



## Legislation Details (With Text)

**File #:** 0855-2023      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 3/13/2023      **In control:** Zoning Committee

**On agenda:** 4/3/2023      **Final action:** 4/5/2023

**Title:** To rezone 2480 WALCUTT RD. (43228), being 3.21± acres located at the southeast corner of Walcutt Road and Roberts Road, From: R-1, Residential District and C-3, Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z22-076).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0855-2023.Attachments, 2. ORD0855-2023.Labels

Date	Ver.	Action By	Action	Result
4/5/2023	1	CITY CLERK	Attest	
4/4/2023	1	MAYOR	Signed	
4/4/2023	1	MAYOR	Signed	
4/4/2023	1	MAYOR	Signed	
4/3/2023	1	COUNCIL PRESIDENT	Signed	
4/3/2023	1	COUNCIL PRESIDENT	Signed	
4/3/2023	1	COUNCIL PRESIDENT	Signed	
4/3/2023	1	Zoning Committee	Waive the 2nd Reading	Pass
4/3/2023	1	Zoning Committee	Approved	Pass

### Rezoning Application: Z22-076

**APPLICANT:** SkilkenGold Development, LLC; c/o Andrew Richlen; 4270 Morse Road; Columbus, OH 43230.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on March 9, 2023.

**FAR WEST SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel in the C-3, Commercial District and five parcels, each developed with a single-unit dwelling, in the R-1, Residential District. The requested CPD, Commercial Planned Development District would allow the site to be redeveloped with a fuel sales facility and convenience store with accessory eating and drinking establishment uses. The development text permits most C-4 and C-5 uses, and includes supplemental development standards addressing setbacks, site access, landscaping, building design, lighting, and graphics provisions. Code modifications to building and parking setbacks are included in this request, along with commitments to develop the site in accordance with the submitted site plan, landscaping plan, and building elevations. The proposal is consistent with the land use recommendation of the *Trabue/Roberts Area Plan* (2011), which recommends "Neighborhood Commercial" uses at this location. Appropriate use restrictions and

development standards that include landscape buffering from adjacent residential uses, and street trees along the Roberts Road and Walcutt Road frontages, are consistent with the Plan's design guidelines.

To rezone **2480 WALCUTT RD. (43228)**, being 3.21± acres located at the southeast corner of Walcutt Road and Roberts Road, From: R-1, Residential District and C-3, Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z22-076).

**WHEREAS**, application #Z22-076 is on file with the Department of Building and Zoning Services requesting rezoning of 3.21± acres from R-1, Residential District and C-3, Commercial District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Far West Side Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the CPD, Commercial Planned Development District will allow a commercial development that is consistent with *Trabue/Roberts Area Plan* land use recommendation and design guidelines; 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:

**2480 WALCUTT RD. (43228)**, being 3.21± acres located at the southeast corner of Walcutt Road and Roberts Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Virginia Military Survey No. 287, being a 3.212 acre tract of land, and being all or portions of the following six (6) tracts of land:

1. a 0.867 acre portion of an original 1.367 acre tract of land conveyed to Thomas A. McDowell (50% Interest) and Diane A. Hornung (50% Interest), by deed of record in Official Record 31142, Page H 08 and Thomas A McDowell, Successor Trustee of the Diane Elaine McDowell Revocable Living Trust, by deed of record in Instrument No. 202202170027333,
2. all of a 0.385 acre tract of land conveyed to Roy R. Alsept, II and Sarah B. Alsept, by deed of record in Instrument No. 201604180046689,
3. all of 0.450 acre tract of land conveyed to Kevin M. Uphouse, by deed of record in Instrument No. 201508030106403,
4. all of a 0.450 acre tract of land conveyed to Troy C. & Amanda E. Dodson, by deed of record in Instrument No. 200111050254610,
5. all of a 0.530 acre tract of land conveyed to Troy C. Dodson, by deed of record in Instrument No., 200706110101640, and
6. all of a 0.530 acre tract of land conveyed to Vicente Reyes and Luis Reyes, by deed of record in Instrument No. 202207010097611,

all recorders referenced to the Recorder's Office, Franklin County, Ohio, said easement bounded and described as follows:

Beginning at a point within said original 1.367 acre tract, in the southeasterly line connecting the south right-of-way line of Roberts Road (variable width), with the east right-of-way line of Walcutt Road (variable width), at the southwest corner of a 0.008 acre tract of land conveyed, as Parcel 44-WD for Roberts Road roadway purposes, to City of Columbus, by deed of record in Instrument No. 200503030038650, and in the southeasterly line of a 0.497 acre tract of land conveyed, as Parcel 7-WD for roadway purposes, to City of Columbus, Ohio, by deed of record in Instrument No.

199812210328305, said point being S 61° 32' 13" E a distance of 98.53 feet from a point at the intersection of the centerline of Roberts Road with the centerline of Walcutt Road;

thence S 87° 00' 14" E crossing a portion of said original 1.367 acre tract, along the south right-of-way line of Roberts Road and along the south line of said 0.008 acre tract a distance of 181.02 feet to a point in the east line of said original 1.367 acre tract, at the southeast corner of said 0.008 acre tract, at the southwest corner of a 0.003 acre tract of land conveyed, as Parcel 46-WD for Roberts Road roadway purposes, to City of Columbus, by deed of record in Instrument No. 200502030020808, and at the northwest corner of a 0.016 acre tract of land conveyed, for Roberts Road roadway purposes, to City of Columbus, Ohio, by deed of record in Instrument No. 202010140158252;

thence S 06° 09' 30" E along a portion of the east line of said original 1.367 acre tract, along the west line of said 0.016 acre tract, along a west line of an 8.522 acre tract of land conveyed to Wall & Rob LLC, by deed of record in Instrument No. 202011250188360, and along the east line of said 0.385 acre tract a distance of 245.80 feet to a point at the southeast corner of said 0.385 acre tract, at a southwest corner of said 8.522 acre tract and in the north line of said 0.450 acre tract conveyed to Kevin M. Uphouse;

thence N 83° 50' 31" E along a portion of the north line of said 0.450 acre tract conveyed to Kevin M. Uphouse and along a north line of said 8.522 acre tract a distance of 70.00 feet to a point at the northeast corner of said 0.450 acre tract conveyed to Kevin M. Uphouse and at a corner of said 8.522 acre tract;

thence S 06° 09' 29" E along the east line of said 0.450 acre tract conveyed to Kevin M. Uphouse, along the east line of said 0.450 acre tract conveyed to Troy C. & Amanda E. Dodson, along the east line of said 0.530 acre tract conveyed to Troy C. Dodson, along the east line of said 0.530 acre tract conveyed to Vicente Reyes and Luis Reyes and along a west line of said 8.522 acre tract a distance of 280.00 feet to a point at the southeast corner of said 0.530 acre tract conveyed to Vicente Reyes and Luis Reyes and at a corner of said 8.522 acre tract;

thence S 83° 50' 31" W along the south line of said 0.530 acre tract conveyed to Vicente Reyes and Luis Reyes and along a north line of said 8.522 acre tract a distance of 329.80 feet to a point in the centerline of Walcutt Road, at the southwest corner of said 0.530 acre tract conveyed to Vicente Reyes and Luis Reyes and at the northwest corner a 0.115 acre tract of land conveyed, for Walcutt Road roadway purposes, to City of Columbus, Ohio, by deed of record in Instrument No. 202010140158248;

thence N 06° 09' 29" W along the centerline of Walcutt Road, along the west line of said 0.530 acre tract conveyed to Vicente Reyes and Luis Reyes and along the west line of said 0.530 acre tract conveyed to Troy C. Dodson a distance of 140.05 feet to a point at the northwest corner of said 0.530 acre tract conveyed to Troy C. Dodson and at the southwest corner of a 0.080 acre tract of land conveyed, as Parcel 10-WD for Walcutt Road roadway purposes, to City of Columbus, Ohio, by deed of record in Official Record 33364, Page D 10;

thence N 83° 50' 27" E along a portion of the north line of said 0.530 acre tract conveyed to Troy C. Dodson and along the south line of said 0.080 acre tract a distance of 50.00 feet to a point at the southeast corner of said 0.080 acre tract and at the southwest corner of said 0.450 acre tract conveyed to Troy C. & Amanda E. Dodson;

thence N 06° 09' 29" W along the west line of said 0.450 acre tract conveyed to Troy C. & Amanda E. Dodson, along the east line of said 0.080 acre tract, along the west line of said 0.450 acre tract conveyed to Kevin M. Uphouse, along the east line of a 0.080 acre tract of land conveyed, as Parcel 10A-WD for Walcutt Road roadway purposes, to City of Columbus, Ohio, by deed of record in Instrument No. 199711140144400, along the west line of said 0.385 acre tract, along the along the east line of a 0.092 acre tract of land conveyed, as Parcel WD-11 for Walcutt Road roadway purposes, to City of Columbus, Ohio, by deed of record in Instrument No. 199706020012019, crossing a portion of said original 1.367 acre tract and along an east line of said 0.497 acre tract a distance of 384.52 feet to a point at a corner of said 0.497 acre tract and at the southerly end of said connecting line;

thence N 39° 49' 57" E crossing a portion of said original 1.367 acre tract, along a portion of the southeast line of said 0.497 acre tract and along a portion of said connecting line a distance of 43.22 feet to the place of beginning;

containing 3.212 acre of land, more or less.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of V3 Companies, Ltd., (formerly Bird+Bull, Inc.) Consulting Engineers & Surveyors, Columbus, Ohio, from best available Court House records in May, 2022. Basis of bearings is the centerline of Walcutt Road, being S 06° 09' 29" E, derived from VRS observations referencing monument, PID designation of AJ7184 and CORS\_ID of COLB, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian.

**To Rezone From:** R-1, Residential District and C-3, 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**,” and “**OVERALL LANDSCAPE PLAN**,” elevations titled “**ELEVATIONS, SHEETS 1-2**,” and text titled, “**DEVELOPMENT TEXT**,” all dated March 10, 2023, and signed by Andrew Richlen, Applicant, and the text reading as follows:

#### **Development Text**

**Property Address:** 2480 Walcutt Road

**Acreage:** +/- 3.21

**Current Owners:** McDowell; Alsept; Uphouse; Dodson; Dodson; Reyes

**Applicant:** SkilkenGold Development, LLC

**Existing Zoning:** C3 and R1

**Proposed Zoning:** CPD (Commercial Planned Development)

**Date of Text:** 3/10/2023

**Application Number:** Z22-076

#### **1. Introduction:**

The 3.289 +/- acre site is located at the southeast corner of the intersection of Roberts Road & Walcutt Road. The site consists of six parcels: 560158114 (0.864 acres), 560158125 (0.385 acres), 560158124 (0.450 acres), 560158123 (0.530 acres), 560158122 (0.530 acres) and 560158121 (0.530 acres). Said parcels are within the Far West Side Area Commission and C3 and R1 zoning districts. The applicant will combine parcels upon closing, raze all existing structures and redevelop the property with the following amenities: restaurant, indoor/outdoor seating, convenience store, fuel sales and minimal outdoor sales displays; EV charging stations may be added in the future as indicated on the site plans. The proposed restaurant/convenience store is approximately 6,132 square feet and the fuel service canopy will include 8 fuel dispensing islands. Additional site features include landscaping, dumpster enclosure, storm water detention and underground fuel tanks. The applicant proposes to rezone the site to CPD (Commercial Planned Development) in order to accommodate the proposed use.

#### **2. Permitted Uses:**

- a.** 3356.03 C-4 permitted uses with the following exclusions: Dance Hall; Electric substation; Funeral parlor; Motor bus terminal; Night club/cabaret; Pool room; Trade School; Building materials and supplies dealer; Halfway house; Warehouse clubs and super centers; 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 development plan (site plan), the applicable development standards are contained in Chapter 3356 C-4 Regional Scale Commercial District of the Columbus City Code.

**a. Height, Lot and/or Setback Requirements:**

- i. Setbacks for parking along Walcutt Road and Roberts Road shall be a minimum of 4'.
- ii. Setbacks for building along Walcutt Road and Roberts Road shall be a minimum of 10'.
- iii. If the proposed sidewalk configuration along Walcutt Road is not supported by the City of Columbus, and subsequently additional right-of-way dedication is required, then the proposed setbacks shall be reduced to accommodate the necessary revisions.

**b. Access, Loading, Parking and/or other Traffic Related Commitments:**

- i. Access points are shown on the submitted site plan which include a right-in/right-out on Roberts Road, a right-in/right-out on Walcutt Road, and a full movement access point on Walcutt Road.
- ii. This development shall implement the following improvements to the south leg of the intersection of Roberts Road and Walcutt Road:
  1. Extension of the northbound right turn lane to a minimum distance of 100 feet south of the proposed right-in/right-out access point to Walcutt Road, inclusive of a 50 feet diverging taper.
  2. Extension of the northbound left turn lane to a minimum length of 300 feet.
  3. Addition of a two-way left turn lane between the southern terminus of the northbound left turn lane extension and the proposed full access point to Walcutt Road.
  4. Additional roadway widening to accommodate a potential future buffer lane between the northbound left turn lane and the northbound through lane with a minimum length of 250 feet, inclusive of a 100 feet long diverging taper, while providing a striping layout that integrates with the existing intersection configuration as approved by the Department of Public Service. This improvement fulfills the need for this development to participate in implementing the improvements identified to be necessary at the intersection of Roberts Road and Walcutt Road.

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

Buffering, landscaping, screening and open space shall be in accordance with 3312.21 of the Columbus City Code.

**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. The proposed building shall be designed in accordance with the attached building elevations.

**e. Dumpsters, Lighting, Outdoor Display areas and/or Other Environmental Commitments:**

Refer to the CPD site plan and accompanying exhibits. Any proposed landscaping within the right-of-way is subject to the review and approval of the Department of Public Service. The Department of Public Service will have no responsibility for the maintenance of such landscaping and such landscaping may be removed in the future at the sole discretion of the Department of Public Service.

**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 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:**

- i. Natural Environment: the natural environment of the site is flat.
- ii. Existing Land Use: the site is occupied by 5 residential homes.
- iii. Circulation: circulation on the site shall be in accordance with the site plan.
- iv. Visual Form of the Environment: the surrounding properties along Walcutt Road and Roberts Road are developed with multifamily and commercial uses.
- v. Visibility: the site can be viewed from Walcutt Road and Roberts Road.
- vi. Proposed Development: restaurant, indoor and outdoor seating, convenient store, fuel sales and minimal outdoor sales displays.
- vii. Behavior Patterns: commercial uses as developed along Roberts Road and parts of Walcutt Road.
- viii. Emissions: no adverse effect from emissions shall result from the proposed development.
- ix. Other: exterior vehicular vacuum stations are not permitted

**h. Modification of Code Standards:**

- i. Section 3312.27: requested for a reduction in the parking setback. Code specifies a 10' minimum, applicant is pursuing a 4' minimum.
- ii. Section 3361.04: requested for a reduction in the front yard setback. Code specifies a 25' minimum, applicant is pursuing a 10' minimum.

**i. Miscellaneous Commitments:**

- i. A site plan showing lot lines, setbacks, building locations, and access is submitted for the development. 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.
- ii. The principal 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.
- iii. 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.