

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
NOVEMBER 4, 2015**

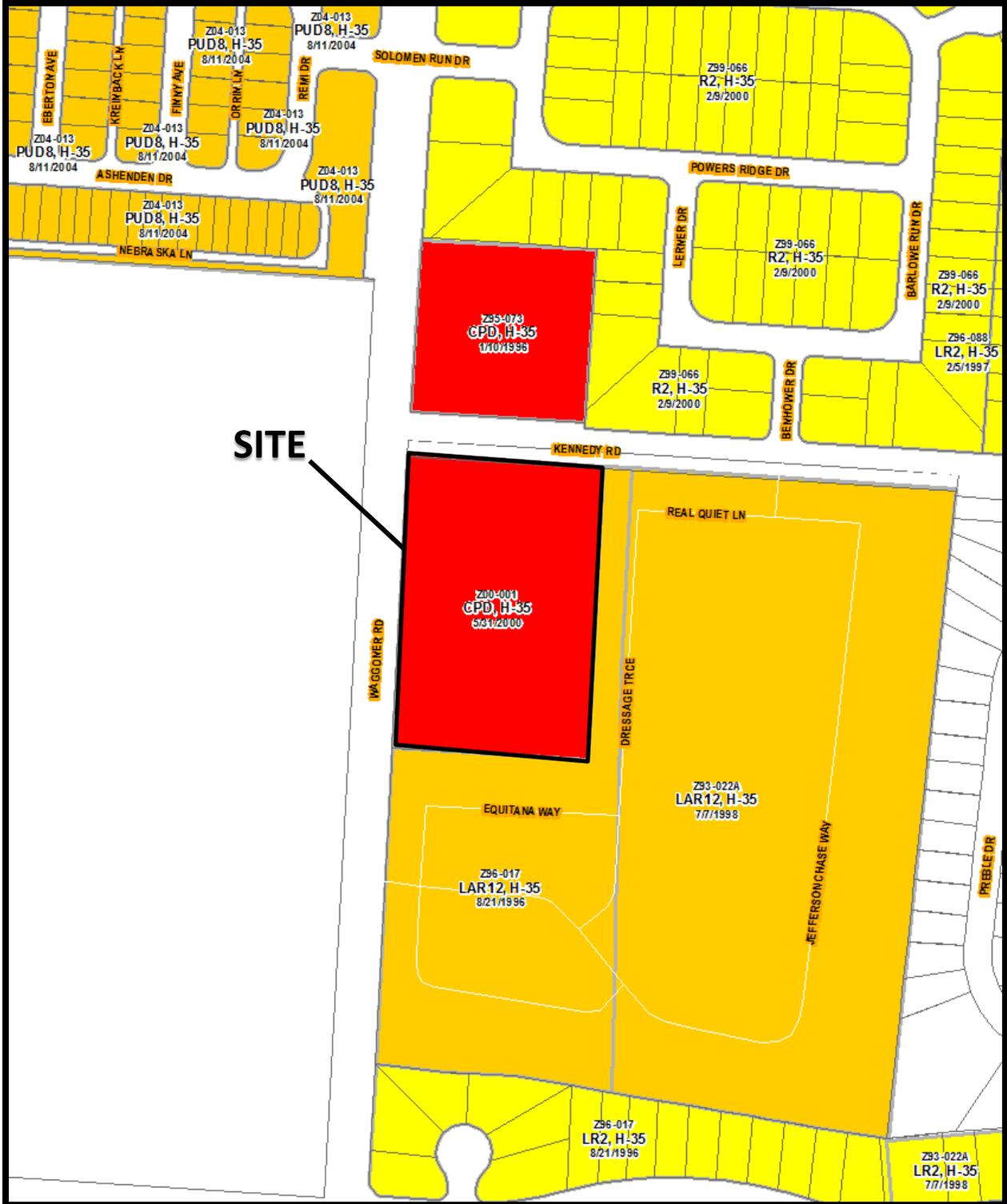
- 2. APPLICATION: Z15-039**
- Location:** **920 NORTH WAGGONER ROAD (43004)**, 4.18± acres located at the southeast corner of North Waggoner Road and Kennedy Road (515-239331, Far East Area Commission).
- Existing Zoning:** CPD, Commercial Planned Development District
- Request:** CPD, Commercial Planned Development District
- Proposed Use:** Fuel Sales; Convenience Store/Grocery
- Applicant(s):** TH Midwest, Inc. c/o Steve Fuller; 2600 Corporate Exchange Boulevard, Suite 170; Columbus, OH 43231.
- Property Owner(s):** LDA Investments, LLC c/o Dean Adamantidis; 75 East Gay Street, Suite 100; Columbus, OH 43215.
- Planner:** Michael Maret; 645-2749; mjmaret@columbus.gov

BACKGROUND:

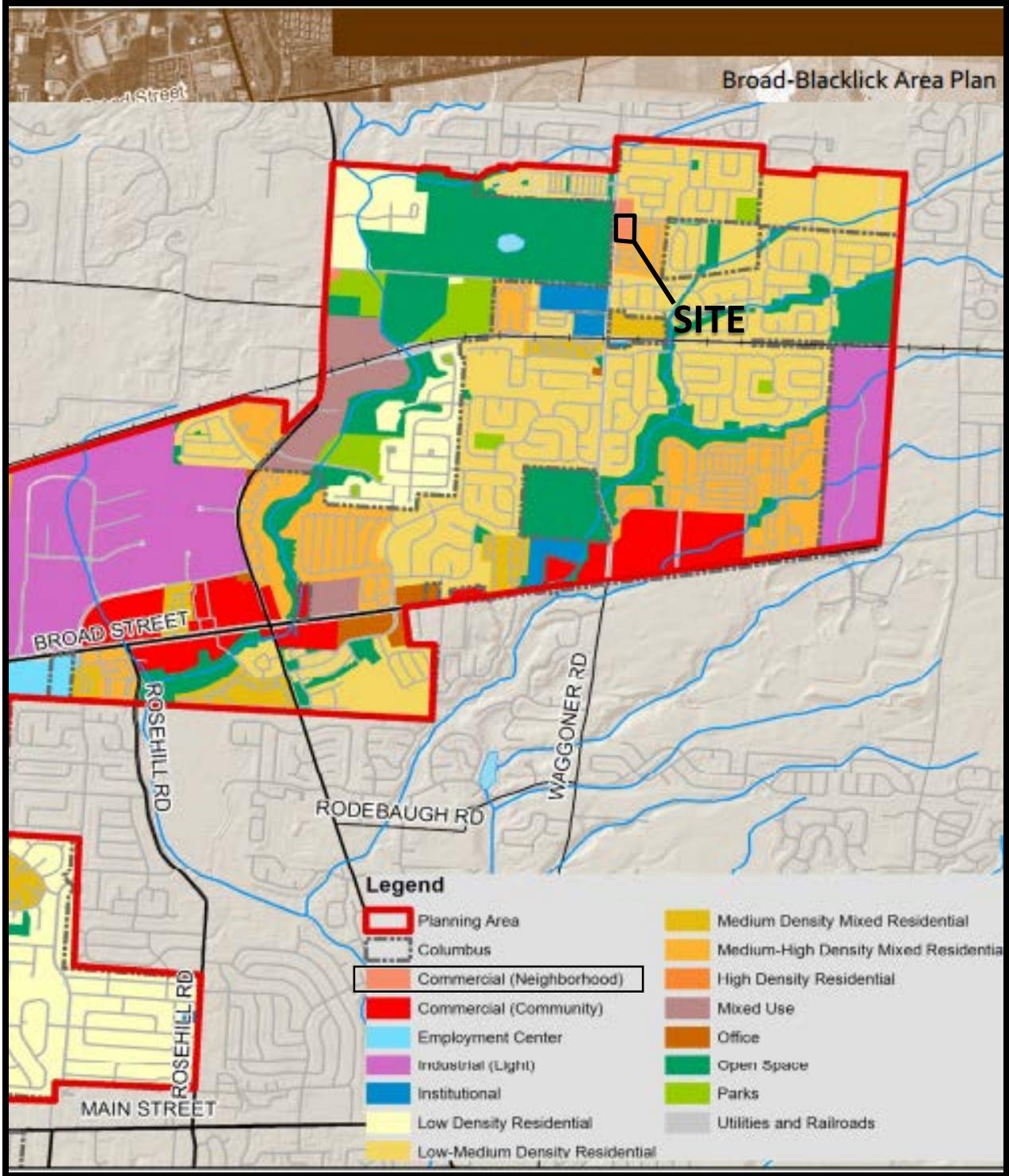
- The 4.18 acre site is undeveloped and was zoned CPD, Commercial Planned Development District in 2000 (Z00-001) to allow the proposed uses with limits on outdoor retail displays, building square footage, hours of operation, lighting, and commitment to a site plan. The applicant proposes a new CPD, Commercial Planned Development to increase the size of the convenience store by 358 square feet to a total of 3,130 square feet, and remove the limitation on hours of operation. In addition, there will be a portion of the site set aside for future development.
- To the north is a fueling station and a commercial strip center in the CPD Commercial Planned Development District. To the south and east is multi-unit development in the LAR-12, Limited Apartment Residential District. To the west is a farm and ecology center in the Restricted Suburban District of Jefferson Township.
- The site is located within the planning area of the *Broad-Blacklick Area Plan* (2011), which recommends Commercial (Neighborhood) uses for the site. This classification includes fuel service and retail.
- The site is located within the boundaries of the Far East Area Commission, whose recommendation is for approval of requested CPD District.
- The proposed CPD carries over the retail fuel sales use with an expanded convenience store, and includes provisions for setbacks, landscaping, maximum building square footage, and canopy height and square footage. The request includes commitment to a site plan, and use restrictions for both development areas.
- Waggoner Road is identified by the Columbus Thoroughfare Plan as a 4-2 arterial requiring a minimum of 50 feet of right-of-way from centerline.

CITY DEPARTMENTS RECOMMENDATION: Approval

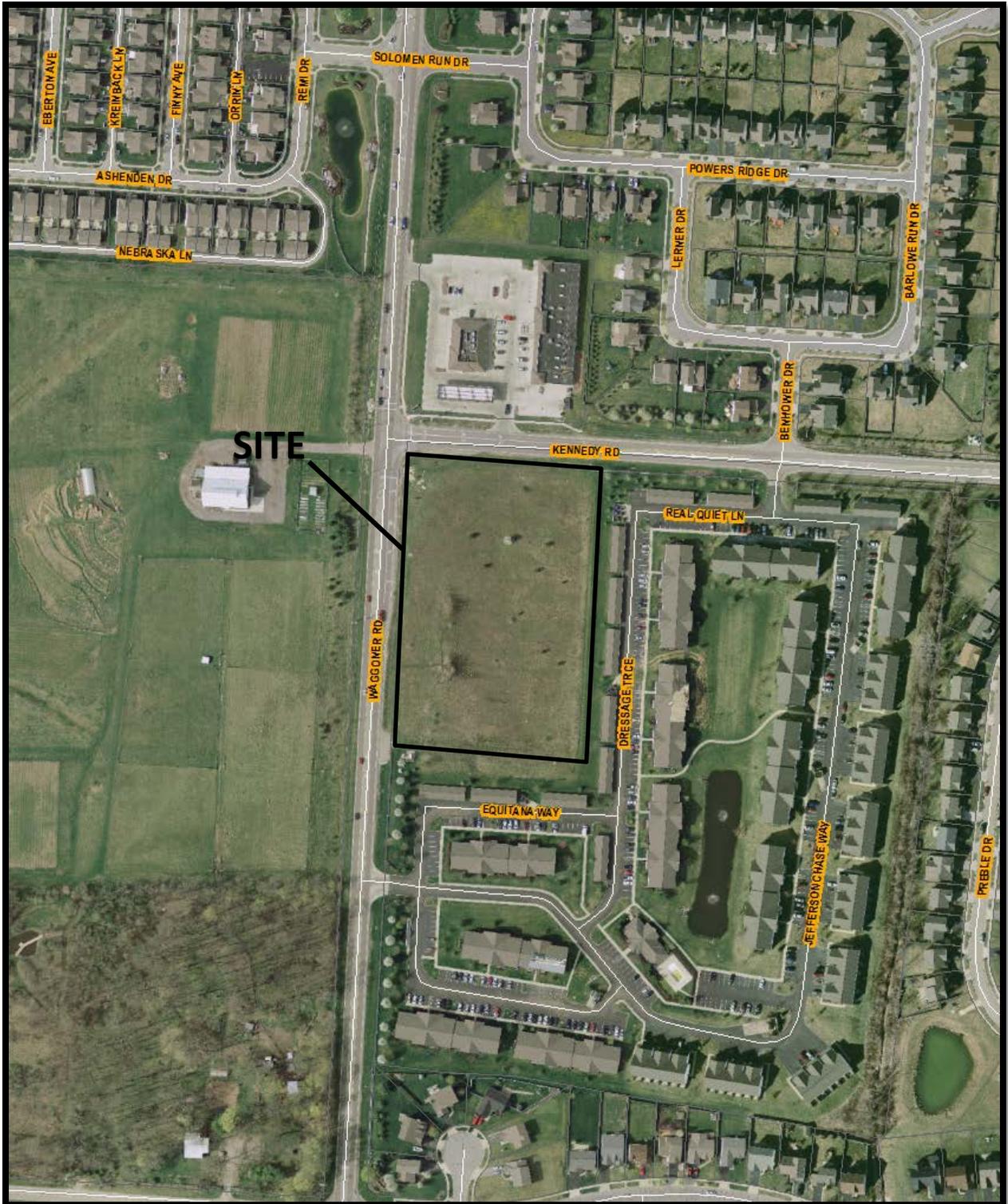
The requested CPD, Commercial Planned Development District will allow a fueling station with a convenience / grocery store, along with a future development parcel, that is compatible with the zoning and development standards of adjacent Waggoner Road Corridor developments. The proposal is also consistent with the land use recommendations of the *Broad-Blacklick Area Plan* (2011), which recommends Commercial (Neighborhood) uses for the site.



Z15-039
 920 North Waggoner Road
 Approximately 4.18 acres
 CPD to CPD



Z15-039
 920 North Waggoner Road
 Approximately 4.18 acres
 CPD to CPD



Z15-039
920 North Waggoner Road
Approximately 4.18 acres
CPD to CPD

CPD TEXT

CPD, COMMERCIAL PLANNED DISTRICT

4.178 +/-

EXISTING DISTRICT: CPD, Commercial Planned District

PROPOSED DISTRICT: CPD, Commercial Planned District

PROPERTY ADDRESS: 920 North Waggoner Road / Parcel I.D.: 515-239331

PROPERTY OWNER: LDA Investments, LLC
ATTN: Dean Adamantidis
75 East Gay Street, Ste 100
Columbus, Ohio 43231

APPLICANT: TH Midwest, Inc.
2600 Corporate Exchange Blvd., Ste 170
Columbus, Ohio 43231

c/o: Christopher A. Rinehart, Esq.
Rinehart Legal Services, Ltd.
300 East Broad Street, Suite 450
Columbus, Ohio 43215

DATE OF TEXT: November 4, 2015

APPLICATION NUMBER: Z15-039

INTRODUCTION:

The subject property consists of one (1) parcel totaling 4.178 +/- acres located at 920 North Waggoner Road ("Site"). The Site is currently vacant land and is zoned CPD, Commercial Planned District.

Applicant proposes to rezone the Site to CPD, Commercial Planned District, to allow for the construction of a grocery/convenience store. The approximate 4.178 +/- acre site will developed with (1) a retail convenience/grocery store and (2) a fuel sales canopy that includes six island dispensers, totaling twelve fueling positions, as illustrated on the attached CPD Site Plan. The CPD text for this Site, and the attached site plan, proposes two sub-areas. Sub-Area A is the grocery/convenience store site and will have an area of approximately 3.0 acres. Sub-Area B is the residual commercial property contemplated for future development and will have an area of approximately 1.1 acres. This CPD text is submitted in support of the zoning application.

SUB-AREA "A" (3.0 ACRES)

1. PERMITTED USES:

A. Chapter 3356 (C-4), Regional Scale Commercial District

1. Unless otherwise indicated herein, the permitted uses in, on or upon Sub-Area A shall be those allowed in Chapter 3356 (C-4), of the Columbus City Code.

B. Chapter 3357 (C-5), Highway Oriented Commercial Development

1. Unless otherwise indicated herein, the permitted uses in, on or upon Sub-Area A shall include an automobile service station as permitted by Chapter 3357 of the Columbus City Code.

C. Prohibited Uses

The following uses are specifically prohibited and shall not be on the Sub-Area A:

- Assembly Hall
- Auto rental, new or used
- Auto repair (Garage)
- Auto Sales, new or used
- Bar
- Billboards
- Bowling Alley
- Business College
- Cabaret
- Cellular Telephone Towers
- Commercial radio transmission or television station or appurtenances
- Dance halls
- Electric substation
- Funeral Parlor
- Hospital (public/private)
- Hotel
- Motel
- Motion picture theater
- Motor bus terminal
- Newspaper printing
- Night club
- Off premise graphics
- Pool Hall
- Private club
- Public parking for pay
- Skating rink
- Telephone substation
- Testing or experimental laboratory
- Trade School

2. DEVELOPMENT STANDARDS: Unless otherwise stated herein, the applicable development standards shall be as specified in Chapter 3356 of the Columbus City Code.

A. Density, Lot, and/or Setback Commitments

- 1. Building Setbacks: The minimum building setback from North Waggoner Road shall be fifty feet (50') from the centerline of North Waggoner Road.

The minimum building setback from Kennedy Road shall be twenty-five feet (25') from the centerline of Kennedy Road.
- 2. Parking Setbacks: The minimum parking, loading and maneuvering setbacks shall be ten feet (10') from the property lines established for the Site.

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

- 1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Department of Public Service.
- 2. Curb cuts shall be approved by the City of Columbus Department of Public Service. Access to and from the Sub-Area A is proposed to be provided from two access points located along North Waggoner Road and Kennedy Road, as depicted on the attached site plan.

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

1. Additional screening, in the form of evergreen trees shall be provided along the eastern border of Sub-Area A as depicted on the site plan attached hereto.

D. Building Design and/or Interior-Exterior Treatment Commitments [N/A]

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

1. Outdoor display and/or sales shall be limited to the following areas:
 - a. Outdoors displays shall be permitted on an internal sidewalk and shall be located in a manner that maintains a four (4) foot wide clear walkway for pedestrians at all times.
 - b. Pump island end cap displays shall not exceed a footprint of 3' x 3' nor exceed a height of 4'.

F. Graphic and Signage Requirements

1. Except as otherwise stated herein, 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, Regional Scale Commercial District, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.
2. Any signs permitted by Section 3377.03 (A) of the Columbus City Code shall be restricted to one ground sign directed to North Waggoner Road and one ground sign directed to Kennedy Road. All other requirements of such signs shall comply with the Graphics Code, Article 15, Title 33, of the Columbus City Code, as it applies to the C-4, Regional Scale Commercial District. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments

1. The Site shall be developed in accordance with the site plan and details. The plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of Development of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.
2. Section 3357.18 of the Columbus City Code shall apply if fuel sales are abandoned according to the definition included in this Section of the Columbus City Code. The owner/lessee shall follow the requirements found in Section 3357.18 (a through e) in order to secure the site and maintain the aesthetics of the property.

SUB-AREA "B" (1.0 ACRES)

1. PERMITTED USES:

A. Chapter 3356 (C-4), Regional Scale Commercial District

1. Unless otherwise indicated herein, the permitted uses in, on or upon the Sub-Area B shall be those allowed in Chapter 3356 (C-4), of the Columbus City Code.

B. Prohibited Uses

The following uses are specifically prohibited and shall not be on the Site:

Assembly Hall

Auto rental, new or used
 Auto repair (Garage)
 Auto Sales, new or used
 Bar
 Billboards
 Bowling Alley
 Business College
 Cabaret
 Cellular Telephone Towers
 Check Cashing and Loans
 Commercial radio transmission or television station or appurtenances
 Convenience Store
 Dance Halls
 Electric substation
 Funeral Parlor
 Gas Stations
 Grocery Store
 Hospital (public/private)
 Hotel
 Missions/Temporary Shelters
 Motel
 Motion picture theater
 Motor bus terminal
 Newspaper printing
 Night club
 Off premise graphics
 Pawn Brokers
 Pharmacy
 Pool Hall
 Private club
 Public parking for pay
 Skating rink
 Telephone substation
 Testing or experimental laboratory
 Trade School
 Used Merchandise Stores

2. **DEVELOPMENT STANDARDS:** Unless otherwise stated herein, the applicable development standards shall be as specified in Chapter 3356 of the Columbus City Code.

A. Density, Lot, and/or Setback Commitments

1. Building Setbacks: The minimum building setback from North Waggoner Road shall be fifty feet (50') from the centerline of North Waggoner Road.
2. Parking Setbacks: The minimum parking, loading and maneuvering setbacks shall be ten feet (10') from the property lines established for the Site.

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

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Department of Public Service.
2. Curb cuts shall be approved by the City of Columbus Department of Public Service. Access to and from the Site is proposed to be provided principally from Sub-Area A, as depicted on the attached site plan.

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

1. At the time of future development, additional screening, in the form of evergreen trees shall be provided along the eastern and southern boundaries of Sub-Area B. This additional buffering shall be in the form of a 10 foot landscaped buffer with 1 evergreen tree for every 30 feet of property line along the eastern and southern borders of Sub-Area B. Such trees may be grouped or evenly spaced.

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

1. Any building exteriors for buildings located in Sub-Area B shall be designed to complement the buildings and structures in Sub-Area A and the surrounding community, using similar materials and colors.

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

1. Outdoor display and/or sales shall be limited to the following areas:
 - a. Outdoors displays shall be permitted on an internal sidewalk and shall be located in a manner that maintains a four (4) foot wide clear walkway for pedestrians at all times.

F. Graphic and Signage Requirements

1. Except as otherwise stated herein, 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, Regional Scale Commercial District, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments

1. The Site shall be developed in accordance with the site plan and details. The plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of Development of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

3. CPD CRITERIA (APPLICABLE TO BOTH SUB-AREAS)

A. Natural Environment

The Site is located at the intersection of North Waggoner Road and Kennedy Road. The natural environment of the Site is vacant land.

B. Existing Land Use

The property is currently zoned CPD, Commercial Planned District, and is currently vacant land. The rezoning permits commercial use of the Site pursuant to existing C-4 standards as well as limited C-5 use for an automobile service station and ancillary parking, as described herein.

C. Transportation and Circulation

There will be direct vehicular access to the Site from North Waggoner Road and Kennedy Road, as illustrated on the attached CPD Site Plan.

D. Visual Form of the Environment

The existing uses/zoning of the surrounding properties are as follows:

East: To the east is a multi-family development zoned LAR-12
North: To the north are multiple parcels, one zoned CPD and the others zoned residential as part of a housing subdivision.
West: To the west is principally vacant land owned by the Dominican Sisters of Peace.
South: To the south is a multi-family development zoned LAR-12

E. View and Visibility

The Site is clearly visible from North Waggoner Road and Kennedy Road.

F. Proposed Development

The proposed development is a convenience/grocery store with (1) a retail convenience store/grocery store and (2) a fuel sales canopy that includes six pump island dispensers, totaling twelve fueling positions, as illustrated on the attached CPD Site Plan. The development also contemplates a residual area on the southern portion of the Site to be developed in accordance with this text.

G. Behavior Patterns

As indicated and set forth on the site plan, access to the Site will be facilitated from North Waggoner Road and Kennedy Road. The proposed development is not expected to significantly alter existing traffic behavior patterns.

H. Emissions

No adverse emissions are expected from this development.

I. Variances

The use of the CPD mechanism permits certain variances to the required development standards. However, no variances are requested at this time.

5. Variances. [N/A]

The undersigned, being the owner of the subject property, together with the applicant in the subject application, or other authorized representatives do hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by the above restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that he 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.

SIGNATURE: _____

DATE: November 4, 2015

FEAC ZONING/REZONING/VARIANCE APPLICATION STAFF REPORT

This form is strictly for use of the Area Commission to help in the review of information and flow of handling this application while being reviewed by the Area Commission. It is not to be construed as a legal document in content or meaning.

APPLICANT: TH Midwest, Inc.; c/o Christopher A. Rinehart, Atty.; Rinehart Legal Services, Ltd.; 300 East Broad Street, Suite 450; Columbus, OH 43215.

APPLICATION/ ZONING / DEVELOPMENT COMMISSION CASE NUMBER: Z15-039

DATE RECEIVED City of Columbus Dept Building & Zoning Service: 8-31-15

AREA COMMISSION: FAR EAST AREA COMMISSION

DATE RECEIVED BY AREA COMMISSION: 9-3-15

LOCATION AND ZONING REQUEST:

Certified address: 920 NORTH WAGGONER ROAD (43004),

Parcel Number for Certified Address:

Current Zoning District: CPD, Commercial Planned Development District

Requested Zoning District: CPD, Commercial Planned Development District

Proposed Use or reason for rezoning request: Fuel Sales; Convenience Store/Grocery

Proposed Height District: 35'

APPLICANT CONTACT: Applicant / Property Owner /

LDA Investments, LLC c/o Dean Adamantidis

Attorney-Agent

Christopher A. Rinehart, Atty.; Rinehart Legal Services, Ltd.; 300 East Broad Street, Suite 450; Columbus, OH 43215.

crinehart@rinehartlegal.com

ADJACENT PROPERTIES CURRENT ZONE AND OCCUPANCIES:

NORTH: KENNEDY RD NORTH OF KENNEDY IS SUNOCO AND RETAIL STORE BUILDING

EAST: APARTMENTS

SOUTH: APARTMENTS

WEST: WAGONER RD

PROBLEMS/COMMENTS:

APPLICATION WAS DISCUSSED IN A SPECIAL AREA COMMISSION MEETING OPEN TO THE PUBLIC 10-6-15.

PROPOSAL IS TO REMOVE THE SECTION OF THE ORIGINAL CPD ZONING FOR THE SEPARATE RETAIL MERCANTILE BUILDING IN FAVOR OF A FUEL AND CONVENIENT STORE BUILDING

THE COMMISSION AND PUBLIC EXPRESSED CONCERNS AND MADE RECOMMENDATIONS.

APPLICATION: Z15-039

AREA COMMISSION: FAR EAST AREA COMMISSION

SCHEDULED TO BE PRESENTED TO FEAC ON: 11-3-2015

Notification of Identifiable Civic Organization recognized by the City:

Organizations:

CONTACT date: 09-5-15

BY: _____

APPLICANT COMMENTS:

11-3-15 MEETING: CONCERNS WERE ADDRESSED ON DESIGN AND LIGHTING.

CIVIC ORGANIZATION COMMENTS:

AREA COMMISSION COMMENTS, DECISION AND ACTIONS:

It was felt this would be an improvement over the prior Zoning CPD by removing the separate retail building. The Commissioners appreciated the "full" service of the market, which included not only the convenience store, but a "Buckeye Coffee" shop and Kroger Pharmacy (the latter normally being open 8am to 8pm)

Chair Chamberlain expressed concerns on lighting with regards to the Dominican Sisters of Peace.

AREA COMMISSION APPROVAL WAS CONTINGENT ON THE APPLICANT REVISING THE LIMITATION TEXT TO REMOVE AS "PERMITTED USES AND INCLUDE THE FOLLOWING AS "PROHIBITED USES" SUB-AREA "B" Section 1b "Prohibited Uses": CHECK CASHING AND LOANS; MISSIONS/TEMPORARY SHELTERS; PAWN BROKERS; USED MERCHANDISE STORES

THE FEAC FELT OTHER "UNDESIRABLE" OCCUPANCIES, NOT REMOVED FROM THE LIST OF PERMITTED USES, WOULD BE UNABLE TO USE THIS SECOND BUILDING DUE TO PARKING LIMITATIONS AND THE LIMITED SQUARE FOOTAGE.

THIS WAS AGREED UPON BY THE APPLICANT.

8 _____ MEMBERS PRESENT AND BEING A QUORUM:

VOTES: FOR: 8_ AGAINST: 0 ___ ABSTAINED: 0 ____ .

DATE: 11-3-15

DECISIONS NOTIFICATION TO DEPT OF BUILDING & ZONING SERVICES/ DEPT OF DEVELOPMENT

DATE: 1-4-15

TO:

SHANNON PINE

DECISIONS NOTIFICATION CONFIRMED:

DATE:

BY: