

**REZONING APPLICATION**

**Department of Building & Zoning Services**  
Scott Messer, Director  
757 Carolyn Avenue, Columbus, Ohio 43224-3218  
Phone: 614-645-7433 www.columbus.gov

OFFICE USE ONLY

Application #: 217-014 Date Received: 4/25/2017  
Application Accepted By: SP & MM Fee: \$3200 -  
Assigned Planner: Michael Maret; 614-645-2749; mj Maret@columbus.gov

**LOCATION AND ZONING REQUEST:**

Certified Address (for Zoning Purposes) 530 S. Hague Ave Zip 43204

Is this application being annexed into the City of Columbus  Yes  No (select one)

*If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.*

Parcel Number for Certified Address 010-066555-00

Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s) CPD (Z89-183) Requested Zoning District(s) Amended CPD

Area Commission Area Commission or Civic Association: Greater Hilltop Area Commission

Proposed Use or reason for rezoning request: See Exhibit A

(continue on separate page if necessary)

Proposed Height District: H-35 Acreage 0.51  
[Columbus City Code Section 3309.14]

**APPLICANT:**

Name United Dairy Farmers, Inc. c/o Donald T. Plank  
Address 411 E. Town Street, FL 2 City/State Columbus, OH Zip 43215  
Phone # 614-947-8600 Fax # 614-228-1790 Email dtp@planklaw.com

**PROPERTY OWNER(S):**

Name United Dairy Farmers, Inc. c/o Donald T. Plank  
Address 411 E. Town Street, FL 2 City/State Columbus, OH Zip 43215  
Phone # 614-947-8600 Fax # 614-228-1790 Email dtp@planklaw.com  
 Check here if listing additional property owners on a separate page

**ATTORNEY / AGENT** (CHECK ONE IF APPLICABLE)  Attorney  Agent

Name Donald T. Plank, Plank Law Firm, LPA  
Address 411 E. Town Street, FL 2 City/State Columbus, OH Zip 43215  
Phone # 614-947-8600 Fax # 614-228-1790 Email: dtp@planklaw.com

**SIGNATURES** (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE United Dairy Farmers, Inc. By: Donald Plank agent/attorney  
PROPERTY OWNER SIGNATURE United Dairy Farmers, Inc. By: Donald Plank attorney  
ATTORNEY / AGENT SIGNATURE Donald Plank

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.  
Applications must be submitted by appointment. Call 614-645-4522 to schedule.  
**Please make all checks payable to the Columbus City Treasurer**

**Exhibit A**

**530 S. Hague Ave.**

**217-014**

The 0.51 +/- acre site is located at the northeast corner of Sullivant Ave. and S. Hague Ave. The site was rezoned in 1990 from the C-4, Commercial District, to CPD, Commercial Planned District (Z89-183).

Applicant requests an amendment to the existing CPD Development Plan to bring the signage, parking, and building setbacks in compliance. The portion of the site occupied by the signage is at the southwest corner of the site, closest to the Sullivant Ave. and S. Hague Ave. right-of-way. The request is due to City of Columbus recent right-of-way take, which have caused the signage, parking area, and building being closer to the right-of-way than permitted by the 1990 CPD Development Plan. The City's right-of-way acquisition makes the location of the existing sign structure noncompliant with the City Code. This amendment is necessary to permit Applicant to maintain its sign in its current location while permitting the City to acquire Applicant's land for right-of-way and will not affect surrounding properties.

Applicant requests the following amendments to the CPD Development Plan:

III. Applicable Development Standards

1. Signage.

(A) Ground Graphic. An existing ground graphic with maximum height of 22' with a maximum copy area of 10' x 12' (120 S.F. each side) shall be permitted at a setback of 1' from the existing right-of-way.

*The ground graphic setback is reduced from 15' to 1' due to City's right-of-way take.*

8. Environmental Treatment. Landscaping on the Property shall consist of shrubs and grass.

*The City's right-of-way take resulted in a reduction in the landscape area, which consists of shrubs and grass.*

9. Setbacks. (all setbacks established shall be minimum requirements).

(C) South: 8' parking setback with 22' building setback

*The parking setback is reduced from 10' to 8' and the building setback is reduced from 25' to 22' based on City's right-of-way take.*

A complete copy of the CPD text, as amended, is submitted as part of the rezoning application.

**REZONING APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

**AFFIDAVIT**

(See instruction sheet)

APPLICATION # 217-014

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald T. Plank  
of (1) MAILING ADDRESS Plank Law Firm, LPA, 411 E. Town Street, FL 2, Columbus, OH 43215

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) CERTIFIED ADDRESS FOR ZONING PURPOSES 530 S. Hague Ave.  
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) \_\_\_\_\_

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS  
 Check here if listing additional property owners  
on a separate page.

(4) United Dairy Farmers, Inc.  
c/o Donald T. Plank  
Plank Law Firm, 411 E. Town Street, FL 2  
Columbus, OH 43215

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

United Dairy Farmers, Inc. c/o Donald T. Plank  
614-947-8600

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5) Greater Hilltop Area Commission  
Greg Large  
P.O. Box 28052  
Columbus, OH 43228

and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

SIGNATURE OF AFFIANT

(8) Donald Plank

Sworn to before me and signed in my presence this 25th day of April, in the year 2017

SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Painter

My Commission Expires:

AUGUST 3, 2020

Notary Seal Here



BARBARA A. PAINTER  
Notary Public, State of Ohio  
My Commission Expires AUGUST 3, 2020

*This Affidavit expires six (6) months after date of notarization.*

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**APPLICANT**

United Dairy Farmers, Inc.  
c/o Donald Plank, Plank Law Firm  
411 E. Town St., FL 2  
Columbus, OH 43215

**PROPERTY OWNER**

United Dairy Farmers, Inc.  
c/o Donald Plank, Plank Law Firm  
411 E. Town St., FL 2  
Columbus, OH 43215

**ATTORNEY**

Donald Plank, Plank law Firm  
411 E. Town St., FL 2  
Columbus, OH 43215

**COMMUNITY GROUP:**

Greater Hilltop Area Commission  
c/o Greg Large  
P.O. Box 28052  
Columbus, OH 43228

**PROPERTY OWNERS WITHIN 125 FEET**

Larry Kirk  
or Current Occupant  
105 Hilliard Rome Rd,  
Columbus, OH 43228

Paradis 4U Properties Ltd.  
or Current Occupant  
7355 Lancaster Circleville Rd. SW  
Lancaster, OH 43130

William Scott Vonschiltz  
or Current Occupant  
515 S. Harris Ave.  
Columbus, OH 43204

City of Columbus  
or Current Occupant  
50 W. Gay St., 4<sup>th</sup> Floor  
Columbus, OH 43215

William & Elizabeth Lynch  
or Current Occupant  
3971 Hoover Rd.  
Grove City, OH 43123

Jason Baas  
or Current Occupant  
405 S. Harris Ave.  
Columbus, OH 43204

Thomas & Jenny Lowe  
or Current Occupant  
518 S. Hague Ave.  
Columbus, OH 43204

Columbus Metro Library  
Board of Trustees  
or Current Occupant  
96 S. Grant Ave.  
Columbus, OH 43215

Columbus Energy #1 LLC  
or Current Occupant  
2800 Sullivant Ave.  
Columbus, OH 43208

Arfan Midani  
or Current Occupant  
6143 Dublin Rd.  
Dublin, OH 43017

Sullivant Ave 19 LLC  
or Current Occupant  
3471 Main Highway, Apt. 622  
Miami, FL 33133

Michael Wile  
or Current Occupant  
1230 W. 5<sup>th</sup> Ave.  
Columbus, OH 43212

Richard Ford  
or Current Occupant  
523 S. Harris Ave.  
Columbus, OH 43204

Kendra Myers  
or Current Occupant  
2680 Eastman Ave.  
Columbus, OH 43207

**Public Notice**  
**530 S. Hague Ave.**  
**Page 1 of 1**

**REZONING APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

**PROJECT DISCLOSURE STATEMENT**

Parties having a 5% or more interest in the project that is the subject of this application.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION # 217-014

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald T. Plank -----  
of (COMPLETE ADDRESS) Plank Law Firm, LPA, 411 E. Town Street, FL 2, Columbus, OH 43215 -----  
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the  
following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which  
is the subject of this application in the following format:

Name of business or individual  
Business or individual's address  
Address of corporate headquarters  
City, State, Zip  
Number of Columbus based employees  
Contact name and number

<p>1. United Dairy Farmers, Inc. 3955 Montgomery Road Cincinnati, OH 45212 # of Columbus based employees: 700 per Tim Kling (513) 396-8744</p>	<p>2.</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 25th day of April, in the year 2017

SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

My Commission Expires:

AUGUST 3, 2020



*This Project Disclosure Statement expires six months after date of notarization.*  
BARBARA A. PAINTER  
Notary Public, State of Ohio  
My Commission Expires AUGUST 3, 2020

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Exhibit B

# City of Columbus Zoning Plat

217-014



## ZONING NUMBER

The Zoning Number Contained on This Form  
is Herein Certified to Obtain Zoning, Rezoning,  
and Variances, and is NOT to be Used for  
the Securing of Building & Utility Permits

Parcel ID: 010066555

Zoning Number: 530

Street Name: S HAGUE AVE

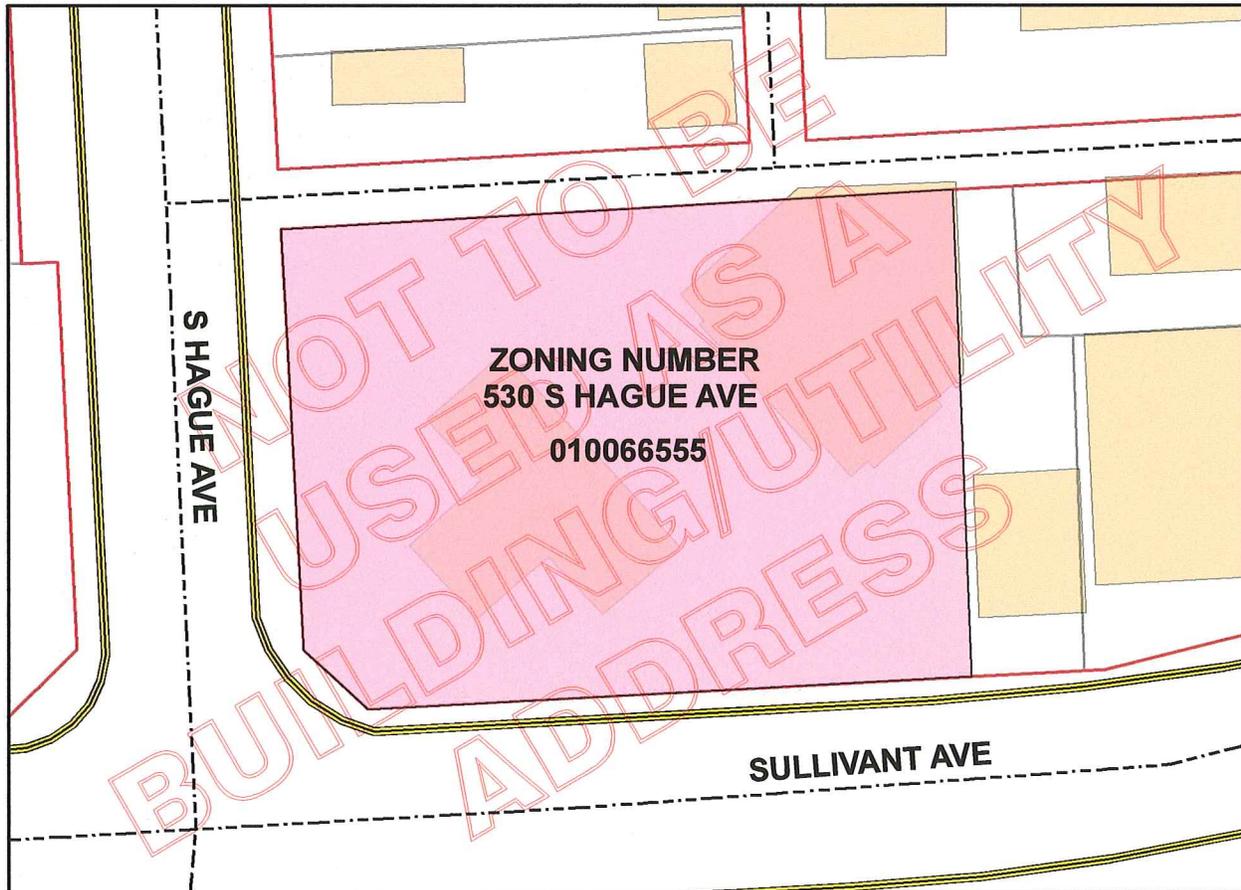
Lot Number: N/A

Subdivision: N/A

Requested By: PLAN LAW FIRM (CHRIS KESSLER)

Issued By: *Adyana Amararam*

Date: 11/14/2016



FRANK D. WILLIAMS, ADMINISTRATOR  
DIVISION OF INFRASTRUCTURE MANAGEMENT  
COLUMBUS, OHIO

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 79158

217-014

**Exhibit C**

**Legal Description**  
530 S. Hague Ave  
010-066555-00

Situated in the County of Franklin in the State of Ohio, and in the City of Columbus and bounded and described as follows:

Being Lots No. 608, 609, 610, 611, 612 and 613 in WICKLOW ADDITION EXTENSION as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 7, pages 65, 66, and 67, Recorder's Office, Franklin County, Ohio.

**LESS AND EXCEPTING:**

Beginning at a point at the intersection of the centerline of Sullivant Avenue and the centerline of Hague Avenue, said point being Station 199 + 99.09 on Sullivant Avenue and also being Station 10 + 00.00 on Hague Avenue as shown by plans for Group 7 Intersection Improvements;

Thence along the centerline of Sullivant Avenue North 89°32'00" East a distance of 30.41 feet to a point at Station 200 + 29.50 on said centerline;

Thence North 0°28'00" West a distance of 50.00 feet to a point on the Grantor's westerly line, also being on the easterly right-of-way line of Hague Avenue and 50.00 feet left of Station 200 + 29.50 on said centerline of Sullivant Avenue, and being the True Point of Beginning for the parcel herein conveyed;

Thence South 50°48'00" East a distance of 26.63 feet to a point;

Thence North 89°32'00" East, parallel to the centerline of Sullivant Avenue a distance of 159.43 feet to a point on the Grantor's easterly line;

Thence along said Grantor's easterly line South 0°13'06" East a distance of 3.00 feet to a point at the Grantor's southeasterly corner, said point also being on the northerly right-of-way line of Sullivant Avenue;

Thence along said northerly right-of-way line and Grantor's southerly line, South 89°32'00" West, parallel to the centerline of Sullivant Avenue, a distance of 164.93 feet to a point;

Thence along said right-of-way line with a curve to the right having a radius of 15.00 feet, an arc length of 23.63 feet, an interior angle of 90°16'00", and a chord bearing North 45°20'33" West a distance of 21.26 feet to a point on the easterly right-of-way line of Hague Avenue and the Grantor's westerly line;

Thence along said right-of-way line and Grantor's westerly line, North 0°13'06" West a distance of 4.94 feet to the True Point of Beginning and containing 666 square feet, more or less.

**LESS AND EXCEPTING:**

Being a parcel of land lying on the north side of the centerline of existing right-of-way of Sullivant Avenue, as shown and delineated upon the centerline plat with the right-of-way plans designated as FRA-C.R. 143-2.07 prepared for the City of Columbus, Department of Public Services by Carpenter Marty Transportation Inc., as recorded in Plat Book \_\_\_\_, Page \_\_\_\_ (made a part hereof by reference), and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of said Sullivant Avenue with S. Hague Avenue, from said intersection an iron pin found in the northerly right-of-way line of Sullivant Avenue bears North  $82^{\circ}21'19''$  West a distance of 175.30 feet, said pin being 33.00 feet left of Station 198+27.01 in the centerline of said Sullivant Avenue;

Thence along the centerline of said Sullivant Avenue North  $86^{\circ}47'27''$  East a distance of 50.82 feet to Station 200+50.00 in said centerline;

Thence leaving said centerline North  $3^{\circ}12'33''$  West a distance of 33.00 feet to a point on the existing northerly right-of-way line, also being the northerly line of a 666 square foot parcel conveyed to the City of Columbus by Instrument number 199709240100834, said point being the Grantor's southwesterly corner, said point being 33.00 feet left of Station 200+50.00 in said centerline, said point also being the TRUE POINT OF BEGINNING of the parcel herein conveyed;

Thence along the northeasterly line of said 666 square foot parcel, also being the Grantor's southwesterly line, North  $53^{\circ}32'29''$  West a distance of 26.52 feet to a point in the Grantor's westerly line, said point being 49.93 feet left of Station 200+29.58 in said centerline;

Thence along said westerly line, also being the existing easterly right-of-way line of S. Hague Avenue, North  $2^{\circ}44'33''$  West a distance of 2.58 feet to an iron pin set 52.51 feet left of Station 200+29.61 in said centerline;

Thence along the proposed right-of-way line South  $53^{\circ}32'29''$  East a distance of 30.57 feet to an iron pin set in the Grantor's southerly line, also being the northerly line of said 666 square foot parcel, said pin being 33.00 feet left of Station 200+53.13 in said centerline;

Thence along said line South  $86^{\circ}47'27''$  West a distance of 3.13 feet to the TRUE POINT OF BEGINNING, containing 0.001 acres, of which the present road occupies 0.000 acres.

## Exhibit D

**EXISTING ZONING:** CPD  
**PROPOSED ZONING:** CPD  
**OWNER:** United Dairy Farmers, Inc.  
**APPLICANT:** United Dairy Farmers, Inc.  
c/o Donald Plank, Plank Law Firm  
**DATE OF TEXT:** April 25, 2017  
**APPLICATION:** Z17- 014

**I. INTRODUCTION:** The subject property consists of approximately 0.51 acres located at the northeast corner of Hague and Sullivant Avenues, as more particularly described in the legal description submitted as part of the rezoning application (the "Property"). Applicant is seeking to amend the existing CPD, Commercial Planned District due to City of Columbus right-of-way takes, which have caused the signage, parking area, and the building to be closer to the right-of-way than permitted by the existing CPD Development Plan.

### **II. PROPERTY: 0.51 +/- Acres (CPD)**

**1. PERMITTED USES:** Allowable uses for the Property shall include a convenience store with ancillary eating area, retail sales of gasoline, and carry-out. Other allowable uses shall include all uses permitted under Chapter 3356 and Chapter 3357 of the Columbus City Codes relative to C-4 and C-5, Commercial Districts, with the following excluded uses:

Adult book store, adult motion picture theatre, adults only entertainment establishment, arcades, automobile sales room, billboards, off premises graphic, bowling alley, cabaret, dance hall, garage repair shop, ice house, plumbing shop, poolroom, poultry (killing and dressing for sale on the premises), skating rink, supermarket and tinsmith.

**2. DEVELOPMENT STANDARDS:** Unless otherwise indicated in this text or site plan dated \_\_\_\_\_ (the "Site Plan"), the applicable development standards are contained in Chapter 3356, C-4, Regional Scale Commercial District of the Columbus City Code.

#### **A. Density, Height, Lot and/or Setback Requirements**

1. Thirty-five (35) foot height limitation shall be in effect.
2. The size of the building on the Property shall not exceed 3,449 S.F.
3. All setbacks established shall be minimum requirements:
  - (a) North: 0' parking setback with 0' building setback
  - (b) East: 3' parking setback with 3' building setback
  - (c) South: 8' parking setback with 22' building setback
  - (d) West: 10' parking setback with 25' building setback

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

1. As long as the Property is used as a convenience store, carry-out with ancillary eating area, the parking requirement for the Property, shall be thirteen (13) spaces.
2. The Property has access to and from Hague and Sullivant Avenues.

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

1. All site lighting is cut-off type fixture (down lights) and shall not shine onto abutting residential property, if any.

D. Graphics and/or Signage Commitments

1. Ground Graphic. A ground graphic with maximum height of 22' with a maximum copy area of 10' x 12' (120 S.F. each side) shall be permitted at a setback of 1' from the existing right-of-way.
2. Wall Graphic. A wall graphic sign mounted to the building canopy, with a maximum copy area of 3' x 24' (72 S.F. total) shall be permitted.
3. Logos. A maximum of three (3) UDF internally illuminated identification logos shall be permitted to be placed onto the facing of the gas island canopy. The total combined copy area of the identification logos shall not exceed 30 S.F.

E. Miscellaneous

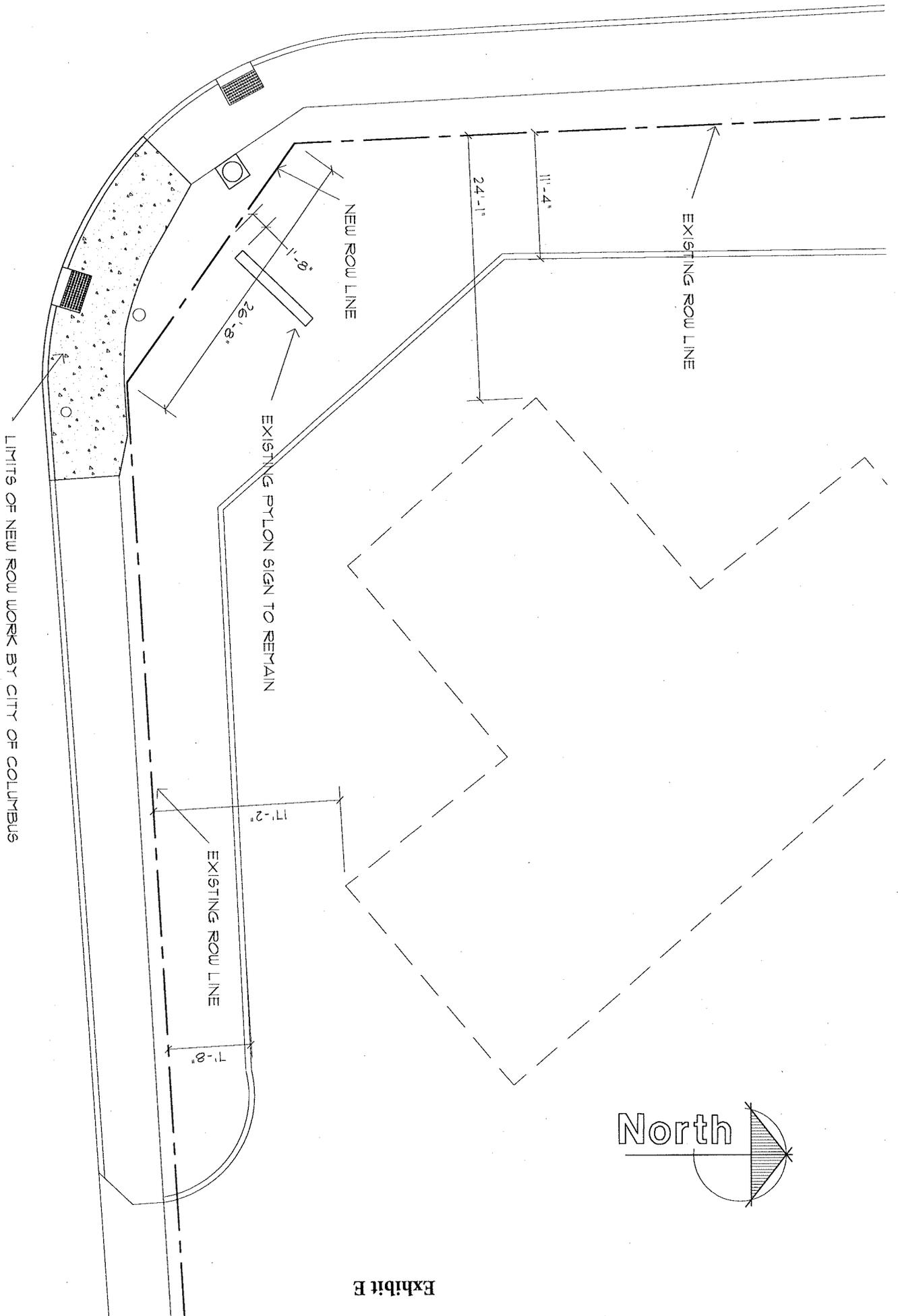
1. Variances. The existing ground graphic is non-conforming.  
(a) A variance from Section 3377.17 to permit a setback of 1' from the right-of-way

F. CPD Requirements

1. Natural Environment. The Property is not being redeveloped and will have no impact on the drainage run off or soil erosion or vegetation.
2. Circulation. Access to and from the Property are limited to the existing curb cuts previously approved by Traffic & Engineering. The Property complies with all other requirements of the Columbus City Codes pertaining to maneuvering and loading.
3. Existing Land Use. United Dairy Farmers store with assorted additional retail.
4. Visual Form. The area surrounding the Property is mostly commercial with residential north along Hague Avenue.
5. Visibility. The Property has excellent visibility from both Hague and Sullivant Avenues. The existing use is defined both physically and visually, with no large signs or other environmentally

distracting materials. Clear and unobstructed views are maintained and the structure is aesthetically pleasing for the passerby.

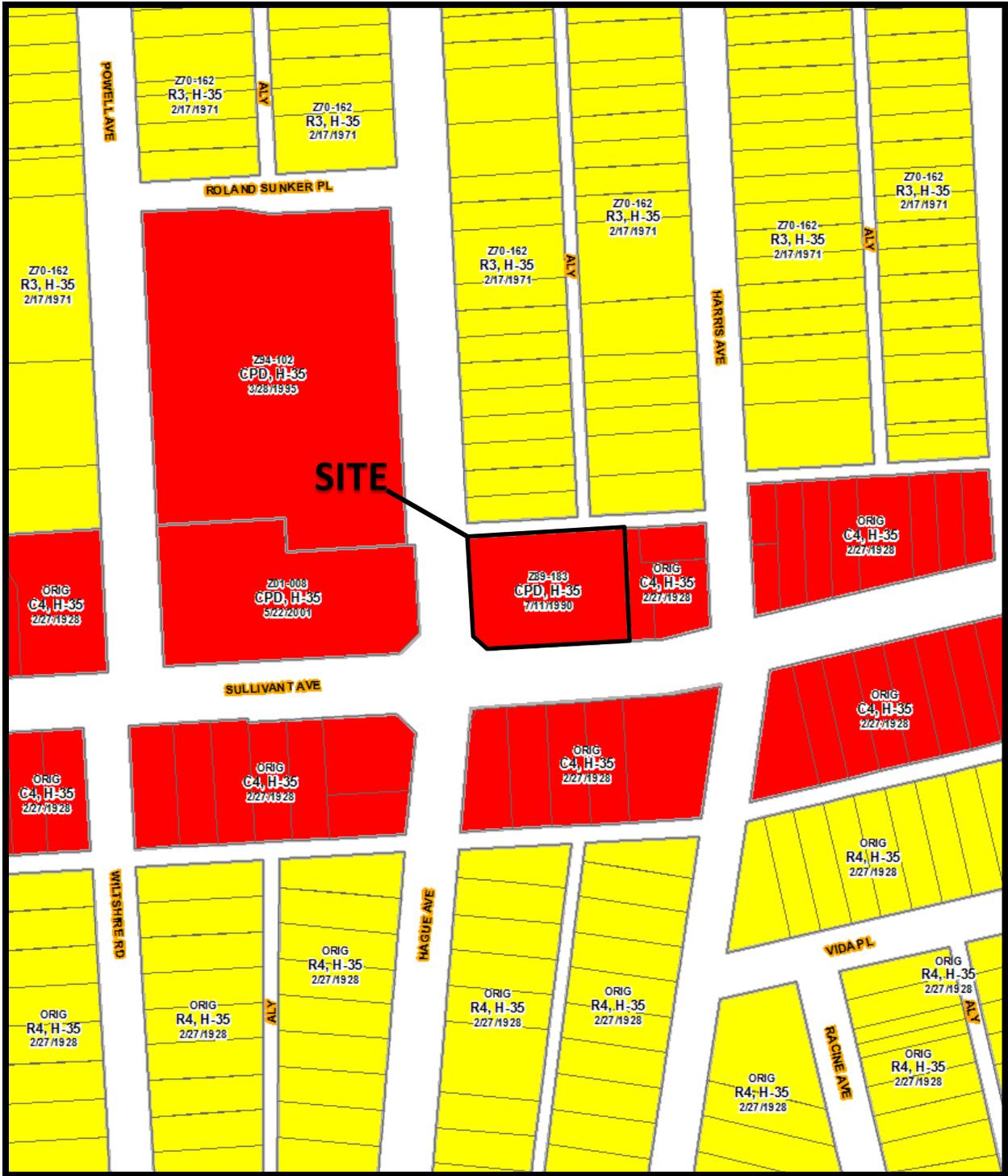
6. Proposed Development. The Property is developed as a convenience store, including ancillary eating area, with gasoline sales.
7. Behavior Patterns. The Property has access to and from Hague and Sullivant Avenues. There is a traffic signal at the intersection that facilitates traffic in the area. The existing use encourages people from the nearby residential areas to utilize the Property for the uses stated and will not create problems for neighbors, customers or passerby.
8. Emissions. The Property and the use thereof will not emit light, sounds, smells and/or dust adverse to the to surrounding area.



LIMITS OF NEW ROW WORK BY CITY OF COLUMBUS

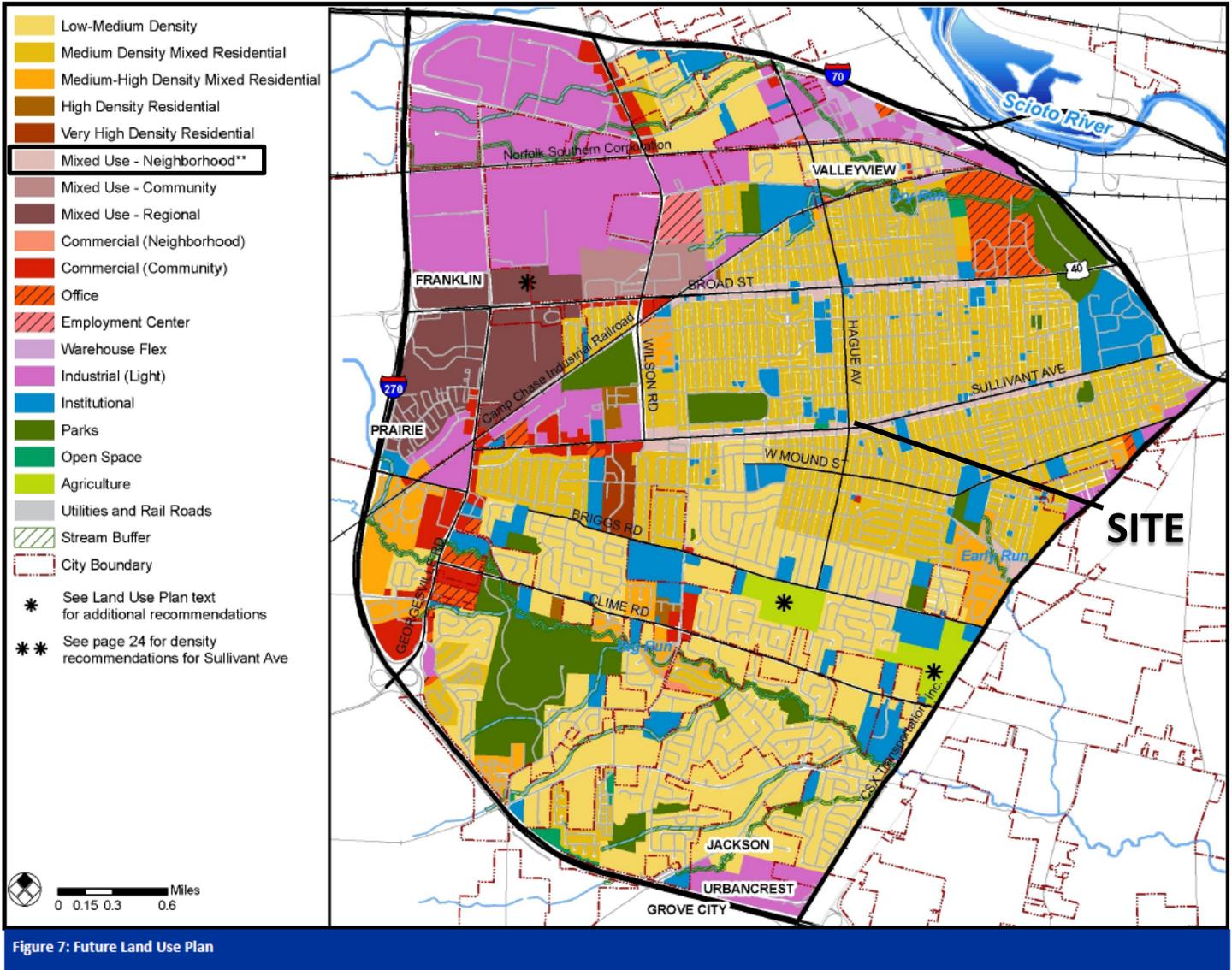
**COC ROW ALTERATIONS ADJACENT TO  
 UNITED DAIRY FARMERS PROPERTY AT  
 530 SOUTH HAGUE AVE., COL. OHIO**

Exhibit E

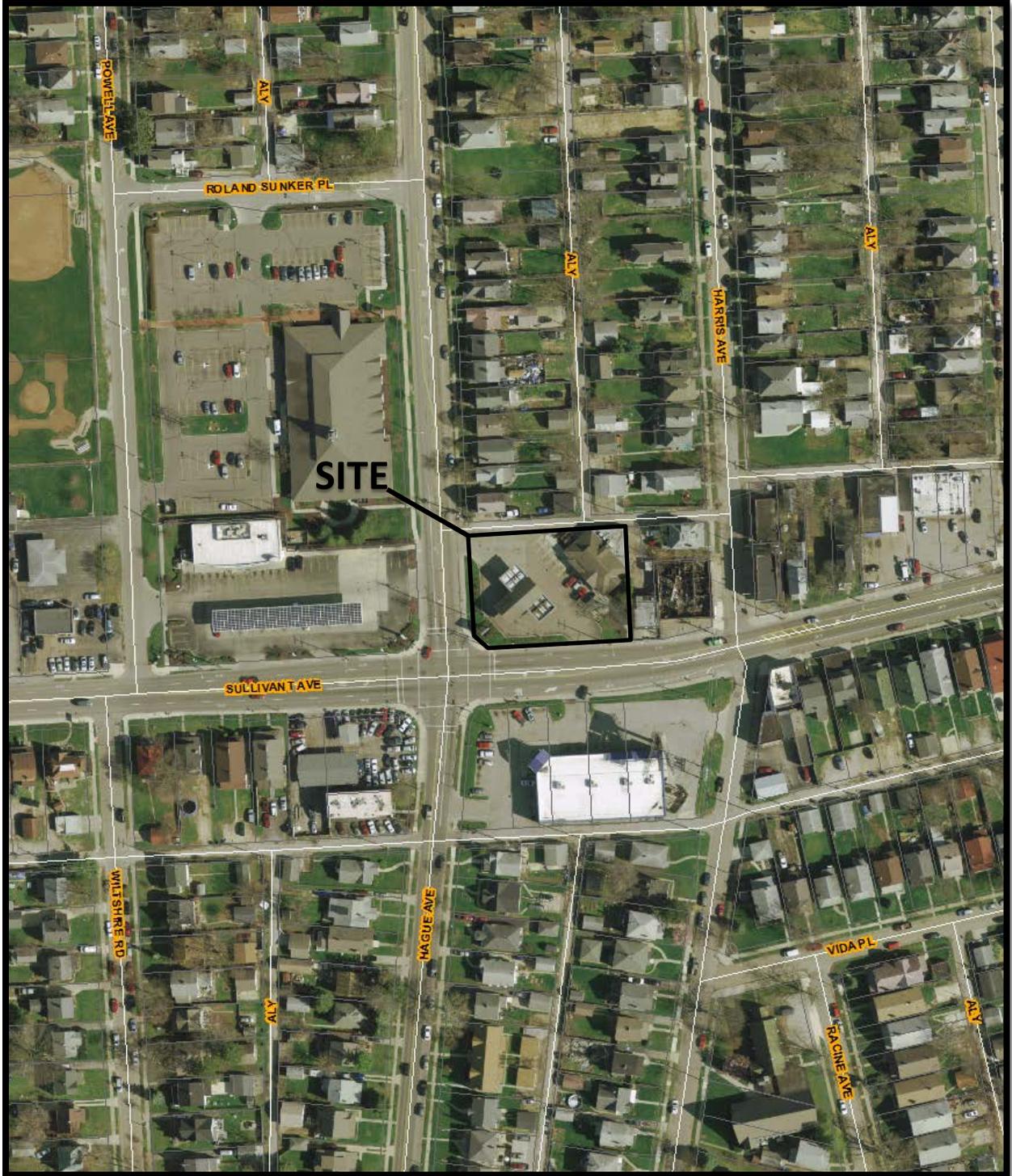


Z17-014  
 530 South Hague Avenue  
 Approximately 0.51 acres  
 CPD to CPD

Greater Hilltop Plan Amendment (2010)  
 "Mixed Use - Neighborhood" Recommended



Z17-014  
 530 South Hague Avenue  
 Approximately 0.51 acres  
 CPD to CPD



Z17-014  
530 South Hague Avenue  
Approximately 0.51 acres  
CPD to CPD