



## Legislation Details (With Text)

**File #:** 0913-2023      **Version:** 1

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

**File created:** 3/15/2023      **In control:** Zoning Committee

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

**Title:** To rezone 7480 SAWMILL RD. (43016), being 1.86± acres located on the east side of Sawmill Road, 215± feet north of Hard Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z22-075).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0913-2023.Attachments, 2. ORD0913-2023.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: Z22-075

**APPLICANT:** SkilkenGold Development, LLC; c/o Drew Miller; 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.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a former eating and drinking establishment in the CPD, Commercial Planned Development District. The requested CPD, Commercial Planned Development District will permit 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. Included in the text are commitments to develop the site in accordance with the submitted site plan, landscaping plan, and building elevations. This site is subject to the Sawmill Road Regional Commercial Overlay and is within the planning boundaries of *The Northwest Plan* (2016), which recommends "Community Commercial" land uses at this location, consistent with the request.

To rezone **7480 SAWMILL RD. (43016)**, being 1.86± acres located on the east side of Sawmill Road, 215± feet north of Hard Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z22-075).

**WHEREAS**, application #Z22-075 is on file with the Department of Building and Zoning Services requesting rezoning of 1.86± 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**, 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 *The Northwest 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:

**7480 SAWMILL RD. (43016)**, being 1.86± acres located on the east side of Sawmill Road, 215± feet north of Hard Road, and being more particularly described as follows:

Located in part of Lot 18 of Tuller's Survey of Section 1, Township 2 North, Range 19 West, Perry Township, United States Military Lands, City of Columbus, Franklin County, State of Ohio, and being more particularly described as follows:

Beginning at a monument box number 7772 (F.C.G.S.) found at the intersection of the centerlines of Sawmill Road and Hard Road;

Thence northwardly with the centerline of Sawmill Road, North two degrees, thirty-four minutes, fifty-two seconds, East, for a distance of fifty and 00/100 (50.00) feet;

Thence eastwardly South eighty-seven degrees, forty minutes thirty-eight seconds East, for a distance of seventy-three and 72/100 (73.72) feet, to the North line of Hard Road, by Instrument No. 199905130121125, said point being fifty and 00/100 (50.00) feet North of and at a right angle to the centerline of Hard Road;

Thence northwestwardly with the right of way of Hard Road and Sawmill Road, North forty degrees, six minutes, thirty-six seconds West, for a distance of twenty and 23/100 (20.23) feet, to the East right of way of Sawmill Road, being 60.00 feet East of and at a right angle to the centerline of Sawmill Road;

Thence northwardly with the East line of Sawmill Road, North two degrees, thirty-four minutes, fifty-two seconds East, for a distance of one hundred sixty-four and 79/100 (164.79) feet, to the true beginning of the herein described tract of land;

Thence continuing northwardly with the East line of said Sawmill Road, North two degrees, thirty-four minutes, fifty-two seconds East, for a distance of two hundred seventy-eight and 00/100 (278.00) feet;

Thence eastwardly on a new dividing line, South eighty-seven degrees, twenty-five minutes eight seconds East, for a distance of two hundred thirty and 09/100 (230.09) feet, to the West line of land conveyed to Plainsboro Partners III L/P, an Ohio Limited Partnership, by Official Record 26712, page E14, in the records of Franklin County, Ohio;

Thence southwardly with the West line of said Plainsboro Partners III L/P land, South nine degrees, nine minutes, thirty-one seconds West, for a distance of thirty-nine and 49/100 (39.49) feet;

Thence continuing with said Plainsboro Partners III L/P land, South ten degrees, thirty minutes, twenty-nine seconds East, for a distance of seventy and 96/100 (70.96) feet;

Thence continuing with said Plainsboro Partners III L/P land, South one degree, fifty-seven minutes, one second West, for a distance of nineteen and 94/100 (19.94) feet;

Thence eastwardly with said Plainsboro Partners III L/P land, South eighty-seven degrees, four minutes, twenty-nine seconds East, for a distance of one hundred and 10/100 (100.10) feet;

Thence southwardly with the West line of said Plainsboro Partners III L/P land, South two degrees, fifty-five minutes, thirty-one seconds West, for a distance of one hundred forty-nine and 12/100 (149.12) feet;

Thence westwardly on a new dividing line, North eighty-seven degrees, twenty-five minutes, eight seconds West, for a distance of three hundred forty-one and 06/100 (341.06) feet to the true beginning of said herein described tract of land containing 1.8596 acres, more or less.

Together with the rights of access, ingress and egress, utilities and signage as contained in the Easement and Restriction Agreement of record in Instrument 200002160032140 and rerecorded in Instrument 200004140073035 and further rerecorded in Instrument 200004190076549.

Parcel Number: 590-251716-00

**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 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 “**PRELIMINARY LANDSCAPE PLAN**,” elevations titled, “**ELEVATIONS, SHEETS 1-2**,” and text titled, “**DEVELOPMENT TEXT**,” all dated March 14, 2023, and signed by Drew Miller, Applicant, and the text reading as follows:

#### **Development Text**

**CURRENT OWNERS:** JG Sawmill LLC; MG Sawmill LLC; MG Easton LLC

**APPLICANT:** Skilken Gold Development, LLC

**EXISTING ZONING:** CPD, Commercial Planned Development

**PROPOSED ZONING:** CPD, Commercial Planned Development

**DATE OF TEXT:** March 14, 2023

**APPLICATION NUMBER:** Z22-075

**1. INTRODUCTION:** This 1.8596-acre site is located at 7480 Sawmill Road- the former Max and Erma’s restaurant (the “Site”). The Site consists of one parcel: 590-251716-00. Said parcel is within the Far Northwest Coalition and is currently zoned CPD, Commercial Planned Development (Z97-121). The applicant will demolish the existing structure and redeveloped the property with a restaurant with indoor and

outdoor seating, convenience store, fuel sales and minimal outdoor sales displays. The proposed restaurant/convenience store is approximately 4,959 square feet and the fuel service canopy will include six double-sided fuel dispensers. Additional site features include landscaping, dumpster enclosure, storm water detention and underground fuel tanks. The applicant proposes to rezone the site to a Commercial Planned Development (CPD) 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 Commercial District of the Columbus City Code.

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

Minimum setback for parking and building, along Sawmill Road, shall be twenty (20) feet, per the submitted CPD Site Plan.

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

- 1. Access points are shown on the submitted CPD Site Plan and include an existing RIRO access point, an existing  $\frac{3}{4}$  movement access point (restricted left-out) and existing cross access to the adjacent parcels north and south of the subject parcel. Striping will be included at the following access point:
- 2. Hard Rd access will be restriped to provide southbound left and southbound right turn lanes.

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

Buffering, landscaping, screening and open space shall be in accordance with the General Site Development Standards in Sections 3312.21 and 3321.07 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, stone, or other aesthetically comparable building materials. Canopy columns and dumpster materials shall match those used on the primary building.

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

- 1. Lighting shall be in accordance with the General Site Development Standards in Section 3321.03(A) of the Columbus City Code unless variances are granted from the Board of Zoning Adjustment.
- 2. Dumpsters shall be in accordance with the General Site Development Standards in Chapter 3321 of the Columbus City Code unless variances are granted from the Board of Zoning Adjustment.

**f. Graphics and Signage Commitments:**

Graphics on the Site shall 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. Variances to the sign requirements, if any, shall be submitted to the Columbus Graphics Commission for consideration.

**g. Additional CPD Requirements:**

- 1. Natural Environment: The natural environment of the Site is flat, as is surrounding property in the Sawmill Road corridor, which is developed for commercial use.
- 2. Existing Land Use: The Site is occupied by one structure, a restaurant.

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 uses.
5. Visibility: The Site can be viewed from Sawmill Road.
6. Proposed Development: Restaurant, indoor and outdoor seating, convenience store, retail fuel sales, and accessory outdoor sales displays.
7. Behavior Patterns: Commercial use, as developed on the surrounding properties. Existing development in the area has established behavior patterns for motorists.
8. Emissions: No adverse effect from emissions shall result from the proposed development.

**h. Modification of Code Standards:**

N/A

**i. Miscellaneous Commitments:**

1. Development of the Site shall be in accordance with the submitted Site Plan and Landscape Plan. The Plans may be adjusted to reflect engineering, topographical, or other site data established at the time development and engineering plans are completed. 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 principal building shall be developed in accordance with the submitted Elevations. The building elevations may be adjusted to reflect architectural, engineering, topographical, or other site data established at the time development and engineering plans are completed. 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.
3. 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.