



## Legislation Text

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**File #:** 0385-2016, **Version:** 1

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### **Rezoning Application Z15-048**

**APPLICANT:** Carriage Place; c/o Charlie Fraas and Brent Myers; 250 Civic Center Drive; Suite 500; Columbus, OH 43215.

**PROPOSED USE:** To update an existing CPD for a shopping center to permit increased restaurant and theater square footage, increased parking, and increased height of light poles.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on January 8, 2015.

**CITY DEPARTMENTS' RECOMMENDATION:** The site is developed with a shopping center and zoned in the CPD, Commercial Planned Development District. The current CPD district limits the size of the movie theater to no more than 2060 seats and the total aggregate square footage for restaurants at 18,200 square feet. The requested CPD district removes those restrictions, but caps the total commercial floor area to 307,450 square feet. Staff supports removal of these size limitations since the existing parking count of the shopping center currently exceeds the maximum permitted. The allowable sizes will instead be controlled by the code-required minimum number of parking spaces in Chapter 3312, Off-Street Parking and Loading, of the Columbus Zoning Code. The site lies within the planning area of the *Northwest Plan* (2007), which recommends retail uses to be concentrated at the intersection of Bethel and Sawmill Roads. The request to increase the allowable buildable space for retail or restaurant uses on the site is consistent with Plan recommendations. The CPD text addresses customary use restrictions, site access, landscaping and buffering, outdoor display controls and lighting standards, and is consistent with previous development texts for this site. Variances included in this request will conform the increased light pole height from twenty-eight (28) feet to thirty (30) feet, and the existing maximum number of parking spaces required. All other aspects of the current CPD district are unchanged and remain intact.

To rezone **2698 BETHEL ROAD (43220)**, being 29.05± acres located on the north side of Bethel Road, 550± feet east of Sawmill Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development (Rezoning # Z15-048).

**WHEREAS**, application No. Z15-048 is on file with the Department of Building and Zoning Services requesting rezoning of 29.05± 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, is compatible with the surrounding development and zoning patterns of the area, and is consistent with the land use recommendations of the *Northwest Plan*. Staff supports removal of the restaurant and theater size limitations since the existing parking count of the shopping center currently exceeds the maximum permitted. The size limitations of these uses will instead be controlled by the code-required minimum number of parking spaces in Chapter 3312, Off-Street Parking and Loading, of the Columbus Zoning Code; and

**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:

**2698 BETHEL ROAD (43220)**, being 29.05± acres located on the north side of Bethel Road, 550± feet east of Sawmill Road, and being more particularly described as follows:

**Tract I**

**26.955 Acres**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 4, Township 2, Range 19, United States Military Lands and being out of that tract of land conveyed to Carriage Place, by deeds of record in Official Record 14865D03 and Official Record 14859I19 (all references being to records in the Recorder's Office, Franklin County, Ohio), bounded and described as follows:

Beginning at an iron pin set in the southerly right-of-way line of Resler Drive, of record in Plat Book 70, Page 70, being South 86° 57' 17" East, a distance of 87.37 feet and South 03° 02' 43" West, a distance of 39.72 feet from the centerline of said Resler Drive with Sawmill Road;

thence with said northerly right-of-way line the following courses:

North 89° 36' 42" East, a distance of 95.70 feet to an iron pin set;

South 86° 57' 17" East, a distance of 84.38 feet to an iron pin set;

South 89° 49' 02" East, a distance of 79.90 feet to an iron pin set;

South 86° 57' 17" East, a distance of 748.90 feet to an iron pin set at the northwesterly corner of that 2.092 acre tract as conveyed to Carriage Place of record in Official Record 16178A08;

thence with the perimeter of said 2.092 acre tract, the following courses:

South 02° 51' 08" West, a distance of 332.73 feet to a mag nail set at a southwesterly corner thereof;

South 87° 08' 52" East, a distance of 274.31 feet to a mag nail set at a southeasterly corner thereof;

North 02° 51' 08" East, a distance of 331.81 feet to an iron pin set in the southerly right-of-way line of said Resler Drive;

thence with said southerly right-of-way line, the following courses:

South 86° 57' 17" East, a distance of 174.18 feet to an iron pin set at a point of curvature;

with a curve to the right-of-way a central angle of 89° 48' 25" and a radius of 295.00 feet, a chord bearing and distance of South 42° 03' 05" East, 416.49 feet to an iron pin set at a point of tangency in the westerly right-of-way line of Pickforde Drive;

thence South 02° 51' 08" West, with said westerly right-of-way line, a distance of 503.22 feet to an iron pin set at the northeasterly corner of that 1.063 acre tract as conveyed to Carriage Place of record in Official Record 16096I02;

thence with a northerly line of said 1.063 acre tract, with a curve to the left, having a central angle of 68° 57' 38" and a radius of 30.00 feet, a chord bearing and distance of North 52° 40' 03" West, 33.97 feet to a mag nail set at a point of

tangency;

thence North 87° 08' 52" West, partly with a northerly line of said 1.063 acre tract and partly with the northerly line of that 1.014 acre tract as conveyed to Carriage Place of record in Official Record 19201J03, a distance of 350.00 feet to a mag nail set at the northwesterly corner of said 1.014 acre tract;

thence South 02° 51' 08" West, with the westerly line of said 1.014 acre tract, a distance of 240.00 feet to an iron pin set in the northerly right-of-way line of Bethel Road;

thence North 87° 08' 52" West, with said northerly right-of-way line, a distance of 24.00 feet to an iron pin set at the southeasterly corner of that 1.461 acre tract as conveyed to Carriage Place of record in Instrument Number 199708070065814;

thence with a portion of the perimeter of said 1.461 acre tract, the following courses:

North 02° 51' 08" East, a distance of 312.00 feet to a mag nail set at a northeasterly corner thereof;

North 87° 08' 52" West, a distance of 204.00 feet to a mag nail set at a northwesterly corner thereof;

South 02° 51' 08" West, a distance of 72.00 feet to a mag nail set at the northeasterly corner of that 1.210 acre tract as conveyed to Carriage Place of record in Official Record 19201I18;

thence with a portion of the perimeter of said 1.210 acre tract, the following courses:

North 87° 08' 52" West, a distance of 200.00 feet to a mag nail set at a point of curvature;

with a curve to the left, having a central angle of 90° 00' 00" and a radius of 20.00 feet, a chord bearing and distance of South 47° 51' 08" West, 28.28 feet to a mag nail set at a point of tangency;

South 02° 51' 08" West, a distance of 220.00 feet to a mag nail set in said northerly right-of-way line;

thence North 87° 08' 52" West, with said northerly right-of-way line, a distance of 85.00 feet to an iron pin set at the southeasterly corner of that 1.747 acre tract as conveyed to Carriage Place of record in Instrument Number 199802110031488;

thence with a portion of the perimeter of said 1.747 acre tract, the following courses:

North 02° 51' 08" East, a distance of 50.00 feet to a mag nail set;

South 87° 08' 52" East, a distance of 20.00 feet to a mag nail set;

North 02° 51' 08" East, a distance of 166.77 feet to a mag nail set at a northeasterly corner thereof;

North 72° 08' 52" West, a distance of 310.66 feet to a mag nail set at a northwesterly corner thereof;

South 02° 51' 08" West, a distance of 297.17 feet to an iron pin set in said northerly right-of-way line;

thence North 87° 08' 52" west, with said northerly right-of-way line, a distance of 34.00 feet to an iron pin set at the southeasterly corner of that 0.916 acre tract as conveyed to Carriage Place of record in Official Record 19201I15;

thence with a portion of the perimeter of said 0.916 acre tract, the following courses:

North 02° 51' 08" East, a distance of 219.98 feet to a mag nail set at a northeasterly corner thereof;

North 87° 08' 52" West, a distance of 179.73 feet to a mag nail set in the easterly line of that 1.449 acre tract as conveyed to Carriage Place of record in Official Record 16096H20;

Thence with a portion of the perimeter of said 1.449 acre tract, the following courses:

North 03° 42' 15" East, a distance of 116.00 feet to a mag nail set to a northeasterly corner thereof;

North 71° 17' 40" West, a distance of 181.15 feet to a mag nail set in the easterly line of that 1.115 acre tract as conveyed to Steve L. Cordle of record in Instrument Number 200005020085907;

thence with a portion of the perimeter of said 1.115 acre tract, the following courses:

North 03° 42' 15" East, a distance of 19.52 feet to a mag nail set;

North 87° 08' 52" West, a distance of 6.95 feet to a mag nail set at the southeasterly corner of that 0.821 acre tract as conveyed to Carriage Place of record in Official Record 19201112;

thence with a portion of the perimeter of said 0.821 acre tract, the following courses:

North 02° 51' 08" East, a distance of 174.99 feet to an iron pin set at the northeasterly corner thereof;

North 86° 17' 45" West, a distance of 201.43 feet to an iron pin set in the easterly right-of-way line of said Sawmill Road;

thence North 03° 42' 15" East, with said easterly right-of-way line, a distance of 64.90 feet to an iron pin set at the southwesterly corner of that 0.713 acre tract as conveyed to Carriage Place of record in Official Record 16096H17;

thence with a portion of the perimeter of said 0.713 acre tract, the following courses:

South 86° 17' 45" East, a distance of 200.92 feet to a mag nail set at a southeasterly corner thereof;

North 02° 51' 08" East, a distance of 157.00 feet to a mag nail set at a northeasterly corner thereof;

North 87° 08' 52" West, a distance of 198.61 feet to an iron pin set in the easterly right-of-way line of Sawmill Road;

thence with said easterly right-of-way line, the following courses:

North 03° 42' 15" East, a distance of 182.84 feet to an iron pin set at a point of curvature;

with a curve to the right, having a central angle of 85° 53' 45" and a radius of 30.00 feet, a chord bearing and distance of North 46° 39' 29" East, 40.88 feet to the True Point of Beginning and containing 26.955 acre of land, more or less.

## **Tract II**

### **2.092 Acres**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 4, Township 2, Range 19, United States Military Lands and being part of the 39.447 acre tract of land conveyed to Carriage Place, by deeds of record in Official Record 14865D03 and Official Record 14859I19 (all references being to records in the Recorder's Office, Franklin County, Ohio), bounded and described as follows:

Beginning at a point in the southerly right-of-way line of Resler Drive, (as dedicated by plat of record in Plat Book 70,

Page 70 and being 60 feet in width), that is located South 86° 57' 17" East, 1095.98 feet and South 2° 51' 08" West, 30.00 feet from the intersection of the centerline of Resler Drive with the centerline of Sawmill Road;

thence South 86° 57' 17" East, along said right-of-way line of Resler Drive, a distance of 274.31 feet to a point;

thence South 2° 51' 08" West, a distance of 331.81 feet to a point;

thence North 87° 08' 52" West, a distance of 274.31 feet to a point;

thence North 2° 51' 08" East, a distance of 332.73 feet to the Place of Beginning, containing 2.092 acres, more or less.

**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 elevations being titled, "**WAL-MART COLUMBUS, OHIO STORE # 3812,**" said plans being titled "**SITE PLAN CARRIAGE PLACE,**" and "**WAL-MART STORE NO. 3812-00 LANDSCAPE PLAN,**" and text titled, "**CPD TEXT,**" all signed by Charlie Fraas, Agent for the applicant, and dated January 26, 2016, and the text reading as follows:

#### **CPD TEXT**

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

**PROPERTY ADDRESS:** 2698 Bethel Road

**OWNER:** Carriage Place, an Ohio general partnership

**APPLICANT:** Same as Owner

**DATE OF TEXT:** 1/26/16

**APPLICATION NUMBER:**

**1. INTRODUCTION:** The applicant seeks to bring the Development Text into compliance with the updated parking provisions in the Columbus Zoning Code.

#### **2. PERMITTED USES:**

1. Permitted uses shall be those permitted by Section 3356.03, C-4 of the Columbus City Code. However, no nightclub, arcades (except in the movie theatre), dancehall or billboard shall be permitted on the subject site.

2. The Center Area and the Center Area Parking Lot shown on the Site Plan may not be developed with any building or buildings having a total of more than 307,450 square feet of floor area. However, no single use shall occupy more than 147,900 square feet.

3. One cellular tower shall be permitted on the subject site. Maximum height and location of said tower is subject to Section 3309.142 of the Columbus City Code.

4. Maximum building height shall be 38 feet.

**3. DEVELOPMENT STANDARDS:** Except as otherwise noted herein, the applicable development standards of Chapter 3356 and 3361 shall apply. In addition, the following general and specific development standards shall apply.

**A. Density, Lot, and/or Setback Commitments.**

1. For all of the frontage along Sawmill and Bethel Roads, the setback for buildings and parking shall be a minimum of thirty (30) feet, except that where public and private roadways intersect with Sawmill Road or Bethel Road, an additional corner setback of sixty (60) feet, as measured along a line bisecting the angle formed by the intersection, shall apply.

2. For the entire frontage along Resler Drive and Pickforde Drive, the setback for the buildings and parking shall be a minimum of twenty (20) feet.

3. All landscaping, except grass and any ground cover and flowers, along Sawmill Road and Bethel Road shall have a minimum fifteen (15) feet setback.

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

1. A maximum of four (4) curbcuts onto Bethel Road may be provided. Two (2) of such curbcuts shall be full movement curbcuts, and two (2) shall be right-turn in, right-turn out only. A maximum of two (2) curbcuts onto Sawmill Road may be provided, with one such curbcut being a full movement curbcut, and the other curbcut being a right-turn in and right-turn out only curbcut. For the purpose hereof, curbcuts shall include intersections of dedicated streets as well as driveways.

2. The exact location, rights-of-way, and design of the above-described ingress and egress points shall be subject to review and approval by the Division of Traffic Management.

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

1. All parking and vehicular circulation areas adjacent to Sawmill Road, Bethel Road, Resler Drive and Pickforde Drive shall have headlight screening of thirty (30) inches minimum height along and parallel to such Sawmill Road, Bethel Road, Resler Drive and Pickforde Drive frontages as measured from the elevation of the nearest section of the adjacent parking or vehicular circulation area, except at curbcuts.

2. Landscaping shall be required in the setbacks along the Sawmill Road, Bethel Road, Resler Drive and Pickforde Drive frontages, except at curbcuts .

3. Lot coverage, including buildings, parking and service areas, shall not exceed 85% of the entire site.

4. For each loading area, opaque screening shall be provided between the loading area and Bethel Road and Sawmill Road. The screening shall be a minimum of seven (7) feet in height. Dumpsters shall be screened from view on all sides pursuant to C.C. 3312.01.

5. Landscaping shall be provided at the following ratio of lot coverage (both buildings and parking/loading) for all non-residential uses (in lieu of the landscaping required by Section 3312.21 of the Columbus City Code).

A. 0 to 20,000 square feet - 6" of trunk size plus 1" for every 4,000 square feet of coverage.

B. 20,000 to 100,000 - 10" of trunk size plus 1" for every 4,000 square feet of ground coverage over 20,000 square feet.

C. Over 100,000 square feet - 20" of trunk size plus 1" for every 6,500 square feet of coverage over 100,000 square feet.

Such tree planting material shall be used to provide plantings within parking areas, as part of frontage treatment, and to accent buildings. Commercial sites shall have at least 50% of the landscape ratio requirements provided within parking and service areas. Existing trees of 3" caliper or greater which are retained on a site may be used to offset 2/3 of the above requirements as long as such trees are not located in service areas.

6. The carriage sculpture may be relocated to a planting area along the main entrance to the shopping center or may be donated to the City's Recreation and Parks Center located behind the shopping center.

7. The Subject Site shall be maintained in accordance with the landscape plan titled "Wal-Mart Store No. 3812-00 Landscape Plan." The landscape plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

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

1. The building shall be maintained in accordance with the submitted building elevations titled "Wal-Mart Columbus, Ohio Store # 3812." The building elevations may be slightly adjusted to reflect engineering, architectural, topographical or other site data developed at the time development, engineering and architectural plans are completed. Any slight adjustment to the building elevations shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

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

1. No site lighting shall project upon Don Scott Airfield or the take-off and approach zones to said airport.

2. There are primarily three (3) types of lighting applicable to service the subject property:

High Intensity - Parking lot lighting for shopping areas only.

Street/Walkway-Pedestrian Lighting - Both for Bethel and Sawmill Roads and surrounding residential areas, where applicable.

Walkway Accent Lighting - Low level lighting for walkways, sidewalk markers, etc.

A. All lighting poles will be either of wood or black, brown or bronze colored metal construction.

B. Parking lot lighting will be either sodium or mercury vapor and the pole height will not be greater than 30 feet.

C. Street/Walkway-Pedestrian Lighting will be incandescent lamp or sodium or mercury vapor with a pole height of 12 feet for residential areas and 16 feet for Sawmill Road and Bethel Road wherever applicable.

D. Walkway Accent Lighting will be incandescent lamp and all posts with light fixtures shall be no greater than 48 inches in height.

3. 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 (other than cart corrals) or sales area shall be permitted in the parking lot.

4. Temporary pallet holding areas shall be screened from Resler Drive by a masonry wall to the height of the pallet stacks.

5. No outdoor storage containers other than dumpsters / trash compactor shall be permitted on the subject site.

**F. Graphics and/or Signage Commitments.**

1. All ground supported signage utilized shall reflect a uniform shape, except direction signs, and shall be set in a black, dark brown or bronze color frame with black, dark brown or bronze colored external signage supports, except that monument-type identification signs need not be uniform and need not be set in such frames and the poles for the pylon-type signs referred to in part II.B.4 shall be enclosed in stone columns.
2. Only internally illuminated signage will be used, except that monument-type identification signs may be illuminated otherwise.
3. All signage shall be subject to applicable building setbacks; and no sign shall be in a required front yard with the exception of any directional entry/exit signs which shall be ground type only.
4. The shopping center on the subject site shall have two 25-foot high pylon-type signs identifying the shopping center, with no tenant identification, one pylon-type sign each on Bethel and Sawmill Roads.
5. No billboards shall be permitted.
6. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**G. Miscellaneous Commitments.**

1. The Subject Site shall be maintained in general conformance with the site plan titled, "Site Plan Carriage Place", but shall not preclude additions to the existing structures or replacement of buildings that alter the existing footprint, so long as the CPD commitments above are adhered to. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.
2. The developer shall maintain the sidewalk along the north side of Resler and a portion of the east side of Pickforde Drive and a portion of the west side of Pickforde Drive from Sawmill Road to Bethel Road excluding access points as shown on the attached "Wal-Mart Store No. 3812-00 Landscape Plan." The developer shall also maintain a crosswalk on Resler Drive and a crosswalk on Pickforde Drive in the locations labeled "Proposed Crosswalk Area" as shown on the attached "Wal-Mart Store No. 3812-00 Landscape Plan."
4. CPD Criteria.
  - a) NATURAL ENVIRONMENT The site is developed with a shopping center.
  - b) EXISTING LAND USES To the north across Resler Drive: City Recreational Center/Park and multi-family development; to the east across Resler Drive: multi-family development; to the south across Bethel Road: a mixture of commercial and residential uses; and to the west: commercial development and a utility installation.
  - c) TRANSPORTATION AND CIRCULATION This site has access to Sawmill Road, Bethel Road, Resler Drive and Pickforde Drive
  - d) VISUAL FORM OF THE DEVELOPMENT See development text
  - e) 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 the motorists and pedestrians.



f) PROPOSED DEVELOPMENT Commercial

g) EMISSIONS No adverse effects from emissions shall result from the proposed development.

h) BEHAVIOR PATTERNS The proposed development will serve the existing residential population as well as the motorist who uses Bethel or Sawmill Roads to get to his/her place of employment.

5. Variances.

a) Variance to Section 3312.49(C) to increase the maximum number of parking spaces permitted to 1,684.

b) Variance to Section 3321.03(A) to maintain increased light pole height of 30 feet.

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