



## Legislation Details (With Text)

**File #:** 1714-2008      **Version:** 1

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

**File created:** 10/22/2008      **In control:** Zoning Committee

**On agenda:** 12/8/2008      **Final action:** 12/10/2008

**Title:** To rezone 1041-1101 BETHEL ROAD (43220), being 2.69± acres located at the southwest corner of Bethel and Kenny Roads, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z08-040). (AMENDED BY ORD. 1564-2023 PASSED 6/5/2023) BA

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1714-2008Attachments.pdf, 2. ORD1714-2008Labels.pdf, 3. ORD1714-2008DataSheet.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
12/10/2008	1	CITY CLERK	Attest	
12/9/2008	1	MAYOR	Signed	
12/8/2008	1	COUNCIL PRESIDENT	Signed	
12/8/2008	1	Zoning Committee	Approved	Pass
12/1/2008	1	Columbus City Council	Read for the First Time	
11/17/2008	1	Dev Zoning Drafter	Sent for Approval	
11/17/2008	1	Dev Zoning Reviewer	Reviewed and Approved	
11/17/2008	1	Dev Zoning Drafter	Sent for Approval	
11/17/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/17/2008	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	

**Rezoning Application # Z08-040**

**APPLICANT:** Marty Orvets; c/o Elizabeth M. Kelly, Atty.; Onda, LaBuhn, Rankin & Boggs Co., LPA; 266 North Fourth Street, Suite 100; Columbus, OH 43215.

**PROPOSED USE:** Allow 6,400 square feet of restaurant space within existing shopping center.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (7-0) on October 9, 2008.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a 30,485 sq. ft. shopping center and is zoned CPD, Commercial Planned Development District (Z92-040). The applicant requests the CPD, Commercial Planned Development District to allow 6,400 square feet of restaurant space within the existing shopping center. The current CPD prohibits restaurant use. The CPD text contains updated provisions of the current CPD District for use restrictions, landscaping, screening, and lighting and graphics controls. Variances for the existing parking setback and a maximum reduction of 54 required parking spaces are included in the request. The Transportation Division has reviewed the proposed parking reduction and has determined that it can be supported based on the current uses at this site and the complementary peak demands of the permitted uses.

To rezone **1041-1101 BETHEL ROAD (43220)**, being 2.69± acres located at the southwest corner of Bethel and Kenny Roads, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning # Z08-040). **(AMENDED BY ORD. 1564-2023 PASSED 6/5/2023) BA**

**WHEREAS**, application #Z08-040 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.69± 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 will allow 6,400 square feet of restaurant space within an existing 30,485 sq. ft. shopping center with updated development standards. The Transportation Division has reviewed the proposed parking reduction and has determined that it can be supported based on the current uses at this site and the complementary peak demands of the permitted uses, 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:

**1041-1101 BETHEL ROAD (43220)**, being 2.69± acres located at the southwest corner of Bethel and Kenny Roads, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and City of Columbus, being located within that 2.9011-acre tract as described in a deed to Bethel-Kenny Center, LLC, of record in Instrument No. 200402020022909, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at the northwesterly corner of said 2.9011-acre tract and in the southerly right-of-way line of Bethel Road, located South 89°58'38" West, a distance of 493.46 feet and South 00°09'00" East, a distance of 60.00 feet from the centerline intersection of Bethel Road with Kenny Road;

Thence North 89°58'38" East, along said southerly right-of-way line, a distance of 351.20 feet to an angle point;

South 45°01'22" East, a distance of 42.43 feet to a point in the westerly right-of-way line of Bethel Road;

Thence along said right-of-way line the following courses:

1. South 00°01'22" East, a distance of 142.19 feet to an angle point;
2. North 89°58'38" East, a distance of 15.77 feet to an angle point;
3. South 17°57'00" West, a distance of 146.26 feet to a point in the southerly line of said 2.9011-acre tract;

Thence South 90°00'00" West, along said southerly line and the northerly line of the Sheffield Subdivision (P.B. 39, PGS. 1 - 3), a distance of 351.15 feet to the southwest corner of said 2.9011-acre tract;

Thence North 00°09'00" West, along the westerly line of said 2.9011-acre tract, the easterly line of the Renee M. Beavers 0.711-acre tract (I.N. 200105300118344), a distance of 311.18 feet to the place of beginning and containing 2.689 acres of land.

This description was prepared by M•E Companies Survey Group based on information obtained from available records.

**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 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 plan being titled, "**ZONING SITE PLAN**," signed by Robert S. Wynd, Surveyor, and text titled, "**CPD TEXT**," signed by Elizabeth M. Kelly, Attorney for the Applicant, both dated October 28, 2008, and the text reading as follows:

**CPD TEXT**

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

**PROPERTY ADDRESS: 1041-1101 Bethel Road**

**OWNER: Bethel - Kenny Center, LLC**

**APPLICANT: Same as owner**

**DATE OF TEXT: 10/28/08**

**APPLICATION NUMBER: Z08-040**

**1. INTRODUCTION:** The rezoning request allows for restaurant use to be permitted in the shopping center up to 6,400 square feet and updates the development standards.

**2. PERMITTED USES:** Those uses permitted in Section 3356.03, C-4, Commercial of the Columbus City Code. The following uses are prohibited:

- a. Billboards and off premise signage
- b. Motorcycle, boat and other motor vehicle sales, leasing and rental or service/repair uses
- c. Community food pantry
- d. Hotel or motel
- e. Missions/Temporary Shelters/halfway house
- f. Check cashing and loans
- g. Outdoor power equipment stores
- h. Pawn broker
- i. Truck, utility trailer and rv sales, rental and leasing
- j. Funeral parlor
- k. Garden, landscaping and nursery centers and sales
- l. Limousine and taxi service
- m. Movie theaters
- n. Animal shelter
- o. Bowling alley
- p. Farm equipment and supply stores
- q. Cabaret, dance hall
- r. Nightclub or discotheque
- s. Poolroom or arcade, amusement arcade
- t. Laboratory
- u. Blood and organ banks
- v. Tire repair or sales shop
- w. Carpet and upholstery cleaning services
- x. Vending machine operators

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated the applicable development standards are contained in Chapter 3356 of the Columbus City Code.

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

1. The site contains an existing development as shown on the Bethel Kenny Center site plan submitted with this text.

2. Building and parking setbacks are as shown on the site plan.

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

1. All circulation, curb cuts and access points as shown on the site plan have already been established and shall be maintained.
2. The existing development consists of 30,485 sq. ft. of space with 128 parking spaces. Up to 6,400 sq. ft. of the development may be used for restaurant space while maintaining the 128 parking spaces.
3. The speed humps installed along the service drive along the west and south property lines shall be maintained.

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

1. The developer shall maintain the existing landscaping and fencing as shown on the site plan.
2. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.

3. All trees meet the following minimum size at the time of planting:

Shade trees 2 ½" caliper; Evergreen trees 6-8 feet in height at installation. Tree caliper is measured six (6) inches from the ground.

4. The trash dumpster located at the northwest corner of the site as shown on the site plan shall continue to be screened from the north and west by a brick or masonry wall of not less than seven (7) feet in height measured from the grade of the dumpster.

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

1. All sides of the building shall be finished with brick.
2. The building roof pitch is as shown on the site plan so as to project a residential appearance.

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

Lighting

1. All external lighting shall be cut-off fixtures (down-lighting).
2. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to insure compatibility.
3. Light poles shall not exceed 28 feet in height except lights located within 100 feet of a residentially used or zoned property shall not exceed 18 feet in height.
4. All light poles and standards shall be in dark brown, bronze or black.
5. Outdoor displays in front of a store shall be limited in area so that there is at least a five foot wide sidewalk adjacent to the outdoor displays. No outdoor display or sales area shall be permitted in the parking lot.

F. Graphics and/or Signage Commitments.

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, Commercial District. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration as will a graphics plan for any new ground sign.
2. Existing signage shall not include changeable copy or flashing lights.

G. Miscellaneous Commitments.

1. SITE PLAN: The Subject Site is an existing shopping center development and shall remain the same as shown on the site plan submitted with this application.

2. The applicant shall provide a bicycle parking area as well as pedestrian connections from the public sidewalks to the shopping center sidewalks.
3. The applicant shall install 5' wide sidewalks along Kenny Road.
4. The applicant shall dedicate right-of-way along the southeast corner of the property in order to provide a right-of-way equal to 30 feet from the centerline of Kenny Road.

**4. CPD CRITERIA:**

A. Natural Environment.

The site is developed with a shopping center building and parking.

B. Existing Land Use.

To the north, east and west are commercial uses. To the south is residential use.

C. Use.

The site is currently a commercial use and will remain a commercial use.

D. Transportation and Circulation.

The access points for this development have already been established.

E. Visual Form of the Environment.

The visual form of the site has been established with the construction of the shopping center.

F. View and Visibility.

The location of the curb cuts and buildings has been established by the prior development.

G. Emissions.

The existing development does not create adverse emissions.

**5. VARIANCES:**

The applicant is requesting a variance to Columbus City Code Section 3342.28, Minimum number of parking spaces required. Due to the mixed use nature of the tenants in the shopping center, additional parking spaces for future restaurant tenants are not necessary. The retail tenants have a different parking demand peak than any future restaurant tenant. The maximum reduction in parking is from 182 spaces to 128 spaces.

The applicant is requesting a variance to Columbus City Code Section 3342.18, Parking setback line. Along the east side of the property, the existing parking setback is 1 ft. at a minimum and 3 ft. at a maximum.

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