



Legislation Text

File #: 0682-2021, **Version:** 1

Rezoning Application: Z20-102

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: Car wash.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on February 11, 2021.

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The undeveloped site is zoned in the CPD, Commercial Planned Development District which permits C-4, Commercial District uses. The requested CPD, Commercial Planned Development District would allow the site to be developed with a car wash, a C-5, Commercial District use. The development text commits to a site plan and includes development standards addressing site access, landscaping, building design, lighting, and graphics provisions that commit to monument-style ground signs. A variance to not provide an exclusive by-pass lane for the car wash is included in this request. This area has adopted the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018), and the site plan reflects increased landscaping along the Blakestone Lane frontage located along the southern boundary of the site, consistent with the Plan's design guidelines.

To rezone **3945 S. HAMILTON RD. (43125)**, being 1.36± acres located on the west side of South Hamilton Road, 800± feet north of State Route 33, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z20-102).

WHEREAS, application #Z20-102 is on file with the Department of Building and Zoning Services requesting rezoning of 1.36± 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 South East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the CPD, Commercial Planned Development District will allow the development of a car wash that is consistent with the design guidelines recommended by the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines; 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:

3945 S. HAMILTON RD. (43125), being 1.36± acres located on the west side of South Hamilton Road, 800± feet north of State Route 33, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Section 9, Township 11, Range 21, U.S. Congress Lands, being part of an original 36.392 acre tract of land conveyed to Saver Motel, Inc. of record in Instrument Number 200606270124632, all references being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING FOR REFERENCE at a railroad spike set at the northeast corner of a 3.180 acre tract of land conveyed to ALDI Inc. (Ohio) of record in Instrument Number 202010190161962, being at the southeast corner of an original 50 acre tract of land conveyed to Plaza GRB Hamilton Road, LLC of record in Instrument Number 200401210014610, and being on the centerline of Hamilton Road (FRA-317-0.19(B));

Thence South 04°17'31" West, a distance of 311.20 feet with the east line of said 3.180 acre tract and the centerline of said Hamilton Road, to a railroad spike set at the southeast corner of said 3.180 acre tract and being at the northeast corner of a 0.963 acre tract of land conveyed to the City of Columbus, Ohio of record in Instrument Number 202010160161444;

Thence North 86°18'02" West, a distance of 64.18 feet with the south line of said 3.180 acre tract and with the north line of said 0.963 acre tract, to an iron pin set at the northwest corner of said 0.963 acre tract, being on the west right-of-way line of said Hamilton Road, and being the TRUE POINT OF BEGINNING of the tract to be described;

Thence with the west line of said 0.963 acre tract and with the west right-of-way line of said Hamilton Road, the following three (3) courses:

1. South 03°50'32" West, a distance of 109.97 feet, to an iron pin set;
2. North 86°09'28" West, a distance of 10.00 feet, to an iron pin set;
3. South 03°50'32" West, a distance of 48.55 feet, to an iron pin set;

Thence North 86°18'02" West, a distance of 339.71 feet crossing said 36.392 acre tract, to an iron pin set on the east line of a 24.718 acre tract of land conveyed to Metropolitan House LLC of record in Instrument Number 202008200123281;

Thence with the east line of said 24.718 acre tract, the following three (3) courses:

1. North 03°41'58" East, a distance of 12.00 feet, to an iron pin set;
2. North 86°18'02" West, a distance of 28.38 feet, to an iron pin set;
3. North 04°17'31" East, a distance of 146.50 feet, to an iron pin set at the southwest corner of said 3.180 acre tract;

Thence South 86°18'02" East, a distance of 376.97 feet with the south line of said 3.180 acre tract, to the TRUE POINT OF BEGINNING, containing 1.355 acres of land, subject to all easements and documents of record.

Basis of Bearings: The bearings shown on this survey are based on the bearing of South 04°17'31" West for the centerline of Hamilton Road, based on field observations performed in August, 2019, and based on NAD 83 (2011 adjustment), Ohio State Plane South Zone.

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, “**MOO MOO EXPRESS CAR WASH, 3945 S. HAMILTON ROAD, REZONING SITE PLAN,**” and text titled, “**CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT,**” all dated February 22, 2021, and signed by Dave Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, and the text reading as follows:

CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT

EXISTING ZONING: CPD, Commercial Planned Development (Z83-056)

PROPOSED ZONING: CPD, Commercial Planned Development

PROPERTY ADDRESS: 3945 S. Hamilton Road, Columbus, OH 43125

APPLICANT: Moo Car Express Car Wash LLC 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: Saver Motel, Inc. 4829 Stonehaven Drive, Columbus, OH 43220

DATE OF TEXT: February 22, 2021

APPLICATION NUMBER: Z20-102

1. INTRODUCTION: The 1.36 +/- acre site is located on the west side of S. Hamilton Road, 800' +/- north of SR 33 and opposite the intersection of S. Hamilton Road and Professional Parkway on the east side of S. Hamilton Road. The site is part of a larger area zoned CPD in 1983. There is extensive existing and proposed commercial development in the area, as well as an extended stay hotel to the west. Applicant proposes to rezone the site to CPD to permit a single bay automatic car wash and C-4 uses, as presently permitted. The site plan, hereafter “Site Plan”, titled “Moo Moo Express Car Wash, 3945 S. Hamilton Road, Rezoning Site Plan”, depicting a single unit tunnel car wash is submitted as the site development plan for the automatic car wash. If the car wash is not developed, only the building and parking setbacks depicted on the Site Plan shall apply to the property.

2. PERMITTED USES: All uses of Chapter 3356, C-4, Commercial District, as presently permitted, and an automatic car wash, as depicted on the Site Plan. and as regulated herein.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan, which shall only be applicable for the proposed car wash, 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.

Use of the site as an automatic car wash shall be as depicted on the submitted Site Plan. Development standards of the Zoning Code shall apply to use of the property for uses of the C-4 District.

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

1). Development of the site with a car wash shall be as depicted on the submitted Site Plan. Development standards of the Zoning Code shall apply to use of the property for uses of the C-4 District.

2). All vehicular access to the Site shall be from Blakestone Lane, adjacent to the south, and Elodie Lane, adjacent to the west. Both streets are private streets.

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

Required landscaping for the car wash shall be as depicted on the Site Plan as required in Section 3312, Off-Street

Parking and Loading.

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

Exterior building materials include cultured stone, hardie-plank board and batten siding and asphalt shingles.

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

The maximum height of parking lot lighting shall be 22’.

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 applies to the C-4, Commercial District. Any ground sign shall be monument-style. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration.

G.) Other CPD Requirements.

1. Natural Environment: The site is located on the west side of S. Hamilton Road, 800’ +/- north of SR 33 and opposite the intersection of S. Hamilton Road and Professional Parkway on the east side of S. Hamilton Road. S. Hamilton Road is an intense arterial corridor developed with a wide variety of commercial uses and the site is close to the S. Hamilton Road / SR 33 interchange.

2. Existing Land Use: Undeveloped.

3. Circulation: Vehicular access shall be from Blakestone Lane, adjacent to the south, and Elodie Lane, adjacent to the west. Both streets are private streets.

4. Visual Form of the Environment: The S. Hamilton Road corridor is an arterial right of way extensively developed with commercial uses.

5. Visibility: S. Hamilton Road is an arterial right of way. The site will be visible from S. Hamilton Road.

6. Proposed Development: Automatic car wash.

7. Behavior Patterns: Vehicular access shall be from Blakestone Lane, adjacent to the south, and Elodie Lane, adjacent to the west. Both streets are private streets.

8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

H.) Modification of Code Standards.

The following code modifications apply only to use/development of the site as a car wash. It is the intention of the Site Plan and these modifications to permit an automatic car wash, as depicted on the submitted Site Plan.

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

I.) Miscellaneous commitments.

Development of the site with an automatic car wash shall be in accordance with the Site Plan titled “Moo Moo Express Car Wash, 3945 S Hamilton Road, Rezoning Site Plan”, dated and signed February 22, 2021 by David B. Perry, Agent for Applicant, Donald Plank, Attorney for Applicant. If the car wash is not developed, only the building and parking setbacks

depicted on the Site Plan shall apply to the property. These plans 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 Department of Building and Zoning Services 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.