rybski of record in Instrument No. 201703310043423;

Thence S 03° 45' 34" W, with the common line of said Lots 19 and 20, 120.0+/- feet to a common corner thereof, said corner being in the northerly right-of-way line of said Gibbard Avenue (50');

Thence N 86° 27' 50" W, with the southerly lines of said Lots 19 and 18, across the right-of-way line of said 20' Alley and with the northerly right-of-way line of said Gibbard Avenue (50'), 90.0+/- feet to the True Point of Beginning and containing 0.25+/- acre more or less.

To Rezone From: R-4, Residential 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 and elevations titled, "**FINAL SITE COMPLIANCE PLAN FOR BOYS AND GIRLS CLUB,**" and "**EXTERIOR ELEVATIONS A.201-2,**" and text titled, "**DEVELOPMENT TEXT,**" all dated September 25, 2019, and signed by Eric Zartman, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

ADDRESS: 1012 Cleveland Avenue

PARCELS: 010-035797, 010-007619, 010-032057, 010-066833, and 010-004632

PROPERTY SIZE: +/- 0.95

CURRENT DISTRICT: C-4 and R-4

PROPOSED DISTRICT: CPD

OWNERS:

Boys & Girls Clubs of Columbus, Inc.; 115 South Gift Street; Columbus, Ohio 43215; and

Central Ohio Transit Authority; 33 North High Street; Columbus, Ohio 43201

APPLICANT: Boys & Girls Clubs of Columbus, Inc., c/o

ATTORNEY: Aaron Underhill, Underhill & Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, Ohio 43054

DATE: September 25, 2019

I. Introduction.

The subject property ("Site") is approximately 0.95 acres located north-east of the intersection of Cleveland Avenue and Gibbard Avenue. The parcels west of the alley (hereinafter "West Parcels", PID: 010-032057, 010-066833, and 010-004632) are zoned C-4, Regional Scale Commercial and the parcels east of the alley (hereinafter "East Parcels", PID: 010-035797, 010-007619) are zoned R-4, Residential. The West Parcels currently operate as a Boys & Girls Club of Columbus. The East Parcels are vacant. The Site is bordered on the north, south, and east by property zoned C-4, Regional Scale Commercial and R-4, Residential and on the west by property zoned M, Manufacturing.

The West Parcels are within the Milo-Grogan Urban Commercial Overlay and the East Parcels are not. The Site is situated within the I-670 Graphics Control Planning Overlay. The Site is situated within the Milo-Grogan Area Commission and subject to the Milo-Grogan Neighborhood Plan. The Plan recommends institutional use for the West Parcels, which are also within the "East side of Cleveland Avenue" opportunity site. The Plan recommends residential use for the East Parcels.

Applicant proposes redevelopment of the Site with a new facility in Subarea A and an exterior parking lot in Subarea B, as shown on the CPD Plan. As part of this redevelopment, the Applicant will petition the City of Columbus to vacate the alley as indicated on the CPD plan.

Below are the limitation and development standards proposed by the Applicant to accommodate the proposed development and ensure that it is appropriate for the area.

II. Permitted Uses:

The permitted uses of Subarea A shall be those uses contained in Section 3356.03, C-4, Permitted Uses of the Columbus City Code. The permitted uses of Subarea B shall be parking for Subarea A.

III. Development Standards:

Except as otherwise listed herein or depicted on the CPD Plan, the development standards shall be those contained in Chapter 3356, C-4, Regional Scale Commercial District and, where applicable, Chapter 3372, Urban Commercial Overlay of the Columbus City Codes shall apply.

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

1. The maximum building setback in Subarea A from Cleveland Avenue shall be 18 feet and from Gibbard Avenue shall be 30 feet.

2. The minimum parking setback in Subarea B from Gibbard Avenue shall be 5 feet.
3. The maximum building height shall be 35 feet.

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

1. Access shall be as shown on the CPD Plan.
2. The development shall provide a minimum of 21 parking spaces.

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

The buffering and landscaping shall be as shown on the CPD Plan, and shall not be required on the eastern boundary of Subarea A and the northern boundary of Subarea B.

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

The development shall be consistent with the attached Building Elevations.

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

Not applicable.

F. Graphic and Signage Commitments:

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as applicable to the C4, Commercial District and Chapter 3372 as applicable to the Urban Commercial Overlay. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments:

The Site shall be developed in accordance with the submitted CPD Plan titled, "Final Site Compliance Plan for Boys and Girls Club," and Building Elevations titled, "Exterior Elevations A.201-2," signed and dated September 25, 2019. These plans may be slightly adjusted to reflect engineering, topographical, or other site development data developed at the time the development and engineering plans are completed. Any slight adjustment to the plans shall be subject to review and approval by the Director of Building and Zoning Services or a designee, upon submission of appropriate data regarding the proposed adjustment.

H. Modification of Code Standards:

3312.21 - Landscaping and screening. Under this section interior landscaping trees shall be planted on islands or peninsulas containing a minimum soil area of 145 square feet per tree. This development does not provide interior landscaping trees planted on islands or peninsulas, but rather around the perimeter of parking lot areas.

3312.27(4) - Parking setback line. Under this section, the parking setback line shall be 10 feet from the street right-of-way line. This development provides a parking setback of 5 feet from Gibbard Avenue for Subarea B.

3312.49 - Minimum number of parking spaces. The proposed development requires 1 parking space for each 500 square feet of day care use, 1 parking space for each 450 square feet of office use and 1 parking space for each 60 square feet of assembly space. The development is also permitted a 25 percent reduction of the required parking pursuant to the Urban Commercial Overlay. The development, therefore, requires a total of 135 parking spaces. The development provides a minimum of 21 parking spaces. This modification shall only be effective so long as Subarea A operates as a child day care

facility unless otherwise approved by the Board of Zoning Adjustment.

3321.09 - Screening. Under this section, nonresidential districts abutting residential districts must be screened. The proposed development does not provide screening on the eastern boundary of Subarea A and the northern boundary of Subarea B.

3372.604(A) - Setback requirements. Under this section, the maximum building setback is ten feet. The development provides maximum building setbacks of 18 feet from Cleveland Avenue and 30 feet from Gibbard Avenue for Subarea A.

3372.605(C) - Building design standards. Under this section, A building frontage that exceeds a width of 50 feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of 15 feet to 35 feet along the entire building frontage. This development proposes sections on Cleveland Avenue and Gibbard Avenue frontage which exceed 35 feet without a vertical visual element, as depicted on the Building Elevations.

I. CPD Criteria:

Natural Environment. The Site is located north-east of the intersection of Cleveland Avenue and Gibbard Avenue. The Site is bordered on the north, south, and east by property zoned C-4, Regional Scale Commercial and R-4, Residential and on the west by property zoned M, Manufacturing.

Existing Land Use. The West Parcels currently operate as a Boys & Girls Club of Columbus. The East Parcels are vacant.

Transpiration and Circulation. The Site is accessed via curb cut on Gibbard Avenue, east of the alley, and the alley itself.

Visual Form of the Environment. The west side of the Cleveland Corridor is a large industrial/warehouse area. The east side of the Cleveland Corridor is commercial and mixed-use development. Further west is a single-family residential neighborhood.

View and Visibility. Consideration shall be given to the visibility and safety of motorists in the development of the area and location of buildings and access points.

Proposed Development. Applicant proposes redevelopment of the Site with a new daycare facility on the West Parcels and an exterior parking lot on the East Parcels.

Behavior Patterns. The West Parcels are within the Milo-Grogan Urban Commercial Overlay and the East Parcels are not. The Site is situated within the I-670 Graphics Control Planning Overlay. The Site is situated within the Milo-Grogan Area Commission and subject to the Milo-Grogan Neighborhood Plan. The Plan recommends institutional use for the West Parcels, which are also within the “East side of Cleveland Avenue” opportunity site. The Plan recommends residential use for the East Parcels.

Emission. 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.