



## Legislation Details (With Text)

**File #:** 0464-2021      **Version:** 1

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

**File created:** 2/18/2021      **In control:** Zoning Committee

**On agenda:** 3/8/2021      **Final action:** 3/11/2021

**Title:** To rezone 931 HILLIARD & ROME RD. (43228), being 5.00± acres located on the east side of Hilliard & Rome Road, 850± feet south of Fisher Road, From: R, Rural District, To: CPD, Commercial Planned Development District (Rezoning #Z20-062).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0464-2021.Attachments, 2. ORD0464-2021.Labels

Date	Ver.	Action By	Action	Result
3/11/2021	1	CITY CLERK	Attest	
3/10/2021	1	MAYOR	Signed	
3/8/2021	1	COUNCIL PRESIDENT	Signed	
3/8/2021	1	Zoning Committee	Approved	Pass
3/1/2021	1	Columbus City Council	Read for the First Time	

**Rezoning Application: Z20-062**

**APPLICANT:** SkilkenGold Development, LLC; c/o Ryan Herchenroether; 4270 Morse Road; Columbus, OH 43230.

**PROPOSED USE:** Fuel sales, convenience store, and eating and drinking establishment.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-1) on December 10, 2020.

**FAR WEST SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a portion of an undeveloped parcel that recently underwent annexation from Prairie Township and is zoned R, Rural District. The requested CPD, Commercial Planned Development District would allow the site to be developed with a fuel sales facility, including an eating and drinking establishment, convenience store with drive-in window service, and limited outdoor display sales. The development text permits most C-4 and C-5 uses, commits to a site plan, landscaping plan, and building elevations, and includes development standards addressing setbacks, site access, landscaping, building design, lighting, and graphics provisions. Variances to reduce the building line and eliminate the screening requirement along the perimeter of this site along the future property lines are included in this request. This site is within the planning boundaries of the *Trabue/Roberts Area Plan* (2011), which recommends "Community Mixed Use" land uses at this location. The Plan also states that neighborhoods should have an interconnected street and sidewalk system to promote a pedestrian-friendly environment, and recommends that parking be hidden by buildings or landscaping and screening. The proposal includes sidewalks and parking is hidden to the greatest extent possible, consistent with the Plan's recommendations.

To rezone **931 HILLIARD & ROME RD. (43228)**, being 5.00± acres located on the east side of Hilliard & Rome Road, 850± feet south of Fisher Road, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District (Rezoning #Z20-062).

**WHEREAS**, application #Z20-062 is on file with the Department of Building and Zoning Services requesting rezoning of 5.00± acres from R, Rural District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Far West Side Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District will permit commercial development that is consistent with the land use and design recommendations of *Trabue/Roberts Area Plan*, and is compatible with the development pattern of the surrounding 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 # 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**931 HILLIARD & ROME RD. (43228)**, being 5.00± acres located on the east side of Hilliard & Rome Road, 850± feet south of Fisher Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Prairie, Part of VMS 7326 and 1484, Original Prairie Township, being part of a parcel conveyed to LJKJ Rome Hilliard, LLC, Ruth Ann Hoffman and Roy Lee Hoffman by Instrument Number 201212190195037 (Parcel Number 240-000203-00) of said county records and bounded and described as follows:

**COMMENCING** a 3/4 inch bar found at the intersection of the centerline of Fisher Road (C-22 R/W Varies) and Hilliard Rome Road East (T-28 R/W Varies), thence on the centerline of said Hilliard - Rome Road East, **South 13 degrees 56 minutes 55 seconds West**, a distance of **577.37 feet**, thence **North 71 degrees 01 minutes 33 seconds West**, a distance of **41.04 feet** to a rebar set on the proposed west right of way line of said Hilliard - Rome Road East, being the **POINT OF BEGINNING** of the parcel herein described;

- 1) Thence on the westerly right of way line of said Hilliard - Rome Road East, southwesterly on an arc deflecting to the right having an arc distance of **424.81 feet**, having a central angle of **34 degrees 34 minutes 08 seconds**, a radius of **704.10 feet**, and a chord that bears **South 33 degrees 54 minutes 08 seconds West** for a chord distance of **418.40 feet** to a rebar set on the west right of way line of said Hilliard - Rome Road East;
- 2) Thence continuing on the said west right of way line of said Hilliard - Rome Road East, **South 51 degrees 11 minutes 12 seconds West**, a distance of **226.89 feet** to a rebar set on the east right of way line of Hilliard - Rome Road (County Road 3, Width Varies) and the east line of a parcel conveyed to State of Ohio as recorded in Deed Book 2990, Page 249;
- 3) Thence on the east right of way line of said Hilliard - Rome Road, **North 38 degrees 17 minutes 12 seconds West**, a distance of **133.01 feet** to a rebar set;
- 4) Thence on the east right of way line of said Hilliard - Rome Road, **North 34 degrees 35 minutes 15 seconds West**, a distance of **192.53 feet** to a rebar set;
- 5) Thence on the east right of way line of said Hilliard - Rome Road, **North 21 degrees 36 minutes 55 seconds West**, a distance of **3.56 feet** to a rebar set;

Thence on a proposed new division line for the following 5 (five) courses:

- 6) **North 50 degrees 31 minutes 11 seconds East**, a distance of **241.63 feet** to a rebar set;
- 7) **North 1 degree 43 minutes 32 seconds East**, a distance of **178.89 feet** to a rebar set;
- 8) **North 51 degrees 11 minutes 12 seconds East**, a distance of **214.41 feet** to a rebar set;
- 9) **South 38 degrees 48 minutes 48 seconds East**, a distance of **283.12 feet** to a rebar set;
- 10) **South 71 degrees 01 minutes 33 seconds East**, a distance of **70.61 feet** to the **Point of Beginning**, containing 5.04 acres (216,898 Square Feet), and being part of Franklin County Auditor's Parcel Number 240-000203-00.

All rebars set are 5/8 inch by 30 inch long with cap stamped "GPD"

The bearings for this description are based on Grid North, of the Ohio State Plane Coordinate System, South Zone, NAD83(2011) as determined by GNSS measurements tied to the Ohio Department of Transportation's VRS system.

This description was prepared and reviewed under the supervision of Steven L. Mullaney, Professional Surveyor No. 7900 from an actual field survey, in December 2019.

**To Rezone From:** R, Rural 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 February 5, 2021, and signed by Ryan Herchenroether, Applicant, and the text reading as follows:

#### **DEVELOPMENT TEXT**

**CURRENT OWNER:** LJKJ ROME HILLIARD LLC; HOFFMAN ROY LEE; HOFFMAN RUTH ANN

**APPLICANT:** SkilkenGold Development, LLC

**EXISTING ZONING:** R, Rural District

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

**DATE OF TEXT:** 2/5/2021

**APPLICATION NUMBER:** Z20-062

1. **INTRODUCTION:** This 5.00-acre site is located north of the Hilliard & Rome Rd and Hilliard & Rome Rd E intersection. The Site, with Parcel ID 240-000203-00, has been annexed from Prairie Township into the City of Columbus. Properties that encompass the development site are zoned "C-4" Commercial District, "CPD" Commercial Planned Development, "C-5" Commercial District, and "R-5" Residential. The applicant proposes to rezone the site to a Commercial Planned Development District (CPD), will split the lot, and redevelop the property with a restaurant with indoor and outdoor seating, convenience store with drive-in window service and fuel sales and minimal outdoor display sales. The proposed restaurant/convenience store is approximately 6,077

square feet with seven (7) double-sided fuel dispensers. Additional site amenities include a dumpster enclosure, underground storm water detention system, and underground fuel tanks.

The Site is located within the Hilliard-Rome Subarea of the *Trabue-Roberts Area Plan (2011)*, developed by city staff to guide and focus growth. Further, the site is located within the Hilliard-Rome Road Subarea, which is denoted as a “primary commercial corridor.” The built environment south of I-70, including the recently developed Menard’s (Z16-025) immediately west of the Project, is a busy commercial corridor. The Future Land Use Plan recommends Mixed Use (Community) for this site, which supports retail, office, or institutional uses that serve multiple neighborhoods. Similarly, this Project would serve transient visitors from I-70 and those traveling to points north and south along Hilliard & Rome Rd. The Trabue Roberts Plan particularly notes that of commercial uses, “gas stations built to Community Commercial Overlay design standards may be supported.” Responding to this, the building and canopy have been oriented towards Hilliard Rome Rd East, allowing for a pedestrian pathway to Hilliard & Rome Rd. Landscaping to meet the Community Commercial Overlay will be provided as part of the Project. Additionally, building design is consistent with the level of detailing and finish encouraged for all sides of a building.

## **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; Hotels and Motels; Hotels, Extended Stay; 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 submitted development plan (“CPD Site Plan”), the applicable development standards are contained in Chapter 3356 C-4, Commercial District.

### **A. Density, Height, Lot and/or Setback Requirements:**

1. Density and Height shall be as permitted in Chapter 3356 C-4, Commercial District.
2. The minimum setbacks for parking along Hilliard & Rome Rd and Hilliard & Rome Rd E shall be 10’. The minimum setbacks for buildings shall be 50’ along Hilliard & Rome Rd and Hilliard & Rome Rd E.

### **B. Access, Loading, Parking and/or other Traffic related commitments:**

1. Access points are shown on the submitted site plan, which include curb cuts on Hilliard & Rome Rd and Hilliard & Rome Rd E, which will be extended to align with the signal at the Menard’s development west of Hilliard Rome Rd, subject to review and approval by the City of Columbus, Public Service Department, Division of Traffic Management.
2. Applicant is responsible for following traffic related commitments as agreed upon with the Columbus Division of Traffic Management:
  - (a) At the intersection of Hilliard & Rome Road and the proposed relocated Hilliard & Rome Road East, a westbound left turn lane with a minimum length of 260 feet, including a 60 feet diverging taper shall be provided.
  - (b) At the proposed full access point to relocated Hilliard & Rome Road East, a 210 feet long eastbound left turn lane including a 60 feet long diverging taper shall be provided.

- (c) Along Hilliard & Rome Road, a second northbound travel lane will need to be constructed to extend from the southern terminus of the second northbound travel lane planned to be constructed per street construction plan 3258-E to a point that would provide a minimum of 345 feet of storage and a 50 feet diverging taper south of relocated Hilliard & Rome Road East.
- (d) The developer shall provide a proportional contribution of 1.7% toward potential future signalization of the intersection of Fisher Road and Hilliard & Rome Road East.

**C. Buffering, Landscaping, Open Space and/or Screening commitments:**

Buffering, landscaping, screening and open space shall be in accordance with the site plan titled, "Preliminary Landscape Plan" which reflects recommendations from the Trabue Roberts Area Plan. Specifically the Hilliard-Rome Road subarea encourages "enhanced screening, landscaping, graphics, and other site development amenities." The landscape plan includes a double row of 24" minimum height shrubs and a decorative fence with brick piers along the Hilliard & Rome Road building frontage with an opening only for sidewalk connection.

**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. The proposed building shall be designed in accordance with the attached building elevations.

**E. Dumpsters, Lighting, Outdoor Display areas and/or other environmental commitments:**

Not applicable.

**F. Graphics and Signage commitments:**

Graphics on the Site will 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 which is developed for commercial use.
2. Existing Land Use: The Site is not occupied by any existing structures and does not have any existing land use.
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 and residential uses.
5. Visibility: The Site can be viewed from Hilliard & Rome Rd and Hilliard & Rome Rd E.
6. Proposed Development: Restaurant with outdoor seating and drive-in service, convenience store, retail fuel sales with accessory outdoor display sales, and an office building.
7. Behavior Patterns: Commercial uses as developed on the surrounding properties. Existing development in

the area has established behavior patterns for the motorists.

8. Emissions: No adverse effect from emissions shall result from the proposed development.

**H. Modification of Code Standards-Variance:**

1. Section 3356.11, C-4 district setback lines - To reduce building line from 60 feet to 50 feet from Hilliard & Rome Road.
2. Section 3321.09, Screening - To not provide screening on the newly created internal parcel lines due to anticipated future commercial development along Hilliard & Rome Rd.

**I. Miscellaneous:**

1. A plan titled "Site Plan," showing the proposed development is submitted for the site. The plan is not applicable to any use other than a fuel sales, convenience store, and eating and drinking establishment development. If the site is developed with another permitted use, then only the setbacks as shown on the Site Plan shall apply. The Site Plan may be adjusted to reflect engineering, topographical or other site data and changes developed at the time of development and engineering plans for all or a portion of the Site affected by said development. 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. For the proposed development of a fuel sales facility, convenience store, and eating and drinking establishment, the buildings shall be developed in accordance with the submitted building elevations titled "Elevations Sheets 1-2"; however, the building elevations may be slightly adjusted to reflect architectural, engineering, topographical, or other development data established at the time of development and engineering plans are completed. The Director of the Department Building and Zoning Services or the Director's designee may approve any slight adjustment to the building elevations upon submission of the appropriate data regarding the proposed 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.