



## Legislation Details (With Text)

**File #:** 1092-2020      **Version:** 1

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

**File created:** 4/28/2020      **In control:** Zoning Committee

**On agenda:** 5/18/2020      **Final action:** 5/21/2020

**Title:** To rezone 760 BETHEL RD. (43235), being 3.83± acres located on the north side of Bethel Road, 350± feet west of Olentangy River Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z19-090).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1092-2020.Attachments, 2. ORD1092-2020.Labels

Date	Ver.	Action By	Action	Result
5/21/2020	1	CITY CLERK	Attest	
5/20/2020	1	MAYOR	Signed	
5/18/2020	1	COUNCIL PRESIDENT	Signed	
5/18/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
5/18/2020	1	Zoning Committee	Approved	Pass

### Rezoning Application Z19-090

**APPLICANT:** Olentangy Square L.P.; c/o Charlie Fraas and Derek Ehlers, Agent; 250 Civic Center Drive, Suite 500; Columbus, OH 43215.

**PROPOSED USE:** Add dumpsters to existing commercial development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on February 26, 2020.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a shopping center and two outparcels zoned in the CPD, Commercial Planned Development District (Z84-127). The requested CPD, Commercial Planned Development District will permit the installation of exterior dumpsters with code compliant screening and will update development standards to reflect existing site characteristics. The CPD text establishes use restrictions and supplemental development standards that address site density, lot coverage, setbacks, building height, landscaping and screening, and building material commitments. The request also includes variances to allow aisles, driveways, and maneuvering areas to be divided by property lines, to eliminate wheel stop devices along interior property lines, to increase the maximum permitted height of existing light poles, and to reduce the number of required parking spaces for the existing development. Staff supports this proposal as *The Northwest Plan* recommends "Mixed Use I" land uses at this location, and no changes are proposed to the existing commercial uses.

To rezone **760 BETHEL RD. (43235)**, being 3.83± acres located on the north side of Bethel Road, 350± feet west of Olentangy River Road, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning #Z19-090).

**WHEREAS**, application #Z19-090 is on file with the Department of Building and Zoning Services requesting rezoning of 3.83± 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 the installation of dumpsters and will update the current development standards for an existing commercial shopping center site. Staff supports this proposal as *The Northwest Plan* recommends “Mixed Use I” land uses at this location, and no changes are proposed to the existing commercial 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:

**760 BETHEL RD. (43235)**, being 3.83± acres located on the north side of Bethel Road, 350± feet west of Olentangy River Road, and being more particularly described as follows:

TRACT I

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, BEING LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 13, UNITED STATES MILITARY LANDS AND BEING PART OF LAND CONVEYED TO RICHARD J. SOLOVE AND JOHN J. CHESTER, BY DEED OF RECORD IN OFFICIAL RECORD VOLUME 5723 A03, ALL REFERENCES BEING TO RECORDS IN THE RECORDER’S OFFICE, FRANKLIN COUNTY, OHIO, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF BETHEL ROAD, AT THE INTERSECTION OF SAID RIGHT-OF-WAY LINE WITH THE WESTERLY LINE OF THE RICHARD J. SOLOVE AND JOHN J. CHESTER TRACT, THE EASTERLY LINE OF THE 1.2945 ACRE TRACT CONVEYED TO ROBERT N. AND OLGA R. YARRINGTON, BY DEED OF RECORD IN DEED BOOK 2599, PAGE 93, SAID POINT BEING LOCATED SOUTH 89° 54’ 00” WEST, 1054.28 FEET AND NORTH 0° 06’ 00” WEST, 60.00 FEET FROM FRANKLIN COUNTY MONUMENT FCGS 1137 AT THE INTERSECTION OF THE CENTERLINE OF BETHEL ROAD WITH THE CENTERLINE OF OLENTANGY RIVER ROAD;

THENCE NORTH 0° 06’ 00” WEST, ALONG SAID EASTERLY LINE OF THE RICHARD N. AND OLGA R. YARRINGTON 1.2945 ACRE TRACT, A DISTANCE OF 140.00 FEET TO A POINT;

THENCE NORTH 89° 54’ 00” EAST, A DISTANCE OF 175.00 FEET TO A POINT;

THENCE SOUTH 0° 06’ 00” EAST, A DISTANCE OF 140.00 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF BETHEL ROAD;

THENCE SOUTH 89° 54' 00" WEST, ALONG SAID RIGHT-OF-WAY LINE OF BETHEL ROAD. BEING 60 FEET, NORTHERLY, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE CENTERLINE OF BETHEL ROAD, A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.562 ACRE, MORE OR LESS.

SUBJECT, HOWEVER, TO ALL LEGAL RIGHTS-OF-WAY AND/OR EASEMENTS, IF ANY, OF PREVIOUS RECORD.

BEARINGS CONTAINED HEREIN ARE BASED ON THE SAME MERIDIAN AS THE CENTERLINE OF BETHEL ROAD (SOUTH 89° 54' 00" WEST), AS SHOWN IN DEED OF RECORD IN OFFICIAL RECORD 5722 H07.

## TRACT II

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, BEING LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 13, UNITED STATES MILITARY LANDS AND BEING A PART PARCEL NO. 1 AND PARCEL NO. 2 AS CONVEYED TO RICHARD J. SOLOVE AND JOHN J. CHESTER BY DEED OF RECORD IN OFFICIAL RECORD 5722 H07, RECORDS OF THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, FOR REFERENCE, AT A P.K. NAIL IN THE CENTERLINE OF BETHEL ROAD AT THE SOUTHWESTERLY CORNER OF THE 0.892 ACRE TRACT CONVEYED TO ROBERT L. SCHIRTZINGER BY DEED OF RECORD IN DEED BOOK 3111, PAGE 7 SAID POINT BEING LOCATED SOUTH 89° 54' 00" WEST, A DISTANCE OF 431.16 FEET FROM A FRANKLIN COUNTY MONUMENT FCGS 1137 AT THE CENTERLINE INTERSECTION OF SAID BETHEL ROAD AND OLENTANGY RIVER ROAD.

THENCE NORTH 8° 46' 46" WEST, A DISTANCE OF 60.70 FEET, ALONG THE WESTERLY LINE OF SAID 0.892 ACRE TRACT TO POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF BETHEL ROAD AS ESTABLISHED IN A DEED TO THE CITY OF COLUMBUS OF RECORD IN OFFICIAL RECORD 4968 E11;

THENCE SOUTH 89° 54' 00" WEST, A DISTANCE OF 13.00 FEET, ALONG THE NORTHERLY RIGHT-OF-WAY OF BETHEL ROAD TO THE TRUE POINT OF BEGINNING FOR THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 89° 54' 00" WEST, A DISTANCE OF 148.34 FEET, CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF BETHEL ROAD TO A POINT;

THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ACROSS SAID PARCEL NOS. 1 AND 2:

1. THENCE NORTH 0° 06' 00" WEST, A DISTANCE OF 141.00 FEET;
2. THENCE NORTH 89° 54' 00" EAST, A DISTANCE OF 108.01 FEET;
3. THENCE SOUTH 16° 03' 40" EAST, A DISTANCE OF 146.65 FEET TO THE POINT TO TRUE CONTAINING 0.415 ACRE, MORE OR LESS.

SUBJECT, HOWEVER, TO ALL LEGAL RIGHTS-OF-WAY AND/OR EASEMENTS, IF ANY, OF PREVIOUS RECORD.

BEARINGS CONTAINED HEREIN ARE BASED ON THE SAME MERIDIAN AS THE CENTERLINE OF BETHEL ROAD (SOUTH 89° 54' 00" WEST) IN DEED OF RECORD IN OFFICIAL RECORD 5722 H07.

### TRACT III

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, BEING LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 13, UNITED STATES MILITARY LANDS AND BEING PART OF THE 2.821 ACRE TRACT CONVEYED TO RICHARD J. SOLOVE AND JOHN J. CHESTER, BY DEED OF RECORD IN OFFICIAL RECORD 5722 H07, ALL REFERENCES BEING TO RECORDS IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE, AT FRANKLIN COUNTY MONUMENT FCGS 1137 AT THE INTERSECTION OF THE CENTERLINE OF BETHEL ROAD WITH THE CENTERLINE OF OLENTANGY RIVER ROAD;

THENCE SOUTH 89° 54' 00" WEST, ALONG THE CENTERLINE OF BETHEL ROAD, A DISTANCE OF 431.16 FEET TO A POINT AT THE SOUTHEASTERLY CORNER OF THE CITY OF COLUMBUS TRACT, OF RECORD IN OFFICIAL RECORD 4968 E09 AND OFFICIAL RECORD 4968 E11;

THENCE NORTH 8° 46' 46" WEST, ALONG THE EASTERLY LINE OF SAID CITY OF COLUMBUS TRACT, A DISTANCE OF 60.70 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF BETHEL ROAD, BEING THE TRUE POINT OF BEGINNING AND BEING THE SOUTHEASTERLY CORNER OF THE TRACT HEREIN INTENDED TO BE DESCRIBED;

THENCE SOUTH 89° 54' 00" WEST, ALONG SAID RIGHT-OF-WAY LINE OF BETHEL ROAD, A DISTANCE OF 13.00 FEET TO A POINT;

THENCE NORTH 16° 03' 40" WEST, A DISTANCE OF 146.65 FEET TO A POINT;

THENCE SOUTH 89° 54' 00" WEST, A DISTANCE OF 108.01 FEET TO A POINT;

THENCE SOUTH 0° 06' 00" EAST, A DISTANCE OF 141.00 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF BETHEL ROAD;

THENCE SOUTH 89° 54' 00" WEST, ALONG SAID RIGHT-OF-WAY LINE OF BETHEL ROAD, A DISTANCE OF 277.62 FEET TO A POINT;

THENCE NORTH 0° 06' 00" WEST, A DISTANCE OF 140.00 FEET TO A POINT;

THENCE NORTH 89° 54' 00" WEST, A DISTANCE OF 175.00 FEET TO A POINT IN THE EASTERLY LINE OF THE ROBERT N. AND OLGA R. YARRINGTON 1.2945 ACRE TRACT, OF RECORD IN DEED BOOK 2599, PAGE 93:

THENCE NORTH 0° 06' 00" WEST, ALONG SAID EASTERLY LINE OF THE ROBERT N. AND OLGA R. YARRINGTON 1.2945 ACRE TRACT, A DISTANCE OF 141.45 FEET TO THE NORTHEASTERLY CORNER OF SAID TRACT AND BEING IN THE SOUTHERLY LINE OF THE BILLIE E. AND RALPH E. HAZELBAKER TRACTS, OF RECORD IN OFFICE RECORDS 11466 E 13, 11466 E15, 11466 E17, AND 11466 F01;

THENCE SOUTH 89° 58' 17" EAST, ALONG THE SOUTHERLY LINE OF THE BILLIE E. AND RALPH E. HAZELBAKER TRACTS, A DISTANCE OF 550.77 FEET TO A POINT;

THENCE NORTH 89° 57' 16" EAST, CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 20.32 FEET TO A POINT AT THE NORTHWESTERLY CORNER OF THE OLENTANGY LIMITED 0.898 ACRE TRACT, OF RECORD IN OFFICE RECORD 5472 A01;

THENCE SOUTH 8° 46' 46" EAST, ALONG THE WESTERLY LINE OF SAID OLENTANGY LIMITED 0.898 ACRE TRACT AND THE WESTERLY LINE OF THE R. L. SCHIRTZINGER 0.892 ACRE TRACT, OF RECORD IN DEED BOOK 3111, PAGE 9, A DISTANCE OF 284.05 FEET TO THE POINT OF BEGINNING, CONTAINING 2.849 ACRES, MORE OR LESS.

SUBJECT, HOWEVER, TO ALL LEGAL RIGHT-OF-WAYS AND/OR EASEMENTS, IF ANY, OF PREVIOUS RECORD.

BEARINGS CONTAINED HEREIN ARE BASED ON THE SAME MERIDIAN AS THE CENTERLINE OF BETHEL ROAD (SOUTH 89° 54' 00" WEST), AS SHOWN IN OFFICIAL RECORD 5422 H07, RECORDER'S OFFICE,

FRANKLIN COUNTY, OHIO.

**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 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 site plan being titled, “**OLENTANGY SQUARE SITE PLAN**,” dated January 8, 2020, and text titled, “**DEVELOPMENT TEXT**,” dated April 24, 2020, both signed by Charles Fraas, Attorney for the Applicant, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

PROPOSED DISTRICT: CPD

PROPERTY ADDRESS: 760 Bethel Road

OWNER: OLENTANGY SQUARE L.P.

APPLICANT: OLENTANGY SQUARE L.P.

DATE OF TEXT: April 24, 2020

APPLICATION NUMBER: Z19-090

**INTRODUCTION:** The applicant wants to adjust the site plan to reflect how the site is laid out, allow for outside storage of trash, adjust the parking to reflect the number of parking spaces on the site, and to update the development standards.

**1. LOCATION:** The development contains ±3.826 acres and is located at 760, 764-816, 860 Bethel Road. The CPD plan for this subarea is attached hereto as **Exhibit A**.

**2. PERMITTED USES:** Permitted uses for development are contained in Sections 3356.02 (C-4, Commercial) of the Columbus City Code unless otherwise indicated within this text. The following uses shall not be permitted in this subarea:

1. Automobile and light truck dealers
2. Automotive accessories, parts, and tire stores (this restriction does not prohibit any user who installs these products on motor vehicles within a building)
3. Automotive sales, leasing, and retail
4. Billboards
5. Cabaret
6. Commercial radio transmitting or television station and appurtenances including cellular towers unless it is located on top of a building. Notwithstanding the previous sentence, no full size regional cell towers will be located on the top of a building if such cell tower exceeds ten (10) feet above the height of the building.
7. Dance hall
8. Funeral parlor
9. Motor bus terminal (but transit-oriented developments and/or park-and-ride stations are permitted)
10. Motion picture theater
11. Motor vehicles accessories and parts dealers
12. Nightclub
13. Pawn shop
14. Poolroom
15. Private club

- 16. Recreational vehicles dealers
- 17. RV (recreational vehicle), sales, rental and leasing

**3. DEVELOPMENT STANDARDS:** The applicable development standards for this development are contained in Chapter 3356 (C-4 Commercial) of the Columbus City Code unless otherwise indicated within this text.

**A. DENSITY, HEIGHT, LOT AND/OR SETBACK COMMITMENTS:**

- i. The permitted maximum site density for the subject property shall not exceed the ratio of 12,000 gross square feet of building per net acre of the development. Net acreage shall be the gross acreage of the property less public right-of-way.
- ii. The minimum setback from Bethel Road shall be 10 feet for parking and maneuvering areas and 30 feet for buildings and canopies.
- iii. There shall be a zero-foot setback requirement for parking and maneuvering areas and buildings and canopies for interior property lines within this development.
- iv. Building setbacks shall not apply to landscape features such as, but not limited to, planters or walls six (6) feet high or less or ornamental fencing which may or may not contain signage.
- v. The height district for the subject property shall be thirty-five foot (35') height district exclusive of architectural features, parapets, and/or roof accents.
- vi. Lot coverage shall not exceed 82%.

**B. ACCESS, LOADING, PARKING AND/OR OTHER TRAFFIC-RELATED COMMITMENTS:**

- i. Traffic Access: Traffic access to the site shall be maintained in accordance with the submitted site plan unless modified by the City's Department of Public Service.
- ii. Parking: Regardless of actual uses at the center, provided that such uses are limited to those permitted by Chapter 3356 C-4 (as restricted by Section B.1-17), the maximum number of parking spaces shall not be required to be greater than one hundred forty-seven (147) spaces.

**C. BUFFERING, LANDSCAPING, OPEN SPACE AND/OR SCREENING COMMITMENTS:**

- i. Landscaping: Existing landscaping shall be maintained.

**D. BUILDING DESIGN AND/OR INTERIOR-EXTERIOR TREATMENT COMMITMENTS:**

- i. Permitted primary building materials for outparcel buildings shall be limited to the following (either alone or in some combination): brick, brick veneer, stone, stone veneer (including manufactured stone), EIFS, stucco, metal, fiber cement siding or comparable material, wood (including synthetic wood products), and/or glass. Nothing herein shall prohibit the use of the aforementioned materials or other materials as secondary or trim materials.

**E. DUMPSTERS, LIGHTING, OUTDOOR DISPLAY AREAS AND/OR OTHER ENVIRONMENTAL COMMITMENTS:**

None

- F. **GRAPHICS AND SIGNAGE COMMITMENTS:** All signage and graphics shall conform to the requirements of the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4, Commercial District in the Bethel Road Regional Commercial Overlay.

G. Miscellaneous:

Variances Requested:

- i. Section 3312.09, Aisle, to permit aisle(s) to be divided by a property line, subject to applicable total code required aisle width being provided and applicable easement(s).
- ii. Section 3312.13, Driveway, to permit driveways to be divided by property lines, subject to applicable total code required driveway width being provided and applicable easement(s).
- iii. Section 3312.25, Maneuvering, to permit maneuvering areas (including aisles, driveways, and parking spaces) to be divided by property lines, subject to applicable total code required maneuvering being provided for parking spaces and applicable easement(s).
- iv. Section 3312.45, Wheel Stops, to permit contiguous parking lot line to not be required to install a wheel stop due to a property line intersecting a parking area.
- v. Section 3312.49 Minimum Numbers of Parking Spaces Required, to permit required parking to occur on separate tax parcels within the shopping center provided that, notwithstanding the code requirements, the center shall not be required to exceed 147 parking spaces.
- vi. Section 3321.03.A.1, Lighting, to permit existing light poles/fixtures to remain at 33 feet but that any replacement light poles with new fixtures will not exceed 28 feet.
- vii. Section 3321.03.A.2, Lighting, to permit two light fixtures located within 100 feet of residentially zoned property over 18 feet in height to remain in place. Replacement light poles shall comply with the section.
- viii. Section 3356.11, C-4 District Setback Lines, to reduce the setback requirements identified in that provision in accordance with this text.

**4. CPD Requirements:**

A. Natural Environment:

The property is located on the north side of Bethel Rd., west of Olentangy River Rd. The site is developed with three commercial buildings.

B. Existing Land Uses:

To the north is single-family residential located in Perry Township, to the east is commercial businesses, to the south is commercial (large shopping center), and to the west is a single-family house (zoned commercial).

C. Transportation and Circulation:

Access to the site shall be via existing Bethel Road.

D. View and Visibility:

In the development of the subject property and the location of the buildings and access points consideration has been given to the visibility and safety of motorists and pedestrians.

E. Proposed Development:



Commercial.

F. Emissions

There would not appear to be any threat of unusual emissions from this development.

G. Behavior Patterns:

The development would continue to serve the growing Columbus residential population as well as the motorists who use Bethel Road.

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