



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0354-2017, **Version:** 1

Rezoning Application Z16-053

APPLICANT: Englefield Oil; c/o Laura MacGregor Comek, Atty.; 300 East Broad Street, Suite 450; Columbus, OH 43215.

PROPOSED USE: Fueling station with convenience store.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on November 10, 2016.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single parcel developed with a fueling station and small convenience store in the CPD, Commercial Planned Development District. The requested CPD, Commercial Planned Development District, permits redevelopment of the site with an updated fueling station and convenience store. The site is located within the boundaries of the Bethel Road Regional Commercial Overlay and is within the planning area of *The Northwest Plan* (2016), which recommends "Mixed Use 1," a commercial classification with residential uses supported, at this location. Staff finds that the proposed CPD, Commercial Planned Development District is consistent with *The Northwest Plan* recommendation and surrounding development patterns.

To rezone **5067 OLENTANGY RIVER ROAD (43214)**, being 0.47± acres located at the northwest corner of Bethel Road and Olentangy River Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z16-053).

WHEREAS, application # Z16-053 is on file with the Department of Building and Zoning Services requesting rezoning of 0.47± 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 consistent with *The Northwest Plan* recommendation for mixed use development, and is compatible with the surrounding development patterns; 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:

5067 OLENTANGY RIVER ROAD (43214), being 0.47± acres located at the northwest corner of Bethel Road and Olentangy River Road, and being more particularly described as follows:

SITUATED IN THE CITY OF COLUMBUS COUNTY OF FRANKLIN, STATE OF OHIO: AND BEING LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 18, UNITED STATES MILITARY LANDS, AND BEING 1.031 ACRE OF THE OHIO HOLDING CO 2.821 ACRE TRACT AS SHOWN OF RECORD IN DEED BOOK 3076, PAGE

544 ALL REFERENCES BEING TO RECORDS OF THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A SPIKE WHERE THE CENTERLINE OF OLENT ANGY RIVER ROAD (STATE ROUTE 315) INTERSECTS THE CENTERLINE OF BETHEL ROAD, BEING ALSO THE SOUTHEASTERLY CORNER OF THE SAID OHIO HOLDING CO 2.821 ACRE TRACT;

THENCE SOUTH 89°54' WEST, ALONG THE CENTERLINE OF BETHEL ROAD, A DISTANCE OF 269.16 FEET TO A POINT;

THENCE NORTH 0°06' WEST ACROSS SAID OHIO HOLDING CO TRACT, A DISTANCE OF 217.32 FEET TO AN IRON PIN;

THENCE NORTH 89°56'35" EAST A DISTANCE OF 144.71 FEET TO A POINT IN THE CENTERLINE OF THE OLENTANGY RIVER ROAD PASSING AN IRON PIN AT 110.12 FEET;

THENCE SOUTH WITH THE CENTERLINE OF THE OLENTANGY RIVER ROAD SOUTH 29°54'45" EAST A DISTANCE OF 250.33 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.031 ACRES, MORE OR LESS.

LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PREMISES CONVEYED TO THE CITY OF COLUMBUS, OHIO BY QUIT-CLAIM DEED ON JUNE 18, 1982, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SITUATED IN THE CITY OF COLUMBUS, COUNTY OF FRANKLIN, STATE OF OHIO: AND LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 18, UNITED STATES MILITARY LANDS, AND BEING PART OF A 1.031 ACRE TRACT AS SHOWN OF RECORD IN DB 3706, PAGE 316 IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A SPIKE WHERE THE CENTERLINE OF OLENTANGY RIVER ROAD (STATE ROUTE NO. 315) INTERSECTS THE CENTERLINE OF BETHEL ROAD; THENCE WITH THE CENTERLINE OF SAID BETHEL ROAD SOUTH 89°54' WEST A DISTANCE OF 269.16 FEET; THENCE NORTH 0°06' WEST, PASSING AN IRON PIN AT 30.00 FEET, A DISTANCE OF 60.00 FEET; THENCE NORTH 89°54' EAST, PARALLEL WITH THE CENTERLINE OF SAID BETHEL ROAD, A DISTANCE, A DISTANCE OF 154.76 FEET; THENCE NORTH 29°58'30" EAST A DISTANCE OF 34.03 FEET; THENCE NORTH 29°54'45" WEST, PARALLEL WITH THE CENTERLINE OF OLENTANGY RIVER ROAD, A DISTANCE OF 147.29 FEET TO THE NORTH LINE OF THE GRANTOR'S 1.031 ACRE PARCEL; THENCE NORTH 89°56'35" EAST, PASSING AN IRON PIN AT 11.53 FEET, A DISTANCE OF 46.12 FEET TO THE CENTERLINE OF OLENTANGY RIVER ROAD (STATE ROUTE NO. 315); THENCE SOUTH 29°54'45" EAST WITH SAID CENTERLINE OF OLENT ANGY RIVER ROAD A DISTANCE OF 250.33 FEET TO THE POINT OF BEGINNING ON THE CENTERLINE OF BETHEL ROAD, CONTAINING 22,865.27 SQUARE FEET, OR 0.525 ACRES, MORE OR LESS:

THIS DESCRIPTION BY ROBERT L. FURNISS, REGISTERED SURVEYOR NO. 4436, BASED ON A SURVEY BY EVANS, MECHWART, BAMBLETON & TILTON, INC., DATED FEBRUARY 22, 1982.

LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PREMISES CONVEYED TO THE CITY OF COLUMBUS, OHIO BY GENERAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 200809190141440 OF FRANKLIN COUNTY RECORDS AND DESCRIBED AS FOLLOWS:

SITUATED IN THE CITY OF COLUMBUS, COUNTY OF FRANKLIN, STATE OF OHIO, BEING LOCATED IN QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 18, UNITED STATES MILITARY LANDS AND BEING PART OF 0.506 ACRE TRACT OF LAND CONVEYED TO BP EXPLORATION & OIL, INC., BY INSTRUMENT NUMBER 199712220173204 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, FOR REFERENCE, AT A FRANKLIN COUNTY MONUMENT FCGS 1137, FOUND AT THE INTERSECTION OF THE CENTERLINES OF OLENTANGY RIVER ROAD (A PUBLIC ROADWAY WITH A VARYING RIGHT OF WAY WIDTH) AND BETHEL ROAD (A PUBLIC ROADWAY WITH A VARYING RIGHT OF WAY WIDTH), FROM SAID MONUMENT FCGS 1176 BEARS NORTH 87° 14' 06" WEST A DISTANCE OF 1021.95 FEET, AND FCGS 1138 BEARS NORTH 27° 02' 53" WEST A DISTANCE OF 677.40 FEET;

THENCE ALONG THE CENTERLINE OF SAID OLENTANGY RIVER ROAD NORTH 27° 02' 53" WEST A DISTANCE OF 250.34 FEET TO THE NORTHEASTERLY CORNER OF A 0.525 ACRE TRACT OF LAND CONVEYED TO THE CITY OF COLUMBUS IN OFFICIAL RECORD 01844D05;

THENCE LEAVING SAID CENTERLINE ALONG THE NORTHERLY LINE OF SAID 0.525 ACRE TRACT NORTH 87° 11' 31" WEST A DISTANCE OF 46.12 FEET TO AN IRON PIN SET AT A NORTHWESTERLY CORNER OF SAID 0.525 ACRE TRACT, ALSO BEING THE NORTHEASTERLY CORNER OF SAID 0.506 ACRE TRACT, SAID PIN ALSO BEING IN THE SOUTHERLY LINE OF SAID 0.898 ACRE TRACT CONVEYED TO PAYTON MANAGEMENT GROUP, LLC BY INSTRUMENT NUMBER 200503020037623, SAID PIN ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG THE EASTERLY LINE OF SAID 0.506 ACRE TRACT, ALSO BEING A WESTERLY LINE OF SAID 0.525 ACRE TRACT, ALSO BEING THE EXISTING WESTERLY RIGHT OF WAY LINE OF SAID OLENTANGY RIVER ROAD THE FOLLOWING TWO COURSES:

1. SOUTH 27° 02' 59" EAST A DISTANCE OF 147.28 FEET TO AN IRON PIN SET;
2. SOUTH 32° 50' 24" WEST A DISTANCE OF 11.56 FEET TO AN IRON PIN SET;

THENCE ALONG THE NEW WESTERLY RIGHT OF WAY LINE OF SAID OLENTANGY RIVER ROAD NORTH 27° 02' 59" WEST A DISTANCE OF 158.82 FEET TO AN IRON PIN SET IN THE NORTHERLY LINE OF SAID 0.506 ACRE TRACT, SAID PIN ALSO BEING IN THE SOUTHERLY LINE OF SAID 0.898 ACRE TRACT; THENCE ALONG THE NORTHERLY LINE OF SAID 0.506 ACRE TRACT, ALSO BEING THE SOUTHERLY LINE OF SAID 0.898 ACRE TRACT, SOUTH 87° 11' 31" EAST A DISTANCE OF 11.53 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 0.0351 ACRES

THE BEARINGS CONTAINED HEREIN ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, USING NAD1983 (1986 ADJUSTMENT). THE BEARING FROM FRANK 162 TO FRANK 61 IS SOUTH 85° 31' 31" EAST. ALL BEARINGS HEREON ARE SHOWN TO INDICATE ANGLES ONLY.

MONUMENTS REFERRED TO AS IRON PINS SET ARE 3/4" DIAMETER BY 30" LONG IRON BARS WITH YELLOW CAPS STAMPED, WO PARTNERS, P.S. #8124.

THIS DESCRIPTION IS BASED UPON A FIELD SURVEY PERFORMED BY WD PARTNERS IN JUNE OF 2008, UNDER THE DIRECT SUPERVISION OF KEVIN P. CARPENTER, PROFESSIONAL SURVEYOR NUMBER 8124.

PARCEL NO. 010-102424-00

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 plans being titled, "**SITE PLAN**" and "**PLANTING PLAN**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," all dated November 17, 2016, and signed by Laura MacGregor Comek, Attorney for the Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD, Commercial Planned Development

PROPERTY ADDRESS: 5067 Olentangy River Road, Columbus, Ohio 43214

OWNER: Olentangy & Bethel Duchess LLC

APPLICANT: Englefield Oil, c/o Laura MacGregor Comek, Esq.; Laura MacGregor Comek Law, LLC; 300 East Broad Street, Suite 450; Columbus, Ohio, 43215

DATE OF TEXT: November 17, 2016

APPLICATION NUMBER: Z16-053

I. INTRODUCTION:

The Subject Site (PID: 010-102424) is approximately .47 acres in size located on the northwest corner of Bethel Road and Olentangy River Road.

The Site is currently developed as an existing gasoline service station with convenience store and canopy. Applicant proposes to demolish the existing building, canopy and associated structures and redevelop the Site with an improved convenience store, fuel sales area, display areas, and canopy. The requested rezoning is intended to replace the original CPD with this new CPD text, plan, and commitments. This plan includes updated landscaping.

II. PERMITTED USES:

Fuel sales and convenience store shall be permitted.

III. DEVELOPMENT STANDARDS:

Except as otherwise noted herein or on the Site Plan incorporated herein, the applicable standards of Chapter 3356 (C-4) shall apply to this site.

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

1. The convenience store building shall be located in the area designated as "New Duchess" on the CPD Site Plan submitted with this rezoning (the "Site Plan").

2. The canopy and pump islands shall be located in the area designated as "Fuel Canopy" on the Site Plan.
3. The canopy setback from Bethel Road shall be not less than 35 feet and from Olentangy River Road shall not be less than 20 feet, as shown on the Site plan.
4. The building setback shall be not less than 22 feet from Olentangy River Road, after right of way dedication, as shown on the Site plan.
5. The parking setback from Bethel Road shall be 5, feet and from Olentangy River Road, after right of way dedication, shall be 0 feet, as shown on the Site plan.

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

1. The existing curb cut locations (one on Bethel Road and one on Olentangy River Road) shall remain.
2. The Site shall provide a minimum of 8 parking spaces, including 1 ADA accessible parking space.

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

1. The subject Property shall be landscaped as shown on the Planting Plan. Site Plan notations and specifications attached to or made part of the Planting Plan shall be part of this CPD text as if fully rewritten herein.
2. There shall be 6-foot high wood, board on board fence painted brown along the north and north west side of the site as shown on the Site Plan.

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

1. Materials for the facility shall be brick, brick veneer, stone or stucco stone, metal, stucco, synthetic stucco (EIFS), wood and glass. No exposed painted concrete block shall be permitted. Commercial decorative finish to block may be used.

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

1. The dumpster will be located as shown on the Site Plan. Three (3) of the sides shall be screened with either a minimum 6-foot high wood fence painted to match the brick on the station, or a brick façade matching the exterior brick façade of the convenience store. The gate shall be the same height and complementary in design.
2. Rear wall packs shall be installed no higher than 7 feet.
3. Light poles in the parking lot shall not exceed a height of 18 feet.
4. No outdoor speakers shall be permitted on the Property other than an intercom system for communication between the pump islands and the convenience store.
5. The outdoor display area in the front of the building along the sidewalk will be limited to a maximum of 4 feet in depth, 12 feet in width, and 3 feet high. Display areas at the ends of the pump islands will be limited to 4 feet in depth, 4 feet in width, and 3 feet high. The outdoor display areas shall contain only those items normally and customarily sold by a Gas Station.

F. Graphic Commitments.

1. The applicable graphics standards shall be those contained in Columbus City Code Articles 15 as they apply to a C-4 Commercial District in the Bethel Road Regional Commercial Overlay. Variances to those requirements will be submitted to the City of Columbus Graphics Commission for consideration. Applicant agrees to submit a Graphics Plan for the site to the City of Columbus Graphics Commission and to incorporate brick into the monument signage, akin to that on the building façade.

G. Miscellaneous Commitments.

1. The Property shall be developed in accordance with the Site Plan and Planting Plan; however, the plans may be slightly adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of the Department of Building and Zoning Services or a designee shall review and may approve any slight adjustment to the plans upon submission of the appropriate data regarding the proposed adjustment.
2. The property shall comply with the provisions of Columbus City Code Section 3357.18., with the following exception, such that in the event that redevelopment and/or new construction activity causes the retail fuel sales operation to cease for more than six months within a calendar year, the operation will not be considered abandoned for so long as there is an

active building permit for said construction that is causing the closure.

3. The access point to Olentangy River Road shall be limited to only right-in and right-out turning movements with reboundable posts.

4. The property owner shall enter into a maintenance agreement with the City of Columbus for the ongoing maintenance of the reboundable posts at the site access point to Olentangy River Road.

IV. CPD REQUIREMENTS:

A. Natural Environment: The Property is currently a gasoline service station with a convenience store located at the northwest corner of Bethel Road and Olentangy River Road. The surrounding area is developed with mixed commercial and office uses. North and west of the site is a vacant C-2 lot that housed a former office building in disrepair. The property across the street to the south is a commercial shopping center zoned C-2 and C-C4. Property to the east across Olentangy River Road are various multi-family residential uses and is zoned PUD 6 and 8.

B. Existing Land Use: Currently operating gasoline service station with convenience store, display areas, and canopy.

C. Transportation and Circulation: The Property will retain its existing curb cuts, although improved for efficiency of movements. The site has been reduced in size by right-of-way acquisitions by the City of Columbus for widening of Bethel Road and Olentangy River Road.

D. Visual Form of the Environment: The adjacent commercial uses along the north side of Bethel Road and is located across from a long-developed commercial shopping center including 24 hour drive thru fast food restaurant. Property to the rear is developed with an office building and associated parking. Property to the east consists of multi-family use and the on-off ramp to State Route 315.

E. View and Visibility: The Property is visible from Bethel Road and Olentangy River Road.

F. Proposed Development: A convenience store with fuel sales, display areas, canopy, and associated parking.

G. Behavior Patterns: The Property will service existing traffic traveling on Olentangy River Road and Bethel Road.

H. Emissions: No adverse effect from emissions is expected to result from the proposed development.

V. VARIANCES:

A. This development includes a variance from C.C.C. 3312.49 - Minimum number of parking spaces, which section requires a minimum of 2 parking spaces for fuel sales use and a parking ratio of 1:250 square feet of retail of 10,000 square feet or less (1,555 square feet requires a minimum of 6.22 parking spaces) for a total minimum of 9 parking spaces required, while 8 parking spaces shall be provided on the site.

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