



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 1479-2008, **Version:** 2

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### Rezoning Application Z08-005

**APPLICANT:** BP Products North America; c/o Richard C. Brahm, Atty.; Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

**PROPOSED USE:** Gasoline sales and commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on May 8, 2008.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested CPD, Commercial Planned Development District would permit the redevelopment of the existing gas station site. The request is consistent with the *Northwest Plan (2007)* and the established zoning and development patterns of the area. The Commercial Planned Development text is based on the current Commercial Planned Development text adopted in 1988 but contains updated commitments and the elimination of outdated and /or redundant provisions. Due to the requirements for right-of-way the applicant is requesting setback variances from Olentangy River Road and Bethel Road for the canopy, dumpster and building envelope. The variances are due primarily to the requirement of right-of-way and are supportable although Staff believes that the proposal is approaching the limits for the intensity of development on the site.

To rezone ~~2136 BETHEL~~**5067 OLENTANGY RIVER ROAD (4322019)**, being 0.51± acres located at the northwest corner of Bethel and Olentangy River Roads, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District. (Rezoning # Z08-005)

**WHEREAS**, application #Z08-005 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.51± 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 would permit the redevelopment of the existing gas station site. The request is consistent with the *Northwest Plan (2007)* and the established zoning and development patterns of the area. The Commercial Planned Development text is based on the current Commercial Planned Development text adopted in 1988 but contains updated commitments and the elimination of outdated and /or redundant provisions. Due to the requirements for right-of-way the applicant is requesting setback variances from Olentangy River Road and Bethel Road for the canopy, dumpster and building envelope. The variances are due primarily to the requirement of right-of-way and are supportable although Staff believes that the proposal is approaching the limits for the intensity of development on the site, 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:

~~2136 BETHEL~~**5067 OLENTANGY RIVER ROAD (4322019)**, being 0.51± acres located at the northwest corner of Bethel and Olentangy River Roads, and being more particularly described as follows:

BP Exploration & Oil, Inc.  
5067 Olentangy River Road  
0.507 acres

Situated in the City of Columbus, County of Franklin, State of Ohio, being located in Quarter Township 3, Township 2, Range 18, United States Military Lands and being a 0.506 acre tract of land conveyed to BP Exploration & Oil, Inc. by Instrument Number 199712220173204 and being more particularly described as follows:

Beginning, for reference, at a Franklin County Monument FCGS1137, found at the intersection of the centerlines of Olentangy River Road and Bethel Road;

Thence along the centerline of said Bethel Road, North 87° 14' 06" West a distance of 269.16 feet to a southerly corner of a 0.525 acre tract of land conveyed to the City of Columbus by Official Record 01844D05;

Thence along the westerly line of said 0.525 acre tract North 02° 45' 54" East a distance of 60.01 feet to an iron pin set at the TRUE POINT OF BEGINNING;

Thence along the westerly line of said 0.506 acre tract, also being an easterly line of a 0.662 acre tract of land conveyed to Kathryn A.Schirtzinger Trust by Instrument Number 200609280194390, North 02° 45' 54" East a distance of 157.31 feet to an iron pin set at the northwesterly corner of said 0.506 acre tract, said pin also being the northeasterly corner of said 0.662 acre tract, said pin also being in the southerly line of a 0.898 acre tract conveyed to Payton Management Group, LLC by Instrument Number 200503020037623;

Thence along the northerly line of said 0.506 acre tract, also being a southerly line of said 0.898 acre tract, South 87° 11' 31" East a distance of 98.59 feet to an iron pin set at the northeasterly corner of said 0.506 acre tract, said pin also being in the westerly right-of-way of said Olentangy River Road;

Thence along the easterly line of said 0.506 acre tract, also being said westerly right-of-way line the following two courses:

- 1) South 27° 02' 59" East a distance of 147.28 feet to an iron pin set;
- 2) South 32° 50' 24" West a distance of 34.03 feet to an iron pin set in the northerly right-of-way line of said Bethel Road;

Thence along said northerly right-of-way, also being the southerly line of said 0.506 acre tract, also being the northerly line of said 0.525 acre tract, North 87° 14' 06" West a distance of 154.76 feet to the TRUE POINT OF BEGINNING and containing 0.507 acres.

The bearings contained herein are based upon the centerline of Bethel Road, North 87° 14' 06" West, as designated by Franklin County monuments FCGS 1137 and FCSG 1176 and are shown to indicate angles only.

Monuments referred to as iron pins set are ¾" diameter x 30" long iron bars with yellow caps stamped, WD Partners, P. S. #8124.

**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 plans being titled, "CPD PLAN CZ.1" and "CPD PLAN CZ.2" signed by Richard C. Brahm, attorney for the Applicant, and dated August 25, 2008, and text titled, "COMMERCIAL PLANNED

DEVELOPMENT TEXT", signed by Richard C. Brahm, attorney for the Applicant, and dated May 12, 2008, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

**PROPERTY ADDRESS:** 5067 Olentangy River Road  
**OWNER:** BP Exploration & Oil, Inc.  
**APPLICANT:** BP Products North America, Inc.  
**DATE:** May 12, 2008  
**APPLICATION NO.:** Z 08-005

**I. INTRODUCTION:** The subject property is approximately .51 acres in size located on the northwest corner of Bethel Road and Olentangy River Road. The site is currently developed as an existing gasoline service station with convenience store and canopy. BP intends to demolish the existing building and canopy and associated structures and redevelop the site with an improved convenience store, fuel sales area, display areas, and canopy. The current site is zoned CPD with attached development plan and text. The requested zoning is intended to replace the original CPD with the new CPD text and commitments.

**II. PERMITTED USES:** A convenience store, fuel sales area, and canopy shall be permitted.

**III. DEVELOPMENT STANDARDS:** Except as otherwise indicated in this CPD text, the development standards contained in C.C.C. Chapter 3356 for a C-4 Commercial District shall apply to the Property.

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

1. Store Location. The convenience store building shall be located in the area designed as "Building Envelope" on the CPD Site Plan submitted with this rezoning (the "Site Plan").
2. Canopy and Pump Island Location. The canopy and pump islands shall be located in the area designed as "Canopy Envelope" on the Site Plan.

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

1. Curb Cuts. The existing curb cut locations (one on Bethel Road and one on Olentangy River Road) will remain.

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

1. Landscape Plan. The subject Property shall be landscaped as shown on the Landscape Plan. Site Plan notations and specifications attached to or made part of the Landscape Plan shall be part of this CPD text as if fully rewritten herein.
2. Landscape Maintenance. Landscaping will be maintained and dead and diseased landscaping replaced with identical size and type of materials that are necessary to maintain the level of screening shown on the Landscape Plan or to maintain the decorative level of landscaping. Maintenance and replacement, if needed, will be within six (6) months of removal of the material or the next planting season, whichever occurs first.
3. Dumpster Screening. Dumpsters will be screened to the height of the dumpster on all four sides. Three (3) of the sides shall be screened with either a minimum 6-foot high wood fence painted to match the brick on the station or a brick wall matching the exterior brick of the convenience store. The dumpster pad will be reinforced to ensure proper support for trash removal.

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

1. Rooftop Mechanicals. Any mechanical equipment or utility hardware on the roof of the building shall be

screened to the height of the equipment to prevent it from being seen from ground level. The design, colors, and materials used in the screening shall match the materials used in the roof top and building.

2. Canopy Height. The height of the bottom of the canopy shall be 16 feet.
3. Building Materials. Materials for the facility shall be brick, EIFSs, and metal flashings and accents.
4. Exterior Treatment. Brick and EIFSs materials will be used on all four sides of the building elevations. The rear elevation of the building will have metal trellises with archways and ivy sufficient to support plant material. Large display windows will be incorporated in the front of the building on both sides of the door way. Customer entrance doors will be located at the front of the building open to the Bethel Road frontage. No loading doors will be utilized.

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

1. Dumpster. The dumpster will be located in the city-approved location as shown on the Site Plan.
2. Lighting.
  - a. All external lighting shall be cutoff-type fixtures (down-lighting) and shall be designed to prevent offsite spillage. Signs and landscaping may use up-lighting from a concealed source as long as such up-lighting does not interfere with safe vehicular movement.
  - b. All exterior lighting shall be from the same or similar manufacturer type and style to ensure compatibility.
  - c. Accent lighting shall be permitted provided such light source is concealed from an adjacent right-of-way.
  - d. Any wall-mounted lighting shall be shielded to prevent offsite spillage.
  - e. Light poles in the parking lot shall not exceed a height of 18 feet.
  - f. Canopy ceiling light fixtures shall not extend below the lowest edge of the canopy.
3. Outdoor Sounds. No outdoor speakers shall be permitted on the Property other than an intercom system for communication between the pump islands and the convenience store.
4. Outdoor Display Areas. The outdoor display area in the front of the building along the sidewalk will be limited to a maximum of 4 feet in depth, 12 feet in width, and 3 feet high. Display areas at the ends of the pump islands will be limited to 4 feet in length, 4 feet in width, and 3 feet high. The outdoor display areas shall contain only those items normally and customarily sold by a convenience store and other seasonal items and products, including, but not limited to, firewood, mulch, flowers, and Christmas or other holiday wreaths.

**F. Graphic Commitments.** The applicable graphics standards shall be those contained in Columbus City Code Articles 15 as they apply to a C-4 Commercial District. Any variances to those requirements will be submitted to the City of Columbus Graphics Commission for consideration. The existing ground sign as shown and dimensioned on the CPD site plan will remain. Applicant agrees to submit the Graphics Plan for the site to the City of Columbus Graphics Commission and to incorporate recent Bethel Road Development Standards concerning signage or to request a variance.

**G. Miscellaneous Commitments.**

1. Site Plan Revision Allowance. The Property shall be developed in accordance with the Site Plan and Landscape Plan; however, the Site Plan and Landscape Plan may be slightly adjusted to reflect

engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of the Department of Development or the Director's designee may approve any slight adjustment to the Site Plan or Landscape Plan upon submission of the appropriate data regarding the proposed adjustment.

**IV. CPD REQUIREMENTS.**

- A. Natural Environment:** The Property is currently a gasoline service station with a convenience store located at the northwest corner of Bethel Road and Olentangy River Road. The surrounding area is developed with mixed commercial and office uses. North and west of the site is a C-2 business use while property across the street to the south is a commercial shopping center zoned C-2 and C-CZ. Property to the east across Olentangy River Road are various multi-family residential uses and is zoned PUD 6 and 8.
- B. Existing Land Use:** Currently operating gasoline service station with convenience store, display areas, and canopy.
- C. Transportation and Circulation:** The Property will retain its existing curb cuts, one on Bethel Road and one on Olentangy River Road as shown on the Site Plan. The site has been reduced in size by recently right-of-way acquisitions by the City of Columbus for widening of Bethel Road and Olentangy River Road.
- D. Visual Form of the Environment:** The Property neighbors commercial uses along the north side of Bethel Road and is located across from a long-developed commercial shopping center. Property to the rear is developed with an office building and associated parking. Property to the east consists of multi-family use and the on-off ramp to State Route 315.
- E. View and Visibility:** The Property is visible from Bethel Road and Olentangy River Road.
- F. Proposed Development:** A convenience store with fuel sales, display areas, canopy, and associated parking.
- G. Behavior Patterns:** The Property will service existing traffic traveling on Olentangy River Road and Bethel Road.
- H. Emissions:** No adverse effect from emissions shall result from the proposed development.

**V. VARIANCES FROM STANDARD SETBACK.**

The site was the subject of previous right-of-way takes by the City of Columbus for Bethel Road and Olentangy River Road. The City of Columbus is now requesting an additional 10 feet of right-of-way on Bethel Road and Olentangy River Road. With the additional right-of-way requested, the variances are:

1. To reduce the Bethel Road setback for the canopy building envelope from 60 feet ± to 25.37 feet.
2. To reduce the Olentangy River Road canopy envelope setback from 50 feet to 25.37 feet.
3. To reduce the Olentangy River Road convenience store building envelope to 0 feet setback.
4. To reduce the staff-approved dumpster/dumpster enclosure setback from 50 feet to 3.17 feet.

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