



## Legislation Details (With Text)

**File #:** 1564-2023      **Version:** 1

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

**File created:** 5/18/2023      **In control:** Zoning Committee

**On agenda:** 6/5/2023      **Final action:** 6/9/2023

**Title:** To amend Ordinance #1714-2008, passed December 8, 2008 (Z08-040), for property located at 1041-1101 BETHEL RD. (43220), by repealing Section 3 and replacing with a new Section 3 to modify the CPD text and plan as it pertains to the addition of an outdoor patio for eating and drinking (Rezoning Amendment #Z08-040A).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1564-2023\_Attachments

Date	Ver.	Action By	Action	Result
6/9/2023	1	CITY CLERK	Attest	
6/8/2023	1	MAYOR	Signed	
6/5/2023	1	COUNCIL PRESIDENT	Signed	
6/5/2023	1	Zoning Committee	Waive the 2nd Reading	Pass
6/5/2023	1	Zoning Committee	Approved	Pass

**Rezoning Amendment: Z08-040A**

Ordinance #1714-2008, passed December 8, 2008 (Z08-040), rezoned 2.69± acres at 1041-1101 Bethel Road from CPD, Commercial Planned Development District to CPD, Commercial Planned Development District to permit 6,400 square feet of eating and drinking establishment space within the existing shopping center. This ordinance amends the permitted uses and CPD plan to permit a 1,540 square foot outdoor patio for accessory eating and drinking purposes. The remaining development standards from Ordinance #1714-2008 remain unchanged.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #1714-2008, passed December 8, 2008 (Z08-040), for property located at **1041-1101 BETHEL RD. (43220)**, by repealing Section 3 and replacing with a new Section 3 to modify the CPD text and plan as it pertains to the addition of an outdoor patio for eating and drinking (Rezoning Amendment #Z08-040A).

**WHEREAS**, Ordinance #1714-2008, passed December 8, 2008 (Z08-040), rezoned 2.69± acres at **1041-1101 BETHEL RD. (43220)**, from CPD, Commercial Planned Development District to the CPD, Commercial Planned Development District to permit eating and drinking establishment uses; and

**WHEREAS**, that rezoning established specific development standards addressing setbacks, traffic access, parking, landscaping, building design, and lighting commitments in the CPD text in accordance with a registered CPD plan; and

**WHEREAS**, the Applicant proposes to modify the CPD text and site plan to permit a 1,540 square foot outdoor patio for accessory eating and drinking purposes; and

**WHEREAS**, it is necessary to amend Section 3 of Ordinance #1714-2008, passed December 8, 2008 (Z08-040) to revise the CPD text and site plan to permit a 1,540 square foot outdoor patio for accessory eating and drinking purposes; and

**WHEREAS**, all other aspects of Ordinance #1714-2008 are unaffected by this amendment and remain in effect, and are repeated below for clarity; 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:

**1041-1101 BETHEL RD. (43220)**, being 2.69± acres located at the southwest corner of Bethel Road and Kenny Road, 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 southwesterly 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 Section 3 of Ordinance #1714-2008, passed December 8, 2008 (Z08-040), be hereby repealed and replaced with new Section 3 reading as follows:

**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 plan being titled, “**SITE PLAN**,” and said text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT**,” both dated May 17, 2023, and signed by Eric Zartman, Attorney for the Applicant, and the text reading as follows:

## **COMMERCIAL PLANNED DEVELOPMENT TEXT**

**Application: Z08-040A**

**Address: 1041-1101 Bethel Road**

**Parcels: 010-150493**

**Property Size: +/- 2.69 acres**

**Current District: CPD**

**Proposed District: CPD**

**Area Commission: Northwest Civic Association**

**Owner(s): Bethel-Kenny Center LLC c/o Marty Orvets**

**Applicant: Bethel-Kenny Center LLC c/o Marty Orvets**

**Attorney: Michael Shannon, Underhill & Hodge LLC**

**Date: May 17, 2023**

### **I. Introduction:**

The property owner requests an amendment to the existing CPD district to allow for the installation of a restaurant patio and two walk-in freezers.

The +/- 2.69 acre site is developed with a 30,485 sq. ft. shopping center and is zoned CPD. The site was originally zoned CPD in 1992 (Z92-040) to allow development of the property with a shopping center and rezoned CPD in 2008 (Z08-040) to remove the restaurant prohibition and allow up to 6,400 square feet of restaurant use. This 2008 rezoning also updated provisions of the underlying CPD for use restrictions, landscaping, screening, lighting, and graphics control.

The site is located within the planning area of The Northwest Plan (2016). The Plan recommends Mixed Use 2 uses for this site. This is a commercial classification with residential uses supported. Development may include a mix of uses on one site (for example, residential units located either above and/or next to the commercial uses), or it may include only one use per site. The designation does not require a mix of uses, but instead promotes mixed use development where it is a viable development scenario.

To the north is a swim club in the R-1, Residential District and a restaurant in the C-4 Commercial District. To the east across Kenny Road is a mix of industrial and residential uses in the M-1, Manufacturing District. To the south are single-family dwellings in the SR, Suburban Residential District and a two-family dwelling in the R2F, residential District. To the west is a medical office in the CPD, Commercial Planned Development District.

The Applicant proposes installation of a 1,540 square foot restaurant patio on the east side of the building. The patio may be converted from covered to uncovered. The Applicant also proposes the installation of an 8’X12’ walk-in freezer for retail use on the west side of the building and a 10’X10’ walk-in freezer for restaurant use on the east side of the building. The walk-in freezer for restaurant use is included within the maximum allowed 6,400 square foot of restaurant use.

### **II. Permitted Uses:**

A. Those uses permitted within Section 3356.03, C-4, Permitted Uses, of the Columbus City Code shall be permitted. Except, the following uses are prohibited:

Billboards and off premise signage

Motorcycle, boat and other motor vehicle sales, leasing and rental or service/repair uses

Community food pantry  
Hotel or motel  
Missions/Temporary Shelters/halfway house  
Check cashing and loans  
Outdoor power equipment stores  
Pawn broker  
Truck, utility trailer and RV sales, rental and leasing  
Funeral parlor  
Garden, landscaping and nursery centers and sales  
Limousine and taxi service  
Movie theaters  
Animal shelter  
Bowling alley  
Farm equipment and supply stores  
Cabaret, dance hall  
Nightclub or discotheque  
Poolroom or arcade, amusement arcade  
Laboratory  
Blood and organ banks  
Tire repair or sales shop  
Carpet and upholstery cleaning services  
Vending machine operators

**III. Development Standards:** Unless otherwise indicated in this Text or on the submitted development plan (“CPD Site Plan”), the applicable development standards are contained in Chapter 3356, C-4 Commercial District of the Columbus City Code shall apply.

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

1. Building and parking setbacks shall be as depicted on the CPD Plan.
2. There shall be a maximum of 6,400 square feet of restaurant use and 1,540 square feet of restaurant patio use.

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

1. All circulation, curb cuts, and access points shall be as depicted on the CPD Plan.
2. The minimum number of required parking spaces for the entire site shall be 126.
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:

The developer shall maintain the existing landscaping and fencing as shown on the CPD Plan.

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

1. All sides of the building shall be finished with brick.
2. The building roof shall have a pitch.

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

1. 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.
2. All light poles and standards shall be in dark brown, bronze or black.
3. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to insure compatibility.
4. 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.
5. Lighting for patio shall be shielded.

**F. Graphic and Signage Commitments:**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the C-4, Commercial District. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission.

**G. CPD Criteria:**

1. Natural Environment. The Site is developed with a 30,485 square foot shopping center and surface parking lot. There are no natural features.
2. Existing Land Use. The property is zoned CPD and used for retail and restaurant uses.
3. Transportation and Circulation. All circulation, curb cuts, and access points are existing, as depicted on the CPD Plan.
4. Visual Form of the Environment. The visual form of the Site has been established with the construction of the shopping center.
5. View and Visibility. The Site is visible from Bethel Road and Kenny Road.
6. Proposed Development. The Applicant proposes installation of a 1,540 square foot restaurant patio on the east side of the building. The patio may be converted from covered to uncovered.
7. Behavior Patterns. The site is along the Bethel Road commercial corridor.
8. Emission. No adverse effect from emissions shall result from the proposed development.

**H. Modification of Code Standards:**

1. Section 3356.11. - Building setback line. This section shall be modified to reduce the minimum building setback line from Kenny Road from 30 feet to 12 feet.
2. Section 3312.27 - Parking setback line. This section shall be modified to reduce the minimum parking setback from Kenny Road from 10 feet to 1 foot. This is an existing parking setback reduction (Z08-040).
3. Section 3312.09 - Drive aisle. This section shall be modified to reduce the drive aisle on the west side of the building from 20 feet to 17 feet. This modification is requested to legitimize an existing condition.
4. Section 3312.21 Parking lot interior landscaping. This section shall be modified to waive the interior parking lot tree landscaping requirement. This modification is requested to legitimize an existing condition.

5. Section 3312.49, Minimum number of required parking spaces. This section shall be modified to reduce the minimum number of required parking spaces for the entire site from 185 to 126. This calculation is based on the most intense possible uses of 24,085 square feet of retail use (1:275), 6,400 square feet of restaurant without pickup use (1:75), and 1,540 square feet of restaurant patio use (1:150). The proposed restaurant patio and walk-in freezer adds 4 parking spaces to the existing parking demand. This modification is in general conformance with the existing parking reduction from 182 to 128 (Z08-040).

6. 3312.51.2 - Loading space. The section shall be modified to allow a loading space within a drive aisle. This modification is requested to legitimize an existing condition.

**I. Miscellaneous Commitments:**

1. The site shall be developed in accordance with the submitted site plan titled "CPD Plan," excluding floor plans. The Site Plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the Site Plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

2. 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.

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