



## Legislation Text

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**File #:** 2875-2014, **Version:** 1

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### **Rezoning Application Z13-037**

**APPLICANT:** United Dairy Farmers, Inc.; c/o Donald Plank, Atty., Plank Law Firm; 145 East Rich St., 3<sup>rd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** Fuel sales in conjunction with convenience retail.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on February 13, 2014.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a fuel sales facility and convenience store, and is zoned in the R, Rural District as a result of a 1990 annexation from Perry Township. The requested CPD, Commercial Planned Development District will allow a larger convenience store and relocated fuel pumps, with the majority of the expanded site being located on the adjacent parcel to the east and north in the City of Worthington. The site is located within the planning area of *The Northwest Plan* (2007), which does not have specific land use recommendations or other guidance relevant to this proposal. Subsequent to the application filing, the Community Commercial Overlay (CCO) was established on this portion of West Dublin-Granville Road. The CPD text proposes C-3, Commercial uses in addition to the fuel sales and convenience store uses, and includes provisions for setbacks, landscaping, screening, building materials, outdoor display, and abandonment. Variances to the CCO are included in the request. A number of factors made this proposal unique and complex including dual jurisdiction of the site and multi-jurisdiction of the roadways. Due to the extensive coordination and review process leading up to the adoption of the CCO and the timing for consideration of this zoning request, staff does not object to the proposed variances to CCO standards that were not in place when the application was originally filed in May 2013. The request is consistent with the established development pattern, and can further be supported based on the history of the site and its corner location.

To rezone **2204 WEST DUBLIN-GRANVILLE ROAD (43085)**, being 0.63± acres located at the northeast corner of West Dublin-Granville and Linworth Roads, From: R, Rural District, To: CPD, Commercial Planned Development District (Rezoning # Z13-037).

**WHEREAS**, application #Z13-037 is on file with the Department of Building and Zoning Services requesting rezoning of 0.63± acres from R, Rural 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, is consistent with the established development pattern, and can further be supported based on the history of the site and its corner location; 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:

**2204 WEST DUBLIN-GRANVILLE ROAD (43085)**, being 0.63± acres located at the northeast corner of West Dublin-Granville and Linworth Roads, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Perry, in Quarter Township 4, Township 2 North, Range 19 West, United States Military Lands, and being all of Parcels 1 and 2 conveyed to United Refining Company by deed of record in Deed Book 3282, Page 558, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at an iron pin replacing a P. K. Nail at the intersection of the centerline (to the north) of Linworth Road (no legal right-of-way width established) with the centerline (to the east) of West Dublin-Granville Road - Ohio Route 161 (60 feet wide), said iron pin also being at the southwest corner of said Parcel 1;

thence N 8° 57' 00" W along the centerline of Linworth Road and along the west line of said Parcel 1 a distance of 165.39 feet to a P. K. Nail previously set at the northwest corner of said Parcel 1 and at the southwest corner of a 0.213 acre tract of land conveyed to Jefferson Savings Association by deed of record in Official Record 694, Page F 06, Recorder's Office, Franklin County, Ohio;

thence S 85° 40' 28" E along a north line of said Parcel 1 and along a south line of said 0.243 acre tract a distance of 32.00 feet to a ¾-inch I.D. iron pipe previously set at a corner of said Parcel 1 and at a corner of said 0.243 acre tract (passing a ¾-inch I.D. iron pipe previously set at 25.69 feet);

thence S 8° 57' 00" E along a line of said Parcel 1 and along a line of said 0.243 acre tract a distance of 3.00 feet to a ¾-inch I.D. iron pipe previously set at a corner of said Parcel 1 and at a corner of said 0.243 acre tract;

thence S 85° 40' 28" E along a north line of said Parcel 1, along the north line of said Parcel 2 and along a south line of said 0.243 acre tract a distance of 154.31 feet to a ¾-inch I.D. iron pipe previously set at the northeast corner of said Parcel 2, at the southeast corner of said 0.243 acre tract and in the west line of a 0.553 acre tract of land conveyed to Jefferson Savings Association by deed of record in Official Record 694, Page F 02, Recorder's Office, Franklin County, Ohio;

thence S 0° 06' 02" W along the east line of said Parcel 2 and along a portion of the west line of said 0.553 acre tract a distance of 159.81 feet to a railroad spike previously set in the centerline of West Dublin-Granville Road, at the southeast corner of said Parcel 2 and at the southwest corner of said 0.553 acre tract (passing a ¾-inch I.D. iron pipe previously set in the north right-of-way line of West Dublin-Granville Road at 129.71 feet);

thence N 85° 12' 01" W along the centerline of West Dublin-Granville Road and along the south lines of said Parcels 2 and 1 a distance of 160.80 feet to the place of beginning; containing 0.634 acre of land, more or less, and being subject to all legal highways, easements and restrictions of record.

The above description was prepared by Richard J. Bull, Ohio Surveyor No. 4723, of C. F. Bird & R. J. Bull, Ltd., Consulting Engineers and Surveyors, Worthington, Ohio, from an actual boundary survey performed in the field in October, 1980.

**To Rezone From:** R, Rural 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 plan being titled, "**SITE PLAN - SHEET 1,**" and "**ELEVATIONS - SHEETS 2 and 3,**" and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" all signed by Donald Plank, Attorney for the Applicant, dated November 17, 2014, and the text reading as follows:

### **COMMERCIAL PLANNED DEVELOPMENT TEXT**

**PROPOSED DISTRICT:** CPD, Commercial Planned Development

**PROPERTY ADDRESS:** 2204 West Dublin Granville Road, Columbus, Ohio

**OWNER:** United Dairy Farmers, Inc., 3955 Montgomery Road, Cincinnati, Ohio  
45212

**APPLICANT:** United Dairy Farmers, Inc. c/o Donald Plank, Plank Law Firm, LPA, 145 E. Rich Street, 3<sup>rd</sup> Floor,  
Columbus, Ohio 43215

**DATE OF TEXT:** November 17, 2014

**APPLICATION #:** Z13-037

## **1. INTRODUCTION**

The property subject to this rezoning is located at 2204 West Dublin Granville Road (the "Property"). The Property (PID: 610-217753) is more particularly described in the legal description submitted as part of the rezoning application. The Property was annexed to the City of Columbus in 1990 and rezoned R, Rural. The Property is improved with a United Dairy Farmers store and gas pumps, constructed prior to the Property's annexation. The Applicant desires to purchase the adjacent property to the east (PID: 100-006096, ("Adjacent Parcel")), located in the City of Worthington, and develop the Property and Adjacent Property together with a new, larger store with expanded fuel service. Annexation and tax parcel combination is not possible because of the two (2) different municipalities nor shall tax parcel combination be required in conjunction with any City of Columbus site plan or permit process. Development is depicted disregarding municipal boundaries. The modification to code standards set forth in this text is a result of developing the total parcel as a single site across adjoining municipal boundaries. The registered plans ("Site Plan" and "Elevations" (2 sheets), as referenced in Section 3.G.1, depict the proposed development of a convenience store with interior and exterior seating, gasoline sales, and outside display area(s)

## **2. PERMITTED USES**

Uses permitted per Columbus City Code Section 3355.03, C-3 Permitted Uses and a convenience store with interior and exterior seating, gasoline sales, and outside display area(s)

## **3. DEVELOPMENT STANDARDS**

Unless otherwise indicated herein or on the Site Plan and/or Elevation, the applicable development standards of Chapter 3355, C-3, Community Scale Commercial Development of the Columbus City Codes shall apply.

**A. Density, Height, Lot and/or Setback Commitments.** The site development, height and setback commitments for a convenience store with interior and exterior seating, gasoline sales, and outside display area(s) are depicted on the registered plans.

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

1. Access to West Dublin Granville Road (State Route 161) shall be subject to the review and approval of the Ohio Department of Transportation (ODOT). Access to Linworth Road shall be subject to the review and approval of the City

of Columbus/Department of Public Service, City of Worthington and/or Franklin County Engineer's Office, as applicable, and specifically,

- a. The developer shall widen the north leg of the intersection of West Dublin-Granville Road and Linworth Road to provide a southbound left turn lane with a length of 150' (includes taper) at this intersection. These improvements shall meet the specifications of the City of Columbus, Department of Public Service; City of Worthington; Franklin County Engineer's Office; and Ohio Department of Transportation where applicable.
- b. The access point to West Dublin-Granville Road. (State Route 161) shall be restricted to right-in and right-out turning movements.
2. The parking requirement for the convenience store with interior and outside seating and gasoline sales shall be calculated at one (1) parking space for each two hundred fifty (250) square feet of gross building floor area.
3. The minimum number of parking spaces required per B(2) above, the minimum number of parking spaces required by the City of Worthington and the requirements of Section 3312.49A, Bicycle Parking, shall be satisfied in total on the site, meaning within the City of Columbus and/or City of Worthington areas of the site. A total of 25 parking spaces, occurring in both the City of Columbus and the City of Worthington, as depicted on the Site Plan, shall be the required parking.
4. West Dublin Granville Road and Linworth Road are designated on the Columbus Thoroughfare Plan as 120 foot and 60 foot right of ways, respectively. Right of way totaling sixty (60) feet and thirty (30) feet from centerline for West Dublin Granville Road and Linworth Road, respectively, shall be dedicated to the City of Columbus and the City of Worthington, as applicable, prior to approval of the Site Compliance Plan by the City of Columbus.

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

Landscaping shall be provided along West Dublin Granville Road and Linworth Road within the site, around the building, and in the West Dublin Granville right of way (60 feet from centerline), adjacent to the south property line, as depicted on the "Site Plan".

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

The exterior elevation of the convenience store building and the fuel canopy shall comply with the Elevations (2 sheets).

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

Outdoor display and/or sales shall be limited to the following areas:

1. The seasonal display and sale of firewood (only) is permitted on the sidewalk in front of the convenience store building, subject to a maximum height of three (3) feet and maintaining a four (4) foot wide clear walkway for pedestrians at all times.
2. No merchandise, other than fuel, shall be placed, displayed for sale and/or sold from or on the pump islands.

**F. Graphics and Signage Commitments.**

The applicable graphics standards shall be those standards contained in Article 15 of the Columbus City Code as they apply to the C-4, Commercial District and Section 3372.706, Graphics, of the Community Commercial Overlay (CCO), as applicable, or as may be approved by variance application submitted to the Columbus Graphics Commission.

**G. Miscellaneous Commitments.**

1. The Property shall be developed in accordance with the Site Plan and Elevations (2 sheets) dated and signed November 17, 2014 by Donald Plank, Attorney for Applicant. The Site Plan and Elevations may be slightly adjusted to reflect engineering, topographical, architectural or other data developed at the time of development and when engineering and architectural plans are completed. Any slight adjustment to the Site Plan and/or Elevations 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. Section 3357.18 of the Columbus City Code shall apply if fuel sales are abandoned according to the definition included in this section of the Columbus City Code. The owner/lessee shall follow the requirements found in Section 3357.18 (a through e) to secure the site and maintain the aesthetics of the Property.

#### **H. Other CPD Requirements.**

1. Natural Environment: The Property is located at the north east corner of West Dublin Granville Road and Linworth Road.

2. Existing Land Use: The Property is developed with an existing UDF store with gasoline sales. The Adjacent Property (City of Worthington) is developed with a closed branch bank.

3. Circulation: The curb cuts are shown on the Site Plan.

4. Visual Form of the Environment: The property immediately north of the Property is developed with a residential building and an office building. The property to the east of the Adjacent Lot is improved with a residential condominium development. The property to the south, across West Dublin Granville Road, is developed with a commercial center with a fast food restaurant on the southeast corner of West Dublin Granville Road and Linworth Road. The southwest corner of the intersection is improved with a former car sales lot. The areas north, east and south of the Property are in the City of Worthington. The property to the west, across Linworth Road, is improved with a convenience store and gas pumps and is zoned L-C4 in the City of Columbus.

5. Visibility: The Property is visible from West Dublin Granville Road and Linworth Road.

6. Proposed Development: The proposed development is a retail convenience store with an interior ice cream parlor with seating, an outside seating area (350 +/- sq. ft.), and a fuel sales canopy that includes five (5) pump island dispensers, totaling ten (10) fueling positions.

7. Behavior Patterns: The proposed use would serve the existing residential population north, south and east of the Property as well as motorists moving through the area.

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

#### **I. Modification of Code Standards.**

The site consists of property within both the City of Columbus and the City of Worthington. A property line corresponding to the municipal boundaries of the City of Columbus and the City of Worthington divides the site, the proposed building, the gas canopy and proposed parking and maneuvering areas. Applicant has designed the site as a single site, disregarding the municipal boundaries of the two cities. However, the property areas within the City of Columbus and City of Worthington and resulting tax parcels cannot be combined, the municipal boundary exists at the time of zoning and is anticipated to exist forever and variances to code standards are required due to the municipal boundary. For all zoning and site plan review purposes, the City of Columbus/City of Worthington corporation line shall be disregarded in reviewing all proposed development of the property, the total site area shall be treated as a single site and there shall be no requirement to combine the tax parcels. If a code compliance and/or exterior site or building design requirement arises between the City of Columbus and the City of Worthington that is not addressed by these variance

citations or arises after zoning has been completed, or is depicted on the Site Plan and/or Elevations but not cited in this Section, the Site Plan and/or Elevations shall govern and/or the matter shall be resolved administratively between the two jurisdictions to permit the development, as depicted. No new or additional rezoning or variance shall be required for approval of development materially as depicted on the Site Plan and Elevations (2 sheets).

1. Section 3312.03D, which Section specifies that required parking spaces shall be provided on the same lot they are intended to serve, while portions of the site are located in both the City of Columbus and the City of Worthington, there are separate parcels, total required parking of 25 spaces occurs partially within the City of Columbus and partially within the City of Worthington and neither municipal portion of the site complies with code required parking being wholly located within the City of Columbus or City of Worthington area of the site.

2. Section 3312.25, Maneuvering, to permit parking spaces to have maneuvering area divided by a property line, while total code required maneuvering area shall comply. There shall be no requirement for easement(s) between City of Columbus and City of Worthington areas of the site as long as both areas are owned by the same entity.

3. Section 3312.09, Aisle, to permit an aisle to be divided by a property line, while total code required aisle width shall comply. There shall be no requirement for easement(s) between City of Columbus and City of Worthington areas of the site as long as both areas are owned by the same entity.

4. Section 3312.29, Parking space, to permit parking space(s) to be divided by a property line, while total code required dimensions of a parking space shall comply. There shall be no requirement for easement(s) between City of Columbus and City of Worthington areas of the site as long as both areas are owned by the same entity.

5. Section 3312.49, Minimum Number of Parking Spaces Required, which Section establishes various minimum and maximum numbers of bicycle and automobile parking spaces while the site is divided by the City of Columbus and City of Worthington corporation lines, including the division of the proposed building, gas canopy and parking lot, and total code required parking totaling 25 parking spaces is located in both the Columbus and Worthington areas of the site. Two (2) bicycle parking spaces are required within the City of Columbus area of the site based on the required ratio of bicycle parking to automobile parking spaces, but zero (0) bicycle parking spaces will be provided within the City of Columbus area, and four (4) bicycle parking spaces will be provided in the City of Worthington area and are shown on the Site Plan. For compliance with code required parking of 25 automotive spaces and for compliance with bicycle parking, the sum of the automotive and bicycle parking spaces depicted on the Site Plan shall satisfy compliance, regardless of the municipal location of the automotive or bicycle parking spaces.

6. Section 3312.21(B), Landscaping and Screening, which Section requires on-site parking setback landscaping and headlight screening within the parking setback, while applicant proposes zero (0) parking setback on West Dublin Granville Road, but will provide headlight screening in the West Dublin Granville Road right of way based on the Columbus Thoroughfare Plan required dedication of sixty (60) feet of right of way from centerline.

7. Section 3312.27, Parking Setback Line, which Section requires a ten (10) foot parking setback from West Dublin Granville Road, as measured from the new right of way line sixty (60) feet from centerline after dedication of right of way in accordance with the Columbus Thoroughfare Plan, while applicant proposes zero (0) parking setback along the West Dublin Granville Road frontage of the property.

8. Section 3321.01, Dumpster Area, which Section requires maneuvering area for access to and service of a dumpster to be located wholly on-site or in an alley, while the site is divided by City of Columbus and City of Worthington municipal boundaries and access to and maneuvering for the proposed dumpster location will cross municipal boundaries, which are and will remain property lines, while the overall dumpster site and total on-site access and maneuvering area complies with applicable requirements.

9. Section 3356.11, C-4 District Setback Lines, to reduce the Columbus Thoroughfare Plan required building setback line from 60 feet to 17 feet to permit a new gas pump canopy 17 feet from the new right of way line of West Dublin Granville

Road to be established 60 feet from centerline.

City of Columbus Community Commercial Overlay (CCO): The site is also subject to the West Dublin Granville Road Community Commercial Overlay, by Ordinance 0144-2014, passed February 3, 2014 as 30 day legislation, which became effective after this rezoning application was submitted. For application of the CCO to this site, internal Columbus/Worthington municipal lines shall be disregarded. All standards of the CCO applicable to a "building" shall apply only to the convenience store building, not the fuel canopy. The following code modifications of the CCO are required.

10. Section 3372.704 (A)(B)(D), Setback Requirements, to increase the permitted maximum building setback from a primary street (West Dublin Granville Road) from 25 feet to 85 feet +/- and on a non-primary street (Linworth Road) from 25 feet to 75 feet +/- for the proposed retail convenience store building.

11. Section 3372.705 (B)(F)(G), Building Design Standards, to permit the width of the principal building (convenience store) to be 46% of the City of Columbus lot width rather than 60% and 40% of the lot width of the entire development site (Columbus/Worthington), to permit zero (0) glass on the secondary building frontage (Linworth Road) and to permit the fuel canopy to be freestanding rather than connected to the primary building and located in front of the primary building.

12. Section 3372.707(A)(B)(E)(F)(G), Landscaping and Screening, to not provide a 25 foot landscaped front yard, to not provide on-site parking lot screening on the West Dublin Granville frontage, but parking lot screening in compliance with Subsection E shall be provided adjacent to the West Dublin Granville frontage in the right of way, adjacent to the south property line, to permit a dumpster to be located on the west side of the building, rather than behind (north) of the building, and to permit ground mounted mechanical equipment to be located on the east and/or west sides of the building rather than behind (north) of the building.

13. Section 3372.709, Parking and Circulation (A), to permit parking and circulation aisles between the principal building and a street right of way line.

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