



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

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On agenda: 7/12/2010 **Final action:** 7/14/2010

Title: To rezone 4747 SAWMILL ROAD (43232), being 9.85± acres located at the west side of Sawmill Road, 206± feet south of Hayden Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z10-003)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0836-2010attachments.pdf, 2. ORD0836-2010.lbl.pdf, 3. City Council Data Form_Z10-003.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|------------------------------|------------------------------------|--------|
| 7/14/2010 | 1 | MAYOR | Signed | |
| 7/14/2010 | 1 | CITY CLERK | Attest | |
| 7/12/2010 | 1 | Zoning Committee | Taken from the Table | Pass |
| 7/12/2010 | 1 | Zoning Committee | Approved | Pass |
| 7/12/2010 | 1 | COUNCIL PRESIDENT | Signed | |
| 6/28/2010 | 2 | Zoning Committee | Tabled to Certain Date | Pass |
| 6/21/2010 | 1 | Columbus City Council | Read for the First Time | |
| 6/11/2010 | 1 | Building and Zoning Drafter | Sent to Clerk's Office for Council | |
| 6/10/2010 | 1 | BUILDING ZONING DIRECTOR | Reviewed and Approved | |
| 6/9/2010 | 1 | Building and Zoning Reviewer | Reviewed and Approved | |
| 6/9/2010 | 1 | Building and Zoning Drafter | Sent for Approval | |
| 5/28/2010 | 1 | Building and Zoning Drafter | Sent for Approval | |

Rezoning Application Z10-003

APPLICANT: Giant Eagle Inc.; c/o Jackson B. Reynolds III, Atty., Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Adding a drive-through pharmacy pick up window.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on May 13, 2010.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District would allow for the addition of a drive-through pick-up unit at a pharmacy at an existing grocery store. The proposed drive-through pick-up unit is located away from existing single-unit dwellings in Upper Arlington and the CPD text prohibits operation of the drive-through pharmacy from 9 PM to 8 AM to address concerns about noise. Staff supports the variances to eliminate part of the bypass lane for the pharmacy and to reduce the setbacks for the existing sign and parking due to the dedication of right-of-way. The proposal is consistent with the zoning and development patterns of the area.

To rezone **4747 SAWMILL ROAD (43232)**, being 9.85± acres located at the west side of Sawmill Road, 206± feet south of Hayden Road, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District. (Rezoning # Z10-003)

WHEREAS, application #Z10-003 is on file with the Building Services Division of the Department of Development requesting rezoning of 9.85± acres from the CPD, Commercial Planned Development District to the CPD, Commercial Planned Development District; and

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

WHEREAS, the City Departments recommend approval because requested CPD, Commercial Planned Development District would allow for the addition of a drive-through pick-up unit at a pharmacy at an existing grocery store. The proposed drive-through pick-up unit is located away from existing single-unit dwellings in Upper Arlington and the CPD text prohibits operation of the drive-through pharmacy from 9 PM to 8 AM to address concerns about noise. Staff supports the variances to eliminate part of the bypass lane for the pharmacy and to reduce the setbacks for the existing sign and parking due to the dedication of right-of-way. The proposal is consistent with the zoning and development patterns of the 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:

4747 SAWMILL ROAD (43232), being 9.85± acres located at the west side of Sawmill Road, 206± feet south of Hayden Run Road, and being more particularly described as follows:

Exhibit A

The Land

Parcel 1

Situated in the State of Ohio, County of Franklin, City of Columbus, in lot One (1), Fractional Quarter Township 2, Township 1 North, Range 19 West, United States Military Lands, and being portions of the following two (2) tracts of land conveyed to John W. McKittrick:

1. 3.442 acres out of the remaining 4.623 acres (by recent survey) out of the original 5.471 acre tract conveyed by deed of record in the Deed Book 3506, Page 942, Recorder's Office, Franklin County, Ohio, and
2. the remaining 6.408 acres (by recent survey) out of an original 6.540 acre tract conveyed by deeds of record in Official Record 2067, Page C 03, and Official Record 2080, Pages E 16, F 01, F 06, F 11, F 16 and G 01, Recorder's Office, Franklin County, Ohio.

All bounded and described as follows:

Beginning, for reference, at Franklin County Engineer's Monument No. 0035 found at the intersection of the centerline of Sawmill Road (variable width) with the original centerline of the Bethel Road (variable width);

Thence N 86 deg. 38' 50" W along the original centerline of Bethel Road, along the north line of said original 5.471 acre tract, along the north line of a 0.902 acre tract of land conveyed as Parcel 25-WD out of said original 5.471 acre tract to City of Columbus, Ohio, by deed of record in Official Record 15337, Page C 02, Recorder's Office, Franklin County, Ohio, along a portion of the north line of said original 6.540 acre tract, along the north line of a 0.122 acre tract of land conveyed as Parcel 26-WD out of said original 6.540 acre tract to City of Columbus, Ohio, by deed of record in Official Record 15337, Page C 06, Recorder's Office, Franklin County, Ohio, and along the north line of a 0.010 acre tract of land conveyed out of said original 6.540 acre tract to City of Columbus, Ohio, by deed of record in Official Record 30755, Page C 10, Recorder's Office, Franklin County, Ohio, a distance of 743.63 feet to a point

at the westernmost corner of said 0.010 acre tract and at the true place of beginning of the tract herein intended to be described (passing Franklin County Engineer's Monument No. 0036 found in the east line of said Fractional Quarter Township 2, in the west line of Quarter Township 1, at the northeast corner of said original 5.471 acre tract and at the northeast corner of said 0.902 acre tract at 20.00 feet);

thence easterly along the curved south line of said 0.010 acre tract and with a curve to the left, data of which is: radius = 777.98 feet and delta = 4 deg. 56' 31", a chord distance of 67.08 feet bearing S 75 deg. 55' 26" E to a point at the southeast corner of said 0.010 acre tract and in the west line of said 0.122 acre tract;

thence S 11 deg. 38' 27" W along a portion of the west line of said 0.122 acre tract a distance of 17.70 feet to a $\frac{3}{4}$ inch I.D. iron pipe set at an angle point in the south right-of-way line of Bethel Road and at the southwest corner of said 0.122 acre tract;

thence S 82 deg. 37' 14" E along the south right of way line of Bethel Road, along the south line of said 0.122 acre tract and along a south line of said 0.902 acre tract a distance of 356.03 feet to $\frac{3}{4}$ inch I.D. iron pipe set at an angle point in the south right-of-way line of Bethel Road and at a corner of said 0.902 acre tract;

thence S 86 deg. 38' 50" East along the south right-of-way line of Bethel Road, along a portion of a south line of said 0.902 acre tract and parallel with and 55.00 feet southerly by perpendicular measurement from the original centerline of Bethel Road, from the north line of said original 5.471 acre tract and from the north line of said 0.902 acre tract a distance of 11.18 feet to a $\frac{3}{4}$ inch I.D. iron pipe set;

thence S 0 deg. 18' 39" W parallel with the west right-of-way line of Sawmill Road and parallel with a west line of said 0.902 acre tract a distance of 206.27 feet to a $\frac{3}{4}$ inch I.D. iron pipe set;

thence S 89 deg. 41' 21" E perpendicular to the west right-of-way line of Sawmill Road and perpendicular to a west line of said 0.902 acre tract a distance of 258.86 feet to a $\frac{3}{4}$ inch I.D. iron pipe set in the west right-of-way line of Sawmill Road and in a west line of said 0.902 acre tract;

thence S 0 deg. 18' 39" W along the west right-of-way line of Sawmill Road and along a portion of a west line of said 0.902 acre tract a distance of 231.51 feet to a $\frac{3}{4}$ inch I.D. iron pipe set at an angle point in the west right-of-way line of Sawmill Road, in the south line of said original 5.471 acre tract, at a southwest corner of said 0.902 acre tract, in the north line of an original 2.529 acre tract of land conveyed to Albert E. and Dorothy S. Voelkel by deed of record in Deed Book 3150, Page 345, Recorder's Office, Franklin County, Ohio, and at the northwest corner of a 0.090 acre tract of land conveyed as parcel 29-WD out of said original 2.529 acre tract to City of Columbus, Ohio, by deed of record in Official Record 15028, Page I 03, Recorder's Office, Franklin County, Ohio, said iron pipe being N 86 deg. 18' 23" W a distance of 23.30 feet from a point in the east line of said Fractional Quarter Township 2, in the west line of said Quarter Township 1, at the southeast corner of said original 5.471 acre tract, at the southeast corner of said 0.902 acre tract, at the northeast corner of said original 2.529 acre tract and at the northeast corner of said 0.090 acre tract;

thence N 86 deg. 18' 23" W along a portion of the south line of said original 5.471 acre tract and along a portion of the north line of said original 2.529 acre tract a distance of 476.98 feet to a $\frac{3}{4}$ inch I.D. iron pipe found at the southwest corner of said original 5.471 acre tract, at a corner of said original 6.540 acre tract and at the northwest corner of said original 2.529 acre tract;

thence S 2 deg. 14' 21" W along an east line of said original 6.540 acre tract and along the west line of said original 2.529 acre tract a distance of 219.95 feet to a $\frac{3}{4}$ inch I.D. iron pipe found at the southeast corner of said original 6.540 acre tract, at the southwest corner of said original 2.529 acre tract and at a corner of an original 29.501 acre tract of land conveyed to Mary Lou Zschach and Margaret Ann Slone by deed of record in Instrument 199712310179990, Recorder's Office, Franklin County, Ohio;

thence N 85 deg. 58' 31" W along the south line of said original 6.540 acre tract, along a portion of a north line of said original 29.501 acre tract and along a portion of the north line of a 20.652 acre tract of land conveyed to Tarrington Woods, LLC by deed of record in Instrument 199808100201439, Recorder's Office, Franklin County, Ohio a distance of 407.09 feet to a $\frac{3}{4}$ inch I.D. iron pipe set at the southwest corner of said original 6.540 acre tract and at the southeast corner of Shiloh Station Condominium Phase IV, as shown of record in Condominium Plat Book 28, Page 7, Recorder's Office, Franklin County, Ohio;

thence N 0 deg. 58' 38" E along the west line of said original 6.540 acre tract, along the east line of said Shiloh Station Condominium Phase IV and along the east line of Shiloh Office Park Condominiums, as shown of record in Condominium Plat Book 43, pages 27-34, Recorder's Office, Franklin County, Ohio, a distance of 691.31 feet to a $\frac{3}{4}$ inch I.D. iron pipe set in the original centerline of Bethel Road and at the northwest corner of said original 6.540 acre tract (passing a $\frac{3}{4}$ inch I.D. iron pipe set in the south right-of-way line of Bethel Road at 661.28 feet);

thence S 86 deg. 38' 50" E along the original centerline of Bethel Road and along a portion of the north line of said original 6.540 acre tract a distance of 197.00 feet to the true place of beginning;

containing 9.850 acres of land more or less and being subject to all legal highways, easements and restrictions of record.

To Rezone From: CPD, Commercial Planned Development 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 changes on the said original zoning map in the office of the Building and Zoning Services Department and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building and Zoning Services Department as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**PROPOSED PHARMACY DRIVE-THRU FOR GIANT EAGLE #6504,**" and text titled, "**CPD TEXT,**" both signed by Jackson B. Reynolds III, Attorney for the Applicant, both signed and dated May 6, 2010, and the text reading as follows:

CPD TEXT

PROPOSED DISTRICT: CPD, Commercial Planned District

PROPERTY ADDRESS: 4747 Sawmill Road

OWNER: Inland Western Columbus Sawmill LLC

APPLICANT: Giant Eagle Inc

DATE OF TEXT: 5/6/10

APPLICATION NUMBER: Z10-003

1. INTRODUCTION: To amend the existing CPD for the site by relocating a pharmacy drive thru to the existing grocery store building.

2. PERMITTED USES: Allowable uses on the subject site shall be those governed by Chapter 3356, C-4, Commercial District, and City of Columbus Zoning Code. The following uses shall not be permitted:

Billboards or off-premises graphics
Bowling alley
Business engaged in the wholesale or retail sales of gasoline
Cabaret / dance hall / night club
Skating rink
Cellular Towers

3. DEVELOPMENT STANDARDS: Except as otherwise noted, the site shall be developed in accordance with the development standards contained in Chapter 3356, C-4, Commercial District, this written text, and the accompanying Site Plan incorporated in this limitation text by reference as if fully rewritten herein. Minor adjustments can be made due to engineering considerations if the Director, Department of Building and Zoning Services or his or her designee approves the same.

A. Density, Lot and/or Setback Commitments.

a. Along adjacent to Sawmill Road, a minimum setback of thirty (30) feet for all buildings and parking and maneuvering areas shall be required adjacent and parallel to Sawmill Road.

b. Along and adjacent to Bethel Road the building, parking and maneuvering setbacks shall be a minimum of twenty-five (25) feet.

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

a. No access shall be permitted to Sawmill Road or Bethel Road other than as provided on the site plan. The final design and location of each access point shall be reviewed and approved by either the Columbus Department of Public Service, Division of Planning and Operations or the County Engineer depending upon the jurisdiction.

b. All walkway/street intersections shall have wheelchair ramps. All medians, parking lot "end caps" and/or intersecting curbs shall have wheelchair ramps for intersecting walkways. The developer shall install sidewalks along Bethel and Sawmill at locations fronting the development where sidewalks are not installed.

c. The developer shall install a pedestrian crosswalk or signage that alerts drivers to pedestrians at the exit of the pharmacy drive-thru at its new location on the south end of the building.

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

a. Landscaping of the property shall be in accordance with the submitted site plan and with this text.

b. All parking areas adjacent to Sawmill Road and Bethel Road shall have headlight screening of minimum thirty (30) inches height parallel to such road frontage as measured from the elevation of the nearest section of the adjacent parking areas. Due to the slope of the property and the finish grades for the site said screening shall be achieved by lowering the parking area below the pavement level of Bethel and Sawmill Roads.

c. Tree planting shall be required within site parking and service areas. The number of trees required shall be determined by the following applicable ratios of total inches of tree caliper (minimum of 2 inch caliper per tree) to total site coverage by buildings and pavement.

1. Over 100,000 square feet: 20 inches of trunk size plus 1 inch additional for every 6,500 square feet of total site coverage by buildings and pavement over 100,000 square feet.

d. At least 50% of required tree planting shall be integrated within parking or service areas. Existing trees of 3 inch caliper or greater may offset 2/3 of this requirement. Maximum possible green space shall be provided to minimize extensive unbroken hard surface areas.

e. Landscape islands are required within the parking lots and shall be placed in such a manner as to visually break up large expanses of pavement.

f. Lot coverage for structures and paved areas may not exceed eighty-five percent (85%) of net usable area (gross zoned acreage excluding publicly dedicated streets).

g. Any dumpster shall be screened on three sides with a wall or fence to a height of seven (7) feet with a gate on the fourth side.

h. Landscaping shall be maintained in a neat condition and dead materials shall be replaced with new landscaping which meets the size requirements contained in this text and the accompanying site plan, within six months or the next planting season.

i. Six (6) foot fence shall be installed along the western and southern property lines as set forth in the site plan. Between the apartment complex to the west and the site, a natural drop in grade exists. Developer will install evergreen and shade trees between the existing multi family site and the proposed development.

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

a. The property shall be developed in accordance with the submitted site plan. These plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time final development and engineering plans are completed. Any slight adjustment in the site plan shall be reviewed and may be approved by the Director, Department of Building and Zoning Services or his or her designee upon submission of the appropriate data regarding the proposed adjustment. The general layout and site concept shall, however, conform to the site plan, with the exception of any indicated interior wall/structure or dividers. In the drafting of this limitation text, care has been exercised to assure no conflict exists between all documents and plans to this ordinance. In the event, conflict is discovered in the future, the more restrictive interpretation governs as determined by the City of Columbus.

b. This development shall adhere to a 35' maximum building height except that architectural features such as parapets and appendages may exceed 35' in height.

c. Exterior facade materials for the proposed building shall be a combination of brick, EIFS (dryvit) and/or precast concrete.

d. The proposed building shall be no larger than 130,00 square feet.

- e. Outdoor music shall be prohibited from the proposed building.
 - f. Disposal of waste (trash) from the proposed building shall be removed from the site in a timely manner.
- E. Lighting, Outdoor Display Areas and/or Environmental Commitments.
- a. All exterior outdoor lighting shall be cut-off fixtures (down lighting).
 - b. All external outdoor lighting fixtures to be used shall be from the same or a similar manufacturer's type to ensure aesthetic compatibility.
 - c. No external light or surge lighting sources shall project upon Don Scott Airfield or the take-off and approach zones to said airport.
 - d. All light poles and standards shall be constructed of metal.
 - e. Parking lot lighting shall no higher than twenty-eight (28) feet. However, areas that border the residential property on the south and west shall have lot lighting no higher than eighteen (18) feet.
- F. Graphics and/or Signage Commitments.

All signage and graphics shall comply with provisions of a Graphics Plan as approved by the Columbus Graphics Commission.

G. Miscellaneous Commitments.

1. Multiple Jurisdiction

A portion of the development (approximately 2.4 acres) is located in the City of Upper Arlington as is shown on the site plan. It is the goal of the development to appear as if no governmental jurisdiction boundaries divide the property. To this end, the following applies:

- a. Cross Parking: Parking located in the City of Columbus can be counted to meet the requirements of a use located in the City of Upper Arlington and parking located in the City of Upper Arlington can be counted to meet the requirements of the City of Columbus.
- b. Building parking and maneuvering setbacks in Columbus shall be zero for the west and north boundaries of the 2.4 acre property located in the City of Upper Arlington as shown on the site plan.
- c. The pharmacy drive thru shall not be open to the public between the hours of 9 p.m. and 8 a.m. seven days a week.

H. CPD Criteria

1. Natural Environment:

- a. The property is located on the south side of Bethel Road west of Sawmill Road and contains an existing grocery store and its ancillary parking and loading areas.

2. Existing Land Uses:

- a. The site is zoned CPD; to the north and northeast is property zoned C-2, C-4 and CPD and developed with retail commercial uses (existing CVS Pharmacy); to the south is zoned ORC for office development in the City of Upper Arlington which is undeveloped; to the east is zoned CPD and the property is developed with a gas station and is otherwise vacant; and property to the west is zoned CPD and AR-12 and is developed with office and residential condominiums.

- 3. Transportation and Circulation: The curb cut and internal circulation patterns are shown on the submitted site plan and otherwise limited as provided herein.

- 4. Visual Form of the Environment: Consideration has been given to the visibility and safety of the motorists and pedestrians as both on and off the subject property in the development of this site.

5. Proposed Development: Grocery store and Pharmacy Drive Thru.

6. Behavior Pattern: Existing development in the area has established behavior patterns to the motorists and pedestrians.

7. Emissions: No adverse effects from emissions shall result from the proposed development.

I. Variances:

1. A variance is requested to omit part of the required bypass lane for the pharmacy drive-thru (Section 3342.07).

2. To reduce the Building, Parking and Maneuvering Setback (Section 3342.18) from 30' to 14' along the Sawmill Road right-of-way.

3. To reduce the freestanding sign setback from 15' to 2' (Section 3377.17 (A)) along the Sawmill Road right of way.

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