



Legislation Details (With Text)

File #: 1202-2004 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 6/18/2004 **In control:** Zoning Committee

On agenda: 12/6/2004 **Final action:** 12/9/2004

Title: To rezone 2888 BETHEL ROAD (43220), being 1.39± acres located on the north side of Bethel Road, 480± feet west of Sawmill Road, From: C-4, Commercial District, To: CPD, Commercial Planned Development District. (Rezoning # Z04-009)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1202-2004Labels.pdf, 2. ORD1202-2004ReportMapsAmended11-22-04.pdf

Date	Ver.	Action By	Action	Result
12/9/2004	2	CITY CLERK	Attest	
12/7/2004	2	MAYOR	Signed	
12/6/2004	1	Zoning Committee	Approved as Amended	Pass
12/6/2004	1	Zoning Committee	Amended as submitted to the Clerk	Pass
12/6/2004	2	Zoning Committee	Taken from the Table	Pass
12/6/2004	2	COUNCIL PRESIDENT PRO-TEM	Signed	
11/22/2004	1	Zoning Committee	Tabled to Certain Date	Pass
11/22/2004	1	Zoning Committee	Taken from the Table	Pass
11/1/2004	1	Zoning Committee	Taken from the Table	Pass
11/1/2004	1	Zoning Committee	Tabled to Certain Date	Pass
11/1/2004	1	Zoning Committee	Amended as submitted to the Clerk	
7/19/2004	1	Zoning Committee	Tabled Indefinitely	Pass
7/12/2004	1	Columbus City Council	Read for the First Time	
6/30/2004	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
6/30/2004	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
6/29/2004	1	Dev Zoning Drafter	Sent for Approval	
6/29/2004	1	Dev Zoning Reviewer	Reviewed and Approved	
6/29/2004	1	Dev Zoning Drafter	Sent for Approval	

Rezoning Application Z04-009

APPLICANT: Giant Eagle, Inc.; c/o Jackson B. Reynolds III, Atty.; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

PROPOSED USE: Convenience store with fuel sales and carwash.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (3-2) on May 13, 2004.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently used for a nursery operation with a vacant convenience store at the front of the lot. The applicant requests the CPD, Commercial Planned Development District to replace the vacant structure with a convenience store with a fuel sales facility and car wash in conjunction with a grocery store development across Bethel Road. Commercial use of this site has been established by the existing zoning, as well as by surrounding development and proximity to a major street intersection. The current C-4, Commercial District contains no additional development standards, and the Transportation Division has determined that the submitted trip generation data indicates that the current zoning district allows other uses that could generate more automobile trips than the proposed development. The proposed CPD, Commercial Planned Development District is consistent with the zoning and development patterns of the area.

To rezone **2888 BETHEL ROAD (43220)**, being 1.39± acres located on the north side of Bethel Road, 480± feet west of Sawmill Road, **From:** C-4, Commercial District, **To:** CPD, Commercial Planned Development District. (Rezoning # Z04-009)

WHEREAS, application #Z04-009 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.39± acres from C-4, 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 will allow a convenience store with a fuel sales facility and car wash in conjunction with a grocery store development across Bethel Road. Commercial use of this site has been established by the existing zoning, as well as by surrounding development and proximity to a major street intersection. The current C-4, Commercial District contains no additional development standards, and the Transportation Division has determined that the submitted trip generation data indicates that the current zoning district allows other uses that could generate more automobile trips than the proposed development. The proposed CPD, Commercial Planned Development District is consistent with the zoning and development patterns of the area, 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:

2888 BETHEL ROAD (43220), being 1.39± acres located on the north side of Bethel Road, 480± feet west of Sawmill Road, and being more particularly described as follows:

1.392 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 3, Township 2, Range 19, United States Military Lands and being the residue of a 4.000 acre tract as conveyed to "Adams Real Estate Investment Co." by deed of record in Instrument Number 20041060003497 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning at the southeast corner of said Adams Real Estate Investment Co. tract;

Thence with the northerly right of way line of Bethel Road and the southerly line of said Adams Real Estate Investment Co. tract the following courses:

North 80°20'41" West, a distance of 0.29 feet, to a point of curvature;

With a curve to the right having a radius of 755.48 feet, an arc length of 35.47 feet, a central angle of 02°41'23", and a chord which bears North 87°00'00" West, a chord distance of 35.46 feet, to a point;

North 76°01'34" West, a distance of 122.56 feet, to a point;

North 82°20'42" West, a distance of 70.36 feet, to a point on a curve;

With a curve to the right having a radius of 755.48 feet, an arc length of 121.61 feet, a central angle of 09°13'22", and a chord which bears North 66°23'36" West, a chord distance of 121.48 feet, to a point;

Thence North 16°17'36" East, a distance of 188.24 feet, with the westerly line of said Adams Real Estate Investment Co. tract to a corner thereof;

Thence across the Adams Real Estate Investment Co. tract the following courses:

South 73°20'30" East, a distance of 247.61 feet to a point;

South 01°59'09" West, a distance of 51.22 feet to a point;

South 88°00'51" East, a distance of 52.52 feet to a point on the easterly line of said Adams Real Estate Investment Co. tract;

Thence South 01°59'09" West, a distance of 146.30 feet, along said easterly line to THE POINT OF BEGINNING. Containing 1.392 acres, more or less.

This description was prepared from existing records and is to be used for zoning purposes only.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

To Rezone From: C-4, 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 Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plans being titled, "**SITE REZONING PLAN**" dated November 17, 2004, and "**EXTERIOR ELEVATIONS**", dated May 13, 2004, and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**", all signed by Jackson B. Reynolds III, attorney for the Applicant, and dated May 13, 2004, all signed by Jackson B. Reynolds III, attorney for the Applicant and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD, Commercial Planned Development

PROPERTY ADDRESS: 2888 Bethel Road

OWNER: APPLICANT: Giant Eagle Co.

DATE OF TEXT: 05/13/04

APPLICATION NUMBER: Z04-009

1. INTRODUCTION: The applicant wants to add a fueling site, car wash and convenient store in conjunction with its grocery operation located on the south side of Bethel Road. The proposed rezoning will zone a portion of the existing lot that is currently zoned C-4 as the Giant Eagle facility, and will be operated through a land lease arrangement. The existing nursery operation will continue at its current location at the rear of the lot.

2. PERMITTED USES: The only permitted uses are those contained in Section 3355.02, C-4, Commercial of the Columbus City Code along with a convenient store with or without gas sales and with or without car wash and parking for the associated Plantland located to the north.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated in the submitted written text, the applicable development standards shall be those contained in Chapter 3355, C-4, Commercial District of the Columbus City Code.

A. Density, Height, Lot Coverage, and Setback Requirements:

1. Height district shall be 35 feet as measured per Columbus City Code.
2. Parking setbacks shall be 10 feet from Bethel Road.
3. Building setback for building shall be 60 feet from Bethel Road.
4. For structures and paved areas, lot coverage shall not exceed 85%.

B. Parking Standards, Access, and Traffic:

1. The property shall be served by the existing curb cuts on Bethel Road with no modifications.
2. The parking provided on site shall consist of the code required 26 spaces as shown on the site plan.

C. Buffering, Landscaping, Open space and Screening requirements:

1. Street trees shall be planted within the front yard setback along Bethel Road at a ratio of one tree per forty (40) feet of frontage.
2. Within the parking setback along Bethel Road, the developer shall install headlight screening to a minimum height of 30 inches. The headlight screening may be in the form of mounding, planting, and fencing, individually or in any combination thereof.
3. The landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced with like materials within six months or the next available planting season, whichever occurs first. The size of the new material shall equal the size of the original material when it was installed.
4. Minimum size of all trees at installation shall be 2 1/2 inch caliper for deciduous, 5 feet in height for evergreen, and 1 1/2 inch caliper for ornamental.

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

N/A

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

1. Any light fixture higher than 14 feet shall be down lighting (cut off fixtures) with a maximum height of 20 feet.
2. There will be no outdoor storage of materials for sale in association with the convenient store and no outside display of products.
3. The dumpster location shall be enclosed by a wall of brick, block or wood on three (3) sides and a gate on the fourth to allow access and to provide maximum capacity.

F. Graphics and Signage requirements:

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4 and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous commitments:

1. The Subject Site shall be developed in conformance with the submitted site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be subject to the review and approval by the Director of the Department of Development or his/her designee upon submission of the appropriate data regarding the proposed adjustment.

1. CPD Criteria:

A. NATURAL ENVIRONMENT: The site is currently used for a nursery operation and a vacant convenient store sits on the front of

the lot.

B. **EXISTING LAND USES:** to the north is a nursery operation; to the east is a commercial use zoned C-4; to the south is the grocery operation zoned CPD; and west is commercial uses zoned L-C-4.

C. **TRANSPORTATION AND CIRCULATION:** Access points shall remain the same as they are located on the site as no changes are to be made as a result of the development.

D. **VISUAL FORM OF THE ENVIRONMENT:** The design of the buildings for this site have been submitted and are a part of the CPD application. The elevations will be a part of the materials that will become part of the record and will be signed and dated.

E. **VIEW AND VISIBILITY:** In the development of the subject property and in the location of the buildings and access points, consideration will be given to the visibility and safety of the motorist and pedestrian.

F. **PROPOSED DEVELOPMENT:** Convenience store with gas and a car wash.

G. **EMISSIONS:** No adverse affects from emissions shall result from the proposed development.

H. **BEHAVIOR PATTERNS:** The proposed development should not change the behavior patterns other than to attract customers from the grocery store on the south side of Bethel Road to the site to associated retail sales of gasoline.

2. Variances

N/A

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