



# City of Columbus

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

## Legislation Text

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**File #:** 1704-2018, **Version:** 1

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### **Rezoning Application: Z17-051**

**APPLICANT:** Certified Oil Company; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on March 8, 2018.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This site is undeveloped and zoned in the L-C-4, Limited Commercial District. The applicant is requesting the CPD, Commercial Planned Development District to permit fuel sales with convenience retail. The development text provides commitments to a site plan and development standards addressing setback requirements, traffic access, buffering, building elevations, outdoor display areas, and graphics provisions. The site is within the boundaries of the *Far North Area Plan* (2014), which recommends "Regional Mixed Use" land uses for this location. Staff supports this request noting that the proposal is consistent with the land use recommendations of the area plan and the development pattern of the area.

To rezone **2161 IKEA WAY (43240)**, being 1.69± acres located on the south side of Ikea Way, 1,045± feet east of Orion Place, **From:** L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning # Z17-051).

**WHEREAS**, application # Z17-051 is on file with the Department of Building and Zoning Services requesting rezoning of 1.69± acres from L-C-4, Limited 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 will allow fuel sales with convenience retail that is consistent with the land use recommendations of the *Far North Area Plan* and the zoning and development pattern of the area; 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:

**2161 IKEA WAY (43240)**, being 1.69± acres located on the south side of Ikea Way, 1,045± feet east of Orion Place, and being more particularly described as follows:

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lot 17, Quarter Township 4, Township 3, Range 18, United States Military Lands, being 1.691 acres out of Farm Lot 17, being 1.691 acres out of a 90.848 acre tract of land described in a deed to Polaris 91, LLC of record in Official Record Volume 1094, Page 959, and

being more particularly described as follows:

COMMENCING for reference at a Monument Box found at the intersection of the centerline of Orion Place and the centerline of Ikea Way (Ordinance Number 0548-2016) formerly Gemini Parkway Extension of record in Official Record Volume 1328, Page 908;

Thence South 87°04'54" East, a distance of 355.57 feet with the centerline of said Ikea Way, to a Monument Box found;

Thence North 83°14'47" East, a distance of 675.94 feet crossing said Ikea Way, to a Monument Box found;

Thence South 27°18'17" East, a distance of 104.38 feet crossing said Ikea Way, to a ¾" iron pin found with an aluminum Kokosing cap on the south right-of-way line of said Ikea Way, being on the south line of an 8.685 acre tract of land described in a deed to the City of Columbus, Ohio of record in Official Record Volume 1388, Page 2689, and being the TRUE POINT OF BEGINNING of the tract to be described;

Thence with the south right-of-way line of said Ikea Way and with the south line of said 8.685 acre tract, the following two (2) courses and distances:

1. North 33°31'04" East, a distance of 74.30 feet, to a ¾" iron pin found with an aluminum Kokosing cap;
2. With the arc of a curve to the right having a radius of 1590.52 feet, a central angle of 6°08'18", a chord bearing of North 83°14'48" East, a chord distance of 170.32 feet, and an arc length of 170.40 feet, to an iron pin set;

Thence South 11°28'57" East, a distance of 349.13 feet crossing said 90.848 acre tract, to an iron pin set on the north line of a 4.551 acre tract of land described in a deed to Polaris GG, LLC of record in Official Record Volume 829, Page 1356;

Thence North 86°44'26" West, a distance of 129.65 feet with the north line of said 4.551 acre tract, to a ⅝" iron pin found with a Floyd Browne cap at the northwest corner of said 4.551 acre tract;

Thence crossing said 90.848 acre tract, with the following two (2) courses and distances:

1. South 79°23'52" West, a distance of 101.15 feet, to an iron pin set;
2. North 10°36'08" West, a distance of 276.12 feet, to the TRUE POINT OF BEGINNING, containing 1.691 acres of land, more or less, there being 1.691 acres out of Parcel Number 318-442-02-025-001.

Basis of Bearing: Bearings are based on data acquired by GPS observations as per NAD 83 (1986) - Ohio State Plane Coordinate System - North Zone from the Delaware County Geodetic Control Monumentation.

All iron pins set are ⅝" solid iron pins 30" in length with a yellow plastic cap stamped "CT Consultants".

The above description is based on and referenced to an exhibit prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Delaware County, Ohio.

**To Rezone From:** L-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, “**SITE PLAN - SHEET NO. 1,**” “**LANDSCAPE PLAN SHEET NO. 2,**” “**BUILDING ELEVATIONS - SHEET NO. 3,**” and “**CANOPY ELEVATIONS - SHEET NO. 4,**” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT,**” all dated June 4, 2018, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

### **COMMERCIAL PLANNED DEVELOPMENT TEXT**

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

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

**PROPERTY ADDRESS:** 2161 Ikea Way, Columbus, Columbus, Ohio 43240

**ACREAGE:** 1.691 +/- acres

**PID:** 318-442-02-025-009

**OWNER:** Polaris CG, LLC c/o Dave Perry, Agent, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, Ohio 43215.

**APPLICANT:** Certified Oil Company c/o Dave Perry, Agent, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, Ohio 43215.

**DATE OF TEXT:** June 4, 2018

**APPLICATION:** Z17-051

## **1. INTRODUCTION**

The property subject to this rezoning is located at 2161 Ikea Way (the “Property”). The Property is 1.691 +/- acres located on the south side of Ikea Way approximately 1,045 +/- feet east of Orion Place, and is zoned L-C-4, Limited Commercial (Z91-018C). Applicant proposes to rezone the Property to the CPD, Commercial Planned Development District to permit a convenience store with retail fuel sales. The plans titled “Site Plan - Sheet No. 1”, “Landscape Plan - Sheet No. 2”, “Building Elevations - Sheet No. 3”, and “Canopy Elevations - Sheet No. 4”, hereafter Site Plan, Landscaping Plan, Building Elevations and Canopy Elevations, respectively, all dated June 4, 2018, as referenced in Section 2.G., depict the proposed development of a convenience store with retail sale of fuel, and outside display area(s).

## **2. PERMITTED USES**

Uses permitted per Columbus City Code Section 3356.03, C-4 Permitted Uses and a convenience store with retail sale of fuel and outside display area(s).

## **3. DEVELOPMENT STANDARDS**

Unless otherwise indicated herein or on the Site Plan, Landscaping Plan, Building Elevations and/or Canopy Elevations, the applicable development standards of Chapter 3356, C-4, Regional Scale Commercial District 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 retail sale of fuel and outside display area(s) are depicted on the registered plans.

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

1. Unless otherwise approved by the Division of Traffic Management, the following shall be required: Access to Ikea Way shall be by a right-in/right-out curbcut located approximately straddling the east P/L of the Property and the west property line of the adjacent property to the east. An eastbound right turn lane shall be provided at the Ikea Way access point. Right-in/right-out and full turning movement curbcuts, as depicted on the Site Plan, shall be permitted

for access to Road A (unnamed at this time), on the west side of the Property.

2. Dedication of additional Ikea Way right of way to the City of Columbus to provide a right deceleration lane and shared use path shall be conveyed in conjunction with the final Site Compliance Plan.

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

For development of a convenience store with retail sale of fuel, landscaping shall be provided, as depicted on the Landscape Plan.

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

The exterior elevations of the convenience store building and the fuel canopy are depicted on the Building Elevations and Canopy Elevations.

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

1. The outside display and sale of propane tanks, ice and/or firewood shall be permitted. These products shall only be displayed on the sidewalk directly abutting the convenience store building and shall be placed to maintain a minimum four (4) foot wide clear walkway for pedestrians at all times.

2. One (1) outside merchandise display rack shall be permitted on each fuel pump island for the sale of oil and other automotive fluids and related supplies, subject to no display rack being taller than four (4) feet and being completely located on the pump island(s).

### **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. Any ground sign shall be monument-style. Any variance to the applicable requirements of the C-4, Commercial District, shall be submitted to the Columbus Graphics Commission.

### **G. Miscellaneous Commitments.**

1. The Property shall be developed in accordance with the plans titled "Site Plan - Sheet No. 1", "Landscape Plan - Sheet No. 2", "Building Elevations - Sheet No. 3", and "Canopy Elevations - Sheet No. 4", dated June 4, 2018 and signed by David B. Perry, Agent, and Donald Plank, Attorney, if the site is developed with a convenience store with retail fuel sale and outside display areas. The referenced plans shall not be applicable to the Property if it is developed for a use other than a convenience store with retail fuel sale. The referenced plans 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, Landscape 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. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

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

1. Natural Environment: The Property is located on the south side of Ikea Way, 1,045' +/- east of Orion Place.

2. Existing Land Use: The Property is undeveloped, but is part of a large commercially zoned area.

3. Circulation: The site is at the southeast corner of Ikea Way and Road A (future). The Property will have vehicular access on both Ikea Way and Road A, as shown on the Site Plan.
4. Visual Form of the Environment: Property in all directions is zoned for commercial uses. Property to the north and south is developed with large commercial uses (Ikea and LA Fitness, respectively), as well as undeveloped commercially zoned land. A new public street to connect Ikea Way with Polaris Parkway is planned abutting the west side of the Property. Undeveloped commercially zoned land is located to the north, east and west.
5. Visibility: The Property is visible from Ikea Way and will be from future Road A.
6. Proposed Development: The proposed development is a retail convenience store with retail sale of fuel and accessory outside display, as depicted on the Site Plan.
7. Behavior Patterns: The proposed use is appropriate for the location on an arterial street in a regional commercial area.
8. Emissions: No adverse effect from emissions shall result from the proposed development.

**I. Modification of Code Standards.**

N/A

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