



## Legislation Text

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**File #:** 1951-2020, **Version:** 1

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### **Rezoning Application Z20-038**

**APPLICANT:** Skilken Gold Development, LLC; c/o Sarah Gold; 4270 Morse Road; Columbus, OH 43230.

**PROPOSED USE:** Fuel sales, convenience store, and eating and drinking establishment.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on July 9, 2020.

**FAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 1.57± acre site consists of two parcels developed with a commercial retail and eating and drinking establishment in the C-4, Commercial District. The applicant is requesting the CPD, Commercial Planned Development District to permit redevelopment of the site into fuel sales, convenience store, and accessory eating and drinking establishment uses. The CPD text establishes appropriate use restrictions and development standards that address building and parking setbacks, traffic access, landscaping and screening, building materials and design, exterior treatments, and lighting, and commits to developing the site in accordance with the submitted site plan and building elevations. The site is within the planning boundaries of the *Far East Land Use Plan* (2018), which recommends "Mixed Use 2" land uses at this location, which supports commercial uses. The Plan incorporates complete adoption of *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The proposal is consistent with Plan's land use recommendation, and is compatible with the zoning and development pattern at the intersection of Brice Road and Tussing Road. Additionally, the reduced building setback is supportable to accommodate a site plan in which the parking and fuel service areas are located behind or to the side of the principle building, consistent with C2P2 Design Guidelines.

To rezone **2700 BRICE RD. (43068)**, being 1.57± acres located at the southeast corner of Brice Road and Tussing Road, **From:** C-4, Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z20-038).

**WHEREAS**, application #Z20-038 is on file with the Department of Building and Zoning Services requesting rezoning of 1.57± acres from C-4, Commercial District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Far East 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 permit commercial development consistent with the *Far East Land Use Plan's* recommendations, and is compatible with the development and zoning pattern at the intersection of Brice Road and Tussing Road; 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:

**2700 BRICE RD. (43068)**, being 1.57± acres located at the southeast corner of Brice Road and Tussing Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a combined 1.567 acre parcel consisting of the 0.484 acre Tract No. 4A and the 1.083 acre Tract No. 4B as said tracts were conveyed to GALILEO APOLLO I SUB LLC in Instrument 200508300178887, with all record references cited herein being of the Franklin County Recorder's Office, Columbus, Ohio, and said combined 1.567 acre parcel being more particularly described as follows:

Beginning for reference at a point at the intersection of the centerline of Brice Road (variable width) and the centerline of Tussing Road (variable width);

Thence S 04°31'51" W, along said centerline of Brice Road, a distance of 165.46 feet to a point;

Thence S 85°28'09" E, leaving said centerline of Brice Road, a distance of 67.03 feet to a point on the easterly right-of-way line of said Brice Road, and at the southwesterly corner of said 0.484 acre Tract No. 4A and the northwesterly corner of said 1.083 acre Tract No. 4B, and at the true point of beginning of the combined 1.567 acre parcel herein described;

Thence N 02°46'06" E, along said easterly right-of-way line of Brice Road and the westerly line of said 0.484 acre Tract No. 4A, a distance of 66.52 feet to a point at a northwesterly corner of said 0.484 acre Tract No. 4A;

Thence N 43°27'52" E, leaving said easterly right-of-way line of Brice Road and said westerly line of the 0.484 acre Tract No. 4A, and along a transitional right-of-way line to Tussing Road and the northwesterly line of said 0.484 acre Tract No. 4A, a distance of 56.20 feet to a point on the southerly right-of-way line of said Tussing Road at a northwesterly corner of said 0.484 acre Tract No. 4A;

Thence S 85°48'59" E, along said southerly right-of-way line of Tussing Road and the northerly line of said 0.484 acre Tract No. 4A, a distance of 163.67 feet to a point at the northeasterly corner of said 0.484 acre Tract No. 4A;

Thence S 04°17'00" W, leaving said southerly right-of-way line of Tussing Road, and along the easterly line of said 0.484 acre Tract No. 4A, a distance of 110.00 feet to a point at the southeasterly corner of said 0.484 acre Tract No. 4A and the northeasterly corner of said 1.083 acre

Tract No. 4B;

Thence S 08°33'57" W, along the easterly line of said 1.083 acre Tract No. 4B, a distance of 242.85 feet to a point at the southeasterly corner of said 1.083 acre Tract No. 4B;

Thence S 86°00'01" W, along the southerly line of said 1.083 acre Tract No. 4B, a distance of 172.88 feet to a point on said easterly right-of-way line of Brice Road, and at the southwesterly corner of said 1.083 acre Tract No. 4B;

Thence N 03°59'59" W, along said easterly right-of-way line of Brice Road and a westerly line of said 1.083 acre Tract No. 4B, a distance of 9.50 feet to a point at an angle point in said easterly right-of-way line of Brice road at a southwesterly corner of said 1.083 acre Tract No. 4B;

Thence N 02°46'06" E, continuing along said easterly right-of-way line of Brice Road and a westerly line of said 1.083 acre Tract No. 4B, a distance of 258.63 feet to the true point of beginning of the combined parcel herein described, containing 1.567 acres, more or less.

The bearing system, as described herein, is based upon the easterly right-of-way line bearing of Brice Road, being N 02°46'06" E, as indicated in the descriptions of Tract No. 4A and Tract No. 4B in Instrument Number 200508300178887, Franklin County Recorder's Office, Columbus, Ohio.

Property Address: 2700 Brice Rd. Columbus, OH 43068  
Parcel IDs: 530-215421 & 530-214869

**To Rezone From:** 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 site plan being titled, “**ZONING SITE PLAN**,” and building elevations being titled, “**EXTERIOR BUILDING ELEVATIONS SHEETS 1 & 2,**” and text titled, “**DEVELOPMENT TEXT,**” all dated August 20, 2020, and signed by Frank Petruziello, the Applicant, and the text reading as follows:

#### **DEVELOPMENT TEXT**

**CPD---COMMERCIAL PLANNED DEVELOPMENT**  
**2700 Brice Rd, COLUMBUS**  
**1.57 ACRES**

**CURRENT OWNER: BRIXMOR GA APOLLO I SUB LLC**  
**APPLICANT: SkilkenGold Development, LLC**  
**EXISTING ZONING: C-4, Commercial District**  
**PROPOSED ZONING: CPD, Commercial Planned Development District**  
**DATE OF TEXT: 8/20/20**  
**APPLICATION NUMBER: Z20-038**

**1. INTRODUCTION:** This 1.57 acre site is located on the southeast corner of Brice Road and Tussing Road (the “Site”). The Site consists of two parcels, PN 530-9215421 - approximately 0.48 acres, and PN 530-214869 - approximately 1.08 acres. Properties that encompass the development site are zoned “C-4” Commercial District. The applicant will combine the lots, raze all existing structures and redevelop the properties with a restaurant with indoor and outdoor seating, convenience store with fuel sales and minimal outdoor display sales. The proposed building of approximately 6,070 square feet (eating/drinking space constitutes 1,048 sf and convenience retail use is 5,022 sf) with eight double-sided fuel dispensers. Additional site amenities include a dumpster enclosure, underground storm water detention system, and underground fuel tanks. The applicant proposes to rezone the site to a CPD, Commercial Planned Development District to accommodate the new use.

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

a. 3356.03 C-4 permitted uses with the following exclusions:

- i. Dance Hall
- ii. Electric substation
- iii. Funeral parlor
- iv. Motor bus terminal
- v. Night club/cabaret
- vi. Pool room

- vii. Trade School
- viii. Halfway house
- ix. Monopole telecommunication antennas

b. 3357.01 C-5 permitted uses with the following exclusions:

- i. Monopole telecommunication antennas

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated in this Text or on the submitted development plan (“CPD Site Plan”), the applicable development standards are contained in Chapter 3356 C-4, Commercial District.

**A. Height, Lot and/or Setback Requirements:** Setbacks for parking along Brice Road and Tussing Rd shall be 10’. Setbacks for buildings shall be 37’ along Brice Road and 50’ along Tussing Rd. Applicant acknowledges these setbacks are inclusive of the required right-of-way dedications.

**B. Access, Loading, Parking and/or other Traffic related commitments:**

1. Access points are shown on the submitted site plan, which include curb cuts to interior access roads from the Brice Park commercial plaza off Brice Road and Tussing Road. No new curb cuts are proposed on Brice Road or Tussing Road.

2. The improvements required by the City of Columbus Division of Traffic Management, further delineated below and based on the Traffic Impact Study dated April 14, 2020 prepared by Carpenter Marty Transportation, resubmitted June 2, 2020, and approved June 18, 2020. The Requirements are as follows:

- a) Construction of the eastbound right turn lane at the right-in/right-out access point to Tussing Rd.
- b) A fee in lieu of construction for the northbound right turn lane at the right-in/right-out access point to Brice Rd.

3. The Division of Traffic Management notes a right-of-way dedication of 60 feet from the centerline of Brice Road and 50 feet from the centerline of Tussing Road is required per CCC 4309.17. Applicant affirms this is acknowledged on the site plan.

4. Applicant acknowledges the City of Columbus Division of Traffic Management may request to move the current western most right in right out access point on Tussing Road 135 feet east and convert it to a right in, right out and left in access point. This may be a requirement if the shopping center is redeveloped in the future or if this access point modification would be required in conjunction with a public improvement project. If this is to occur, it will not be the obligation of the applicant.

**C. Buffering, Landscaping, Open Space and/or Screening commitments:** The site plan includes shrub planting, and perimeter screening that is consistent with the Division of Planning request for Commercial Overlay compliant screening.

**D. Building Design and/or Interior -Exterior treatment commitments:** Primary and accessory structures will be developed with uniform design and finishes, and shall primarily be comprised of brick, stone, or other aesthetically comparable building materials. Canopy columns and dumpster materials shall match those used on the primary building. Outdoor dining/seating for sixteen (16) seats is shown on the site plan. The proposed building shall be designed in accordance with the attached building elevations.

**E. Dumpsters, Lighting, Outdoor Display areas and/or other environmental commitments:**

- 1. Lighting shall be in accordance with 3321.03(A) of the General Site Development.
- 2. Dumpsters shall be in accordance with Chapter 3321 of the Columbus City Code.

**F. Graphics and Signage commitments:** Graphics on the Site will comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4 Commercial District for C-4 uses and C-5, Commercial District for C-5 uses. Variances to the sign requirements, if any, shall be submitted to the Columbus Graphics Commission for consideration.

**G. Additional CPD Requirements:**

1. Natural Environment: The natural environment of the Site is flat as is surrounding property in the Brice Road corridor, which is developed for commercial use.
2. Existing Land Use: The Site is occupied by two structures, a vacant former shoe retailing business and a vacant former restaurant.
3. Circulation: Circulation on the Site shall be in accordance with the CPD Site Plan.
4. Visual Form of the Environment: The surrounding properties are developed with commercial and residential uses.
5. Visibility: The Site can be viewed from Brice Road and Tussing Road.
6. Proposed Development: Restaurant with indoor and outdoor seating, convenience store, retail fuel sales and accessory outdoor display sales.
7. Behavior Patterns: Commercial uses as developed on the surrounding properties. Existing development in the area has established behavior patterns for the motorists.
8. Emissions: No adverse effect from emissions shall result from the proposed development.

**H. Modification of Code Standards - Variance:** The Site is located within the Brice-Tussing Subarea of the *Far East Land Use Plan*, developed by city staff as part of the *Columbus Citywide Planning Policies (C2P2)* to guide and focus growth. The recommended land use in the *Far East Land Use Plan* for the Site is Mixed Use 2, which encourages commercial development to hide parking and circulation behind the principal structure. In order to comply with this and other C2P2 design goals, the proposed building would be 37' from the Brice Rd right of way, less than the required 50' setback and requiring a variance to 3356.11 as a result.

**I. Miscellaneous:**

1. Development of the site shall be in accordance with the submitted Site Plan titled "Zoning Site Plan." The Site Plan may be adjusted to reflect engineering, topographical or other site data and minor changes developed at the time of development and engineering plans for all or a portion of the Site affected by said development. Any such adjustment may be reviewed and approved by the Director of the Department of Building and Zoning Services or his/her designee upon submission of the appropriate information regarding the adjustment.
2. The building shall be developed in accordance with the submitted building elevations; however, the building elevations may be slightly adjusted to reflect architectural, engineering, topographical, or other development data established at the time of development and engineering plans are completed. The Director of the Department Building and Zoning Services or the Director's designee may approve any slight adjustment to the building elevations upon submission of the appropriate data regarding the proposed adjustment.

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