



## Legislation Details (With Text)

**File #:** 3085-2019      **Version:** 1

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

**File created:** 11/18/2019      **In control:** Zoning Committee

**On agenda:** 12/9/2019      **Final action:** 12/12/2019

**Title:** To rezone 1745 MORSE RD. (43229), being 1.19± acres located on the south side of Morse Road, 210± feet west of Tamarack Boulevard, From: C-4, Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z19-033).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3085-2019.Attachments, 2. ORD3085-2019.Labels

Date	Ver.	Action By	Action	Result
12/12/2019	1	CITY CLERK	Attest	
12/11/2019	1	MAYOR	Signed	
12/9/2019	1	COUNCIL PRESIDENT	Signed	
12/9/2019	1	Zoning Committee	Waive the 2nd Reading	Pass
12/9/2019	1	Zoning Committee	Approved	Pass

**Rezoning Application: Z19-033**

**APPLICANT:** The Kroger Co.; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 4305.

**PROPOSED USE:** Fuel sales.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on September 12, 2019.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a parking lot for a grocery store in the C-4, Commercial District. The applicant is requesting the CPD, Commercial Planned Development District to permit a fuel sales facility. The site is subject to the Morse Road Regional Commercial Overlay (RCO) and is located within the boundaries of the *Northland I Area Plan* (2014), which recommends "Community Mixed Use" land uses for this location. The plan also includes recommendations regarding graphics within the RCO. The development text commits to a site plan and elevations and includes development standards addressing setbacks, site access, landscaping, building design, outdoor display areas, and graphics provisions. The requested CPD, Commercial Planned Development District will allow a fuel sales facility that is compatible with adjacent commercial developments. The proposal is also consistent with the land use and graphics recommendations of the *Northland I Area Plan*.

To rezone **1745 MORSE RD. (43229)**, being 1.19± acres located on the south side of Morse Road, 210± feet west of Tamarack Boulevard, **From:** C-4, Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z19-033).

**WHEREAS**, application #Z19-033 is on file with the Department of Building and Zoning Services requesting rezoning of 1.19± 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 fuel sales facility that is compatible with adjacent commercial developments and is consistent with the land use recommendations of the *Northland 1 Area Plan*; 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 # 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**1745 MORSE RD. (43229)**, being 1.19± acres located on the south side of Morse Road, 210± feet west of Tamarack Boulevard, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 1, Township 1 North. Range I 8 West, United States Military Lands, and being a 1.189 acre portion (to be rezoned) of a 13.134 acre tract of land conveyed to The Kroger Co., by deed of record in Instrument No. 201406200077850, all references being to the Recorder's Office, Franklin County, Ohio, said area to be rezoned bounded and described as follows:

Beginning at a point in the south right-of-way line of Morse Road (variable width), as shown upon the plat entitled Morse Road Dedication and Utility Easements in Northland Shopping Center, of record in Plat Book 36. Pages 98 & 99 (Ordinance No. 93 1-63), at a northeast corner of said 13.134 acre tract and at the northwest corner of an original 1.000 acre tract of land conveyed to Telhio Credit Union, by deed of record in Instrument 200501140009798;

thence S 03° 29' 59" W along an east line of said 13.134 acre tract and along the west line of said original 1.000 acre tract a distance of 244.05 feet to a point at a corner of said 13.134 acre tract and at the southwest corner of said original 1.000 acre tract;

thence N 86° 30' 01" W crossing a portion of said 13.134 acre tract a distance of 213.83 feet to a point;

thence N 03° 29' 59" E crossing a portion of said 13.134 acre tract a distance of 240.30 feet to a point in a north line of said 13.134 acre tract and in the south right-of-way line of Morse Road;

thence S 87° 30' 15" E along a portion of a north line of said 13.134 acre tract and along the south right-of-way line of Morse Road a distance of 213.86 feet to the place of beginning;

containing 1.189 acres of land more or less. Of said 1.189 acres, all are within P.N. 010-289673. The current zoning at the date of this description is C-4 (Commercial District).

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc. Consulting Engineers & Surveyors, Columbus, Ohio, from best available Court House records in April 2019. Basis of bearings is the centerline of Northland Ridge Boulevard at Morse Road, being S 03° 29' 59" W, derived from VRS observations referencing monument, PID designation of COLB, Ohio State Plane Coordinate System, South Zone NAD 83 (2011 Adjustment), and all other bearings are based upon this meridian.

**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 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, “**PROPOSED FUEL CENTER,**” and “**COLOR ELEVATION PLAN,**” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT,**” all signed by David Hodge, Attorney for Applicant, dated November 14, 2019, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

**Property Address:** 1745 Morse Road

**Parcel ID:** 010-289673

**Property Size:** +/- 1.189 acres

**Current District:** C-4

**Proposed District:** CPD

**Applicant/Owner:** The Kroger Co.; 4111 Executive Parkway; Westerville, Ohio 43081

**Attorney:** David Hodge, Underhill & Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, Ohio 43054

**Date:** November 14, 2019

**Application:** Z19-033

**I.     Introduction**

The property subject to this rezoning is addressed 1745 Morse Road (the “Property”). The Property is +/- 1.189 acres located on Morse Road, between Northland Ridge Boulevard and Tamarack Boulevard. The Property is presently zoned C-4, Regional Scale Commercial District and is used as an outer parking lot for a grocery store.

The Property is situated within the boundary of the Northland Communities Council area and subject to the Northland I Area Plan and the Morse Road RCO. The Plan recommends Community Mixed Use for the Property.

The Applicant and Owner seeks to rezone the Property CPD to permit retail sale of fuel and outside display area(s)

**II.     Permitted Uses:** Uses permitted per Columbus City Code Section 3356.03, C-4 Permitted Uses and retail sale of fuel with kiosk and outside display area(s).

**III.    Development Standards:** Unless otherwise indicated herein or on the Site Plan and Color Elevation and Signage Plan, the applicable development standards of Chapter 3356, C-4, Regional Scale Commercial District and Chapter 3372, Regional Commercial Overlay of the Columbus City Codes shall apply.

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

1. The minimum building setback shall be 85 feet.
2. The minimum parking setback shall be 19 feet.
3. The maximum canopy height shall be 20 feet.

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

The Property is accessed via private road New Northland Crossing, between Northland Ridge Boulevard and Tamarack Boulevard.

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

All buffering, landscaping and screening standards of Chapter 3372, Regional Commercial Overlay of the Columbus City Codes shall apply.

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

The primary exterior sales kiosk building materials shall be brick and the fuel canopy columns shall have a brick base as depicted on the Color Elevation Plan. The building's mechanical equipment shall be screened or hidden from view. All sides of the sales kiosk buildings shall be finished with the same materials.

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

One (1) outside merchandise display rack shall be permitted on each fuel pump island for the sale of oil and other automotive fluids and related supplies, subject to no display rack being taller than four (4) feet and being completely located on the pump island(s).

**F. Graphics and Signage Commitments:**

All graphics and signage shall conform to Article 15 and Chapter 3372 of the Columbus City Code. Any variance to graphics and signage commitments shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous Commitments:**

1. The Property shall be developed in accordance with the submitted plans titled, "Proposed Fuel Center," and "Color Elevation Plan," dated November 14, 2019 and signed by David Hodge, Attorney for the Applicant. These plans may be slightly adjusted to reflect engineering, topographical, or other site development data developed at the time the development and engineering plans are completed. Any slight adjustment to the Plans shall be subject to review and approval by the Director of Building and Zoning Services or a designee, upon submission of appropriate data regarding the proposed adjustment.

2. The site shall comply with Section 3357.18, Abandoned fuel sales establishments.

**H. CPD Requirements:**

1. Natural Environment. The Property is addressed 1745 Morse Road. The Property is +/- 1.189 acres located on Morse Road, between Northland Ridge Boulevard and Tamarack Boulevard. The Site is bordered on all sides by property zoned C-4.

2. Existing Land Use. The Property is currently used as an outer parking lot for a grocery store.

3. Transpiration and Circulation. The Property is assessed via private road New Northland Crossing, between Northland Ridge Boulevard and Tamarack Boulevard.

4. Visual Form of the Environment. The Site is bordered on all sides by property zoned C-4. The Property will be developed in accordance with the submitted plans and will be appropriate for the Morse Road commercial corridor.

5. View and Visibility. The property will be visible from Morse Road.

6. Proposed Development. The Applicant proposes development of the Property for retail sale of fuel with kiosk and outside display area(s).

7. Behavior Patterns. The proposed development is appropriate for the location on an arterial road in a regional commercial area. The proposed development will have no detrimental effect on the current behavior patterns of the area.

8. Emission. No adverse effect from emissions shall result from the proposed development.

**I. Modification of Code Standards:**

N/A

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