



## Legislation Details (With Text)

**File #:** 2569-2022      **Version:** 1

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

**File created:** 9/15/2022      **In control:** Zoning Committee

**On agenda:** 10/3/2022      **Final action:** 10/6/2022

**Title:** To rezone 3891 S. HIGH ST. (43207), being 2.55± acres located on the west side of South High Street, 230± feet south of Obetz Road, From: C-4, Commercial District and L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z22-035).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#2569-2022\_Attachments, 2. ORD#2569-2022\_Labels

Date	Ver.	Action By	Action	Result
10/6/2022	1	CITY CLERK	Attest	
10/5/2022	1	MAYOR	Signed	
10/3/2022	1	COUNCIL PRESIDENT	Signed	
10/3/2022	1	Zoning Committee	Waive the 2nd Reading	Pass
10/3/2022	1	Zoning Committee	Approved	Pass

### Rezoning Application Z22-035

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

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on August 11, 2022.

**FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 2.55± acre site is a portion of the larger 7.40± acre parent parcel, developed with a home improvement center in the C-4, Commercial and L-C-4, Limited Commercial districts. The requested CPD, Commercial Planned Development District will permit a fuel sales facility including an eating and drinking establishment, convenience store with drive-in window service, and minimal outdoor display sales. The CPD text proposes C-4 and C-5 Commercial District uses, and includes supplemental development standards that address building and parking setbacks, traffic access, landscaping and screening, and building design, and commits to developing the site in accordance with the submitted site plan, landscape plan, and building elevations. The site is within the planning area of the *Scioto Southland Plan* (2007), which recommends "Commercial" land uses at this location. Additionally, the Plan includes complete adoption of *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The proposal is consistent with the Plan's land use recommendation, includes C2P2 design features, and is compatible with the zoning and development pattern of the surrounding area.

To rezone **3891 S. HIGH ST. (43207)**, being 2.55± acres located on the west side of South High Street, 230± feet south

of Obetz Road, **From:** C-4, Commercial District and L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z22-035).

**WHEREAS**, application #Z22-035 is on file with the Department of Building and Zoning Services requesting rezoning of 2.55± acres from C-4, Commercial District and L-C-4, Limited Commercial District, to CPD, Commercial Planned Development District; and

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

**WHEREAS**, the Far South Columbus 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 consistent with the *Scioto Southland Plan*'s land use recommendation, includes C2P2 design features, and is compatible with the development and zoning 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:

**3891 S. HIGH ST. (43207)**, being 2.55± acres located on the west side of South High Street, 230± feet south of Obetz Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 16, Township 4, Range 22, Congress Lands, and being a 2.554 acre parcel out of a 25.550 acre parcel conveyed to Lowe's Home Centers, Inc. (hereafter referred to as "Grantor") by the instrument filed as Instrument Number 200202010030706 (all documents cited are of record in the Office of the Franklin County Recorder unless otherwise stated).

COMMENCING FOR REFERENCE at the intersection of the original centerline of South High Street (State Route 23, variable right-of-way) and the centerline of Obetz Road (60' right-of-way) as shown on the Ohio Department of Transportation location plan FRA-23-0.00-5.37, the said point being referenced by an iron pin with cap stamped "TK ENG PS8085" found bearing South 52 degrees 24 minutes 26 seconds West at a distance of 216.09 feet.

Thence along said original centerline, South 18 degree 29 minutes 07 seconds West for a distance of 5.02 feet to an angle point in said original centerline;

Thence continuing along said original centerline, South 17 degrees 56 minutes 07 seconds West for a distance of 238.56 feet to a Mag nail set on the Grantor's southeasterly line, passing the Grantor's northeasterly corner at 173.11 feet, the said nail being the TRUE POINT OF BEGINNING of the parcel herein described.

Thence continuing along said original centerline, South 17 degrees 56 minutes 07 seconds West for a distance of 263.75 feet to a Mag nail set;

Thence crossing through the lands of the Grantor the following courses:

North 72 degrees 03 minutes 53 seconds West for a distance of 171.40 feet to a Mag nail set, passing an iron pin set on the westerly right-of-way line of South High Street at 111.38 feet;

South 16 degrees 02 minutes 36 seconds West for a distance of 42.25 feet to a Mag nail set;

North 72 degrees 03 minutes 53 seconds West for a distance of 228.00 feet to a Mag nail set;

North 18 degrees 20 minutes 01 seconds East for a distance of 223.99 feet to a Mag nail set;

With a curve to the right, said curve having a central angle of 66 degrees 07 minutes 55 seconds, a radius of 50.00 feet, an

arc length of 57.71 feet, and a long chord which bears North 51 degrees 23 minutes 59 seconds East for a distance of 54.56 feet to a Mag nail set;

North 84 degrees 27 minutes 56 seconds East for a distance of 87.43 feet to an iron pin set;

With a curve to the right, said curve having a central angle of 23 degrees 28 minutes 11 seconds, a radius of 20.00 feet, an arc length of 8.19 feet, and a long chord which bears South 83 degrees 47 minutes 58 seconds East for a distance of 8.14 feet to an iron pin set;

South 72 degrees 03 minutes 53 seconds East for a distance of 278.20 feet, passing an iron pin set on the westerly right-of-way line of South High Street at 158.10 feet, to the TRUE POINT OF BEGINNING, containing 2.554 acres, more or less.

The above described 2.554 acres contains 0.701 acres within the present road occupied, resulting in a net take of 1.853 acres out of Franklin County Auditor's Parcel number 010-260463.

Prior instrument records as of this writing recorded in Instrument Number 200202010030706 in the records of Franklin County.

Subject to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land. This description was prepared by Dwight Tillis, Ohio Registered Professional Surveyor number 7807, and is based on an actual field survey conducted by PRIME CM&S, Inc. in 2021 under their direct supervision.

The bearings for this description are based on Ohio State Plane Coordinate system, South Zone, and the North American Datum of 1983, 2011 adjustment (NAD 83(2011)), with ties to Franklin County Engineer Monuments FCGS 1142 and FCGS 1143 having a relative bearing of North 03 degrees 56 minute 15 seconds East.

Where described, iron pins set are 5/8" rebar, 30" long, with a stainless steel cap stamped "PRIME CMS, INC."

**To Rezone From:** C-4, Commercial District and L-C-4, Limited Commercial 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, "**PRELIMINARY SITE COMPLIANCE PLAN FOR SHEETZ**," and "**CONCEPT EXTERIOR ELEVATIONS**," both dated August 29, 2022, and "**LANDSCAPE PLAN**," dated July 7, 2022, all signed by Frank Petruziello, President of Development for SkilkenGold Development LLC, and text titled, "**CPD DEVELOPMENT TEXT**," dated September 12, 2022, and signed by Kareem Amr, Project Manager for SkilkenGold Development LLC, and the text reading as follows:

#### **CPD Development Text**

**Property Address:** 3891 South High Street, Columbus, Ohio

**Acreage:** 2.554 +/-

**Current Owners:** Lowe's Home Centers, LLC

**Applicant:** SkilkenGold Development, LLC

**Existing Zoning:** C-4 Commercial District and L-C-4, Limited Commercial District

**Proposed Zoning:** CPD (Commercial Planned Development (H-35))

**Date of Text:** 9/12/2022

**Application Number:** Z22-035

**I. Introduction:** The 2.554 +/- acre site is located west of the intersection of South High Street and Obetz Road (the site). The site consists of one parcel, 010-260463 (2.554 acres), which is to be lot split from a 7.4-acre parcel. Said parcel is within the Far South Columbus Area Commission, South High Street Regional Commercial Overlay, and the C-4 and L-C-4 Commercial zoning district.

A. The proposed 2.554-acre site will be redeveloped with the following improvements: restaurant, indoor/outdoor seating, convenience store, fuel sales, and minimal outdoor sales displays. The proposed restaurant/convenience store is approximately 6,139 square feet and the fuel service canopy will include 6 fuel dispensing islands. Additional site features include landscape screening/buffering, dumpster enclosure, storm water detention and underground fuel tanks. The applicant proposes to rezone the site to CPD (Commercial Planned Development) in order to accommodate the proposed uses.

## **II. Permitted Uses:**

3356.03 C-4 permitted uses with the following exclusions:

1. Dance Hall
2. Electric substation
3. Funeral parlor
4. Motor bus terminal
5. Night club/cabaret
6. Pool room
7. Trade School
8. Building materials and supplies dealer
9. Halfway house
10. Warehouse clubs and super centers
11. Monopole telecommunication antennas

3357.01 C-5 permitted uses with the following exclusions:

1. Monopole telecommunication antennas

**III. 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 Regional Scale Commercial District of the Columbus City Code.

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

1. The building shall not exceed thirty-five (35) feet
2. Setbacks for parking along South High Street shall be a minimum of 15’.
3. Setbacks for building along South High Street shall be a minimum of 25’, per the submitted CPD Site Plan.

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

Access points are shown on the submitted site plan, which include existing right- in right-out on South High Street, as well as shared access coming from the Obetz Road and S High Street intersection.

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

Buffering, landscaping, screening and open space shall be in accordance with code sections/chapters 3312.21, 3321, and 3372.807 (RCO) 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 and stone 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:**

Refer to the CPD site plan and accompanying exhibits. Any proposed landscaping within the right-of-way is subject to the review and approval of the Department of Public Service. The Department of Public Service will have no responsibility for the maintenance of such landscaping and such landscaping may be removed in the future at the sole discretion of the Department of Public Service.

#### **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 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.
2. Existing Land Use: the site is currently developed as overflow parking for Lowe's.
3. Circulation: circulation on the site shall be in accordance with the site plan.
4. Visual Form of the Environment: the surrounding properties along South High Street are developed with commercial uses.
5. Visibility: the site can be viewed from South High Street.
6. Proposed Development: restaurant, indoor and outdoor seating, convenient store, fuel sales, and minimal outdoor sales displays.
7. Behavior Patterns: commercial uses as developed along South High Street. 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-Variance:**

N/A

#### **I. Miscellaneous:**

1. A site plan titled "Preliminary Site Compliance Plan for Sheetz" and "Landscape Plan" showing lot lines, setbacks, buildings, parking and access, and landscaping is submitted for the development. 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. The buildings shall be developed in accordance with the submitted site plan, building elevations titled "Concept Exterior Elevations", and landscape plan; however, those plans 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.