



## Legislation Details (With Text)

**File #:** 1706-2024      **Version:** 1

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

**File created:** 6/6/2024      **In control:** Zoning Committee

**On agenda:** 6/24/2024      **Final action:** 6/26/2024

**Title:** To amend Ordinance #1752-90, passed April 2, 1990 (Z90-009), for property located at 3700 FISHINGER BLVD. (43026), by repealing Sections 1 and 3 and replacing with new Sections 1 and 3 to include the legal description for this specific property and modify the permissible uses of said property within the Subarea 6 CPD, Commercial Planned Development District (Rezoning Amendment #Z90-090A).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD1706-2024\_Attachments

Date	Ver.	Action By	Action	Result
6/26/2024	1	CITY CLERK	Attest	
6/25/2024	1	MAYOR	Signed	
6/24/2024	1	COUNCIL PRESIDENT	Signed	
6/24/2024	1	Zoning Committee	Waive the 2nd Reading	Pass
6/24/2024	1	Zoning Committee	Approved	Pass

### Rezoning Amendment: Z90-009A

Ordinance #1752-90, passed April 2, 1990 (Z90-009), rezoned 197.60± acres at 3879 Fishinger Boulevard from CPD, Commercial Planned Development District and L-AR-12, Limited Apartment Residential District, to CPD, Commercial Planned Development District and L-AR-12, Limited Apartment Residential District, to allow a regional commercial center with multi-unit residential development. This ordinance modifies the permissible uses listed in the CPD text for Parcel 560-294246 within Subarea 6 to allow gaming rooms accessory to entertainment and sporting uses. All other sections from Ordinance #1752-90 remain unchanged.

**WEST SCIOTO AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #1752-90, passed April 2, 1990 (Z90-009), for property located at **3700 FISHINGER BLVD. (43026)**, by repealing Sections 1 and 3 and replacing with new Sections 1 and 3 to include the legal description for this specific property and modify the permissible uses of said property within the Subarea 6 CPD, Commercial Planned Development District (Rezoning Amendment #Z90-090A).

**WHEREAS**, Ordinance #1752-90, passed April 2, 1990 (Z90-009), rezoned 197.60± acres at **3700 FISHINGER BLVD.**

(43026), from CPD, Commercial Planned Development District and L-AR-12, Limited Apartment Residential District, to CPD, Commercial Planned Development District and L-AR-12, Limited Apartment Residential District, to allow a regional commercial center with multi-unit residential development; and

**WHEREAS**, that rezoning established specific permissible uses and development standards addressing setbacks, building height, landscaping and buffering, traffic access, street arrangements, building materials, loading and storage screening, street trees, lighting, and graphics restrictions, for all six subareas; and

**WHEREAS**, it is necessary to amend Section 1 of Ordinance #1752-90, passed April 2, 1990 (Z90-009), as it applies to Subarea 6, to revise the legal description in Section 1 of this ordinance for the property that is subject to this amendment; and

**WHEREAS**, it is necessary to amend Section 3 of Ordinance #1752-90, passed April 2, 1990 (Z90-009), to modify the permissible uses of the CPD text for Parcel 560-294246 within Subarea 6 to allow gaming rooms accessory to entertainment and sporting uses; and

**WHEREAS**, all other aspects of Ordinance #1752-90 are unaffected by this amendment and remain in effect, and are repeated below for clarity; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That Section 1 of Ordinance #1752-90, passed April 2, 1990 (Z90-009), be hereby repealed and replaced with new Section 1 reading as follows:

**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:

**3700 FISHINGER BLVD. (43026)**, being 0.97± acres located on the east side of Fishinger Boulevard, 600± feet south of Ridge Mill Drive, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio:

Being Unit 1 of WB Mill Run Condominium, together with its undivided interest in the common elements and facilities, as the same are designated, delineated and described in the Declaration and Bylaws of WB Mill Run Condominium as the same are recorded in Instrument Number 201412310173059, and on the drawings thereof, of record in Condominium Plat Book No. 242, Page 70-71 (Instrument Number 201412310173060), Recorder's Office, Franklin County, Ohio.

Parcel Number: 560-294246

**To Rezone From:** CPD, Commercial Planned Development District on this property

**To:** CPD, Commercial Planned Development District on this property.

**SECTION 2.** That a Height District of one hundred and ten (110) feet is hereby established on the CPD, Commercial Planned Development District on this property.

**SECTION 3.** That Section 3 of Ordinance #1752-90, passed April 2, 1990 (Z90-009), be hereby repealed and replaced with new Section 3 reading as follows:

**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, “**DRAWING 1**,” “

**DRAWING 2,”** and **“DRAWING 3,”** each dated March 21, 1990, and signed by J. Thomas Mason, Attorney for the Applicant, and said text being titled, **“CPD/LIMITATION TEXT (Z90-009) SCHEDULE II,”** dated February 23, 2024, and signed by Paul Klukas, Agent for the Applicant, and the text reading as follows:

**CPD/LIMITATION TEXT (Z90-009) SCHEDULE II**  
**RESTATED AND AMENDED CONFERRING TEXT MILL RUN COLUMBUS, OHIO**  
**ZONING APPLICATION: Z90-009A DATE: 2/23/2024**

**THE MILL RUN PROJECT**

The Mill Run project consists of approximately 342.7 acres located in the northwest Franklin County and is bounded by Smiley Road on the east, Hilliard- Cemetery Road on the north, I-270 on the west and the Glen Subdivision to the south. Approximately 212.3 acres of the Mill Run project lies within the City of Columbus, Ohio and the balance lies within the City of Hilliard as depicted on Drawing 1, The Developer of the Mill Run Project is Mill Run Joint Venture.

**ZONING HISTORY**

On July 1, 1985, by Ordinance No. 1371-85, Columbus City Council approved the rezoning of the 212.3 acres of Mill Run located in the City of Columbus from R, Rural, to CPD, Commercial Planned Development and L-AR-12, Limited-Apartment Residential, as recommended by the Development Commission in Case Nos. Z85-045A and Z85-045B.

Thereafter, an Amended Conferring Text was approved effective July 29, 1987 by Columbus City Council by Ordinance No. 1215-87 as recommended by the Development Commission in Case No. Z87-1288.

Subsequently, a 14.9 acre parcel, located at the northeast corner of the Mill Run property, covered by the Amended Conferring Text was rezoned I, Institutional, and thus deleted from the Amended Conferring Text by Columbus City Council pursuant to Ordinance No. 45-88 on February 1, 1988, as recommended by the Development Commission in Case No. Z87-1735. On March 27, 1989, the owner rezoned this parcel FUD pursuant to Case No. Z88-3105. Consequently, such parcel is not governed by this Restated and Amended Conferring Text.

Subsequently, a second Amended Conferring Text was approved effective June 6, 1988 by Columbus City Council by Ordinance No. 1293-88, as recommended by the Development Commission in Case No. Z88-1905.

THIS RESTATED AND AMENDED CONFERRING TEXT SUPERCEDES AND REPLACES IN ALL RESPECTS THE ORIGINAL CONFERRING TEXT DATED JUNE 25, 1985, THE AMENDED CONFERRING TEXT DATED MARCH 19, 1987, AND THE SECOND AMENDED CONFERRING TEXT DATED JUNE 6, 1988.

**SUBAREAS AND PERMITTED USES:**

As set forth on Drawing 1 attached hereto, Mill Run consists of the following Subareas:

Subarea	Zoning	Approximate Acreage	Owners
1	L-AR12	34.6	Millington Investment Company
2	CPD Fire Station	1.4	City of Columbus
3	CPD	7.5	Mill Run Joint Venture,

4	CPD	14.4	Mill Run Joint Venture, Double T Investment Co. and LaPetite Academy
5	CPD	42.8	Mill Run Joint Venture and Millington Investment Company
6	CPD	53.2	Market Village Investment Company
7	CPD	32.4	Mill Run Joint Venture

This Restated and Conferring Text may be modified in the future, subject to obtaining all necessary approvals, as it relates to one, some or all of the Subareas.

The 1.4 acre Fire Station parcel (Subarea 2), owned by the City of Columbus, and the .93 acre parcel within Subarea 4 bearing auditor's parcel No. 560-214152 owned by Cardinal Title Holding Company, both of which are shown on the Development Master Plan attached hereto as Drawing 2, are subject to the provisions of this text, which has not been modified as it relates to such parcels.

While the Mill Run project represents varied uses, the Developer and, eventually, the Mill Run Owners Association will exert controls on building materials and colors, as well as site development. These development standards have been incorporated into deed restrictions applicable to the entire project. In addition to the following development standards for initial development, Mill Run Owners Association will maintain the common areas, boulevards and retention ponds within Mill Run.

## **TRAFFIC PLAN**

Primary access through, into and out of Mill Run is via Fishinger Boulevard, which has been extended by the Developer west of Smiley Road and connects to I-270 at Hilliard-Cemetery Road. This major arterial has been developed with four 12'-0" lanes with a 12'-0" median. Access onto Fishinger Boulevard within Mill Run will be limited as depicted on the Development Master Plan. There will be no direct access points onto Smiley Road other than at Fishinger Road.

There will be no on-street parking on any arterial or collector street. All arterials and collector streets shall be public streets unless otherwise agreed by the City of Columbus Division of Traffic Engineering. Traffic improvements shall include signalization subject to a detail warrant analysis based on actual traffic volumes. The Developer will pay for traffic signals along Fishinger Road. Information kiosks, substantially similar to the kiosks approved by the City of Columbus Graphics Commission pursuant to Application No. VG88-3026, will be permitted at public street intersections, Mill Run Owners Association will maintain all such kiosks.

## **CURB CUTS**

All curb cuts from public streets to private property shall be subject to the applicable standards, rules and policies of the City of Columbus.

## **ENVIRONMENTAL**

The right-of-way and median strips for Fishinger Boulevard have been planted with shade trees. These areas will be owned and maintained by Mill Run Owners Association.

All exterior building materials will be of brick, stucco, concrete, glass, wood or stone.

All loading and storage areas will be screened from the street or public view.

## **SIGNAGE**

There shall be no roof mounted, co-op or rotating signs. Nor shall signs with flashing lights, billboards or, except as specifically provided herein or permitted by the City of Columbus Graphics Commission, off-premise graphics be permitted.

There shall be one ground mounted sign allowed for each point of access from a public street to each Subarea, plus one ground mounted sign for each free standing building within each Subarea, which sign shall be in addition to any building mounted signage allowed hereunder or under the City of Columbus Graphics Code. Any ground mounted sign may identify any owner or occupant within the Subarea in which it is located.

Internally illuminated signs as well as externally illuminated signs that do not interfere with vehicular traffic shall be permitted. All other signage requirements shall conform to the Columbus Graphics Code, subject to such variances as may be granted by the Columbus Graphics Commission.

## **LIGHTING & UTILITIES**

All site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent property.

All street lighting shall be a rectangular architectural luminaire on a 29'-0" dark brown baked enamel pole per the City of Columbus' standard.

All external outdoor lighting fixtures to be used within each development area shall be from the same family or similar manufacturer's type to ensure aesthetic compatibility. All light poles and luminaries shall be a dark brown finish to match the street lights.

## **PERMISSIBLE USES**

Subarea Permissible Uses:

1 All uses permitted under L-AR-12 zoning classification.

2 Fire Station

3 and 4 Child day care and all uses permitted under C1 and C2 zoning classifications, except an armory.

5, 6 and 7 All uses permitted under C-1, C-2, C-3, C-4, and C-5 except game rooms (unless an accessory use to a main entertainment or sporting permitted use in Subarea 6 on Parcel #560-294246 only), adult book stores and used car lots,

except used car lots in connection with an automobile dealership.

## **BUILDING HEIGHTS**

### **Subarea Height Limitation**

1, 2, 3 and 4     Maximum 35'-0"

5, 6 and 7        Maximum 90'-0"

## **SETBACKS**

All setbacks are as follows: Subarea 1:

Setback north of northeast residential area 40'-0" Setback west of Smiley Road 60'-0"

Setback north of south boundary line 80'-0"

Subareas 2-7:

All building and parking areas shall be setback 30'-0" from the street right-of-way. Subarea 7:

There are no setback requirements applicable to the common boundary between the cities of Columbus and Hilliard other than as specifically set forth in this Restated and Amended Conferring Text. To the extent the common boundary between the cities bisects any building, the respective cities shall agree upon the handling of fire and police protection and allocation of tax revenues.

## **LANDSCAPE BUFFERS**

Subarea 1:

Within the setbacks for this Subarea, landscape buffers shall be provided along the eastern and southern boundaries. Landscape buffers shall consist of retention ponds and mounding and/or plantings.

All earthen mounds shall be undulating with a minimum of 3-1/2'-4' in height. All mounds shall have a slope of a minimum of at least 3 to 1.

Retention ponds shall be a part of the landscape buffer along Smiley Road as shown on the Development Master Plan.

Landscaping shall consist of plants which will screen adjoining residential land uses as follows: Maintain an opacity of least 75%. Where screening is needed to shield parking areas or headlight glare, evergreen trees of a minimum of 5'-0" in height should be used in combination with other plantings.

Landscaping of buffers should include shade and ornamental trees to soften the buffer and add seasonal variety.

## **SUBAREA 7 PARKING**

For the purpose of determining the adequacy of parking within Subarea 7, and whether such parking meets all applicable

codes and zoning requirements, the parking and uses contained in Subarea 7 and that property within the City of Hilliard to the north and west of Subarea 7 (designated on Drawing 3 hereto as the "Hilliard Area") shall be combined. The combined parking in Subarea 7 and the Hilliard Area shall meet minimum code requirements for the use in such areas in accordance with the combined applicable Columbus and Hilliard Codes, but with not less than 1700 parking spaces within Subarea 7 unless the cities of Columbus and Hilliard agree otherwise. The PUD zoning of the Hilliard Area contains a provision relative to combined parking requirements in the form attached hereto as Schedule A and such PUD zoning ordinance provides that it shall not be modified without prior written notice to the City of Columbus, Department of Development, or its successors, of any hearings relative thereto at least seven days prior to such hearing.

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