



Legislation Text

File #: 2241-2021, **Version:** 1

Rezoning Application: Z21-035

APPLICANT: SkilkenGold Development; c/o Beth Cotner, Agent; 4270 Morse Road; Columbus, OH 43230.

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

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on August 12, 2021.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a portion of one undeveloped parcel zoned in the L-C-4, Limited Commercial District. The requested CPD, Commercial Planned Development District proposes development of the site with a fuel sales facility, including an eating and drinking establishment, convenience store with drive-in window service, and limited outdoor display sales. The CPD text includes use restrictions and supplemental development standards that address setbacks, site access, landscaping, building materials, and graphics provisions. The text also includes a commitment to develop the site in accordance with the submitted site plan, landscaping plan, and elevations. This site is within the planning boundaries of the *Far North Area Plan* (2014), which recommends medium to high density residential land uses. Although the request is inconsistent with the recommended residential use, staff recognizes the site's existing commercial zoning and location on a main corridor, and supports the use due to a high level of design and sufficient landscaping incorporated into the proposed site plan and building elevations. The request is consistent with adjacent zoning and development patterns, and does not represent an introduction of an incompatible use to the surrounding area.

To rezone **920 POLARIS PKWY. (43240)**, being 2.79± acres located at the northeast corner of Polaris Parkway and Antares Avenue, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z21-035).

WHEREAS, application #Z21-035 is on file with the Department of Building and Zoning Services requesting rezoning of 2.79± 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 while the *Far North Area Plan* recommends medium to high density residential uses, staff supports the request due to the site's location on a main corridor, existing commercial zoning designation, and high level of design and landscaping incorporated into the site plan and elevations; 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:

920 POLARIS PKWY. (43240), being 2.79± acres located at the northeast corner of Polaris Parkway and Antares Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lots 2 and 3, Quarter Township 3, Township 3, Range 18, and Farm Lot 14, Quarter Township 4, Township 3, Range 18, United States Military Lands, being part of an original 36.115 acre tract of land conveyed to N.P. Limited Partnership of record in Official Record Volume 268, Page 2248, all references being of record in the Recorder's Office, Delaware County, Ohio, and being more particularly described as follows:

BEGINNING FOR REFERENCE at a Mag nail set at the intersection of the centerline of Polaris Parkway of record in Plat Book 24, Page 137 and the centerline of Antares Avenue Part 1 of record in Official Record Volume 727, Page 996;

Thence North 61°38'01" East, a distance of 351.53 feet with the centerline of said Antares Avenue, to a Mag nail set;

Thence North 28°21'59" West, a distance of 30.00 feet crossing said Antares Avenue, to a 3/4" iron pipe found with a PS 8114 cap on the north right-of-way line of said Antares Avenue, being at the southwest corner of a 15.526 acre tract of land conveyed to Antares Park at Polaris, LLC of record in Official Record Volume 1129, Page 2131, and being the **TRUE POINT OF BEGINNING** of the tract to be described;

Thence with the north right-of-way line of said Antares Avenue, the following two (2) courses:

- 1) South 61°38'01" West, a distance of 266.08 feet, to an iron pin set at a point of curvature;
- 2) With the arc of a curve to the right having a radius of 20.00 feet, a central angle of 83°30'03", an arc length of 29.15 feet, a chord bearing of North 76°36'58" West, and a chord distance of 26.64 feet, to a 5/8" rebar found with a Floyd Browne cap on the southwest line of said 36.115 acre tract being on the northeast right-of-way line of said Polaris Parkway, and being at a point of reverse curvature;

Thence with the southwest line of said 36.115 acre tract, with the northeast right-of-way line of said Polaris Parkway, and with the arc of a curve to the left having a radius of 1502.39 feet, a central angle of 13°59'19", an arc length of 366.80 feet, a chord bearing of North 41°51'36" West, and a chord distance of 365.89 feet, to an iron pin set;

Thence North 41°08'45" East, a distance of 277.61 feet crossing said 36.115 acre tract, to an iron pin set on the southwest line of said 15.526 acre tract;

Thence with the southwest line of said 15.526 acre tract, the following three (3) courses:

- 1) South 49°23'54" East, a distance of 105.82 feet, to a 5/8" rebar found with a CT Consultants cap;
- 2) South 41°17'33" East, a distance of 251.99 feet, to a 5/8" rebar found with a CT Consultants cap;
- 3) South 36°00'07" East, a distance of 127.44 feet, to the **TRUE POINT OF BEGINNING**, containing 2.786 acres of land out of Parcel Number 318-432-01-016-000, being 0.545 of an acre out of Farm Lot 2, Quarter Township 3, being 0.158 of an acre out of Farm Lot 3, Quarter Township 3, being 2.083 acres out of Farm Lot 14, Quarter Township 4, and being subject to all easements and documents of record.

Basis of Bearings: The bearings shown on this survey are based on the bearing of North 61°38'01" East for the centerline of Antares Avenue Part 1, based on field observations performed in February, 2021, and based on NAD 83 (2011 Adjustment), Ohio State Plane North Zone.

All iron pins set are 5/8" solid rebar, 30" in length, with a yellow plastic cap bearing the name "CEC INC".

To Rezone From: L-C-4, Limited 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**,” “**LANDSCAPE PLAN**,” and “**LANDSCAPE DETAILS**”, and elevations titled, “**CONCEPT EXTERIOR ELEVATIONS, SHEETS A200 AND A201**,” and text titled, “**DEVELOPMENT TEXT**,” all dated August 4, 2021, and signed by Beth Cotner, Agent for the Applicant, and the text reading as follows:

**DEVELOPMENT TEXT
CPD---COMMERCIAL PLANNED DEVELOPMENT
920 Polaris Parkway, COLUMBUS
2.79+/- ACRES**

CURRENT OWNER: Polaris Shtz Antares, LLC

APPLICANT: SkilkenGold Development, LLC

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

PROPOSED ZONING: CPD, Commercial Planned Development

DATE OF TEXT: August 4, 2021

APPLICATION NUMBER: Z21-035

1. INTRODUCTION: This 2.79 acre site is located at the northeast corner of the intersection of Polaris Parkway and Antares Ave. The proposed site will be split from a larger 9.196-acre parcel, Delaware County PN 318-432-01-016-000. The development site is currently zoned Commercial Planned Development (CPD) per Z91-018C. The applicant has moved to split the parcel and it is approved and in process of being recorded. This new parcel will be 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 eight double-sided fuel dispensers. The applicant proposes to rezone the site to a CPD, Limited Commercial Planned Development to accommodate the new use. This proposed development will comply with the design review guidelines of the Polaris Centers of Commerce.

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. Hotels and Motels

- xii. Hotels, Extended Stay
- xiii. Monopole telecommunication antennas

- b. 3357.01 C-5 permitted uses with the following exclusions:
 - 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 of the Columbus City Code.

A. Density, Height, Lot and/or Setback Requirements:

- 1. Required setbacks for building, parking, & maneuvering shall be 40’ minimum in relation to Polaris Parkway.
- 2. Required setbacks for building shall be 50’ minimum in relation to Antares Avenue
- 3. Required setbacks for parking shall be 30’ minimum in relation to Antares Avenue.
- 4. Required setbacks for interior shall be 3’ minimum parking set back and 10’ minimum building set back.

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

Access points depicted on the site plan show one full access point off Antares Ave and one right-in right-out access point off Polaris Parkway, which will be a joint access point with the adjoining property. There will be a cross access agreement between these 2 properties.

C. Buffering, Landscaping, Open Space and/or Screening commitments:

Buffering, landscaping, screening and open space shall be in accordance with development standards contained in Chapters 3312 and 3321 of the Columbus City Code. Applicant affirms that landscaping presented on the site plan and submitted as part of rezoning application Z21-035 will be installed as depicted on said plan titled, “Preliminary Landscape Plan”.

D. Building Design and/or Interior -Exterior treatment commitments:

Primary structures will be developed with uniform design and finishes, and shall primarily be comprised of brick, stone, or other aesthetically comparable building materials, as demonstrated on the submitted building elevations titled, “Concept Exterior Elevations, Sheets A200 and A201.”

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

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. The Dumpster will be screened with brick walls.

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.

G. Additional CPD Requirements:

- 1. Natural Environment: The natural environment of the Site is flat as is surrounding property which is developed for commercial use.
- 2. Existing Land Use: The Site is currently raw land at a retail-oriented intersection. Adjacent uses are retail

and multifamily residential.

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 both Polaris Parkway and Antares.
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. Miscellaneous:

1. A site plan titled, "Site Plan," and landscaping plans titled "Landscape Plan," and "Landscape Details" are submitted for the development of the Site. The plans 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. The building shall be developed in accordance with the submitted building elevations titled, "Concept Exterior Elevations, Sheets A200 and A201;" 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.
3. Abandoned service stations, filling stations or fuel sales establishments will be addressed in accordance with 3357.18 of the Columbus City Code.

The undersigned, being the applicant/developer of the subject property does hereby agree singularly and collectively for itself, its successors and assigns, to abide by above restrictions, conditions, and commitments regarding development of the subject property and for such purpose states that it fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Code, except as permitted by this development text and drawings referenced herein.

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