



Legislation Text

File #: 2209-2021, **Version:** 1

Rezoning Application Z21-043

APPLICANT: Moo Moo Car Wash.; c/o Dave Perry, Agent; David Perry Company; 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 facility.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on July 8, 2021.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one undeveloped parcel in the CPD, Commercial Planned Development District. The existing CPD district permits a car wash facility, but only when in conjunction with a convenience store. The requested CPD district will permit a car wash facility as the sole use at this location. The CPD text provides appropriate use restrictions and supplemental development standards, and includes a commitment to develop the site as demonstrated on the submitted site plan. While there is no land use recommendation for the site, *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018) recommend that the car wash building be located parallel to Silver Drive, with sidewalks provided on the south and west frontages of the site, and with additional street trees and landscaping provided on the Silver Drive and south frontages of the site. While the applicant has committed to sidewalks, street trees and landscaping, limiting factors prevent the building from being parallel to Silver Drive. As a result, Staff supports the request, including the building placement, and requested variance to the required by-pass lane.

To rezone **573 E. HUDSON ST. (43211)**, being 1.65± acres located at the southwest corner of East Hudson Street and Interstate 71, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning #Z21-043).

WHEREAS, application #Z21-043 is on file with the Department of Building and Zoning Services requesting rezoning of 1.65± 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 City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District is consistent with the surrounding development and zoning pattern of the area, and includes a commitment to develop the site as demonstrated on the submitted site plan; 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:

573 E. HUDSON ST. (43211), being 1.65± acres located at the southwest corner of East Hudson Street and Interstate 71,

and being more particularly described as follows:

Containing 1.65+/- acres:

Situated in the State of Ohio, County of Franklin, City of Columbus, Lot 22, Quarter Township 4, Township 1, Range 18, United States Military Lands and being out of that tract as conveyed to Crewville, Ltd. Of record in Instrument Number 199906070144361 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning at a concrete monument found in the southerly right-of-way line of Hudson Street as conveyed to the City of Columbus of record in Deed Book 2237, page 270, said monument marking the northeasterly corner of that tract as conveyed to the State of Ohio - Ohio Arts Facilities Commission of record in Official Record 31894.111 (Parcel 2); said monument being North 86° 23' 18" West, a distance of 104.92 from a concrete monument found marking the northwesterly corner of Perpetual Highway Easement Parcel No. 11A as shown in the Franklin County Common Pleas Court Entry No. 203810;

thence South 86° 23' 18" East with said southerly right-of-way line a distance of 32.97 feet to an iron pin set;

thence across said Crewville, Ltd. Tract, the following courses:

South 02° 39' 34" East, a distance of 38.64 feet to an iron pin set at a point of curvature;

with a curve to the left, having a central angle of 52° 14' 44" and a radius of 228.00 feet, a chord bearing and distance of South 28° 46' 48" East, 200.78 feet to an iron pin set at a point of tangency;

South 54° 54' 09" East, a distance of 132.43 feet to an iron pin set at a point of curvature;

with a curve to the right, having a central angle of 75° 00' 00" and a radius of 57.00 feet, a chord bearing and distance of South 17° 24' 09" East, 69.40 feet to an iron pin set at a point of tangency;

South 20° 05' 51" West, a distance of 71.16 feet to an iron pin set at a point of curvature;

with a curve to the left, having a central angle of 28° 12' 18" and a radius of 136.00 feet, a chord bearing and distance of South 05° 59' 43" West, 66.28 feet to an iron pin set;

South 67° 22' 02" West, a distance of 67.52 feet to an iron pin set; and North 86° 21' 30" West, a distance of 136.60 feet to an iron pin set;

thence North 02° 50' 37" West, partly across said Crewville, Ltd. tract and partly with the easterly line of said Parcel 2, a distance of 152.36 feet to an iron pin found;

thence North 03° 40' 10" West, with said easterly line, a distance of 357.62 feet to the Point of Beginning and containing 1.651 acres of land, more or less.

Subject, however, to all legal right-of-way and/or easements, if any, of previous record.

Property Address: 573 E. Hudson St., Columbus, OH 43211
Parcel Number: 010-269035

To Rezone From: CPD, Commercial Planned Development District.

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of sixty (60) 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 site plan being titled, “**ZONING SITE PLAN**,” dated August 10, 2021, and text titled, “**CPD, COMMERCIAL PLANNED DEVELOPMENT**,” dated August 10, 2021, and both signed by Michael Jones, agent for the Applicant, and the text reading as follows:

CPD, COMMERCIAL PLANNED DEVELOPMENT

1.65 +/- ACRES

EXISTING ZONING: CPD, Commercial Planned Development (Z20-040)

PROPOSED ZONING: CPD, Commercial Planned Development

PROPERTY ADDRESS: 573 E. Hudson Street, Columbus, OH 43211

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: Hammerhead Silver, LLC c/o Clay Cookerly and Maury Levine, 5745 Newbank Circle, Suite 403, Dublin, OH 43017

DATE OF TEXT: August 10, 2021

APPLICATION NUMBER: Z21-042

1. INTRODUCTION: The 1.65 +/- acre site (PID: 010-269035) is located at the southwest corner of E. Hudson Street and Silver Drive. The site was rezoned (Z00-040, Ordinance 1709-00, passed July 24, 2000) from M, Manufacturing to CPD, Commercial Planned Development to permit a convenience store with or without sale of gasoline and with or without a car wash. Applicant proposes a car wash as a primary use rather than a car wash accessory to a convenience store. The site is located adjacent to the I-71/ E Hudson Street interchange and there are many commercial and manufacturing uses in all directions. Applicant proposes to rezone the site to add a car wash use as a primary use. All uses of the current CPD and a car wash are appropriate for the location. The site plan, hereafter “Site Plan”, titled “Moo Moo Express Car Wash, 573 E. Hudson Street”, dated August 10, 2021, 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 Silver Drive 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, a convenience store with or without the sale of gasoline and with or without a car wash, 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, or, if not developed with a car wash as a primary use, the Silver Drive building and parking setbacks only, as shown on the Site Plan, and this written text, shall be the applicable development standards, and those standards contained in Chapter 3356, C-4, Commercial District, of the Columbus City Code.

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

1). 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 uses of the property for all other uses permitted by this text in addition to Silver Drive building and parking setbacks, only, depicted on the Site Plan, for all uses other than a car wash as a primary use.

2). Building, gas station canopy(s) and parking setbacks shall be minimum of 25', 25' and 10' from Silver Drive, respectively.

3). There shall be a minimum building setback of 150' from the present E. Hudson Street south right of way line. The area within 150' shall be used as follows: existing access drive for 567 E Hudson Avenue (PID: 010-076528) abutting to the west, and/or bypass exit lane for the car wash, as depicted on the Site Plan.

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 and the Silver Drive building and parking setbacks, only, as shown on the Site Plan, shall apply to use of the property for all other uses than a car wash as a primary use.

2). All vehicular access to the Site shall be from Silver Drive and the private drive abutting the site to the south. There shall be no direct vehicular access to E. Hudson Street. There shall be no direct vehicular access to the site from Silver Drive for any use developed on the subject 1.65 +/- acres. There is an existing access drive that crosses the site from Silver Drive to 567 E Hudson Avenue (PID: 010-076528) abutting to the west. The access drive may also be used for the bypass exit lane, only, for the car wash, as depicted on the Site Plan.

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

1). Total lot coverage for building and pavement shall be a maximum of 80% of lot area.

2). Street trees shall be provided along Silver Drive and along the south property line, at 50' +/- on center, as depicted on the Site Plan, adjusted as needed for the existing driveway and/or other obstructions.

3) Required landscaping for the car wash shall be as depicted on the Site Plan.

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

Exterior building materials for a car wash building include cultured stone, cementitious board, board and batten siding, and asphalt shingles.

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 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. See also Graphics Plan VG99-030 for permitted graphics.

G.) Other CPD Requirements.

1). Natural Environment: The site is located at the southwest corner of E. Hudson Street and Silver Drive and extending south on Silver Drive. Silver Drive is adjacent to the I-71 / E Hudson Street interchange. The area is extensively developed with commercial and manufacturing district uses.

2). Existing Land Use: Undeveloped.

3. Circulation: All vehicular access to the Site shall be from Silver Drive and the private drive abutting the site to the south. There shall be no direct vehicular access to E. Hudson Street. There shall be no direct vehicular access to the site from Silver Drive for any use developed on the subject 1.65 +/- acres. There is an existing access drive that crosses the site from Silver Drive to 567 E Hudson Avenue (PID: 010-076528) abutting to the west. The access drive may also be used for the bypass exit lane, only, for the car wash, as depicted on the Site Plan.

4. Visual Form of the Environment: The Silver Drive and E Hudson Street roads are extensively developed with commercial and manufacturing uses.

5. Visibility: The site will be visible from Silver Drive and E. Hudson Street.

6. Proposed Development: Automatic car wash.

7. Behavior Patterns: All vehicular access to the Site shall be from Silver Drive and the private drive abutting the site to the south. There shall be no direct vehicular access to E. Hudson Street. There shall be no direct vehicular access to the site from Silver Drive for any use developed on the subject 1.65 +/- acres. There is an existing access drive that crosses the site from Silver Drive to 567 E Hudson Avenue (PID: 010-076528) abutting to the west. The access drive may also be used for the bypass exit lane, only, for the car wash, as depicted on the Site Plan.

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, 573 East Hudson Street, Site Plan", dated August 10, 2021, and signed by David B. Perry, Agent for Applicant, Donald Plank, Attorney for Applicant. If the car wash is not developed, only the Silver Drive 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.