



## Legislation Details (With Text)

**File #:** 0810-2007      **Version:** 2

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

**File created:** 5/15/2007      **In control:** Zoning Committee

**On agenda:** 6/25/2007      **Final action:** 6/27/2007

**Title:** To rezone 5878 SAWMILL ROAD (43017), being 2.04± acres located at the southeast corner of Sawmill Road and Reflections Drive, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District and to declare an emergency. (Rezoning # Z07-005)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0810-2007Attachments.pdf, 2. ORD0810-2007Labels.pdf, 3. ORD0810-2007DataSheet.pdf

Date	Ver.	Action By	Action	Result
6/27/2007	2	CITY CLERK	Attest	
6/26/2007	2	MAYOR	Signed	
6/25/2007	1	Zoning Committee	Amended to Emergency	Pass
6/25/2007	2	Zoning Committee	Approved as Amended	Pass
6/25/2007	2	COUNCIL PRESIDENT	Signed	
6/18/2007	1	Columbus City Council	Read for the First Time	
5/31/2007	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
5/30/2007	1	Dev Zoning Drafter	Sent for Approval	
5/30/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
5/29/2007	1	Dev Zoning Drafter	Sent for Approval	
5/29/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
5/29/2007	1	Dev Reviewer	Reviewed and Approved	

**Rezoning Application # Z07-005**

**APPLICANT:** W2S3, Inc.; c/o David L. Hodge, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

**PROPOSED USE:** Restaurant.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on April 12, 2007.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested CPD, Commercial Planned Development District will modify the current CPD District to allow a ground sign for the restaurant that was recently constructed on the site. The CPD text carries over the development standards contained within the current CPD District, and includes use restrictions, maximum lot coverage, street trees, headlight screening, and lighting and graphics controls. The requested CPD, Commercial Planned Development District is consistent with the zoning and development patterns of the area. It should be noted that Staff believes that the graphics controls that are proposed would be more appropriately addressed through the Columbus Graphics Commission.

To rezone **5878 SAWMILL ROAD (43017)**, being 2.04± acres located at the southeast corner of Sawmill Road and Reflections Drive, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District **and to declare an emergency.** (Rezoning # Z07-005)

**WHEREAS**, application #Z07-005 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.04± acres from CPD, Commercial Planned Development District to CPD, Commercial Planned Development District; and

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

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to immediately commence the use of monument signage for the immediate preservation of the public peace, property, health and safety; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District will modify the current CPD District to allow a ground sign for the restaurant that was recently constructed on the site. The CPD text carries over the development standards contained within the current CPD District, and 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:

**5878 SAWMILL ROAD (43017)**, being 2.04± acres located at the southeast corner of Sawmill Road and Reflections Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 2, Range 19, United States Military Lands and being all the remainder of that tract conveyed to Chester Solove Tuller, Ltd. of record in Instrument Number 199811190298364 and Instrument Number 199901150011824 and described as follows:

Beginning at an iron pin set in the east right-of-way line for Sawmill Road (Official Record 4178B17) and at the southwest corner of said Chester Solove Tuller, Ltd. tract, the northwest corner of that 1.181 acre tract conveyed to Jerry M. Houser and Eileen C. Houser of record in Instrument Number 200503250055501, said corner being North 04° 00' 00" East, with said east right-of-way line, 651.57 from an iron pin set at the southwest corner of Lot 1 of "Tullers Market" as recorded in Plat Book 64, Page 34;

thence North 04° 00' 00" East, with said east right-of-way line, 286.00 feet to an iron pin set at the northwest corner of said Chester Solove Tuller, Ltd. tract, the southwest corner of "Reflections at Tuller Square Condominium" as recorded in Condominium Book 31, Page 61;

thence South 86° 02' 45" East, with the line common to said Chester Solove Tuller, Ltd. tract and condominium tract, 310.00 feet to an iron pin set at the northeast corner of said Chester Solove Tuller, Ltd. tract, the northwest corner of that 10.150 acre tract conveyed to Sam's Real Estate Business Trust of record in Instrument Number 199901150011825;

thence South 04° 00' 00" West, with the line common to said Chester Solove Tuller, Ltd. tract and 10.150 acre tract 286.25 feet to an iron in set at the southeast corner of said Chester Solove Tuller, Ltd. tract, the northeast corner of said 1.181 acre tract;

thence North 86° 00' 00" West, with the line common to said Chester Solove Tuller, Ltd. tract and 1.181 acre tract, 310.00 feet to the Point of Beginning. Containing 2.037 acres, more or less (Auditor's Parcel 590-158965).

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

This description was prepared from existing records and an actual field survey performed by EMH&T, Inc.

Bearings are based on the west line of Quarter Township 4, (North 04° 00' 00" East) as shown in Official Record 1956G13.

All references refer to the records of the Recorder's Office, Franklin County, Ohio.

**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 Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plans being titled, "**GENJI JAPANESE STEAKHOUSE**," and text titled, "**CPD TEXT**," both signed by David L. Hodge, Attorney for the Applicant, dated May 25, 2007, and the text reading as follows:

#### **CPD Text**

**PROPOSED DISTRICT:** CPD

**PROPERTY ADDRESS:** 5878 Sawmill Road

**OWNER:** Yun Hui Wada

**APPLICANT:** W2S3, Inc.

**DATE OF TEXT:** May 25, 2007

**APPLICATION NUMBER:** Z07 - 005

**1. INTRODUCTION:** The subject site is located on the east side of Sawmill Road north of the intersection with Reflections Drive (Cranston Drive extended). It contains original outlot "A" (the northernmost outlot) and a portion of outlot "B" (the second outlot north of the intersection) as shown on the site plan of record for CPD Case No. Z98-042. The site is bounded by retail / restaurant / office uses to the north, east, south and west across Sawmill Road. The property is currently developed with a restaurant and the applicant desires to continue the current use of the property.

**2. PERMITTED USES:** Allowable uses shall be those permitted by Sections 3356 and 3357.01 (C-4 and C-5 districts) of the Columbus City Code. However, no building or premise shall be used, constructed, erected, arranged, designed or intended to be used as a cabaret, night club, dance hall, pub, bar, private club, poolroom or carry-out (for off-site consumption of alcoholic beverages) wholesale or retail sales of any fuel; and there shall not be erected any off premise graphics or billboards or cellular towers. Fast food drive-thru businesses shall be allowed.

**3. DEVELOPMENT STANDARDS:** Except as otherwise noted herein, the applicable development standards of Chapters 3356 shall apply.

#### **A. Setback Commitments.**

1. For the frontage along Sawmill Road, the building setback shall be sixty (60) feet, and the parking setback shall be thirty (30) feet.

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

This site is currently developed. The access shall remain as depicted on the attached Site Plan. Access shall be provided in two locations along the east side of the site from the internal shopping center circulation drive.

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

1. All parking and vehicular circulation areas adjacent to Sawmill Road shall have headlight screening of thirty (30) inches minimum height.

2. Landscaping shall be required along the Sawmill Road frontage which shall consist of a Sawmill fence, which shall be a rail fence similar or equal to that already in place at Meijer and Kohl's along Sawmill Road near the subject property, and a Sawmill hedge, which at full height, shall be equal to the height of the split rail fence. Both elements shall be intermixed along the frontage in

addition to the placement of other landscaping material for further accent. Street trees are required and shall conform to existing spacing on adjacent developed out-parcels. A minimum of three (3) street trees shall be provided.

3. Lot coverage, including buildings, parking and service areas, shall not exceed 90% of the lot.
4. Dumpsters and/or propane tanks shall be screened to a height of seven (7) feet.
5. Any mechanical equipment or utility hardware on the roof of a building shall be screened from view to prevent the equipment from being visible from the property line of the parcel. Ground mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping or any fence or wall utilizing comparable and compatible materials as the building materials.
6. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months or the next planting season, whichever occurs first.
7. Any trees and landscaping shall meet the following at the time of planting: (i) shade trees 2 ½" caliper; (ii) ornamental trees 1 ½" caliper; and (iii) evergreen trees five (5) feet in height. Tree caliper is measured six (6) inches from the ground, at the time of planting.

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

The building and dumpster enclosure shall be constructed with brick exteriors.

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

1. All exterior lighting shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
2. All external outdoor lighting fixtures shall be from the same or similar manufacturers type to ensure aesthetic compatibility with the surrounding development.
3. All lighting on the property shall present no interference with the operations of Don Scott Airport.
4. Light poles in the parking lot shall be sodium, mercury vapor or metal halide and the pole height shall not exceed 30 feet.

**F. Graphics and/or Signage Commitments.**

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.
2. Automatic changeable copy signs are not permitted.
3. Ground signage shall not exceed seven (7') feet in height and nine (9') feet in width including the base. Ground signage shall be constructed on a base comprised of brick compatible with and complimentary to the building.

**4. CPD REQUIREMENTS.**

**A. Natural Environment.**

The site is currently developed with this restaurant use. To the west, north, and east are retail uses. To the south is a fast-food restaurant use. To the north is an office use.

**B. Existing Land Use.**

This site is developed with a restaurant.

**C. Transportation and Circulation.**

Vehicular access to the property is provided in two locations along the east side of the property from an internal circulation drive.

D. Visual form of the Environment.

The structure has a brick exterior. The landscaping along Sawmill Road, in conformance with the standards in this CPD Text and depicted on the Site Plan, are aesthetically pleasing and provide adequate visibility from Sawmill Road.

E. View and Visibility.

This is currently an aesthetically pleasing property, in conformance with existing standards of this and adjacent developments. Improved identification of the use has become necessary, hence this rezoning request to permit a ground sign to identify the use of this property.

F. Proposed Development.

This property is currently developed with a restaurant.

G. Behavior Patterns.

Primary access to the site shall occur as noted in item C. Given the proximity to major retail developments, consistent on-site parking and convenient, safe ingress and egress shall be provided.

H. Emissions.

Other than is provided above and is customary for comparable land uses, the site will not generate measurable levels of light, sound, smell or dust. Trash from the restaurant is contained within a dumpster, situated to the satisfaction of the Division of Refuse Collection.

The Subject Site shall be developed in accordance with the site plan. The site plan 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 plan shall be reviewed and may be approved by the Director of the Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.~~**