



## Legislation Details (With Text)

**File #:** 1735-2013      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 6/28/2013      **In control:** Zoning Committee

**On agenda:** 9/9/2013      **Final action:** 9/13/2013

**Title:** To rezone 930 BETHEL ROAD (43214), being 3.33± acres located on the north side of Bethel Road, 385± feet east of Postlewaite Road, From: L-C-2, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z13-032).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1735-2013AttachmentsAmended, 2. ORD1735-2013Attachments, 3. Notice Of Public Hearing - Council Mtg20130722, 4. Notice Of Public Hearing - Council Mtg20130909

| Date      | Ver. | Action By             | Action                            | Result |
|-----------|------|-----------------------|-----------------------------------|--------|
| 9/13/2013 | 2    | CITY CLERK            | Attest                            |        |
| 9/13/2013 | 2    | MAYOR                 | Signed                            |        |
| 9/9/2013  | 2    | COUNCIL PRESIDENT     | Signed                            |        |
| 9/9/2013  | 1    | Zoning Committee      | Taken from the Table              | Pass   |
| 9/9/2013  | 1    | Zoning Committee      | Amended as submitted to the Clerk | Pass   |
| 9/9/2013  | 1    | Zoning Committee      | Approved as Amended               | Pass   |
| 7/22/2013 | 1    | Zoning Committee      | Tabled Indefinitely               | Pass   |
| 7/15/2013 | 1    | Columbus City Council | Read for the First Time           |        |

### Rezoning Application Z13-032

**APPLICANT:** ENT Investments-Bethel Surgery Ltd.; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich St., 3<sup>rd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** Medical office expansion.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on June 13, 2013.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a 15,000± square-foot medical office building zoned in the L-C-2, Limited Commercial District. The requested CPD, Commercial Planned Development District text will update the development text to allow a maximum 7,290± square-foot addition and expansion of the parking lot. The current L-C-2 text requires an 80-foot setback from the north property line. This proposal reduces that requirement, making it more consistent with abutting commercial developments. The CPD text proposes C-2, Office Commercial uses, commits to a site plan, and includes development standards addressing setbacks, maximum building height, landscaping, screening, and exterior building commitments. A minimum 43-foot wide buffer/tree preservation area will be maintained along the north property line. A variance to maximum number of parking spaces is included in the request to allow 1 parking space per 163 square feet as opposed to the 1 per 200 square feet limit (111 maximum permitted, 137 proposed). With the proposed commitments within the CPD plan and text, the request is

compatible with the adjacent single-unit residences, and the established zoning and development pattern of the area.

To rezone **930 BETHEL ROAD (43214)**, being 3.33± acres located on the north side of Bethel Road, 385± feet east of Postlewaite Road, From: L-C-2, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z13-032).

**WHEREAS**, application #Z13-032 is on file with the Department of Building and Zoning Services requesting rezoning of 3.33± acres from L-C-2, Limited Commercial 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, which will allow a maximum 7,290± square-foot addition to an existing medical facility and expansion of the parking lot, makes the site more consistent with abutting commercial developments. With the proposed commitments within the CPD plan and text, the request is compatible with the established zoning and development pattern of the area and ensure compatibility with the adjacent residential development; 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:

**930 BETHEL ROAD (43214)**, being 3.33± acres located on the north side of Bethel Road, 385± feet east of Postlewaite Road, and being more particularly described as follows:  
Situated in the City of Columbus, County of Franklin, State of Ohio, and is described as follows: Situated in the State of Ohio, County of Franklin, the City of Columbus and being 3.330 acres out of an original 3.764 acre tract as conveyed to Mildred C. James in Official Records Volume 6890, Page G02 (all deed references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning at an iron pin found at the Southwesterly corner of said 3.330 acre tract, said point also being the Southeasterly corner of a 0.6147 acre tract as conveyed to Anacleto Galli, etal 5, in Official Records Volume 26289, Page I14, and the Northerly right-of-way line of Bethel Road;

Thence North 00 degrees 07' 53" East, 447.38 feet, partly with the Westerly line of said 0.6147 acre tract, the Westerly line of a 1.29 acre tract as conveyed to Edward A. Kemmler Foundation in Official Records Volume 10293, Page J09, the Westerly line of a 0.95 acre tract conveyed to Anacleto Galli in Official Records Volume 26289, Page I14 and partly with the Westerly line of a 1.0 acre tract as conveyed to Olga Couri in Official Records Volume 2147, Page D18, to an iron pin found at the Southwesterly Corner of Reserve "A" of Sharon Hill Subdivision No. 4, as recorded in Plat Book 31, Page 33;

Thence South 86 degrees 39' 00" East, 424.53 feet, with the Southerly line of said Reserve "A", to an iron pin found in the Southerly right-of-way line of Sharon Hill Drive and the Northwesterly corner of Lot 41 of said Sharon Hill Subdivision No. 4;

Thence South 00 degrees 05' 54" East, 147.54 feet, with the Westerly line of said Lot 41, to an iron pin found in the Northerly line of a 0.873 acre tract as conveyed to Bob Evans Farms, Inc., in Official Records Volume 33551, Page J14;

Thence South 89 degrees 59' 32" West, 147.84 feet, with the Northerly line of said 0.873 acre tract to an iron pin found at the Northwesterly corner of said 0.873 acre tract;

Thence South 00 degrees 10' 49" West, 289.73 feet, with the Westerly line of said 0.873 acre tract to an iron pin found at

the Southwesterly corner of said 0.873 acre tract and the Northerly right-of-way line of said Bethel Road;

Thence South 89 degrees 58' 52" West, 276.94 feet, with the Northerly right-of-way line of said Bethel Road, to the point of beginning, and containing 3.330 acres of land, more or less.

Basis of Bearings: South 88 degrees 39' 00" East, the South line of Lot 40 in the Sharon Hill Subdivision No. 4, as recorded in Plat Book 31, Page 33.

The above description was prepared by Pomeroy and Associates, Inc., Consulting Engineers and Surveyors, Worthington, Ohio, based upon the results of a survey of the premises performed in April of 1997.

**To Rezone From:** L-C-2, Limited Commercial 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 plans being titled, "**SITE PLAN - 930 BETHEL ROAD,**" and text titled, "**DEVELOPMENT TEXT,**" signed by Donald Plank, Attorney, dated ~~June 17~~ **August 27**, 2013, and the text reading as follows:

#### **DEVELOPMENT TEXT**

**PROPOSED DISTRICT:** CPD, Commercial Planned Development

**PROPERTY ADDRESS:** 930 Bethel Road

**AREA:** 3.330 +/- acres

**ZONING:**

**Current:** L-C-2, Limited Commercial

**Proposed:** CPD, Commercial Planned Development

**OWNER:** ENT Investments - Bethel Surgery Ltd., c/o Donald Plank, Plank Law Firm, LPA, 145 E. Rich Street, FL 3, Columbus, OH 43215-5240

**APPLICANT:** ENT Investments - Bethel Surgery Ltd., c/o Donald Plank, Plank Law Firm, LPA, 145 E. Rich Street, FL 3, Columbus, OH 43215-5240

**DATE OF TEXT:** ~~June 17~~ **August 27**, 2013

**APPLICATION NUMBER:** Z13-032

**1. INTRODUCTION:** The site is zoned L-C-2, Limited Commercial from 1996 (Z96-077) and is developed with a 15,034 +/- SF outpatient surgery center and medical practice. Applicant proposes a 7,290 +/- SF addition to the building, occurring at two (2) locations on the building. The building expansion and medical practice requires additional parking. Applicant proposes to reduce part of the 86 foot north setback established in Z96-077. The site plan titled "Site Plan - 930 Bethel Road", hereafter "Site Plan", dated ~~06/17~~ **08/27/13** is referenced in Section I. Miscellaneous Commitments.

**2. PERMITTED USES:** The permitted uses shall be office use and/or medical clinic as permitted in the C-2, Commercial District, Section 3353.03, Permitted Uses, of the Columbus City Zoning Code.

**3. DEVELOPMENT STANDARDS:** Except as otherwise specified on the accompanying Site Plan and this written Text, the site shall be developed in accordance with the development standards contained in Chapter 3353, C-2

Commercial District and Chapter 3312, Off-Street Parking and Loading.

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

1. Any building addition developed on the site must be located within the areas noted as "Proposed Building Addition", as indicated on the Site Plan.
2. The parking setback shall be established at 25 feet from the present Bethel Road right-of-way.
3. No building shall exceed an absolute height of 35'.

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

Vehicular access to Bethel Road shall be via the existing curb cut shared with 900 Bethel Road, which existing curbcut is aligned to and opposite of Jasonway Avenue. The Applicant shall make any necessary striping and adjustments to the signal system located at the intersection of Jasonway Avenue and Bethel Road, as required by the City of Columbus Public Service Department, related to applicant's curbcut and use of same. **With the expanded parking lot for 930 Bethel Road, applicant is connecting the site parking lot and the parking lot for 974 Bethel Road, which is the adjacent property to the west. It is expected there will be circulation of vehicles between the two (2) parking lots.**

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

1. There shall be a 25' parking setback along and parallel to Bethel Road.
2. Along and parallel to the north property line, the parking setback shall be a minimum of 43 feet, where indicated, and up to 86 feet, where indicated, on the Site Plan. All existing vegetation and trees within the parking setback shall remain, except those which may need to be removed for installation of utility services, if any. An opaque wood fence with a minimum height of eight (8) feet shall be installed along the south line of the parking setback area, as depicted on the Site Plan. In the spring of 2014, applicant shall plant 50 trees, 12-18 inches in height, within the 43' setback, north of the 8' fence. The trees shall be native to central Ohio and may include Eastern Redbud, Flowering Dogwood and Ohio hardwoods.
3. There shall be a minimum of one (1) street tree planted for every 40' of Bethel Road Frontage, which street trees are presently existing.

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

Except for the roof, all exterior material shall be of natural materials. Natural materials shall include Stone, Brick, Stucco, Wood and Concrete. The air-conditioning unit, generators and other utility equipment shall be located either on top of the building or on the West side of the property.

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

N/A

**F. Graphics and Signage Commitments:**

All signage and graphics shall conform to Article 15 of the Columbus Graphics Code as it applies to a C-2 Commercial District. There shall be no off premise graphics, other than as may be permitted by Special Permit by the Columbus Graphics Commission.

**G. Code Modifications:**

1. Section 3312.13, Driveway, which Section requires a minimum driveway width of twenty (20) feet, while applicant presently shares a Bethel Road curbcut with the adjacent property to the east (900 Bethel Road, PID 010-151738) and the existing common driveway is divided by a property line. Applicant proposes to extend the driveway divided by the property line, as depicted on the Site Plan, while the total width of the driveway will meet or exceed the minimum required driveway width.

2. Section 3312.49(C), Minimum Numbers of Parking Spaces Required, which Section limits the maximum parking permitted to one (1) space per 200 gross square feet, while applicant proposes to provide a maximum of 134 parking spaces. This text sets the maximum building addition area at 7,290 sq. ft. Applicant may build less new square footage or may build the building addition in phases. One hundred thirty four (134) parking spaces shall be permitted for any size building up to the maximum total permitted building area of 22,324 sq. ft. (existing building 15,034 sq. ft. plus maximum addition, 7,290 sq. ft. = 22,324 sq. ft. maximum building area).

#### **H. Other CPD Requirements**

1. Natural Environment: The natural environment of the site is flat.

2. Existing Land Use: The property is developed with a 15,034 square foot building and accessory parking lot.

3. Circulation: Access to and from the site is from a shared curbcut on Bethel Road. The curbcut is shared with the abutting property to the east (900 Bethel Road). The shared curbcut will continue to be the only direct vehicular access to Bethel Road. Applicant proposes to connect the new parking area on 930 Bethel Road with an internal parking lot aisle to the existing parking lot at 974 Bethel Road, which abuts 930 Bethel Road to the west, and as depicted on the Site Plan.

4. Visual Form of the Environment: Bethel Road is a multi-lane arterial right of way heavily developed with commercial uses.

5. Visibility: The site is visible from Bethel Road.

6. Proposed Development: Expansion of existing commercial use and accessory parking.

7. Behavior Patterns: Vehicular access from Bethel Road and future and internal circulation with adjacent commercial property to the west.

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.

#### **I. Miscellaneous Commitments.**

1. Development of the site shall be in accordance with the Site Plan titled "Site Plan - 930 Bethel Road", dated ~~06/17~~ **08/27/13** and signed ~~06/17~~ **08/27/13** by Donald Plank, Attorney. 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 Site 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.

2. Site development shall comply with applicable City of Columbus Storm Water regulations.

3. The dumpster(s) shall be emptied only between 6AM and 6PM.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.