



# City of Columbus

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

## Legislation Text

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**File #: 1882-2018, Version: 2**

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### **Rezoning Application Z18-019**

**APPLICANT:** Graeter's Ice Cream Company; c/o Kevin M. Detroy, Atty.; 255 East Fifth Street, Suite 1900; Cincinnati, OH 45202.

**PROPOSED USE:** Limited commercial uses.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on May 10, 2018.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned CPD, Commercial Planned Development District and is developed with a commercial retail building. The requested CPD district will allow the existing building to be converted to an ice cream shop with an accessory outdoor patio and pick-up window. The site is within the planning area of *The Northwest Plan* (2016), which recommends commercial land uses at this location. The CPD text includes commitments for use restrictions, building and parking setbacks, traffic access, pedestrian connectivity, landscaping, screening, and fencing. Variances for parking lot landscaping and a reduction to the minimum number of required parking spaces from 111 to 49 spaces are included in the CPD text. The site will be developed in accordance with the submitted site plan. The request is consistent with Plan's recommendation for commercial uses at this location, as well as additional design guidelines that recommend existing landscaping should be preserved and existing signage be oriented towards pedestrians and automobiles, and includes additional screening and landscaping within the landscape buffer on the northern and western sides of the site.

To rezone **2136 BETHEL ROAD (43220)**, being 2.41± acres located at the northwest corner of Bethel Road and Dierker Road, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning # Z18-019).

**WHEREAS**, application # Z18-019 is on file with the Department of Building and Zoning Services requesting rezoning of 2.41± 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's* recommendation for commercial uses at this location, as well as additional design guidelines that recommend existing landscaping should be preserved and existing signage be oriented towards pedestrians and automobiles, and includes additional screening and landscaping within the landscape buffer on the northern and western sides of the site; 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:

**2136 BETHEL ROAD (43220)**, being 2.41± acres located at the northwest corner of Bethel and Dierker Roads, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Quarter Township 4, Township 2, Range 19, United State Military Lands, and being 2.413 acres out of a 164.419 acre tract conveyed to Bethel Road Investments Co. in Official Record (OR) 2642 C-16 and corrected in OR 4391 H-01, found in the Franklin County Recorder's Office, said 2.413 acre tract being shown on a plat of survey of 17.900 acres by R.D. Zande & Associates, Lmt. in June 1993, found in the records at the Franklin County Engineers (FCE) survey records office;

All records referred to were found in the Franklin County Recorder's Office, unless otherwise noted;

TO FIND the place of beginning, COMMENCE at FCE monument AFCGS 1173" at the intersection of Bethel Rd. (120 feet wide) and Dierker Rd. South (60 feet wide), as shown on the centerline plat of Bethel Rd., Plat Book (PB) 73, pgs.52 and on the Dedication of Dierker and Bethel Rods. Plat, PB 2, pg. 40;

THENCE North 86 degrees 29 minutes 57 seconds West, a distance of 48.34 feet, along the centerline of Bethel Rd., to a point;

THENCE North 3 degrees 30 minutes 03 seconds East, a distance of 60.00 feet to a set iron pin, being in the north line of Bethel Rd. and being a southeast corner of the said 2.413 acre tract, for the TRUE PLACE OF BEGINNING;

THENCE North 86 degrees 29 minutes 57 seconds West, a distance of 284.91 feet, along the north line of Bethel Rd. and the south line of the said 2.413 acre trace, to a set iron pin, being the southeast corner of The Lakes at Bethel Park, Condominium Plat (CP) 59, pg. 69;

THENCE North 3 degrees 30 minutes 21 seconds East, a distance of 344.99 feet, along the west line of the said 2.413 acre tract, the east line of the said The Lakes at Bethel Park, and an east line of The Lakes at Bethel Park, 2nd Amd., CP 64, pg. 57, to a found 3/4 inch iron pipe (0.2 feet below grade), being a northeast corner of the said The Lakes at Bethel Park, 2nd Amd., a corner of a 17.900 acre tract conveyed to Borror Corporation in OR 23131 C-04, and the northwest corner of the said 2.413 acre tract;

THENCE South 86 degrees 28 minutes 58 seconds East, a distance of 304.76 feet, along the north line of the said 2.413 acre tract and south line of the said 17.900 acre tract, to a found 3/4 inch iron pipe with cap (stamped RDZ), being northeast corner of the said 2.413 acre trace, the southeast corner of the said 17.900 acre trace, and a point in the west line of Dierker Rd.;

THENCE around a curve in a clockwise direction having a delta angle of 01 degrees 10 minutes 09 seconds, an arc distance of 15.20 feet, a radius of 745.00 feet, and a chord of South 2 degrees 55 minutes 16 seconds West, a distance of 15.20 feet, along the east line of the said 2.413 acre tract and the west line of Dierker Rd., to a found 3/4 inch iron pipe, being a corner of the said 2.413 acre tract and a point of tangency in the west line of Dierker Rd.;

THENCE South 3 degrees 30 minutes 21 seconds West, a distance of 309.70 feet, along the east line of the said 2.413 acre tract and the west line of Dierker Rd., to a set iron pin, being a southeast corner of the said 2.413 acre tract;

THENCE around a curve in a clockwise direction having a delta angel of 89 degrees 59 minutes 42 seconds, an arc distance of 31.41 feet, a radius of 20.00 feet, and chord of South 48 degrees 30 minutes 12 seconds West, a distance of 28.28 feet, along a line of the said 2.413 acre trace, to the TRUE PLACE OF BEGINNING containing 105100 square feet or 2.413 acres, according to the survey by Paul K. Moore and Associates in December of 1995;

All iron pins set are 30 inches long and 5/8 inch in diameter with a yellow cap stamped AP K MOORE RS 5883" and all iron pipes found are at grade and in good condition, unless otherwise notes;

The Basis of Bearings for this survey is the centerline of Bethel Rd. as being North 86 degrees 29 minutes 57 seconds West, as shown on the said plat of survey of 17.900 acres;

**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 site plan being titled, “**SITE PLAN**,” dated June 26, 2018 and text titled, “**COMMERCIAL PLANNED DEVELOPMENT DISTRICT TEXT**,” dated April 27, 2018, both signed by Kevin Detroy, Attorney for the Applicant, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT DISTRICT TEXT**

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

**PROPERTY ADDRESS:** 2136 Bethel Road

**OWNER:** ACV Livermore, LLC

**APPLICANT:** Graeter’s Ice Cream Company

**DATE OF TEXT:** 4/27/2018

**APPLICATION NUMBER:** Z18-019

**1. INTRODUCTION:** The site was previously zoned CPD district in 2004 to permit an appliance store to operate on the property and in 1997 a pharmacy / drug store to operate on the property. The site was subsequently rezoned in 2011 to permit a Family Dollar to operate on the Property. The applicant is seeking to reuse the existing building and site as a Graeter’s Ice Cream with office space with only minor modifications to the CPD text. The site is fully developed with a brick building, parking and landscaping to the west and north as detailed in the previous rezoning application Z04-023.

**2. PERMITTED USES:** The permitted uses shall be retail uses as permitted by the C-3, Commercial District, Ice Cream and Yogurt Stores, a discount department store, and all other uses permitted in the C-2, Commercial District of the Columbus Zoning Code excepting the following uses: art studio, post office, public park and recreation centers, radio and television broadcasting stations and studios, and schools.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated in the text or the “Site Plan” (Kleingers Group, Project No. 1880153.000) dated 6/26/2018, the development standards for C-2 as contained in Chapter 3353 of the Columbus City Code shall apply.

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

1. Minimum building setback is 80 feet from Dierker Road and 130 feet from Bethel Road.
2. The setback for the parking shall be 10 feet from Dierker Road and 60 feet from Bethel Road.

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

1. All circulation, curb cuts and access points shall be maintained in their existing locations as indicated on the attached Site Plan subject to the approval of the Department of Public Service Traffic Management Division.

2. Loading areas shall be screened by opaque material and/or landscaping to a minimum of height of seven 7 feet. Loading area along the north side of the building is screened by a seeded 8 foot mound with tree and shrub planting per the attached landscape plan.

3. A pedestrian connection from the front of the store to the existing sidewalk along Dierker Road will be installed as shown on the Site Plan.

4. As depicted on the Site Plan, a single-lane drive thru with pickup window on the west side of the building and electronic order board with speaker on the north side of the building may be used in connection with the ice cream store.

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

1. Except as otherwise provided in Section C.6, below, the existing landscaping on the site as of the date of this approval shall be maintained.

2. Landscaping is provided parallel and adjacent to Dierker Road for a minimum of 50% of the frontage.

3. Existing tree planting will be maintained at the minimum 3 inch caliper located a minimum of 1 per 40 linear feet of Bethel Road frontage, located a minimum of 70 feet from the Bethel Road centerline (85 feet max).

4. All existing parking areas along Bethel Road and Dierker Road have headlight screening. Bethel Road screening of 3 feet minimum continuous seeded earth mounding will be maintained. Continuous existing shrubbery row of minimum 30 inches in height will be maintained along Dierker Road. Height measured from the adjacent parking area.

5. The required screening in this section shall be counted in determining compliance with the required landscaping sections in Chapter 3312 of the Columbus City Code. No additional landscaping of the parking area shall be required.

6. Twenty (20) Blue Spruce trees measuring six to eight feet (6'-8') in height (at the time of planting) shall be planted within, or adjacent to, the existing landscape buffers along the north and west boundaries of the subject property. The specific planting locations of the trees shall be selected by the owner or tenant of the subject property with the objective of enhancing the existing screening of the residential parcels abutting the subject property to the north and west. If the owner or tenant of the subject property determines that it would be impractical or unreasonable to plant Blue Spruce trees due to limited availability, relative cost, environmental conditions (e.g., blight), or governmental restriction or prohibition, the owner or tenant may elect to substitute the Blue Spruce trees with either Norway Spruce trees or Green Giant Arborvitae, or any combination of them, on a one-for-one basis.

7. Sections of six foot (6') solid fencing shall be installed within the existing landscape buffers along the north and west boundaries of the subject property, as depicted on the Site Plan.

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

1. Dumpsters and all ground-mounted mechanical equipment shall be located at the rear of the building.

2. An attached outdoor patio measuring approximately 543 square feet, as depicted on the Site Plan, shall be permitted.

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

1. All accent lighting shall be concealed from the adjacent right of way.

2. Light poles in parking lot shall not exceed 20' in height.

**F. Graphics and Signage Requirements**

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4 District and the Regional Commercial Overlay. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

~~2. The existing monument sign boxes shall be reused to advertise the business. The existing monument sign boxes may be replaced with Graeter's sign boxes. No other freestanding signs shall be installed unless approved by Columbus Zoning Clearance or the Columbus Graphics Commission, as the case may require.~~

#### G. Miscellaneous

1. The site shall be developed in general conformance with the "Site Plan" (Kleingers Group, Project No. 1880153.000) dated 6/26/2018. The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering plans are completed. Any slight adjustment to the Site Plan is subject to review and approval 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. Section 3312.49(C) Minimum Number of Parking Spaces Required: to allow the reduction of the minimum number of required parking spaces on-site from 111 spaces to 49 spaces total.

3. Section 3312.21(A) Interior Landscaping: to (a) maintain a reduction in the required number of parking lot shade trees from 5 to 4, and (b) to maintain a reduction of the minimum required soil area of 145 square feet per tree for the 3 southern-most shade tree peninsulas, as shown on the Site Plan.

#### H. CPD Criteria.

1. Natural Environment. The site developed as the soon-to-be vacant Family Dollar Store.
2. Existing Land Use. To the west and north are condominiums, to the south and east are commercial developments.
3. Proposed Use: Ice Cream and Yogurt Store/Office.
4. Transportation and Circulation. Access will be from Dierker Road and Bethel Road via the existing curb cuts.
5. Visual Form of the Environment. The visual form of the development has been established and will not change.
6. View and Visibility. View and visibility of the development has been determined and will remain as it is now.
7. Emissions. No adverse emissions are expected from this development.

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