



## Legislation Details (With Text)

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

**File created:** 8/31/2006      **In control:** Zoning Committee

**On agenda:** 4/9/2007      **Final action:** 4/11/2007

**Title:** To rezone 7310 SAWMILL ROAD (43235), being 1.26± acres located at the northeast corner of Sawmill Road and Sawbury Boulevard, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z06-029).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD # 1549-2006 Attachments.pdf, 2. ORD1549-2006 Mailing Labels.pdf, 3. ORD #1549-2006 Data Form.pdf

Date	Ver.	Action By	Action	Result
4/11/2007	1	CITY CLERK	Attest	
4/10/2007	1	MAYOR	Signed	
4/9/2007	1	COUNCIL PRESIDENT	Signed	
4/9/2007	1	Zoning Committee	Approved	Pass
4/2/2007	1	Columbus City Council	Read for the First Time	
3/20/2007	1	Dev Drafter	Sent to Clerk's Office for Council	
3/16/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
3/5/2007	1	Dev Drafter	Sent for Approval	
3/2/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
3/2/2007	1	Dev Reviewer	Reviewed and Approved	
10/26/2006	1	Dev Drafter	Sent for Approval	

### Rezoning Application Z06-029

**APPLICANT:** BP Products North America, Inc.; c/o Ryan Shrimplin, AICP; WD Partners; 7007 Discovery Boulevard; Dublin, OH, OH 43017.

**PROPOSED USE:** Filling station, car wash, convenience store and carry-out deli.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0-1) on July 13, 2006.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned CPD, Commercial Planned Development, and is developed with a carry-out convenience store, filling station, and car wash. The applicant requests rezoning to revise the CPD text to include a carryout deli in the convenience store; to amend the development standards to allow non-illuminated signs; eliminate the requirement of committed exterior elevations; modify the requirement for Graphics Commission approval; and eliminate language pertaining to formerly-proposed site improvements, which have since been completed. The requested CPD, Commercial Planned Development District is not inconsistent with either the adopted Northwest Plan (1991) or the draft Northwest Plan (2006). The proposed CPD will not adversely affect the neighborhood.

To rezone **7310 SAWMILL ROAD (43235)**, being 1.26± acres located at the northeast corner of Sawmill Road and Sawbury Boulevard, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District. (Rezoning # Z06-029).

**WHEREAS**, application #Z06-029 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.23± 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 of said zoning change because the site is zoned CPD, Commercial Planned Development, and is developed with a carry-out convenience store, filling station, and car wash. The applicant requests rezoning to revise the CPD text to include a carryout deli in the convenience store; to amend the development standards to allow non-illuminated signs; eliminate the requirement of committed exterior elevations; modify the requirement for Graphics Commission approval; and eliminate language pertaining to formerly-proposed site improvements, which have since been completed. The requested CPD, Commercial Planned Development District, is not inconsistent with either the adopted Northwest Plan (1991) or the draft Northwest Plan (2006). The proposed CPD will not adversely affect the neighborhood; 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:

**7310 SAWMILL ROAD (43235)**, being 1.23± acres located at the northeast corner of Sawmill Road and Sawbury Boulevard, being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Lot 16 of Flavel Tuller's survey of Section 1, Township 2, Range 19, United States Military Lands, of record in Plat Book 3, Page 60, being a portion of a 1.577 acre tract of land conveyed to BP Exploration & Oil, Inc. in Instrument #19971220173220, all references being to the Recorder's Office, Franklin County, Ohio, being more particularly described as follows:

Beginning at an iron pin set at the northwesterly corner of said 1.577 acre tract, said pin also being in the southerly line of a 1.960 acre tract conveyed to Fellowship Lutheran Church in Official Record Volume 16152A03, said pin also being the northeasterly corner of a 0.052 acre tract conveyed to the City of Columbus in Instrument Number 200608170162920, said pin also being the True Point of Beginning;

Thence along the northerly line of said 1.577 acre tract, also being the southerly line of said 1.960 acre tract, South 89° 39' 58" East a distance of 320.40;

Thence leaving said line, across said 1.577 acre tract, South 00° 20' 02" West a distance of 167.14 feet to the southerly line of said 1.577 acre tract, also being in the northerly right-of-way line of Sawbury Boulevard, as dedicated on Plat Book 57, Page 50;

Then along the southerly line of said 1.577 acre tract, also being the northerly right-of-way line of said Sawbury Boulevard, North 89° 38' 01" West a distance of 304.50 feet to an iron pipe found;

Thence continuing along said right-of-way line with a curve to the right having a radius of 29.95 feet, an arc length of 15.51 feet, a central angle of 29 ° 40' 36", a chord bearing of North 75° 01' 45" West, and a chord distance of 15.34 feet to an iron pin set at the southwesterly corner of said 1.577 acre tract, said pin also being the southeasterly corner of said 0.052 acre tract;

Thence along the westerly line of said 1.577 acre tract, also being the easterly line of said 0.052 acre tract, North 00° 02' 23" West a distance of 163.09 feet to the True Point of Beginning, containing 1.226 acres.

The bearings shown here are based upon the centerline of Sawbury Boulevard (North 89° 39' 41" East) as shown on Plat Book 57,

Page 50. All bearings shown hereon are shown to indicate angles only.

Monuments referred to as iron pin sets are ¾" diameter x 30" long iron bars with yellow caps stamped, WD Partners, P.S. #8124. Monuments referred to as iron pipes found are 1" O.D. iron bars topped with yellow caps stamped with "Bird & Bull".

This description is based on a field survey performed by WD Partners on June 13th 2006, under the direction supervision of Kevin P. Carpenter, Professional Surveyor Number 8124.

**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, "SITE LAYOUT" and "LANDSCAPE PLAN," signed by P.W. Brasse, Regional Portfolio Manager for the Applicant, and dated January 31, 2007 and text titled, "COMMERCIAL PLANNED DEVELOPMENT (CPD) TEXT," signed by P.W. Brasse, Regional Portfolio Manager for the Applicant, and dated February 20, 2007; and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT (CPD) TEXT**  
**BP PRODUCTS NORTH AMERICA, INC.**  
**7310 SAWMILL ROAD - 1.226 ACRES**  
**(SAWMILL AND SAWBURY)**  
**(AMENDED 2-20-07)**

**I. INTRODUCTION**

2006 Amendment

The property subject to this amendment is developed with a BP convenience store (which also contains a deli called "Wild Bean Café"), gas station, and car wash, and is located on the northeast corner of Sawmill Road and Sawbury Boulevard. BP rezoned the property to CPD in 1994 to permit the current uses. In the 1994 rezoning, BP committed to specific graphics for the building, canopy, and car wash. In 2001, the CPD ordinance was amended to allow redevelopment of the site for an expanded convenience store building and a car wash. As part of the amendment, BP committed to specific building elevations and graphics as well as site and landscaping plans.

Currently, BP has a new proposal to "reimage" the existing convenience store building by repainting the exterior and modifying the existing signage to reflect the new color scheme and logo for the Wild Bean Café. Because the proposed reimage does not conform to the previously committed elevations and graphics, the CPD ordinance would once again have to be amended to update the elevations. In addition, the current CPD ordinance requires any changes to the committed graphics package to be approved by the Graphics Commission as a variance.

Rather than commit to new elevations and/or seek a variance from the Graphics Commission, BP proposes to amend the CPD ordinance to eliminate the committed elevations requirement and to modify the Graphics Commission requirement. Both requirements impose an unnecessary hardship on BP by requiring extensive public review procedures for minor modifications such as changing the building colors, refacing and relocating existing signs, etc. BP asserts that the basic zoning regulations and the proposed CPD amendment will provide sufficient safeguards to ensure these types of aesthetic changes do not adversely impact the community. Furthermore, it should be noted that the proposed amendment will not affect the committed site plan and landscaping plan - these items will remain in the ordinance as-is.

The introductions from the 2001 and 1994 zoning cases have been copied into this amendment for historical reference.

## 2001 Introduction

The property subject to this amendment is developed with a BP convenience store, gas station, and car wash, and is located on the northeast corner of Sawmill Road and Sawbury Boulevard. BP rezoned the property to CPD in 1994 to permit the current use. In the 1994 rezoning, BP committed to specific graphics for the building, canopy, and car wash. BP proposes updating the buildings and canopy with new colors and graphics, but cannot do so in compliance with the 1994 CPD elevations. To permit the aesthetic changes without rezoning the entire property, the CPD ordinance is being amended. The Far Northwest Civic Association reviewed and approved the amendment request. The 1994 CPD text has been copied into the amendment as much as possible to retain the prior commitments and for historical purposes.

## 1994 Introduction

The proposed tract of property consists of 1.629 acre parcel of land located at the northeast corner of Sawmill Road and Sawbury Boulevard. The western most .863 acre portion of the property is currently zoned Commercial Planned Development (CPD) in the City of Columbus and is developed as a gasoline service station with canopy, pumps and mini-mart. The property was first zoned to a Commercial Planned Development (CPD) by Ordinance No.1845-84 (October 22, 1984), and amended on July 14, 1988 to rearrange certain access points. The balance of the property, 1.09 acres, is currently vacant and zoned C-2. The CPD request will extend the site eastward in to the current C-2 property and will cover a total of 1.27 acres; .35 acres of the eastern most portion of the C-2 property will remain C-2. The rezoning request will allow for the enlargement of the mini-mart and the establishment of a one-bay car wash along with an extension of the canopy between the canopy face and the mini-mart building.

## **II. SUMMARY OF SIGNIFICANT CHANGES**

The amendment involves:

- (1) Clarifying the description of permitted uses. The convenience store contains a deli that is not explicitly mentioned in the description.
- (2) Amending the development standards to allow non-illuminated signs.
- (3) Eliminating the requirement of committed Exterior Elevations.
- (4) Eliminating the requirement of Graphics Commission approval for graphics changes except for variances or special permits.
- (5) Eliminating language pertaining to the formerly-proposed site improvements, which have since been completed.

## **III. PERMITTED USES**

A convenience store and deli with gasoline sales, canopy and car wash.

## **IV. APPLICABLE DEVELOPMENT STANDARDS**

Unless otherwise specified in this text or the site plan or renderings, the applicable development standards shall be those contained in Chapter 3355, C-4 (Commercial) and Section 3357.18 of the City of Columbus Code.

## **V. SITE PLAN**

The property shall be developed in accordance with the submitted site plan. The site plan may be slightly adjusted to reflect engineering, topographical, or other site plan data that is developed at the time the final development and engineering plans are completed. Any slight adjustment to the site plan is subject to the review and approval of the Director of the Department of Development, or the Director's designee, upon submission of the appropriate data regarding the proposed adjustment. The general layout and the site concept shall, however, conform to the site plan.

## **VI. GRAPHICS**

The applicable graphics standards shall be those standards contained in Article 15 of the Columbus City Code as they apply to the C-4, Commercial District. Any variances or special permits shall be granted by the City of Columbus Graphics Commission. There shall be no billboards or off-premise graphics permitted on the subject property.

**VII. NATURAL ENVIRONMENT; TOPOGRAPHY**

The site is essentially flat. See topographic survey. The front part of the lot is currently developed. The rear of the lot is vacant and in grass.

**VIII. EXISTING LAND USE**

The site was previously a 1.629 acre parcel of land located at the northeast corner of Sawmill Road and Sawbury Boulevard. A land dedication for the widening of the Sawmill Road right-of-way reduced the parcel to 1.576 acres. The western most 1.226 acre portion of the property is presently zoned Commercial Planned Development (CPD) in the City of Columbus and is developed as a convenience store and deli with a canopy, gasoline dispensers, and a car wash. The balance of the tract, .350 acre, is currently vacant and zoned C-2.

The property directly to the north of the subject site is zoned LC-2 and has a church developed on site. Further, to the north are several strip shopping centers zoned CPD and LC-4, respectively. The property immediately east of and behind the subject property is zoned C-2 and AR-12. Part of the C-2 property is vacant and is owned by the Applicant, part of the C-2 property is owned by others and contains offices. The AR-12 zoning is developed with apartments. The property directly south of the subject property, south of Sawbury Boulevard and east of Sawmill Road, is zoned C-4 and C-5. The C-4 zoning is presently being used as an auto dealership by Dick Ruhl Ford and the C-5 zoning is currently used for Dick Ruhl's used car sales operation. The property on the west side of Sawmill Road, directly west of the subject property is in the City of Dublin and is currently undeveloped. Part of the property west of Sawmill Road, in the City of Dublin, and northwest of the current site is zoned currently for residential use. However, Dublin's Master Plan calls for mixed office and mixed commercial uses.

**IX. TRANSPORTATION AND CIRCULATION**

Traffic patterns have been depicted on the site plan and will not change. Existing access to the site is by three curb cuts, one on Sawmill Road and two on Sawbury Boulevard.

**X. LANDSCAPING**

The property shall be landscaped in accordance with the landscape plan.

**XI. BEHAVIOR PATTERN**

The current service station sites sits at the northeast corner of Sawmill Road and Sawbury Boulevard. The station services primarily northbound traffic on Sawmill Road. The proposed changes will not have a significant effect on current traffic patterns.

**XII. EMISSONS**

The Applicant does not anticipate that there will be any unusual or excessive emissions from this project.

**XIII. VIEW AND VISIBILITY**

The proposed changes will not create any site problems for vehicular or pedestrian traffic in the area. Location of the buildings and access points have been established with the safety of the motorist and pedestrian in mind and will not change.

**XIV. HEIGHT**

The building and canopy shall have a maximum height of twenty (20) feet; the flagpole shown on the site shall have a height of thirty-five (35) feet with a maximum flag size of ninety-six (96) square feet.

**XV. DUMPSTER**

The dumpster shall be located as shown on the site plan and shall be screened on four sides with a wood fence six (6) feet in height and a gate.

**XVI. APPLICABILITY OF CERTAIN GUIDELINES OF THE SAWMILL CORRIDOR DEVELOPMENT STANDARDS**

The plan shall follow the Sawmill Corridor Development Standards as follows:

**A. Lighting**

1. All lighting on the subject property shall be cutoff type fixtures (down lighting) and present no interference with the operation of Don Scott Airport.
2. All types of parking, pedestrian and other exterior lighting to be on poles shall be from the same "family" from the same manufacturers' type and style.
3. All lighting poles will be of a color in harmony with the building and canopy on site. Parking lot lighting will not exceed twenty-eight (28) feet in height.

**B. Signage and Graphics**

1. All ground supported signage shall be in harmony with the building materials.
2. Only internally illuminated and non-illuminated graphics shall be utilized. Future exterior graphics utilizing electronic message displays and/or changeable letters shall not be allowed (changeable panels for fuel type/pricing and Point-Of-Purchase/POP advertisements for the deli are exempt).
3. Graphics on the canopy will be allowed but no roof mounted graphics shall be allowed.
4. Setbacks along Sawmill Road and Sawbury Boulevard will be maintained as shown on the site plan.
5. The existing development will remain as to the landscaping, site walls and other applicable items per the landscape plan.

**C. Outside Display**

1. Outside display will be limited to the sidewalk areas immediately surrounding the convenient store building, at the ends of the service pump islands and the blacktop area south of the central curb cut on Sawmill. The display areas will be limited to four feet in width and three feet in height and four feet in length except for the area south of the central curb cut on Sawmill Road located behind the site wall which will be a maximum of eight feet wide, twenty feet long and three feet in height.

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