



Legislation Text

File #: 1960-2020, **Version:** 1

Rezoning Application Z20-029

APPLICANT: SkilkenGold Development; c/o Connie Klema, Atty; PO Box 991; Pataskala, OH 43062.

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

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

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 2.66± acre site consists of two parcels, one developed with a vacant eating and drinking establishment, and one developed with a vehicle rental business, both zoned in the C-4, Commercial District. The requested CPD, Commercial Planned Development District would allow the site to be redeveloped with a fuel sales and convenience store with accessory on-site food and beverage service. The CPD text establishes use restrictions and supplemental development standards that address building and parking setbacks, traffic access, landscaping and screening, and building materials, and includes a commitment to a site plan and landscaping plan. Variances are included for the dumpster location and for a reduction in parking lot trees. The site is located within the boundaries of the Bethel Road Regional Commercial Overlay and is within the boundaries of *The Northwest Plan* (2016), which recommends "Mixed Use 1" land uses at this location. Although the Plan recommends buildings be parallel to and facing the street with an entrance door connected to the public sidewalk, the Planning Division recognizes that the environmental studies conducted at the site revealed evidence of contamination from a previous gas station in the southwest quadrant, presenting constraints on site design to limit exposure. The Planning Division acknowledges these constraints and supports the submitted plans which demonstrate adequate landscaping and fencing to further mitigate the impact of the site design. The proposal is consistent with the Plan's land use recommendation and is compatible with the zoning and development pattern of the surrounding area.

To rezone **1400 BETHEL RD. (43220)**, being 2.66± acres located at the northeast corner of Bethel Road and Godown Road, **From:** C-4, Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z20-029).

WHEREAS, application #Z20-029 is on file with the Department of Building and Zoning Services requesting rezoning of 2.66± 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 City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District will allow a fuel sales and convenience store development that is consistent with the recommendations of *The Northwest Plan* and compatible with the zoning and development pattern of the surrounding 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 No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

1400 BETHEL RD. (43220), being 2.66± acres located at the northeast corner of Bethel Road and Godown Road, and being more particularly described as follows:

PN 010-32390

TRACT I

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 4, Township 2 North, Range 19 West, United States Military Lands and being a part of the 9.573 acres conveyed to Deffet Rentals, Inc. by deed of record in Deed Book 3030, Page 85, all references being to records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning, for references, at an iron pin in the easterly right-of-way line of Godown Road (40 feet in width), that is N. 03° 30' 00" E. 205.0 feet from a railroad spike where the centerline of Bethel Road intersects the easterly right of way line of the said Godown Road, said iron pin also being the northwesterly corner of a 0.824 acre tract deeded to Standard Oil Co. by deed of record in Deed Book 2913, Page 465.

Thence S. 87° 04' 00" E., along the northerly line of the said Standard Oil Co. 0.824 acre tract a distance of 20.00 feet to an iron pin at The True Place of Beginning, said iron pin being in the proposed easterly right of way line of Godown Road;

Thence N. 03° 30' 00" E., along the proposed easterly right of way line of Godown Road, 68.33 feet to an iron pin;

Thence S., 87° 04' 00" E., 396.67 feet to an iron pin;

Thence S., 03° 30' 00" W., 213.33 feet to an iron pin in the proposed northerly right of way line of Bethel Road, said iron pin being 60.00 feet northerly from the existing centerline of Bethel Road;

Thence N., 87° 04' 00" W., along the proposed northerly right of way line of Bethel Road 241.67 feet to an iron pin in the easterly line of The Standard Oil Co. 0.824 acre tract;

Thence N, 03° 30' 00" E., along the easterly line of said 0.824 acre tract a distance of 145.00 feet to an iron pin;

Thence N., 87° 04' 00" W., along the northerly line of said 0.824 acre tract, a distance of 155.00 feet to the place of beginning, containing 1.426 acres more or less.

TRACT II

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 4, Township 2 North, Range 19 West, United States Military Lands, containing 0.683 acres of land, more or less, said 0.683 acres being out of that tract of land referred to as PARCEL NO. 1 in EXHIBIT "A" of a deed to Newtowne Development Co., Inc., of record in Deed Book 3702, Page 150, Recorder's Office, Franklin County, Ohio, said 0.683 acres being more particularly described as follows:

Beginning, for reference, at a point in the centerline of Bethel Road at the southwesterly corner of that 10.397 acre tract of land described in a deed to The Standard Oil Company, of record in Deed Book 2913, Page 465, Recorder's Office, Franklin County, Ohio; thence, from said reference point of beginning, N 3° 31' 34" E, with the westerly line of said 10.397 acre tract, the same being parallel with and 20.00 feet easterly from, as measured at right angles, the centerline of Godown Road, a distance of 204.89 feet to the southwesterly corner of that 0.195 acre tract of land described in EXHIBIT A of a deed to the City of Columbus, of record in Deed Book 3723, Page 599, Recorder's Office, Franklin County, Ohio; thence S 87° 03' 29" E, with the southerly line of said 0.195 acre tract, a distance of 20.00 feet to the southeasterly corner of said 0.195 acre tract, the same being a southwesterly corner of that 1.426 acre tract of land described in a deed to Red Lobster Inns of America, Inc., of record in Deed Book 3542, Page 668, Recorder's Office, Franklin County, Ohio; thence N 3° 31' 34" E, with the easterly line of said 0.195 acre tract and with the westernmost line of said 1.426 acre tract, the same being parallel with and 40.00 feet easterly from, as measured at right angles, the centerline of said Godown Road, a distance of 68.44 feet to the true point of beginning at the northwesterly corner of said 1.426 acre tract;

Thence, from said true point of beginning, N 3° 31' 34" E, with the easterly line of said 0.195 acre tract, the same being parallel with and 40.00 feet easterly from, as measured at right angles, the centerline of Godown Road, a distance of

75.00 feet to a point;

Thence S 87° 03' 29" E, parallel with the northerly line of said 1.426 acre tract, a distance of 396.72 feet to a point;

Thence S 3° 31' 34" W, parallel with the centerline of said Godown Road, a distance of 75.00 feet to the northeasterly corner of said 1.426 acre tract;

Thence N 87° 03' 29" W, with the northerly line of said 1.426 acre tract, a distance of 396.72 feet to the true point of beginning and containing 0.683 acres of land, more or less.

Subject to all rights-of-way, easements and restrictions, if any, of previous record.

We hereby certify that the above description was prepared from information obtained from an actual field survey of the premises by Bauer, Borowitz & Merchant, Inc., and that said description is correct.

TRACT III

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 4, Township 2 North, Range 19 West, United States Military Lands, containing 0.049 acres of land, more or less, said 0.049 acres being out of that tract of land referred to as PARCEL NO. 1 IN EXHIBIT "A" of a deed to Newtowne Development Co., Inc., of record in Deed Book 3702, Page 150, Recorder's Office, Franklin County, Ohio, said 0.049 acres being more particularly described as follows:

Beginning, for reference, at a point in the centerline of Bethel Road at the southwesterly corner of that 10.397 acre tract of land described in a deed to The Standard Oil Company, of record in Deed Book 2913, Page 465, Recorder's Office, Franklin County, Ohio; thence, from said reference point of beginning, N 3° 31' 34" E, with the westerly line of said 10.397 acre tract, the same being parallel with and 20.00 feet easterly from, as measured at right angles, the centerline of Godown Road, a distance of 204.89 feet to the southwesterly corner of that 0.195 acre tract of land described in EXHIBIT A of a deed to the City of Columbus, of record in Deed Book 3723, Page 599, Recorder's Office, Franklin County, Ohio; thence S 87° 03' 29" E, with the southerly line of said 0.195 acre tract, a distance of 20.00 feet to the southeasterly corner of said 0.195 acre tract, the same being a southwesterly corner of that 1.426 acre tract of land described in a deed to Red Lobster Inns of America, Inc., of record in Deed Book 3542, Page 668, Recorder's Office, Franklin County, Ohio; thence N 3° 31' 34" E, with the easterly line of said 0.195 acre tract, and with the westernmost line of said 1.426 acre tract, the same being parallel with and 40.00 feet easterly from, as measured at right angles, the centerline of Godown Road, a distance of 68.44 feet to the northwesterly corner of said 1.426 acre tract; thence S 87° 03' 29" E, with the northerly line of said 1.426 acre tract, a distance of 396.72 feet to the true point of beginning at the northeasterly corner of said 1.426 acre tract;

Thence, from said true point of beginning, S 87° 03' 29" E, with the easterly extension of the northerly line of said 1.426 acre tract, a distance of 25.00 feet to a point;

Thence S 3° 31' 34" W, parallel with and 25.00 feet easterly from, as measured at right angles, the easterly line of said 1.426 acre tract, a distance of 85.86 feet to a point;

Thence N 87° 10' 30" W, a distance of 25.00 feet to a point in the easterly line of said 1.426 acre tract;

Thence N 3° 31' 34" E, with the easterly line of said 1.426 acre tract, a distance of 85.91 feet to the true point of beginning and containing 0.049 acres of land, more or less.

Subject to all rights-of-way, easements and restrictions, if any, of previous record.

We hereby certify that the above description was prepared from information obtained from an actual field survey of the premises by Bauer, Borowitz & Merchant, Inc., and that said description is correct.

Parcel No. 010-132390-00

TRACT IV

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus, being located in Quarter Township 4, Township 2 North, Range 19 West, United States Military Lands, and more particularly bounded and described as follows:

Beginning at a railroad spike in the centerline of Bethel Road, said spike being the intersection of said centerline (being the southerly line of said Quarter Township 4) with the easterly right-of-way line of Godown Road, said spike being also the southwesterly corner of the original 14.61 acres conveyed to Oburn and Beatrice Pierce by deed of record in Deed Book 993, Page 588, Recorder's Office, Franklin County, Ohio;

Thence along the easterly right-of-way of said Godown Road and the westerly line of said original 14.61 acre tract, North 3° 30' East, 629.64 feet to an iron pin found at the southwesterly corner of the 50.058 acre tract conveyed to Holding Corporation of Ohio, by deed of record in Deed Book 2784, Page 239, Recorder's Office, Franklin County, Ohio;

Thence along the southerly line of said 50.058 acre tract, South 87° 10' 30" East, 717.29 feet to an iron pin;

Thence across the said Oburn and Beatrice Pierce tract and along the westerly line of the 1.12 acre tract conveyed to Willis K., Jr., and Betty K. Link by deed of record in Deed Book 2704, Page 683, Recorder's Office, Franklin County, Ohio, South 3° 16' West (passing an iron pin at the northwesterly corner of the said link tract at 305.96 feet and passing an iron pin at 596.43 feet), 630.96 feet to a railroad spike in the centerline of Bethel Road and at the southwesterly corner of the said Link 1.12 acre tract;

Thence along the centerline of Bethel Road and the southerly line of said Quarter Township 4, North 87° 04' West, 719.84 feet to the place of beginning, containing 10.397 acres, more or less.

LESS and EXCEPT that portion of the above described premises conveyed by Warranty Deed to Daffet Rentals, Inc., on December 16, 1969, and more particularly described as follows:

Situate in the County of Franklin, State of Ohio, City of Columbus, being located in Quarter Township 4, Township 2 North, Range 19 West, United States Military Lands, and being 9.573 acres of the Standard Oil Company 10.397 acre tract as shown of record in Deed Book 2913, Page 465, all references being to records of the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at an iron pin in the easterly right-of-way line of Godown Road (40 feet in width), that is North 3° 30' East, 205.0 feet from a railroad spike where the centerline of Bethel Road intersects the easterly right-of-way line of the said Godown Road;

Thence along the easterly right-of-way line of the said Godown Road, North 3° 30' East (being 20 feet easterly at right angles from and parallel to the centerline of the said road), 424.64 feet to an iron pin at the northwesterly corner of the said Standard Oil Company 10.397 acre tract, being also the southwesterly corner of the Holding Corporation of Ohio 50.058 acre tract as shown of record in Deed Book 2784, Page 239;

Thence along the northerly line of the said Standard Oil Company 10.397 acre tract, being also the southerly line of the said Holding Corporation of Ohio 50.058 acre tract, South 87° 10' 30" East, 717.29 feet to an iron pin at the northeasterly corner of the said 10.397 acre tract;

Thence along the easterly line of the said Standard Oil Company 10.397 acre tract, being also the westerly lines of the Oburn with Beatrice Pierce 3.23 acre tract of record in Deed Book 993, Page 588, and the Willis K. Jr. and Betty K. Link 1.12 acre tract as shown of record in Deed Book 2704, Page 683, South 3° 16' West (passing an iron pin at 596.43 feet), 630.96 feet to a point in the centerline of the said Bethel Road;

Thence along the centerline of the said Bethel Road, North 87° 04' West, 544.84 feet to a railroad spike;
Thence North 3° 30' East (parallel to the easterly right-of-way line of the said Godown Road and passing an iron pin at 30 feet), 205.0 feet to an iron pin;

Thence North 87° 04' West (parallel to the centerline of the said Bethel Road), 175.0 feet to the place of beginning, containing 9.573 acres, more or less.

FURTHER LESS and EXCEPT that portion of the above described premises conveyed by Warranty Deed to the City of Columbus, Ohio for public highway purposes on August 29, 1989, and more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 4, Township 2 North, Range 19 West, United States Military Lands, being a portion of that 10.397 acres tract of land conveyed to The Standard Oil Company, by deed of record in Deed Book 2913, Page 465, all reference to records in the Recorder's Office, Franklin County, Ohio and bounded and described as follows;

Beginning at a railroad spike in the centerline of Bethel Road, (60 feet wide as established by the Franklin County Engineer) with the east right-of-way line of Godown Road to the north (40 feet wide);

Thence North 3° 30' 00" East, along the east right-of-way line of Godown Road, also being the westerly line of said Standard Oil Company tract of land, a distance of 204.89 feet to an iron pin;

Thence South 87° 10' 30" East, along the south line of a 0.195 acre tract of land conveyed to the City of Columbus, by deed of record in Deed Book 3723, Page 600, a distance of 20.00 feet to an iron pin, being in the southeasterly corner of said City of Columbus tract of land;

Thence South 3° 30' 00" West, parallel with and 40.00 feet easterly by perpendicular measurement from the centerline of Godown Road, a distance of 124.73 feet to an iron pin;

Thence along a curve to the left, data of which is: Radius = 20.00 feet, Delta = 90° 34' 00", a chord distance of 28.42 feet bearing South 41° 47' 00" East to an iron pin;

Thence South 87° 04' 00" East, parallel with and 60.00 feet northerly by perpendicular measurement from the centerline of Bethel Road, a distance of 134.61 feet to an iron pin being the northwesterly corner of a 1.165 acre tract of land conveyed to the City of Columbus, by deed of record in Deed Book 3723, Page 600;

Thence South 3° 16' 00" West, along the westerly line of said 1.165 acre City of Columbus tract, a distance of 60.00 feet, to a RR spike in the centerline of Bethel Road;

Thence North 87° 04' 00" West, along the centerline of Bethel Road and the southerly line of said Standard Oil Company tract a distance of 175.08 feet to a RR spike being the point of beginning containing 0.309 acres more or less, of which 0.121 acres is contained in the existing right-of-way of Bethel Road.

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 plans being titled, "**GAS STATION W/ CONVENIENCE STORE SITE PLAN**," dated August 12, 2020, and "**LANDSCAPE PLAN**," dated August 25, 2020, and text titled, "**DEVELOPMENT TEXT**," dated August 12, 2020, and all signed by Frank Petruziello of SkilkenGold Development LLC, Applicant, and the text reading as follows:

DEVELOPMENT TEXT

CPD---COMMERCIAL PLANNED DEVELOPMENT

1400 Bethel Rd, COLUMBUS

2.66 ACRES

CURRENT OWNER: BUCLA, INC. and LAR-JO LTD.

APPLICANT: SkilkenGold Development, LLC

EXISTING ZONING: C-4

PROPOSED ZONING: CPD, Commercial Planned Development

DATE OF TEXT: 8/12/2020

APPLICATION NUMBER: Z20-029

1. INTRODUCTION: This 2.66 acre site is located on the northeast corner of Bethel Road and Godown Road (the “Site”). The Site consists of two parcels, PN 010-138788 - approximately 0.51 acres, and PN 010-132390 - approximately 2.15 acres. Properties that encompass the development site are zoned “C-4” Commercial District and part of the Bethel Road Regional Commercial Overlay. The applicant will combine the lots upon closing, raze all existing structures and redevelop the properties with a restaurant with indoor and outdoor seating, convenience store with drive-in window service and fuel sales and minimal outdoor display sales. The proposed restaurant/convenience store is approximately 6,077 square feet with six double-sided fuel dispensers. Additional site amenities include a privacy fence and landscaping along a portion of the northern and eastern property line, a dumpster enclosure, underground storm water detention system, and underground fuel tanks. The applicant proposes to rezone the site to a Commercial Planned Development (CPD) 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. Building materials and supplies dealer
- ix. Halfway house
- x. Warehouse clubs and super centers
- xi. 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 and Chapter 3372 Regional Commercial Overlay (RCO) of the Columbus City Code.

A. Height, Lot and/or Setback Requirements:

Setbacks for parking along Bethel Road and Godown Rd shall be 10’. Setbacks for buildings shall be 20’ along Bethel Road and Godown Rd.

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

1. Access points are shown on the submitted site plan, which include curb cuts on Bethel Road and Godown Road. Secondary access points on Bethel Rd and Godown Rd are provided via easements with adjacent properties.

2. The improvements required by the City of Columbus Division of Traffic Management, further delineated below and based on the Traffic Impact Study dated May 14, 2020 prepared by Carpenter Marty Transportation and subject to change based on City of Columbus reviews/coordination. The Requirements are as follows:

- a. At the intersection of Godown Road and Bracken House Boulevard, a southbound left turn lane with a length of 135 feet including a 60 feet diverging taper and a northbound left turn lane with a length of 110 feet including a 60 feet diverging taper shall be implemented. The westbound intersection approach shall be striped with a westbound left turn lane and a westbound right turn lane.
- b. At the intersection of Bethel Road and Godown Road, the north leg shall be modified to reallocate the western northbound departure lane to be a second southbound left turn lane, and the south leg shall be modified to include a northbound left turn lane and northbound through/right lane with alignment as approved by the Department of Public Service.

C. Buffering, Landscaping, Open Space and/or Screening commitments: Buffering, landscaping, screening and open space shall be in accordance with 3372.807 of the RCO. In addition, the site will have augmented landscaping which will include additional mounding, fencing and landscaping on the northern and eastern portions of the property, as generally shown on the submitted landscaping plan.

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 and stone building materials. Canopy columns and dumpster materials shall match those used on the primary building.

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

A variance to section 3372.807(E) is being requested for the location of the dumpster. Per the site plan, the dumpster is located in the northwest corner of the property and has screening, landscaping and mounding to obscure it from view.

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, C-5, Commercial District for C-5 uses, and the Regional Commercial Overlay. Variances to the sign requirements shall be submitted to the Columbus Graphics Commission or master graphic plan for the Site may 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 Bethel Road corridor, which is developed for commercial use.
2. Existing Land Use: The Site is occupied by two structures, an existing car rental facility 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 Bethel Road and Godown Road.
6. Proposed Development: Restaurant with outdoor seating and drive-in service, 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:

1. A variance to section 3372.807(E) is being requested for the location of the dumpster. Per the site plan, the dumpster is located in the northwest corner of the property and has screening, landscaping and mounding to obscure it from view.
2. A variance to Section 3312.21 for the required five parking lot trees is being requested. The development is providing 3 parking lot trees compared to the required 5.

I. Miscellaneous:

1. A Site Plan showing lot lines, setbacks, and access is submitted for the development of the Site. The Site Plan may be adjusted to reflect engineering, topographical or other site data and 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. Abandoned service stations, filling stations or fuel sales establishments will be addressed in accordance with 3357.18 of the Columbus City Code.

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