



## Legislation Details (With Text)

**File #:** 2082-2022      **Version:** 1

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

**File created:** 7/7/2022      **In control:** Zoning Committee

**On agenda:** 10/10/2022      **Final action:** 10/13/2022

**Title:** To rezone 1930 HARD RD. (43235), being 1.2± acres located at the northeast corner of Hard Road and Smoky Row Road, From: C-4, Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z21-027).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2082-2022\_Attachments, 2. ORD2082-2022\_Labels

Date	Ver.	Action By	Action	Result
10/13/2022	1	CITY CLERK	Attest	
10/12/2022	1	MAYOR	Signed	
10/10/2022	1	COUNCIL PRESIDENT	Signed	
10/10/2022	1	Zoning Committee	Taken from the Table	Pass
10/10/2022	1	Zoning Committee	Approved	Pass
7/25/2022	1	Zoning Committee	Tabled Indefinitely	Pass
7/18/2022	1	Columbus City Council	Read for the First Time	

**Rezoning Application: Z21-027**

**APPLICANT:** United Dairy Farmers, Inc.; c/o Rebecca J. Mott, Atty.; 411 East Town Street, Floor 2; Columbus, OH 43215.

**PROPOSED USE:** Fuel sales facility with convenience retail.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on May 12, 2022.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 1.2± acre site consists of one parcel developed with a fuel sales facility and part of another parcel developed with a shopping center, both zoned in the C-4, Commercial District. The requested CPD, Commercial Planned Development District will permit redevelopment of an expanded retail fuel sales facility with accessory convenience retail and eating and drinking components. The site is located within the boundaries of *The Northwest Plan* (2016), which recommends “Commercial” land uses for this location. The Plan’s design guidelines encourage buildings to be placed at corners with parking and circulation to the rear. The development text establishes use restrictions, commits to a site plan, landscape plan, and building elevations, and includes supplemental development standards that address setbacks, access, landscaping, building materials, dumpsters, screening, and graphics. Modification of code standards to permit parcel lines to divide parking spaces, aisles, and maneuvering areas, and for a parking space reduction from 34 required to 31 provided spaces are included in the request. A Board of Zoning Adjustment (Application #BZA21-139) has been approved for the adjacent shopping center to permit parcel lines to divide parking spaces, aisles, and maneuvering areas, and a parking space reduction to facilitate a lot split for this

expanded site. Although Planning Division staff prefers site design that places the building at the corner with parking and circulation to the rear for greater consistency with *The Northwest Plan* guidelines, staff notes the proposal largely reuses the existing footprint, and parking and circulation areas fronting Hard Road and Smokey Row Road are screened with additional landscaping, consistent with Plan guidelines. Staff are thus supportive of the site plan and elevation renderings included with the request. The request remains consistent with the land use recommendation of *The Northwest Plan* and adjacent commercial development.

To rezone **1930 HARD RD. (43235)**, being 1.2± acres located at the northeast corner of Hard Road and Smoky Row Road, **From:** C-4, Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z21-027).

**WHEREAS**, application #Z21-027 is on file with the Department of Building and Zoning Services requesting rezoning of 1.2± 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, which permits an expanded fuel sales facility with convenience retail, remains consistent with both the “Commercial” land use recommendation of *The Northwest Plan*, and adjacent commercial development; 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:

**1930 HARD RD. (43235)**, being 1.2± acres located at the northeast corner of Hard Road and Smoky Row Road, and being more particularly described as follows:

**LEGAL DESCRIPTION**

**1.20± ACRE**

**ZONING BOUNDARY**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Section 1, Township 2, Range 19, United States Military Lands, being all of the remainder of a 0.726 acre tract as conveyed to United Dairy Farmers, Inc. in Instrument Number 200212160322465, also being part of the 4.175 acre tract as conveyed to Smoky Row Plaza, LLC in Instrument Number 2004150084317, all records being of the Recorder’s Office, Franklin County, Ohio, and being more particularly described as follows:

**COMMENCING** at the intersection of the centerline of right-of-way of Smoky Row Road (Varies) and Hard Road (Varies), being the southwesterly corner of a 1.1644 acre tract conveyed to The City of Columbus, Ohio in Official Record Volume 7508 Page I10;

Thence along the centerline of said Smoky Row Road, North 12°50’34” West, 257.54 feet to a point;

Thence across said Smoky Row Road right-of-way, North 89°17’19” East, 40.91 feet to a point, being on the easterly right-of-way line of said Smoky Row Road and being on the westerly line of said 4.175 acre tract, said point being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence across said 4.175 acre tract, North 89°17’19” East, 279.36 feet to a point;

Thence continuing across said 4.175 acre tract, South 00°24’27” East, 214.32 feet to a point, being on the southerly line

of said 4.175 acre tract and the northerly right-of-way line of said Hard Road;

Thence along the northerly right-of-way line of said Hard Road and the southerly line of said 4.175 acre tract, North 89°59'57" West, 21.39 feet to the southeasterly corner of a 0.002 acre tract as conveyed to City of Columbus, Ohio in Instrument Number 200404150084320;

Thence along the northeasterly lines of said 0.002 acre tract and a 0.048 acre tract as conveyed to City of Columbus, Ohio in Instrument Number 200212160322465, and said Hard Road right-of-way, along the southerly lines of the remainder of said 4.175 acre tract and the remainder of said 0.726 acre tract, North 79°46'34" West, 61.52 feet to a point;

Thence along the northerly line of said 0.048 acre tract and said Hard Road right-of-way, along the southerly line of the remainder of said 0.726 acre tract, South 89°49'58" West, 135.32 feet to a point;

Thence along an easterly line of said 0.048 acre tract and said Hard Road right-of-way, along a westerly line of the remainder of said 0.726 acre tract, North 00°10'16" West, 5.90 feet to a point;

Thence along a northeasterly line of said 0.048 acre tract and said Hard Road right-of-way, along the southwesterly line of the remainder of said 0.726 acre tract, along a curve to the right having a radius of 24.10 feet, a delta angle of 74° 53'15", an arc length of 31.51 feet, and a chord bearing and distance of North 52°43'13" West, 29.31 feet to a point of tangency, being on the easterly right-of-way line of said Smoky Row Road;

Thence along the easterly right-of-way line of said Smoky Row Road, along the westerly line of said 0.726 acre tract and said 4.175 acre tract, North 12°50'34" West, 181.20 feet to the **POINT OF BEGINNING**, containing 1.20 acres, more or less.

This description is based on records and written by E.P. Ferris & Associates in March 2021, and is intended to be used for zoning purposes only.

**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, "**ZONING SITE PLAN**," dated April 14, 2022, "**LANDSCAPE PLAN**," dated December 14, 2021, and "**EXTERIOR RENDERINGS, SHEETS 1-2**," dated April 22, 2022 and said text being titled, "**CPD TEXT**," dated April 21, 2022, all signed by Rebecca J. Mott, Attorney for the Applicant, and the text reading as follows:

#### **CPD Text**

**EXISTING ZONING:** C-4, Commercial District

**PROPOSED ZONING:** Commercial Planned Development (CPD) District

**OWNER:** United Dairy Farmers, Inc.

**APPLICANT:** United Dairy Farmers, Inc.; c/o Rebecca J. Mott, Plank Law Firm, LPA

**DATE OF TEXT:** April 21, 2022

**APPLICATION:** Z21-027

**I. INTRODUCTION:** The subject property of this rezoning consists of a combined 1.20+/- acres of land located east of

Smokey Row Road and north of Hard Road, commonly known as Franklin County Auditor Tax Parcel Id. No's.: 610-204663-00, and a portion of 610-204664-00, as more particularly described in the legal description submitted as a part of the rezoning application (the "Property"). The Property is currently zoned C-4, Regional Scale Commercial District ("C-4 District") and improved with a United Dairy Farmers convenience store and gas station. Applicant acquiring additional property adjacent to the current site and seeks to rezone the Property to the CPD, Commercial Planned District to accommodate the redevelopment of the Property with an increased building footprint of a United Dairy Farmers convenience store with gasoline sales, with carryout and ancillary eating area, and a re-configured parcel, as combined with the acquired tract of additional property.

## II. PROPERTY: 1.20 +/- Acres (CPD)

1. **PERMITTED USES:** The Property will be used for a convenience store and gasoline sales, with carryout and ancillary eating area. Other allowable uses shall include all uses permitted under Chapter 3356 and Chapter 3357 of the Columbus City Code relative to the C-4 District and C-5 District, with the following excluded uses:

Amusement Arcade; Bowling Centers; Automotive Sales, Leasing and Rental; Bars, Cabarets and Nightclubs; Theaters, Dance Companies and Dinner Theaters; Building Material and Supplies Dealers; Supermarkets, Animal Shelter, and Halfway House.

2. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in this text or site plan dated April 14, 2022 (the "Site Plan"), the applicable development standards are contained in Chapter 3356, C-4, Regional Scale Commercial District of the Columbus City Code.

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

1. A thirty-five (35) foot height limitation shall be in effect.
2. Building and parking setbacks shall be as depicted on the Site Plan.

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

1. All parking spaces shall be configured as shown on the Site Plan. The parking as required for the retail convenience store use shall be at a ratio of one (1) parking space per each two hundred fifty (250) s.f. of gross floor area (with the retail portion of the building at 3,988 s.f., the parking required is sixteen (16) spaces); one (1) parking space per one hundred seventy-five (175) s.f. of gross floor area for an accessory eating and drinking establishment within the building (with the eating and drinking establishment portion of the building at 2,312 s.f., the parking required is fourteen (14) spaces); and, one (1) parking space per three hundred and fifty (350) s.f. of gross floor area for a patio associated with the accessory eating and drinking establishment (with the patio at six hundred and eighty (680) s.f., the parking required is two (2) spaces). In addition, the parking requirement for fuel sales shall be two (2) parking spaces on the Property. The total parking requirement shall be thirty-four (34) parking spaces. A minimum of thirty-one (31) parking spaces shall be provided on the Property.
2. The Property will have access to and from Smokey Row and Hard Roads to and from the adjacent property immediately to the north and east ("Adjacent Property") as depicted on the Site Plan. There is, and will remain, an access and ingress-egress easement with the property owner(s) of the Adjacent Property to serve the Property and Adjacent Property.
3. The existing right-in curb cut on the Property to and from Hard Road will remain. The Adjacent Property has a full access curb cut to and from Hard Road that will also remain. The existing right-in at the southwest corner of the Property will be removed and a right-in curb cut to and from Smokey Row Road will be installed at the northwest corner of the Property. The Adjacent Property has a full access curb cut to and from Smokey Row Road that will also remain.
4. Based on the approved traffic study, Applicant shall install a right turn lane on Smokey Row Road to accommodate the

right-in traffic flow into the Property from Smokey Row Road, as shown on the Site Plan.

5. An additional six (6) feet of right-of-way or other determined amount shall be dedicated along the frontage of Smokey Row Road if required by the Department of Public Service.
6. Signs shall be added at the full access curb cut to and from Hard Road at the Adjacent Property (east of the Property) to restrict eastbound left turns and southbound left turns between 7:00 and 9:00 AM and between 4:00 and 6:00 PM.

C. Buffering and Landscaping:

1. Landscaping and screening within and around parking and vehicular use areas shall meet the requirements of Sections 3312.21(B) and Section 3321.07(A) of the Columbus City Code.
2. Landscaping and screening adjacent to the building shall meet all requirements of Section 3321.01, Section 3321.07, Section 3321.11, and Section 3321.13 of the Columbus City Code.

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

1. The front elevation of the building shall:
  - (a) Use a façade of black brick veneer above cast stone base panels with a wood and blue-gray aluminum sidings as an accent.
  - (b) Provide a main entry with columns of PVC wood columns with stone panel bases and protective metal canopy above for customer seating.
  - (c) Use a flat roof for the majority of the building with a distinctive standing seam metal shed roof highlighting the entry bay.
  - (d) Allow views out to the Property and daylight into the store with expansive storefront glazing along exterior walls.
2. The west elevation of the building shall:
  - (a) Provide a generous outdoor patio with PVC wood posts strung with hanging Italian lights.
  - (b) Use a similar material palette as the front elevation.
3. The east and north elevations of the building shall provide a façade of black brick veneer above tan cast stone base.
4. All heating, ventilating, air conditioning and other building mechanical systems and equipment shall be located on a flat roof at the rear of the building and will be fully screened from view.
5. The fueling canopy uses materials similar to the building including a cast stone base panels with black brick veneer above at the columns, a horizontal fascia of blue-gray metal siding lined with white trim and open structure flat roof.

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

The dumpster and recycling receptacles will be located at the east side of the building with an enclosure matching the building's primary or principal building materials.

F. Graphics and/or Signage Commitments:

Graphics as shown on the Site Plan are conceptual only. All graphics and signage for the Property shall comply with the

Graphics Code, Article 15, Title 33 of the Columbus City Code is it applies to the C-4 District, and any variance to those requirements will be submitted separately to the Columbus Graphics Commission for consideration.

G. Modification of Zoning Code Standards:

1. 3312.09 - Aisle width. An aisle is that portion of the circulation area within a parking lot, excluding the driveway, which provides accessibility to parking, stacking or loading spaces. With 90 degree parking, an aisle width of 20 feet is required for two-way traffic. This section shall be modified to allow an aisle width just north of the building at the proposed north property line and the parking spaces on the northeastern portion of the Property to meet the aisle width requirement by crossing parcel lines as between the Property and Adjacent Property pursuant to an existing access and ingress-egress easement between the property owners. In crossing parcel lines for access to the parking spaces on the northeastern portion of the Property, an aisle width of at least 30 feet is achieved. In crossing parcel lines for aisle width along the north property line, an aisle width of at least 22 feet is achieved.

2. 3312.25 - Maneuvering. Under this section, every parking and loading space shall have sufficient access and maneuvering area. The maneuvering area for a parking space may occur anywhere on a lot except in the area between the street right-of-way line and the parking setback line. This section shall be modified to allow parking space maneuverability across parcel lines as between the Property and Adjacent Property pursuant to an existing access and ingress-egress easement between the property owners. In crossing parcel lines for access to the parking spaces on the northeastern portion of the Property, a maneuvering area of at least 30 feet is achieved.

3. 3312.27 - Parking setback line. Under this section, the parking setback line shall be ten (10) feet. Due to potential right-of-way dedication along Smokey Row Road (to be determined), the parking setback shall be reduced to less than ten (10) feet to reflect the required right-of-way dedication area.

4. 3312.29 - Parking spaces. Under this section, every parking space shall be a minimum of nine (9) feet by eighteen (18) feet. This section shall be modified to allow the northeastern parking spaces on the Property to achieve their minimum dimensions by crossing parcel lines as between the Property and Adjacent Property, as the dimension of the length of those northeastern parking spaces on the Property are just short of eighteen (18) feet.

5. 3312.49 - Minimum number of parking spaces required. Based on the uses put to the Property, as set forth in Section II(2)(B)(1) herein, the total parking requirement shall be thirty-four (34) parking spaces. A minimum of thirty-one (31) parking spaces shall be provided on the Property.

6. 3356.11 - Building lines. Under this section, the building setback line shall be fifty (50) feet. Due to potential right-of-way dedication along Smokey Row Road (to be determined), the building setback shall be reduced to reflect the required right-of-way dedication area.

H. Miscellaneous Commitments:

1. A development plan dated April 14, 2022, titled "Zoning Site Plan" is submitted for the development of the Property. In addition, the landscape plan dated December 14, 2021, and titled "Landscape Plan" delineating and detailing the landscape treatments, and the building and canopy elevations titled "Exterior Renderings" depicting the proposed building and canopy on the Property are submitted for the development of the Property. The Site Plan, Landscape Plan, and Exterior Renderings, Sheets 1 and 2, may be adjusted to reflect engineering, topographical or other site data and changes developed at the time of development and engineering plans for all or a portion of the Property affected by said development. Any such adjustments may be reviewed and approved by the Director of the Department of Building and Zoning Services or his/her designee upon submission of the appropriate information regarding the adjustment. The Zoning Site Plan may be further adjusted to reflect the required right-of-way dedication area with parking and building setbacks adjusted to reflect the final amount to be dedicated.

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

I. CPD Requirements:

1. Natural Environment. The natural environment of the Property is limited to relatively flat terrain. The proposed development will have no impact on the drainage run off or soil erosion or vegetation.
2. Circulation. The Property will have access to and from Smokey Row and Hard Roads to and from the Adjacent Property, as depicted on the Site Plan. There is, and will remain, an access and ingress-egress easement with the property owner(s) of the Adjacent Property to serve the Property and Adjacent Property. An additional right-in curb cut and access is proposed for the Property and is shown on the Site Plan at the northwest portion of the Property. This proposed curb cut and access will require the removal of the existing right-in curb cut in the southwest corner of the Property on Smokey Row Road. The right-in curb cut into the Property to and from Hard Road shall remain. There is a traffic signal at the intersection that facilitates traffic in the area.
3. Existing Land Use. The Property is currently improved with a convenience store and gas station (130 Hard Road).
4. Visual Form. The size and character of all structures will be in context with the local area and comply with all standards set forth in this text. The area surrounding the Property is a mix of commercial and residential uses. To the north and east of the Property is a shopping center. To the south of the Property are residential uses.
5. Visibility. The Property will have excellent visibility from both Smokey Row and Hard Roads.
6. Proposed Development. The size, type, and character of the proposed development will meet the zoning, land use, and standards set forth in this text. The proposed development concept is for a convenience store and gas station with carryout and ancillary eating area.
7. Behavior Patterns. The uses will encourage people from the nearby residential areas to utilize the Property for the uses stated and will not create problems for neighbors, customers, or passersby.
8. Emissions. Noise and other vehicular emissions will be dependent on land use and potential users.

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