



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 3185-2017, **Version:** 1

Rezoning Application: Z17-024

APPLICANT: MG Rome Hilliard LLC; c/o David Hodge, Atty.; Underhill & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on October 12, 2017.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The site is developed with a bank in the CPD, Commercial Planned Development District, and is within the Sawmill Road Regional Commercial Overlay. The applicant proposes to redevelop the site with a drive-in restaurant in the CPD, Commercial Planned Development District. The CPD text commits to a site plan and provides commitments for development standards addressing traffic access, landscaping and screening, and environmental and graphics standards. The CPD text allows those uses permitted in the C-4, Commercial District with several restrictions. Variances to landscaping and screening requirements, parking space size, and maximum number of parking spaces permitted are included in this request. The site is located within the boundaries of the *Northwest Plan* (2016), which recommends "Commercial" land uses for this location. The Plan also recommends that parking be limited to two rows plus a drive aisle in front of the building, and that existing landscaping be preserved. Staff supports the proposed use, site design, and landscaping, but the Planning Division does not support the variance to allow the site to exceed the maximum number of parking spaces permitted, from a maximum of 69 spaces to 75 provided spaces. Staff does not believe that deviation from this development standard is warranted on the subject site.

To rezone **7490 SAWMILL ROAD (43016)**, being 1.33± acres located on the east side of Sawmill Road, 490± feet north of Hard Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z17-024).

WHEREAS, application # Z17-024 is on file with the Department of Building and Zoning Services requesting rezoning of 1.33± 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 disapproval of said zoning change because although the requested CPD, Commercial Planned Development District will permit a drive-in restaurant that is compatible with the land use and design recommendations of the *Northwest Plan*, staff does not support the variance to allow the site to exceed the maximum number of parking spaces permitted; 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:

7490 SAWMILL ROAD (43016), being 1.33± acres located on the east side of Sawmill Road, 490± feet north of Hard Road, and being more particularly described as follows:

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

And known as being situated 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 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 02 deg. 34' 52" East, for a distance of fifty and 00/100 (50.00) feet;

Thence Eastwardly, South 87 deg. 40' 38" 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 40 deg. 06' 36" 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 said Sawmill Road, North 02 deg. 34' 52" East, for a distance of four hundred forty-two and 79/100 (442.79) feet, to the true point of beginning of the herein described tract of land;

Thence Northwardly continuing with the East line of said Sawmill Road, North 02 deg. 34' 52" East, for a distance of two hundred thirty-seven and 16/100 (237.16) feet, to the South line of Olde Sawmill On The Lake Condominium, as recorded in Condominium Book 27, Page 74;

Thence Eastwardly with the South line of said to Olde Sawmill On The Lake Condominium, South 87 deg. 15' 59" East, for a distance of two hundred seventy-five and 11/100 (275.11) feet, to the Northwest corner of land conveyed to Plainsboro Partners HI LIP, an Ohio Limited Partnership, by Official Record 26712, Page 514, in the records of Franklin County, Ohio;

Thence Southwardly with West line of said Plainsboro Partners III LIP land, for the following Three (3) Courses:

1. South 25 deg. 43' 01" West, for a distance of one hundred one and 44/100 (101.44) feet;
2. South 02 deg. 49' 29" East, for a distance of fifty-four and 31/100 (54.31) feet;
3. South 09 deg. 09' 31" West, for a distance of eighty-nine and 67/100 (89.67);

Thence Westward on a new dividing line, North 87 deg. 25' 08" West, for a distance of two hundred thirty and 09/100 (230.09) feet, to the true beginning of said herein described tract of land. Containing 1.3250 acres, more or less, subject, however, to all legal highways, easements, and restrictions of record.

NOTE:

The above described tract of land is part of that land conveyed to WEC 98H-38 LLC, a Delaware Limited Liability Company, by Instrument No. 199901110007656 in the records of Franklin County, Ohio, Iron pins found or set mark all corners of this conveyance.

NOTE:

This description is the result of a field survey by Reinke & Associates, Inc. In August 1998 under the supervision of Franklin K. Wright, III, Ohio Surveyor No. 6769.

NOTE:

Basis of bearing is centerline of Sawmill Road, per centerline survey plat (North 02 deg. 34' 52" East).

Commonly known as: 7490 Sawmill Road, Columbus, Ohio 43016

Tax Parcel Number: 590-251717-00

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 plan being titled, "**7490 SAWMILL ROAD,**" and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" both dated October 20, 2017, and signed by David Hodge, Attorney for the Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

Proposed District: CPD

Property Address: 7490 Sawmill Road

Owner: MG Rome Hilliard LLC

Applicant: MG Rome Hilliard LLC

Date of Text: October 20, 2017

Application No.: Z17 - 024

Introduction: The subject property consists of 1.3+/- acres located along the east side of Sawmill Road, north of its intersection with Hard Road. The property was formerly referred to as "Lot 3" in a Commercial Planned Development (CPD) rezoning of the property that occurred in 1998, Columbus City Ordinance 1078-1998. That rezoning consisted of 3 development lots, the subject lot being the northernmost of the 3. The southernmost, on the corner of Sawmill Road and Hard Road, developed as a pharmacy. The central lot developed as a restaurant, and the subject lot developed as a bank. The bank tenant vacated the property and the property owner now seeks this rezoning to update the applicable zoning standards given the fact that development in the area has matured since the property was rezoned in 1998.

In December 2016, The Northwest Plan was adopted which recommends commercial use for the property. Consistent with that Plan, the applicant seeks rezoning to allow a raze and rebuild to accommodate a drive-in style restaurant to serve the local market.

1. Permitted Uses: Those uses permitted by C.C. 3356.03 (C-4 permitted uses), excluding the following:

Automotive Sales, Leasing and Rental

Bars, Cabarets and Nightclubs

Check Cashing and Loans

Community Food Pantry

Missions / Temporary Shelters

Motorcycle, Boat, and Other Motor Vehicle Dealers

Motor Vehicle Accessories and Parts Dealers

Outdoor Power Equipment Stores

Pawn Brokers

Used Merchandise Stores
Garden, Landscaping and Nursery Centers and Sales
Lawn and Garden Equipment and Supplies Stores
Animal Shelter
Halfway House
Veterinarians (Unlimited practice)
Coin-Operated Laundries
Rooftop Telecommunications
Repossession Services
Astrology, Fortune telling and Palm Reading
Crematory

2. Development Standards: Unless otherwise indicated on the Site Plan, or in this Commercial Planned Development Text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, and the Regional Commercial Overlay standards of C.C. 3372.801 through 3372.809 of the Columbus City Code

A. Density, Height, Lot and/or Setback commitments.

Redevelopment of the site shall be as depicted on the submitted Site Plan.

B. Access, Loading, Parking and/or Other Traffic Related Commitments.

1. Access to the site is provided via a right-in / right-out / left-in access point from Sawmill Road, and via cross-access agreements with the property owners of the two properties to the south. The applicant does not propose any modification to its access configuration unless otherwise approved by the City of Columbus Division of Traffic Management.

2. Right-of-way providing for 60 feet from the centerline of Sawmill Road shall be dedicated to the City of Columbus.

C. Buffering, Landscaping, Open Space and/or Screening Commitments.

1. Existing mounding and landscaping along Sawmill Road may be maintained and preserved along Sawmill Road in lieu of the applicable landscaping and screening requirements of C.C. 3372.807.

2. Existing buffering and screening along the north and east perimeters of the property shall be maintained in their present condition

D. Building Design and / or Interior - Exterior Treatment Commitments.

Not applicable.

E. Lighting, Outdoor Display Areas, and/or other Environmental Commitments.

1. All waste and refuse shall be contained and fully screened from view by a solid wall or fence to a minimum height of six feet.

2. No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside a permitted structure.

3. All light poles shall be gray, brown, bronze or black in color and shall not exceed 18 feet in height.

F. Graphics and Signage Commitments.

All signage shall conform to Graphics Code, Article 15, Title 33, of the Columbus City Code as it applies to the C-4, Regional Scale Commercial District and the Regional Commercial Overlay, and any variance to those requirements shall be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments.

1. No outdoor speakers shall be permitted except for those speakers customarily incidental to a permitted use of the property such as, but not limited to, a drive-in restaurant.
2. Deliveries and trash pick-up shall be restricted to the hours of 7:00 a.m. to 9:00 p.m.
3. A variance to C.C. 3372.807 Landscaping and screening to allow a mound with landscaping in lieu of strict compliance with the landscaping and screening requirements of that section.
4. A variance to C.C. 3312.29 Parking space to allow 8 parking spaces along the southern perimeter to not be 18 feet in length. The parking spaces meet the requirement, however are divided by a property line.
5. A variance to C.C. 3312.49 Minimum number of parking spaces required, to allow the site to exceed the maximum number of spaces allowed by 6 spaces.
6. The subject site shall be developed in accordance with the Site Plan submitted herewith. The Site Plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.
7. CPD Criteria:

a) NATURAL ENVIRONMENT.

This property will be redeveloped with a drive-in restaurant, maintaining the access configuration unless otherwise approved, and perimeter landscaping and other buffering treatment commitments. The use will not be detrimental in any way but rather is an appropriate land use at this location and will not have any off-site impacts beyond its current zoning entitlement.

b) EXISTING LAND USE.

The existing land use is a bank with drive-thru windows zoned in the CPD, Commercial Planned Development District.

c) TRANSPORTATION AND CIRCULATION.

There will be direct vehicular access to the site via an existing right-in / right-out curb-cut from Sawmill Road. No modification is proposed by this applicant. The site may also be accessed via the properties to the south via cross-access agreements. There is adequate circulation both from adjacent roadways and on the site around the building.

d) VISUAL FORM OF THE ENVIRONMENT.

The existing uses / zoning of the surrounding property are as follows:

North: Multi-family condominium development zoned in the AR-12 Zoning District.

East: Multi-family apartment development zoned in the L-ARLD Zoning District.

South: Restaurant zoned in the CPD Zoning District.

West: Retail shopping center development in the City of Dublin.

e) VIEW AND VISIBILITY.

The site is visible along the east side of Sawmill Road. The proposed development will not, with any great significance, alter the existing aesthetic of the property or this commercial corridor. In addition, the existing perimeter treatments along both the north and west residential perimeters will remain in their existing condition, serving as an adequate and appropriate buffer between those residential uses and the commercial use of this property.

f) PROPOSED DEVELOPMENT.

The proposed development is redevelopment of a former bank with a drive-in restaurant use, appropriate along this Sawmill Road commercial corridor.

g) BEHAVIOR PATTERNS.

This rezoning will not significantly alter the existing behavior patterns for the property, or for its surroundings.

h) EMISSIONS.

No adverse emissions will occur as a result of this development.

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