



Legislation Text

File #: 2804-2020, Version: 2

Rezoning Application: Z20-077

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 (5-0) on November 12, 2020.

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site, comprised of a portion of a parcel, is zoned in the CPD, Commercial Planned Development District and is developed with a portion of a vacant commercial building. The requested CPD, Commercial Planned Development District would allow the site to be developed with a fuel sales and convenience store with accessory on-site food and beverage service. The development text commits to a site plan and building elevations, and includes development standards addressing setbacks, site access, landscaping, building design, and graphics provisions. A variance to reduce the parking lot shade tree requirement is included in this request. The request will allow the development of a fuel sales facility and convenience store with accessory eating and drinking establishment uses and minimal outdoor display sales. The CPD text establishes appropriate use restrictions and supplemental development standards, and includes commitments to develop the site in accordance with the submitted site plan. This area has adopted the *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*, and the site plan and elevations reflect greater building articulation along South Hamilton Road, consistent with the Plan's design guidelines.

To rezone **4201 S. HAMILTON RD. (43125)**, being 2.79± acres located on the west side of South Hamilton Road, 800± feet south of Bayleap Drive, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z20-077).

WHEREAS, application #Z20-077 is on file with the Department of Building and Zoning Services requesting rezoning of 2.79± 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 Greater South East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the CPD, Commercial Planned Development District will allow the development of a fuel sales facility and convenience store with accessory eating and drinking establishment uses that is consistent with the design guidelines recommended by the *Columbus Citywide Planning Policies (C2P2) Design Guidelines*; 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:

4201 S. HAMILTON RD. (43125), being 2.79± acres located on the west side of South Hamilton Road, 800± feet south of Bayleap Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Section 9, Township 11, Range 21, U.S. Congress Lands, being part of an original 36.392 acre tract of land conveyed to Saver Motel, Inc. of record in Instrument Number 200606270124632, all references being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING FOR REFERENCE at the northeast corner of said 36.392 acre tract, being at the southeast corner of an original 50 acre tract of land conveyed to Plaza GRB Hamilton Road, LLC of record in Instrument Number 200401210014610, and being on the centerline of Hamilton Road (FRA-317-0.19(B));

Thence South 04°17'31" West, a distance of 494.38 feet with the centerline of said Hamilton Road, to a point on the east line of a proposed 0.963 acre Right-of-Way of said Hamilton Road;

Thence North 85°42'29" West, a distance of 62.74 feet crossing the proposed 0.963 acre Right-of-Way of said Hamilton Road, to the west line of the proposed 0.963 acre Right-of-Way of said Hamilton Road and being the TRUE POINT OF BEGINNING of the tract to be described;

Thence South 03°50'32" West, a distance of 324.36 feet with the west line of the proposed 0.963 acre Right-of-Way of said Hamilton Road, to a point;

Thence North 86°18'02" West, a distance of 348.84 feet crossing said 36.392 acre tract, to the east line of a 24.718 acre tract of land conveyed to Metropolitan House LLC of record in Instrument Number 202008200123281;

Thence North 03°41'58" East, a distance of 348.33 feet with the east line of said 24.718 acre tract, to a point;

Thence South 86°18'02" East, a distance of 339.71 feet crossing said 36.392 acre tract, to the west line of the proposed 0.963 acre Right-of-Way of said Hamilton Road;

Thence South 03°50'32" West, a distance of 23.95 feet with the west line of the proposed 0.963 acre Right-of-Way of said Hamilton Road, to a point;

Thence South 86°09'28" East, a distance of 10.00 feet with a south line of the proposed 0.963 acre Right-of-Way of said Hamilton Road, to the TRUE POINT OF BEGINNING, containing 2.788 acres, subject to all easements and documents of record.

Basis of Bearings: The bearings shown on this zoning description are based on the bearing of South 04°17'31" West for the centerline of Hamilton Road, based on field observations performed in August, 2019, and based on NAD 83 (2011 adjustment), Ohio State Plane South Zone.

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, “**SKILKENGOLD DEVELOPMENT LLC, 4201 SOUTH HAMILTON ROAD,**” elevations titled “**ELEVATIONS, SHEETS 1-2,**” and text titled, “**DEVELOPMENT TEXT,**” all dated November 19, 2020, and signed by Frank Petruziello, President of Development with SkilkenGold Development, LLC, and the text reading as follows:

DEVELOPMENT TEXT

CURRENT OWNER: Saver Motel Inc.

APPLICANT: SkilkenGold Development, LLC

EXISTING ZONING: CPD

PROPOSED ZONING: CPD, Commercial Planned Development District

DATE OF TEXT: 11/19/2020

APPLICATION NUMBER: Z20-077

1. **INTRODUCTION:** This 2.79-acre site is located on the west side of S Hamilton Rd near the intersection with Blakestone Ln (the “Site”). The proposed site will be split from a larger 11.77-acre parcel, Franklin County PN 530-193321-00. The development site is currently zoned Commercial Planned Development (CPD) per Z83-056. The applicant will split the parcel upon closing, and develop the new parcel 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 double-sided fuel dispensers. Additional site amenities include landscaping along a portion of the property line, a dumpster enclosure, underground storm water detention system, and underground fuel tanks. The applicant proposes to rezone the site to a CPD, Commercial Planned Development to accommodate the new use.
2. **PERMITTED USES:**
 - a. 3356.03 C-4 permitted uses with the following exclusions: Dance Hall; Electric substation; Funeral parlor; Mot or 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 of the Columbus City Code.
 - A. **Density, Height, Lot and/or Setback Requirements:**

Setbacks for parking along S Hamilton Rd shall be 10’. Setbacks for the gas canopy shall be 25’ and 60’ for buildings, both in relation to S Hamilton Rd.
 - B. **Access, Loading, Parking and/or other Traffic related commitments:**
 1. Access points depicted on the site plan show one access point off a public right of way, and three entries off private drives. The public right of way access is limited to right-in access only from South Hamilton Road while the another limited access is right-in and right-out only on Blakestone Lane. Full access points are provided along Elodie Lane at the site’s western boundary.
 2. As reflected in the Zoning Exhibit, right of way expansion is planned to accommodate Hamilton Road’s width

of ~~120~~ 160 ft, per the City Thoroughfare Plan.

3. The improvements required by the City of Columbus Division of Traffic Management, further delineated below and based on the Traffic Impact Study dated September 27, 2019 prepared by Carpenter Marty Transportation and subsequent addendum related to this project dated May 28, 2020. The Requirements are as follows:

- a. The internal site access point on the north side of the site to Blakestone Lane, a private street, would need to be limited to right-in/right-out turning movements.
- b. A reciprocal cross access easement would need to be created for adjacent properties fronting South Hamilton Road between Blakestone Lane and US Route 33 to provide shared access to the proposed right-in only access point to South Hamilton Rd.

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

Buffering, landscaping, screening and open space shall be in accordance with development standards are contained in Chapters 3312 and 3321 of the Columbus City Code, with the exception of Variances requested in Section H below. Applicant affirms that landscaping presented on the site plan and submitted as part of rezoning application Z20-077 will be constructed as depicted on said plan.

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. It is noted that while the signage associated with GC20-017 is located on this project site but is an off-site sign serving others than the applicant's proposed project. 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 in the South Hamilton corridor, which is developed for commercial use.
2. Existing Land Use: The Site is currently raw land at a retail-oriented intersection. Adjacent uses are retail and multifamily residential.
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 South Hamilton Road.
6. Proposed Development: Restaurant with outdoor seating and drive-in service, convenience store, retail fuel sales and accessory outdoor display sales.
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:

Section 3312.21, Landscaping and screening, requires four (4) shade trees be provided in the parking lot. Variance is requested by applicant to reduce from four to zero shade trees provided in the parking lot due to plan constraints that prevent landscaped islands or peninsulas, however greater than four trees are proposed throughout the site.

I. Miscellaneous:

1. A Site Plan showing lot lines, setbacks, and access is submitted for the development of the Site. The site plan is not applicable to any use other than a fuel sales, convenience store, and eating and drinking establishment., except, if a fuel sales, convenience store, and eating and drinking establishment. is not developed on the site, 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. There is no adopted area plan at this location. As part of the *Columbus Citywide Planning Policies* (C2P2), developed by city staff to guide and focus growth, the site has Early Adoption status. The proposed building, gas canopy, and pedestrian pathway have been sited for consistency with the design guidelines of the C2P2, and in accordance with requests from the Planning Division.
3. The building shall be developed in accordance with the submitted building elevations; 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.
4. 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.