



## Legislation Text

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**File #: 1778-2018, Version: 1**

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### **Rezoning Application: Z18-023**

**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 (4-0) on June 14, 2018.

**FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped in the AR-O, Apartment Residential-Office District. The applicant is requesting the CPD, Commercial Planned Development District to permit a fuel sales facility with convenience retail. The development text commits to a site plan and elevations and includes development standards addressing setback requirements, traffic access, buffering, building materials, outdoor display areas, and graphics provisions. The site is within the boundaries of the *South Central Accord Plan* (1997), which recommends "High-Density Residential" land uses for this location. While the proposal is not consistent with the Plan's land use recommendations, Staff supports the use based on its location along a major thoroughfare and its proximity to Scioto Downs Racetrack and Casino.

To rezone **5865 SOUTH HIGH STREET (43207)**, being 5.46± acres located on the west side of South High Street, 2,160± feet north of Cottage Street, **From:** AR-O, Apartment Residential-Office District, **To:** CPD, Commercial Planned Development District (Rezoning # Z18-023).

**WHEREAS**, application # Z18-023 is on file with the Department of Building and Zoning Services requesting rezoning of 5.46± acres from AR-O, Apartment Residential-Office District, to CPD, Commercial Planned Development District; and

**WHEREAS**, the Development Commission recommends approval of said zoning change; and

**WHEREAS**, the Far South Columbus Area 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 compatible with the development standards of the adjacent commercial development; 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:

**5865 SOUTH HIGH STREET (43207)**, being 5.46± located on the west side of South High Street, 2,160± feet north of Cottage Street, and being more particularly described as follows:

Property Description For Certified Oil-4.247 Acres  
SUBAREA A

Known as and being a tract of land situated in The City of Columbus and is a part of the Northwest Quarter of Section #33, Hamilton Township, Township #4, Range #22, Congress Lands, Franklin County, State of Ohio and is a part of a 163.444 Acres tract conveyed to PFK Company II, LLC as described in Instrument 201212130192046 and Tamarack Enterprises II, L.P. as described in Instrument 201409300128917 of the Franklin County Recorder's office and being more fully described as follows:

Commencing at Mag nail found at the centerline intersection of Cottage Street (60 feet wide) and S. High Street (U.S. Route 23 -Width varies);

Thence by the next three courses along said S. High Street centerline N 06°-39'-44" E a distance of 377.33 feet to a point of curvature;

Thence on a curve to the left having a radius of 4750.65 feet, a delta angle of 13°-47'44", an arc distance of 1143.86 feet and a chord bearing N 00°-14'-05" W for a distance of 1141.10 feet to an iron pipe found at a point of tangency;

Thence N 07°-07'-57" W a distance of 556.40 feet to a point;

Thence leaving said S. High Street centerline and through lands of the Grantor, S 82°-52'-03" W a distance of 80.45 feet to an iron pin set on the southwesterly right-of-way line of said S. High Street and the true place of beginning of the tract of land herein described:

Thence continuing by the next twelve courses through lands of the Grantor S 82°-52'-03" W a distance of 251.55 feet to an iron pin set at a point of curvature,

Thence on a curve to the right having a radius of 75.00 feet, a delta angle of 90°-00'00", an arc distance of 117.81 feet and a chord bearing N 52°-07'-57" W for a distance of 106.07 feet to an iron pin set at a point of tangency;

Thence N 07°-07'-57" W a distance of 123.00 feet to an iron pin set;

Thence S 82°-52'-03" W a distance of 60.00 feet to an iron pin set;

Thence S 07°-07'-57" E a distance of 112.08 feet to an iron pin set;

Thence S 82°-52'-03" W a distance of 145.00 feet to an iron pin set;

Thence N 07°-07'-57" W a distance of 218.00 feet to an iron pin set;

Thence N 82°-52'-03" E a distance of 145.00 feet to an iron pin set;

Thence S 07°-07'-57" E a distance of 95.92 feet to an iron pin set;

Thence N 82°-52'-03" E a distance of 60.00 feet to an iron pin set;

Thence N 07°-07'-57" W a distance of 263.00 feet to an iron pin set;

Thence N 82°-52'-03" E a distance of 327.00 feet to an iron pin set on said S. High Street right-of-way line;

Thence by the next two courses along said right-of-way line, S 07°-07'-57" E a distance of 444.71 feet to an iron pin set at a point of deflection;

Thence S 06°-08'-58" E a distance of 26.29 feet to the true place of beginning of the tract of land herein described.

Containing in area 4.247 Acres and being subject to all legal highways, right of ways and easements.

All iron pins set are 5/8" in diameter re-bar 30" long with I.D. Caps bearing Chamberlin #6744.

The reference bearing based on State Plane Grid South, NAD83 (2011) to denote angles only.

Property Description For Certified Oil-0.850 Acres  
(Access Parcel 1)  
SUBAREA B

Known as and being a tract of land situated in The City of Columbus and is a part of the Northwest Quarter of Section #33, Hamilton Township, Township #4, Range #22, Congress Lands, Franklin County, State of Ohio and is a part of a 163.444 Acres tract conveyed to PFK Company II, LLC as described in Instrument 201212130192046 and Tamarack Enterprises II, L.P. as described in Instrument 201409300128917 of the Franklin County Recorder's office and being more fully described as follows:

Commencing at Mag nail found at the centerline intersection of Cottage Street (60 feet wide) and S. High Street (U.S. Route 23 -Width varies);

Thence by the next three courses along said S. High Street centerline N 06°-39'-44" E a distance of 377.33 feet to a point of curvature;

Thence on a curve to the left having a radius of 4750.65 feet, a delta angle of 13°-47'44", an arc distance of 1143.86 feet and a chord bearing N 00°-14'-05" W for a distance of 1141.10 feet to an iron pipe found at a point of tangency;

Thence N 07°-07'-57" W a distance of 494.40 feet to a point;

Thence leaving said S. High Street centerline and through lands of the Grantor, S 82°-52'-03" W a distance of 81.51 feet to an iron pin set on the southwesterly right-of-way line of said S. High Street and the true place of beginning of the tract of land herein described:

Thence continuing by the next six courses through lands of the Grantor S 82°-52'-03" W a distance of 385.49 feet to an iron pin set;

Thence N 07°-07'-57" W a distance of 260.00 feet to an iron pin set;

Thence N 82°-52'-03" E a distance of 60.00 feet to an iron pin set;

Thence S 07°-07'-57" E a distance of 123.00 feet to an iron pin set at a point of curvature;

Thence on a curve to the left having a radius of 75.00 feet, a delta angle of 90°-00'00", an arc distance of 117.81 feet and a chord bearing S 52°-07'-57" E for a distance of 106.07 feet to an iron pin set at a point of tangency;

Thence N 82°-52'-03" E a distance of 251.55 feet to an iron pin set on said S. High Street right-of-way line;

Thence along said right-of-way line, S 06°-08'-58" E a distance of 62.01 feet to the true place of beginning of the tract of

land herein described.

Containing in area 0.850 Acres and being subject to all legal highways, right of ways and easements.

All iron pins set are 5/8" in diameter re-bar 30" long with I.D. Caps bearing Chamberlin #6744.

The reference bearing based on State Plane Grid South, NAD83 (2011) to denote angles only.

Property Description For Certified Oil-0.362 Acres  
(Access Parcel 2)  
SUBAREA C

Known as and being a tract of land situated in The City of Columbus and is a part of the Northwest Quarter of Section #33, Hamilton Township, Township #4, Range #22, Congress Lands, Franklin County, State of Ohio and is a part of a 163.444 Acres tract conveyed to PFK Company II, LLC as described in Instrument 201212130192046 and Tamarack Enterprises II, L.P. as described in Instrument 201409300128917 of the Franklin County Recorder's office and being more fully described as follows:

Commencing at Mag nail found at the centerline intersection of Cottage Street (60 feet wide) and S. High Street (U.S. Route 23 -Width varies);

Thence by the next three courses along said S. High Street centerline N 06°-39'-44" E a distance of 377.33 feet to a point of curvature;

Thence on a curve to the left having a radius of 4750.65 feet, a delta angle of 13°-47'-44", an arc distance of 1143.86 feet and a chord bearing N 00°-14'-05" W for a distance of 1141.10 feet to an iron pipe found at a point of tangency;

Thence N 07°-07'-57" W a distance of 1027.40 feet to a point;

Thence leaving said S. High Street centerline and through lands of the Grantor, S 82°-52'-03" W a distance of 407.00 feet passing over an iron pin set at 80.00 feet on the southwesterly right-of-way line of said S. High Street and the true place of beginning of the tract of land herein described:

Thence continuing by the next four courses through lands of the Grantor S 07°-07'-57" E a distance of 263.00 feet to an iron pin;

Thence S 82°-52'-03" W a distance of 60.00 feet to an iron pin set;

Thence N 07°-07'-57" W a distance of 263.00 feet to an iron pin set;

Thence N 82°-52'-03" E a distance of 60.00 feet to the true place of beginning of the tract of land herein described.

Containing in area 0.362 Acres and being subject to all legal highways, right of ways and easements.

All iron pins set are 5/8" in diameter re-bar 30" long with I.D. Caps bearing Chamberlin #6744.

The reference bearing based on State Plane Grid South, NAD83 (2011) to denote angles only.

**To Rezone From:** AR-O, Apartment Residential-Office 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, “**CERTIFIED OIL COMPANY STORE, STORE NO. 491, 5865 SOUTH HIGH STREET, REZONING SITE PLAN**,” “**CERTIFIED OIL COMPANY STORE, STORE NO. 491, 5865 SOUTH HIGH STREET, LANDSCAPE PLAN**,” “**CERTIFIED OIL COMPANY STORE, STORE NO. 491, 5865 SOUTH HIGH STREET, EXTERIOR ELEVATIONS**,” and “**CERTIFIED OIL COMPANY STORE, STORE NO. 491, 5865 SOUTH HIGH STREET, EXTERIOR ELEVATIONS - CANOPY**,” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT**,” all dated June 15, 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:** AR-O, Apartment Residential District

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

**PROPERTY ADDRESS:** 5865 South High Street, Columbus, Ohio 43207

**ACREAGE:** 5.46 +/- acres

**PID:** 510-291662 (part)

**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.

**OWNER:** PFK Company II, LLC and Tamarack Enterprises II, L.P. c/o Allen Handlan, Esquire, Kegler, Brown, Hill & Ritter Co., LPA, 65 E. State Street, 18<sup>th</sup> Floor, Columbus, OH 43215.

**DATE OF TEXT:** June 15, 2018

**APPLICATION:** Z18-023

### **INTRODUCTION:**

The property subject to this rezoning is located at 5865 South High Street (the “Property”). The Property is 5.46 +/- acres located on the west side of South High Street (US 23), approximately 2,160 +/- feet north of Cottage Street and is zoned AR-O, Apartment Residential District as established in 1980 (Z79-073). 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 “Certified Oil Company Store, Store No. 491, 5865 South High Street, Rezoning Site Plan” sheet 1 of 4, hereafter “Site Plan”, “Certified Oil Company Store, Store No. 491, 5865 South High Street, Landscape Plan” sheet 2 of 4, hereafter “Landscape Plan”, “Certified Oil Company Store, Store No. 491, 5865 South High Street, Exterior Elevations” sheet 3 of 4, hereafter “Building Elevations” and “Certified Oil Company Store, Store No. 491, 5865 South High Street, Exterior Elevations - Canopy” sheet 4 of 4, hereafter “Canopy Elevations”, respectively, all dated June 15, 2018, as referenced in Section 2.G. of Subareas A and B/C, depict the proposed development of a convenience store with retail sale of fuel and Subareas B and C for vehicular access. The area for rezoning consists of Subareas A (4.25 +/- acre), Subarea B (0.85 +/- acre) and Subarea C (0.36 +/- acre). Subarea A is for the retail convenience store with fuel. Subareas B and C are for vehicular access to the traffic signal and for vehicular circulation. Applicant anticipates Subareas A, B, and C will be split for separate parcels.

### **SUBAREA A:**

#### **1.A. PERMITTED USES**

A retail convenience store with sale of fuel and accessory products.

## **1.B. ABANDONMENT OF FUEL SALES**

The fuel sales establishment shall be abandoned if the sale of fuel has been discontinued or is closed to the public for at least six months in any 12 month period. If abandoned, the owner or lessee shall, within, seven days of the beginning of the closure period:

1. Install wheel blocks, firmly attached, across the driveway entrance to the fuel sales establishment to prohibit unauthorized vehicle parking or abandonment of motor vehicles.
2. Shall remove all signs and pumps.
3. Shall board up all windows and entrances to prevent the breakage of glass and the unauthorized entrance therein.
4. Take appropriate action as required by the city of Columbus Fire Code to treat abandoned underground tanks.
5. Shall during the closure period cut all grass, remove all rubbish and weeds and continue such maintenance as may be necessary to prevent the building or structure from deteriorating into a state of disrepair.

## **2.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 and setback commitments for a convenience store with retail sale of fuel are depicted on the registered plans.

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

1. A Traffic Impact Study titled “Results of the Traffic Impact Study for the Proposed Certified Oil Development on US-23”, dated February 6, 2018, as prepared by Carpenter Marty Transportation, has been approved by the City of Columbus and the Ohio Department of Transportation with approval dated March 7, 2018. Improvements required by the approved study are a condition of this development text.

2. Vehicular access to Subarea A shall be from Subarea B and C. There shall be no direct vehicular access to S. High Street/US 23 to/from Subarea A. Applicable cross access easement(s) shall be provided in conjunction with final Site Development Plan approval for Subarea A, for access to S. High Street/US 23 from Subarea B and for access across and use of Subareas B and C for access to Subarea A.

3. Right of Way dedication totaling 80’ from centerline of S. High Street (US 23) shall be deeded to the City of Columbus in conjunction with approval of the final Site Compliance Plan.

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

Landscaping shall be provided as depicted on the Landscape Plan.

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

The primary exterior convenience store building materials shall be brick, cementitious board and batten siding and a standing seam metal roof, as depicted on the Building Elevation plan. The fuel canopy columns shall have a brick base, as

depicted on the Canopy Elevation plan.

#### **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. Propane and ice vending shall be located on the side or rear of the building. The seasonal sale of firewood is permitted on the sidewalk in front of the store. Firewood 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 and maximum height of four (4) feet. The sale of bagged mulch shall be permitted, but mulch shall only be located in either the same location and same width and height standards as firewood or located to the side or rear of the building.

2. One (1) outside merchandise display rack shall be permitted on each fuel pump island for the sale of oil and other automotive fluids, 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. The use of a Liquid Crystal Display (LCD) screen on the ground sign shall require Graphics Commission approval, but all signage other than the use of a LCD screen on the ground sign shall be permitted in accordance with C-4, Commercial District standards. 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 "Certified Oil Company Store, Store No. 491, 5865 South High Street, Rezoning Site Plan" sheet 1 of 4, "Certified Oil Company Store, Store No. 491, 5865 South High Street, Landscape Plan" sheet 2 of 4, "Certified Oil Company Store, Store No. 491, 5865 South High Street, Exterior Elevations" sheet 3 of 4 and "Certified Oil Company Store, Store No. 491, 5865 South High Street, Exterior Elevations - Canopy" sheet 4 of 4,

all dated June 15, 2018 and signed by David B. Perry, Agent for applicant, Donald Plank, Attorney for applicant, and by Allen L. Handlan, Attorney for the Property Owners. 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. The fuel canopies may be reduced in size and the number of fuel pumps may be reduced.

2. Applicant shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

3. Subarea A shall be a separate parcel from parent tract acreage and Subarea B and C. City of Columbus shall approve a lot split of Subarea A. Applicable cross access easement(s) shall be provided in conjunction with final Site Development Plan approval for Subarea A, for access to US 23 from Subarea B and for access across and use of Subareas B and C for access to Subarea A.

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

1. Natural Environment: The Property is located on the west side of S. High Street (US 23), approximately 2,160 +/- feet north of Cottage Street

2. Existing Land Use: The Property is undeveloped. It has frontage on a major US highway.

3. Circulation: The site is located directly west of a signalized median break in US 23. The Property will have full-turning movement vehicular access from and to US 23 at the signalized median break with the addition of the 4<sup>th</sup> leg of the signal.
4. Visual Form of the Environment: The site is located on US 23, a primary, heavily traveled north/south arterial highway. Property to the east is developed with a large commercial use (Scioto Downs). Property directly to the north and south is undeveloped. Property to the west is undeveloped and farther west is part of a quarry use.
5. Visibility: The Property is visible from US 23.
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 a primary north/south arterial highway at a signalized intersection.
8. Emissions: No adverse effect from emissions shall result from the proposed development.

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

3321.03(A)(2), Lighting, to permit pole mounted site lighting to be 20 feet tall within 100 feet of residentially zoned (AR-O) property.

#### **SUBAREA B and C:**

##### **1.PERMITTED USES**

The only permitted use of Subareas B and C shall be vehicular access and circulation. No building of any kind nor any structure, except a graphic, gate or other barricade of any kind that blocks or impedes vehicular use of Subareas B and C is permitted.

##### **2.DEVELOPMENT STANDARDS**

Unless otherwise indicated herein or on the Site Plan 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.**

Site development shall consist of paved driveway(s) for vehicular access.

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

1. A Traffic Impact Study titled “Results of the Traffic Impact Study for the Proposed Certified Oil Development on US-23”, dated February 6, 2018, as prepared by Carpenter Marty Transportation, has been approved by the City of Columbus and the Ohio Department of Transportation with approval dated March 7, 2018. Improvements required by the approved study are a condition of this development text.

2.Subarea B and C shall provide vehicular access for Subarea A to access the signalized access point to S. High Street/US 23 and Subarea B and C shall provide cross access easements to Subarea A, as necessary.

3. Upon development of adjacent areas of property to the south and/or west of Subarea B and/or upon development of



adjacent areas of property to the north and/or west of Subarea C, cross access easements shall be provided to permit the property to the south and/or west of Subarea B and/or the property to the north and/or west of Subarea C to access the signalized access point to S. High Street/US 23, subject to applicable City review for additional vehicular use of Subarea B and C. If additional vehicular access to Subarea B and Subarea C is approved by City, applicable extension of pavement on Subarea B and Subarea C for access shall be permitted.

4. An easement for vehicular access shall be provided on 0.01 acre +/- across the Subarea A parcel where Subarea B and C aren't contiguous due to the septic field for Subarea A.

5. Right of Way dedication totaling 80' from centerline of S. High Street (US 23) shall be deeded to the City of Columbus in conjunction with approval of the final Site Compliance Plan.

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

Landscaping shall be provided as depicted on the Landscape Plan.

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

N/A

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

N/A

#### **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 plan titled "Certified Oil Company Store, Store No. 491, 5865 South High Street, Rezoning Site Plan", as applicable to Subarea B and C, dated June 15, 2018 and signed by David B. Perry, Agent for applicant, Donald Plank, Attorney for applicant, and by Allen L. Handlan, Attorney for the Property Owners. 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 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. Applicant shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

3. Subarea B and C shall be a separate parcel(s) from parent tract acreage and shall be separate parcel(s) from Subarea A. City of Columbus shall approve lot splits of Subareas B and C. Applicable cross access easement(s) shall be provided for use of Subareas B and C for access to Subarea A and for other property adjacent to Subareas B and C in the future, as may be applicable at the time such future access to property contiguous to Subareas B and C is proposed.

4. An easement for vehicular access and use shall be provided across the 0.01 +/- acre area separating Subarea B and C from being contiguous.

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

1. Natural Environment: The Property is located on the west side of S. High Street (US 23), approximately 2,160 +/- feet north of Cottage Street
2. Existing Land Use: The Property is undeveloped
3. Circulation: The only purpose of Subareas B and C is to provide vehicular circulation around and to Subarea A, and other property in the future.
4. Visual Form of the Environment: The site is located on US 23, a primary, heavily traveled north/south arterial highway. Property to the east is developed with a large commercial use (Scioto Downs). Property directly to the north and south is undeveloped. Property to the west is part of a quarry use.
5. Visibility: The Property is visible from US 23.
6. Proposed Development: The proposed development of Subareas B and C is paved surfaces for vehicular circulation around and to Subarea A, and other property in the future.
7. Behavior Patterns: The proposed use is appropriate for the location on a primary north/south arterial highway at a signalized intersection.
8. Emissions: No adverse effect from emissions shall result from the proposed development.

**I. Modification of Code Standards.**

- 1.3321.09, Screening, to not provide screening along the south side of Subarea B, and the southwest corner of Subarea B.
- 2.3312.21(B)(3)(D)(1), Landscaping and Screening, to not provide a pavement setback or screening along the south side of Subarea B and the southwest corner of Subarea B.

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