



Legislation Text

File #: 2127-2020, Version: 2

Rezoning Application: Z20-039

APPLICANT: Moo Moo Car Wash.; 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: Addition of car wash to existing commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on July 9, 2020.

FAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The site is developed with a 170,000 square feet retail center zoned in the C-4, Commercial District. The requested CPD, Commercial Planned Development District will permit the addition of an automatic car wash. The applicant intends to split 1.18 acres in the northeast portion of the site for the proposed car wash (Subarea B). The remainder of the site will remain as a retail/commercial development (Subarea A). The CPD text commits to a site plan and includes development standards addressing setbacks, site access, landscaping, building design, lighting, and graphics provisions. For the retail development (Subarea A), variances to aisle width, lighting, and parking lot landscaping are requested. For the automatic car wash (Subarea B), a variance to the drive-up stacking area is requested. This site is within the planning boundaries of the *Far East Land Use Plan* (2018), which recommends "Mixed Use 2 (24-45 du/AC)" land uses at this location. This site is also subject to the Plan's Area-Specific Policies 1 and 2, which recommend that Community Commercial Overlay (CCO) standards should be used along with *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). Priority should be placed on developments providing a mix of uses and hiding parking to the greatest extent possible. While the requested CPD, Commercial Planned Development District will allow a commercial development that is comparable to the development standards of adjacent commercial development, the site plan and design do not conform to the recommended CCO design guidelines in accordance with the *Far East Land Use Plan's* area-specific policy.

To rezone **6067 E. MAIN ST. (43213)**, being 19.75± acres located on the south side of East Main Street, 350± feet east of McNaughten Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z20-039) **and to declare an emergency.**

WHEREAS, application #Z20-039 is on file with the Department of Building and Zoning Services requesting rezoning of 19.75± 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 Far East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend disapproval of said zoning change because while the CPD, Commercial Planned Development District will allow a commercial development that is comparable to the development standards of

adjacent commercial development with appropriate uses, the site plan and design do not conform to the Community Commercial Overlay design guidelines recommended by the *Far East Land Use Plan*'s area-specific policy;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; 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 # 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

6067 E. MAIN ST. (43213), being 19.75± acres located on the south side of East Main Street, 350± feet east of McNaughten Road, and being more particularly described as follows:

Subarea A:

Situate in the State of Ohio, County of Franklin, Half Section 21, Township 12, Range 21, Refugee Lands and being all that remains of a 20.129 acre tract being conveyed to SRL East Main Center LLC, by deed of record in Instrument Number 201503060028311, all records herein are from the Recorder's Office Franklin County, Ohio, said 18.555 acre tract being more particularly described as follows:

Being for Reference, at a point at the centerline intersection of East Main Street, and the west line of said Half Section 21 and being the northwesterly corner of a 1.121 acre tract being conveyed to the City of Columbus, of record in Deed Book 2851, Page 617;

Thence North 89°16'00" East, a distance of 356.00 feet, along the centerline of said East Main Street, to a point at the northwesterly corner of ROW parcel 178C-WD as conveyed to the State of Ohio by Judgement Entry No. 235, 762 of the Franklin County Court of Common Pleas and recorded in Deed Book 2982, Page 572;

Thence South 04°03'00" West, a distance of 65.22 feet, to a point on the south westerly corner of Parcel 16WD as conveyed to the City of Columbus, by deed of record in Instrument Number 201807270100695 at the TRUE POINT OF BEGINNING;

Thence the following nine (9) courses and distances along the southerly right-of-way line of East Main Street and Parcel 16WD:

1. North 89°16'01" East, a distance of 325.88 feet, to a point;
2. North 00°43'59" West, a distance of 7.22 feet, to a point;
3. North 88°42'26" East, a distance of 17.93 feet, to a point;
4. South 00°43'59" East, a distance of 7.39 feet, to a point;
5. North 89°16'01" East, a distance of 77.84 feet, to a point;
6. South 00°43'59" East, a distance of 10.00 feet, to a point;
7. North 89°16'01" East, a distance of 200.00 feet, to a point;
8. North 00°43'59" West, a distance of 10.00 feet, to a point;
9. North 89°16'00" East, a distance of 129.79 feet, to a point in the south line of said Parcel 16WD;

Thence the following three (3) courses and distances over and across said original 20.129 acre tract:

1. South 04°06'04" West, a distance of 316.83 feet, to a point;
2. South 86°54'52" East, a distance of 160.80 feet, to a point;
3. North 04°06'04" East, a distance of 327.53 feet, to a point in the south line of said Parcel 16WD;

Thence North 89°16'00" East, a distance of 99.50 feet, along the south line of said Parcel 16WD, to a point in the west line of a 0.872 acre tract being conveyed to Triple R. Associates, LTD, by deed of record in Instrument Number 200110150237624;

Thence South 04°06'04" West, a distance of 900.74 feet, along the west lines of said 0.872 acre tract and Lots 82-71 of the Idlewind Manor Extension a subdivision of record in Plat Book 20, Page 15, to a point at the southeast corner of said 20.129 acre tract and in the east line of an original 47.846 acre tract being conveyed to East Main Centers I LLC, by deed of record in Instrument Number 199803230065713;

Thence North 85°34'15" West, a distance of 1007.15 feet, along the south line of said 20.129 acre tract, to a point at the southwest corner of said 20.129 acre tract, in the west line of said original 47.846 acre tract and in the east line of a 3.621 acre tract being conveyed to 6115 McNaughton Court Properties, LLC, by deed of record in Instrument Number 201103100034221;

Thence North 04°03'00" East, a distance of 809.73 feet, along the lines common to said 20.129 acre tract, said 3.621 acre tract and said 3.839 acre tract to the TRUE POINT OF BEGINNING containing 18.555 acres of land more or less. Being subject to all easements restrictions and rights-of-way of record.

The bearings are based on the right-of-way line of East Main Street as being North 89°16'00" East of record in Instrument Number 201503060028311.

Subarea B:

Situate in the State of Ohio, County of Franklin, Half Section 21, Township 12, Range 21, Refugee Lands and being part of a 20.129 acre tract being conveyed to SRL East Main Center LLC, by deed of record in Instrument Number 201503060028311, all records herein are from the Recorder's Office Franklin County, Ohio, said 20.129 acre tract being more particularly described as follows:

Being for Reference, at a point at the centerline intersection of East Main Street, and the west line of said Half Section 21 and being the northwesterly corner of a 1.121 acre tract being conveyed to the City of Columbus, of record in Deed Book 2851, Page 617;

Thence North 89°16'00" East, a distance of 1107.57, along the centerline of said East Main Street, to a point in the centerline of said East Main Street also being in the north line of Parcel 178E-WD as conveyed to the State of Ohio, by Judgement Entry NO. 235,872 of the Franklin County Court of Common Pleas and recorded in Deed Book 3114, Page 10;

Thence South 04°06'04" West, a distance of 65.99 feet, over and across said Parcel 178E-WD and Parcel 16WD as conveyed to the City of Columbus, by deed of record in Instrument Number 201807270100695 to a point in the southerly right-of-way line of said East Main Street at the TRUE POINT OF BEGINNING;

Thence North 89°16'00" East, a distance of 160.57 feet, continuing along the southerly right-of-way line of said East Main Street, to a point;

Thence the following three (3) courses and distances over and across said 20.129 acre tract:

1. South 04°06'04" West, a distance of 327.53 feet, to a point;
2. North 86°54'42" West, a distance of 160.80 feet, to a point;
3. North 04°06'04" East, a distance of 316.83 feet, to the TRUE POINT OF BEGINNING containing 1.183 acres of land more or less. Being subject to all easements restrictions and rights-of-way of record.

The bearings are based on the right-of-way line of East Main Street as being North 89°16'00" East of record in Instrument Number 201503060028311.

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 plan being titled, "**REZONING SITE PLAN - 6067 E MAIN STREET,**" and text titled, "**DEVELOPMENT TEXT,**" both dated September 1, 2020, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

EXISTING ZONING: CPD, Commercial Planned Development (Z98-046)

PROPOSED ZONING: CPD, Commercial Planned Development

PROPERTY ADDRESS: 6067 E. Main Street, Columbus, OH 43213

APPLICANT: Moo Moo Car Wash, c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215

OWNER: SRL Main Center, LLC, A.J. Solomon, P.O. Box 24550, Columbus, OH 43224

DATE OF TEXT: September 1, 2020

APPLICATION NUMBER: Z20-039

INTRODUCTION:

The site is 19.75 +/- acres located on the south side of East Main Street, 300 +/- feet east of McNaughten Road. The site is zoned CPD, Commercial Planned Development (Z98-046, Ord. 2452-98, passed October 5, 1998) with C-4, Commercial uses permitted. The site is developed with 170,000 square feet of retail uses and parking lot. Applicant proposes to split 1.182 acres in the northeast area of the parking lot to develop a car wash (single tunnel wash). The 19.75 +/- acre site is being rezoned to establish the car wash subarea. The existing retail development is Subarea A (18.55 +/- acres) and the car wash is Subarea B (1.18 +/- acres). The site plan titled "Rezoning Site Plan - 6067 E Main Street", dated September 1, 2020, hereafter "Site Plan", is submitted with this application as the site plan for Subareas A and B.

SUBAREA A, 18.55 +/- ACRES:

1. PERMITTED USES: The permitted uses shall be as permitted in Section 3356.03, C-4 Permitted Uses, except as follows:

funeral homes and services,

hotel,

motel,

extended stay hotel,

automobile and light truck dealers,

automobile sales, leasing and rental (new and/or used vehicles),

skating rink,

cabaret or night club (not to be interpreted as a restaurant),

Truck, Utility Trailer, and RV (Recreational Vehicle) Sales, Rental and Leasing,

veterinarians (unlimited practice).

2. 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 3356, C-4, Commercial District, of the Columbus City Code.

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

Existing perimeter parking setbacks, which vary around the perimeter of the site, but are depicted on the Site Plan, shall be the required parking setbacks.

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

1. Subarea A has three (3) existing curbcuts on E. Main Street. The west access also connects to the abutting parcel to the west. The middle curbcut on E. Main Street is signalized. All existing vehicular access shall be permitted to remain. There shall be no vehicular access to the south or east of the parcel. It is anticipated Subarea B will be split from Subarea A by lot split. Applicable easement(s) shall be provided on Subarea A for vehicular and pedestrian access for Subarea B.

2. Existing site parking shown on the Site Plan exceeds code required parking for the current uses. A freestanding ATM may be added to the parking lot in the future by removing non-code required parking and with reconfiguration of the parking lot based on an approved Site Compliance Plan.

3. E. Main Street right of way totaling 60 feet 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.

1. Certain existing parking lot landscaping islands do not meet current design standards and the number of islands and parking lot trees are less than current requirements. All existing islands and the total existing number of parking lot trees shall be permitted other than with complete redevelopment of the existing parking lot. No new parking lot islands or parking lot trees shall be required in Subarea A.

2. Existing mounding and screening on the east and south side of the site shall be maintained.

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

N/A

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

1. Existing 40 foot tall parking lot lighting shall be permitted.

2. Lighting on the east side of the property, between the east wall of the east building and the east property line, shall be maximum of 14 feet within 100 feet of residential zoning to the east of the site.

F. Graphics and Signage Commitments.

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-4, Commercial District.. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

G). Other CPD Requirements.

1. Natural Environment: Subarea A is located on the south side of E. Main Street, 300 +/- feet east of McNaughten Road.

2. Existing Land Use: Subarea A is developed with 170,000 +/- SF of commercial uses and a large parking lot. Commercial uses are located to the north and west of Subarea A. E. Main Street is extensively developed with commercial uses. Developed residentially zoned property is located to the south and east.

3. Circulation: There are three (3) existing curbcuts on E. Main Street for Subarea A. Access to Subarea B shall be by easement across Subarea A.

4. Visual Form of the Environment: The proposed uses are appropriate for location. E. Main Street is a arterial right of way with many commercial uses.

5. Visibility: The site is visible from E. Main Street.

6. Proposed Development: Commercial development as permitted by this text and as depicted on the referenced Site Plan.

7. Behavior Patterns: Vehicular access will be from E. Main Street by existing curb cuts. On-site circulation will be as depicted on the referenced Site Plan.

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.

1. Section 3312.09, Aisle, to permit the aisle adjacent to the west side of the car wash to be divided by the Subarea B west property line to be less than 20 feet on each side of the Subarea B property line subject to a minimum of 20 feet in total width.

2. Section 3321.03, Lighting, to increase permitted parking lot light pole height from 28 feet to 40 feet for all existing 40 foot parking lot light poles.

3. Section 3312.21, Landscaping and Screening, to permit all existing parking lot islands non-complaint with current width, radius, area standards and number of parking lot interior trees;and to not provide headlight screening in the existing E. Main Street parking setback, unless or until the site is redeveloped, other than the addition of an ATM in the parking lot.

I). Miscellaneous.

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. Development of the site shall be in accordance with the Site Plan titled “Rezoning Site Plan - 6067 E Main Street”, dated September 1, 2020, 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.

SUBAREA B, 1.183 +/- acres:

1. PERMITTED USES: The permitted uses shall be as permitted in Section 3356.03, C-4 Permitted Uses, and a car wash, except the following C-4 uses are prohibited:

funeral homes and services,
hotel,
motel,
extended stay hotel,
automobile and light truck dealers,
automobile sales, leasing and rental (new and/or used vehicles),
skating rink,
cabaret or night club (not to be interpreted as a restaurant),
Truck, Utility Trailer, and RV (Recreational Vehicle) Sales, Rental and Leasing,
veterinarians (unlimited practice).

2. 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 3356, C-4, Commercial District, of the Columbus City Code.

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

Subarea B shall have the minimum building and parking setbacks as depicted on the Site Plan.

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

1. Vehicular and pedestrian access for Subarea B shall be by easement across Subarea A. There shall be no direct vehicular access from Subarea B to E. Main Street.
2. E. Main Street right of way totaling 60 feet 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.

Street trees at 40' +/- on-center shall be provided along E. Main Street either in the right of way or in the parking setback.

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

Exterior building materials for a car wash shall include cultured stone, hardie-plank board and/or batten siding and asphalt shingles.

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

N/A

F. Graphics and Signage Commitments.

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-4, Commercial District. Any ground sign shall be monument-style. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

G). Other CPD Requirements.

1. Natural Environment: Subarea B is located on the south side of E. Main Street, approximately 1,100 +/- feet east of McNaughten Road.
2. Existing Land Use: Subarea B is developed with a parking lot that is presently part of Subarea A. Commercial uses are

located to the north and west of Subarea A and B. E. Main Street is extensively developed with commercial uses.

3. Circulation: All vehicular access to Subarea B shall be across Subarea A by easement. There shall be no direct vehicular access to Subarea B from E. Main Street.

4. Visual Form of the Environment: The proposed commercial uses are appropriate for the location. E. Main Street is a arterial right of way with many commercial uses.

5. Visibility: The site is visible from E. Main Street.

6. Proposed Development: Commercial development as permitted by this text and as depicted on the referenced Site Plan.

7. Behavior Patterns: Vehicular access will be by easement across Subarea A. On-site circulation for the car wash will be as depicted on the referenced Site Plan.

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.

The following code modification applies only to use/development of the site as a car wash.

Section 3312.11, Drive-up Stacking Area, to not provide an exclusive by-pass lane for the car wash.

I). Miscellaneous.

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. Development of the site shall be in accordance with the Site Plan titled “Rezoning Site Plan - 6067 E Main Street”, dated September 1, 2020, 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.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.