



Legislation Text

File #: 0847-2022, **Version:** 1

Rezoning Application: Z21-094

APPLICANT: SkilkenGold Development, LLC; c/o Andrew Richlen; 4270 Morse Road; Columbus, OH 43230.

PROPOSED USE: Fuel sales, convenience store, and eating and drinking establishment and future office development.

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

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The 14.36± acre site consists of six parcels; two of which are developed with former dwellings converted to commercial uses and an industrial building in the L-C-4, Limited Commercial and L-M, Limited Manufacturing districts, one developed with a single-unit dwelling in the L-C-2, Limited Commercial District, and three that are undeveloped in the L-C-2, Limited Commercial and R, Rural districts. The requested CPD, Commercial Planned Development District will permit a fuel sales, convenience store, and eating and drinking establishment in Subarea A (12.66± acres), and a future office commercial use in Subarea B (1.71± acres). The development text commits to a site plan and building elevations for Subarea A, and includes development standards addressing setbacks, site access, landscaping, building design, and graphics provisions. The site is located within the planning boundaries of the *Hilltop Land Use Plan* (2019), which recommends "Employment Center" and "Open Space" land uses at this location. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). Planning Division staff acknowledges the inclusion of an office component with this development, but the predominant proposed use is fuel sales and convenience retail which is inconsistent with the "Employment Center" recommendation of the *Hilltop Land Use Plan*, and is therefore not supported. Staff does support the proposed site plan, noting that is consistent with C2P2 Design Guidelines, including expanded tree preservation areas to include the site's southern edge, landscaping and street trees along the North Wilson Road frontage to provide parking lot screening from the roadway, and additional landscaping in the site's northeast corner around Blau Ditch.

To rezone **782 & 744 N. WILSON RD. (43204)**, being 14.36± acres located on the east side of North Wilson Road, 530± feet south of Lowell Drive, From: L-C-2, Limited Commercial District, L-C-4, Limited Commercial District, L-M, Limited Manufacturing District, and R, Rural District, To: CPD, Commercial Planned Development District (Rezoning #Z21-094).

WHEREAS, application #Z21-094 is on file with the Department of Building and Zoning Services requesting rezoning of 14.36± acres from L-C-2, Limited Commercial District, L-C-4, Limited Commercial District, L-M, Limited Manufacturing District, and R, Rural District, to CPD, Commercial Planned Development District; and

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

WHEREAS, the Greater Hilltop Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend disapproval of said zoning change because the requested CPD, Commercial Planned Development District proposes fuel sales and convenience retail as the predominant uses of the

property, which is inconsistent with the “Employment Center” recommendation of the *Hilltop Land Use Plan*; 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:

782 & 744 N. WILSON RD. (43204), being 14.36± acres located on the east side of North Wilson Road, 530± feet south of Lowell Drive, and being more particularly described as follows:

Subarea A (12.655 acres)

SITUATED in the State of Ohio, County of Franklin, City of Columbus, being a part of Virginia Military Survey No. 875, and also being part of Lot Nos. 3 and 4 of an amicable partition among the heirs of Elisha Wilson, deceased, as the same is shown of record in Plat Book (P.B.) 4, Page 249, and being a part of a 4.737 acre tract (deed calc.) conveyed to Cristo Rey Ministries, Inc. in Instrument (Instr.) No. 201404240049990, all of a 1.159 acre tract (deed calc.) conveyed to Cristo Rey Ministries, Inc. in Instr. No. 201411040146502, all of a 1.863 acre tract (deed calc.) conveyed to Sovoem LLC in Instr. No. 201509280135536, all of a 1.863 acre tract (deed calc.) conveyed to Gary’s Properties LLC in Instr. No. 201512300182210, all of a 2.875 acre tract (deed calc.) conveyed to Plaza Financial Group, LTD in Instr. No. 200009110182875, and all of a 1.894 acre tract (deed calc.) conveyed to Plaza Financial Group, LTD in Instr. No. 200211130288799, Franklin County Recorder’s Office;

All records referred to are those of record in the Franklin County Recorder’s Office, unless otherwise noted;

BEGINNING at the intersection of the centerlines of Wilson Rd. (width variable) and Enterprise Ave. (60’ wide), as shown on “Enterprise Avenue and Wilson Road Dedication in Fisher Road Industrial Park”, P.B. 41, pg. 43, being a point in the west line of a 0.263 acre tract (Parcel 70WD) conveyed to the City of Columbus in Official Record (O.R.) 4593 I-02 ;

THENCE North 24 degrees 01 minutes 59 seconds West 37.13 feet, along the centerline of the said Wilson Rd. and the west line of the said 0.263 acre tract, to a point;

THENCE North 65 degrees 58 minutes 01 seconds East 46.00 feet, crossing the said 0.263 acre tract, to a point in the east line of the said 0.263 acre tract and in the west line of the said 4.737 acre tract, and being the True Point of Beginning;

THENCE North 66 degrees 19 minutes 21 seconds East 827.31 feet, crossing the said 4.737 acre tract, to a point in the east line of the said 4.737 acre tract and in the west line of Lot 61 of Tall Timbers, P.B. 68, pg. 89;

THENCE South 24 degrees 09 minutes 04 seconds East 665.62 feet, along the east lines of the said 4.737 acre tract, of the said 1.159 acre tract, of the said 1.863 acre Sovoem tract, of the said 1.863 Gary’s tract, of the said 2.875 acre tract and of the said 1.894 acre tract, and along the west line of Lot 61, the west lines of Lots 60 through 57, inclusive, of the said Tall Timbers, and along the west lines of Lots 12 through 7, inclusive, of Wilson Oaks, P.B. 51, pg. 60, to a point, being the southeast corner of the said 1.894 acre tract and the northeast corner of a 3.08 acre tract conveyed to Edmond Theodore Fox and Judith C. Roush in Instr. No. 201205300075394;

THENCE South 65 degrees 50 minutes 07 seconds West 828.66 feet, along the south line of the said 1.894 acre tract and the north line of the said 3.08 acre tract, and the north lines of a 2.35 acre tract conveyed to Christopher Michael Davis and Cathrine Elizabeth Pace-Davis in Instr. No. 201208080115255, and of a 2.10 acre tract conveyed to Mikes Truck Wash LLC in Instr. No. 201710120142716, to a point, being the southwest corner of the said 1.894 acre tract, the northeast corner of a 0.303 acre tract (Parcel 64WD) conveyed to the City of Columbus in O.R. 5514 D01, and the southeast corner of a 0.106 acre tract (Parcel 65WD) conveyed to the City of Columbus in O.R. 4658 G06;

THENCE North 24 degrees 01 minutes 59 seconds West 254.15 feet, along the west lines of the said 1.894 acre tract and of the said 2.875 acre tract, and along the east line of the said 0.106 acre tract, and along the east line of a 0.163 acre tract (Parcel 66WD) conveyed to the City of Columbus in O.R. 4642 B09, to a point, being the northwest corner of the said 2.875 acre tract, the northeast corner of the said 0.163 acre tract, the southeast corner of a 0.105 acre tract (parcel 67WD) conveyed to the City of Columbus in O.R. 5856 G04, and the southwest corner of a 0.032 acre tract conveyed to the City of Columbus in Instr. No. 200407140163516;

THENCE North 66 degrees 19 minutes 05 seconds East 14.00 feet, along the north line of the said 2.875 acre tract and the south line of the said 0.032 acre tract, to a point, being the southeast corner of the said 0.032 acre tract and the southwest corner of the said 1.863 acre Gary's tract;

THENCE North 24 degrees 01 minutes 59 seconds West 199.39 feet, along the west line of the said 1.863 acre Gary's tract and of the said 1.863 acre Sovoem tract, and along the east line of the said 0.032 acre tract and the east line of a second 0.032 acre tract conveyed to the City of Columbus in Instr. No. 200602080025301, to a point, being the northwest corner of the said 1.863 acre Sovoem tract and the northeast corner of the said second 0.032 acre tract, and being a point in the south line of the said 1.159 acre tract;

THENCE South 66 degrees 19 minutes 06 seconds West 14.00 feet, along the south line of the said 1.159 acre tract and the north line of the said second 0.032 acre tract, to a point, being the southwest corner of the said 1.159 acre tract, the northwest corner of the second 0.032 acre tract, the northeast corner of a 0.105 acre tract (Parcel 68WD) conveyed to the City of Columbus in O.R. 4741 A11, and the southeast corner of a 0.063 acre tract (Parcel 69WD) conveyed to the City of Columbus in O.R. 4593 I05;

THENCE North 24 degrees 01 minutes 59 seconds West 219.11 feet, along the west lines of the said 1.159 acre tract and of the said 4.737 acre tract, and along the east lines of the said 0.063 acre tract and of the said 0.263 acre tract, to the True Point of Beginning, having an area of 551,236 square feet or 12.655 acres to be rezoned;

The parcel described herein is part of Parcel No. 570-213771, all of Parcel No. 010-218961, all of Parcel No. 010-218963, all of Parcel No. 010-218960, all of Parcel No. 010-218964, and all of Parcel No. 010-218962;

The bearings described herein are based on the centerline of Wilson Rd. as being North 24 degrees 01 minutes 59 seconds West, assumed, and is used to denote angles only.

Subarea B (1.709 acres)

SITUATED in the State of Ohio, County of Franklin, City of Columbus, being a part of Virginia Military Survey No. 875, and also being part of Lot Nos. 3 and 4 of an amicable partition among the heirs of Elisha Wilson, deceased, as the same is shown of record in Plat Book (P.B.) 4, Page 249, and being a part of a 4.737 acre tract (deed calc.) conveyed to Cristo Rey Ministries, Inc. in Instrument (Instr.) No. 201404240049990, Franklin County Recorder's Office;

All records referred to are those of record in the Franklin County Recorder's Office, unless otherwise noted;

BEGINNING at the intersection of the centerlines of Wilson Rd. (width variable) and Enterprise Ave. (60' wide), as shown on "Enterprise Avenue and Wilson Road Dedication in Fisher Road Industrial Park", P.B. 41, pg. 43, being a point in the west line of a 0.263 acre tract (Parcel 70WD) conveyed to the City of Columbus in Official Record 4593 I-02 ;

THENCE North 24 degrees 01 minutes 59 seconds West 127.79 feet, along the centerline of the said Wilson Rd. and the west line of the said 0.263 acre tract, to a point, being the northwest corner of the said 0.263 acre tract and the southwest corner of a 0.424 acre tract conveyed to the City of Columbus in Deed Book 3251, pg. 16;

THENCE North 66 degrees 19 minutes 21 seconds East 46.00 feet, along the north line of the said 0.263 acre tract and

the south line of the said 0.424 acre tract, to a point, being the northeast corner of the said 0.263 acre tract and the northwest corner of the said 4.737 acre tract, and being the True Point of Beginning;

THENCE North 66 degrees 19 minutes 21 seconds East 827.12 feet, along the north line of the said 4.737 acre tract, the south line of the said 0.424 acre tract, the south line of a 0.939 acre tract conveyed to Kathy B. Masloski in Instr. No. 201609010117200, and the south line of a 4.823 acre tract conveyed to Lindendale Gardens, LP in Instr. No. 202105190088931, to a point, being the northeast corner of the said 4.737 acre tract and the southeast corner of the said 4.823 acre tract, and being a point in the west line of Lot 60 of Tall Timbers, P.B. 68, pg. 89;

THENCE South 24 degrees 09 minutes 04 seconds East 90.00 feet, along the east line of the said 4.737 acre tract and the west line of the said Lot 60, and the west line of Lot 61 of the said Tall Timbers, to a point;

THENCE South 66 degrees 19 minutes 21 seconds West 827.31 feet, crossing the said 4.737 acre tract, to a point in the west line of the said 4.737 acre tract and in the east line of the said 0.263 acre tract;

THENCE North 24 degrees 01 minutes 59 seconds West 90.00 feet, along the west line of the said 4.737 acre tract and the east line of the said 0.263 acre tract, to the True Point of Beginning, having an area of 74,449 square feet or 1.709 acres to be rezoned;

The parcel described herein is part of Parcel No. 570-213771;

The bearings described herein are based on the centerline of Wilson Rd. as being North 24 degrees 01 minutes 59 seconds West, assumed, and is used to denote angles only.

To Rezone From: L-C-2, Limited Commercial District, L-C-4, Limited Commercial District, L-M, Limited Manufacturing District, and 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**,” “**OVERALL LANDSCAPE PLAN**,” elevations titled “**ELEVATIONS, SHEETS 1-2**,” and text titled, “**DEVELOPMENT TEXT**,” all dated March 15, 2022, and signed by Andrew Richlen, Applicant, and the text reading as follows:

Development Text

Property Address: 744 N. Wilson Road, Columbus, Ohio

Acreage: 14.36 +/-

Current Owners: Cristo Rey Ministries, Inc., Gary’s Properties, LLC, Sovoeun, LLC, Plaza Financial Group, LTD

Applicant: SkilkenGold Development, LLC

Existing Zoning: LC2, LC4, LM, R

Proposed Zoning: CPD (Commercial Planned Development) [Subarea A]; C-2 (Office Commercial) [Subarea B]

Date of Text: March 15, 2022

Application Number: Z21-094

1. Introduction:

The 14.36 +/- acre site is located directly east of the intersection of Wilson Road and Enterprise Drive (the site). The site consists of six parcels: 570-213771-00 (4.73 acres), 010-218961-00 (1.11 acres), 010-218963-00 (1.86 acres), 010-218960-00 (1.87 acres), 010-218964-00 (2.84 acres) and 010-218962-00 (1.91 acres). Said parcels are within the Greater Hilltop Area Commission and LC2, LC4, LM and R zoning districts. The applicant will combine parcels upon closing, raze all existing structures and redevelop the property into Subarea A (12.66 acres) and Subarea B (1.71 acres).

- a. Subarea A will be redeveloped with the following improvements: restaurant, indoor/outdoor seating, convenient store, fuel sales, high-flow diesel sales and minimal outdoor sales displays. The proposed restaurant/convenience store is approximately 6,897 square feet, the fuel service canopy will include 6 fuel dispensing islands and the high-flow diesel canopy will include 7 fuel dispensing bays/lanes. Additional site features include a privacy fence, landscaping, 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 use.
- b. Subarea B will be redeveloped with the following improvements: landscape screening and buffering to the rear, rough site grading and grass seeding. No new structures nor other improvements are proposed at this time.

Subarea A (12.66 acres)

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; 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 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:**
 - i. Setbacks for parking along Wilson Road shall be a minimum of 15'
 - ii. Setbacks for building along Wilson Road shall be a minimum of 60'
- b. **Access, Loading, Parking and/or other Traffic Related Commitments:**
 - i. Access points are shown on the submitted site plan, which include two full access curb cuts on Wilson Road.
 - ii. Due to the proximity of the proposed traffic signal (at the intersection of North Wilson Road and Enterprise Avenue) to the existing full access point that serves the property to the north with parcel number 570-116964, a future cross-access easement shall be provided for the property to the north upon redevelopment of said property to the north.
 1. If said cross access is provided then the grantee is responsible for a reasonable share of the traffic signal related improvement costs and traffic signal maintenance costs. Grantor and grantee shall negotiate said reasonable share and grantee shall pay grantor directly.
- c. **Buffering, Landscaping, Open Space and/or Screening commitments:**

Buffering, landscaping, screening and open space shall be in accordance with 3312.21 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 uses; and the 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:**
 - i. Natural Environment: the natural environment of the site is flat.
 - ii. Existing Land Use: the site is occupied by 6 structures belonging to a vehicular oriented business and other various commercial uses.
 - iii. Circulation: circulation on the site shall be in accordance with the site plan.
 - iv. Visual Form of the Environment: the surrounding properties along Wilson Road are developed with commercial uses.
 - v. Visibility: the site can be viewed from Wilson Road.
 - vi. Proposed Development: restaurant, indoor and outdoor seating, convenient store, fuel sales, high-flow diesel sales and minimal outdoor sales displays.
 - vii. Behavior Patterns: commercial uses as developed along Wilson Road. Existing development in the area has established behavior patterns for motorists.
 - viii. Emissions: no adverse effect from emissions shall result from the proposed development.
- h. **Modification of Code Standards:**
n/a at this time
- i. **Miscellaneous:**
 - i. A site plan showing lot lines, setbacks, and access 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.
 - ii. 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.
 - iii. Abandoned service stations, filling stations or fuel sales establishments will be addressed in accordance with 3357.18 of the Columbus City Code.

Subarea B (1.71 acres)

- 2. **Permitted Uses:**
 - a. 3353.03 C-2 (Office Commercial) permitted uses

3. Development Standards:

Unless otherwise indicated in this text, the applicable development standards are contained in Chapter 3353 C-2 (Office Commercial) of the Columbus City Code.

a. Height, Lot and/or Setback Requirements:

n/a

b. Access, Loading, Parking and/or other Traffic Related Commitments:

- i. There shall be no direct vehicular access to Wilson Road. All vehicular access shall be from the proposed full access east leg of the proposed signalized intersection near Subarea B's southwest corner.
- ii. Due to the proximity of the proposed traffic signal (at the intersection of North Wilson Road and Enterprise Avenue) to the existing full access point that serves the property to the north with parcel number 570-116964, a future cross-access easement shall be provided for the property to the north upon redevelopment of said property to the north.
 1. If said cross access is provided then the grantee is responsible for a reasonable share of the traffic signal related improvement costs and traffic signal maintenance costs. Grantor and grantee shall negotiate said reasonable share and grantee shall pay grantor directly.

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

Buffering, landscaping, screening and open space shall be in accordance with 3312.21 of the Columbus City Code.

d. Building Design and/or Interior/Exterior Treatment Commitments:

n/a

e. Dumpsters, Lighting, Outdoor Display areas and/or Other Environmental Commitments:

n/a

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-2 (Office Commercial) uses. Variances to the sign requirements, if any, shall be submitted to the Columbus Graphics Commission for consideration.

g. Additional Requirements:

- i. Natural Environment: the natural environment of the site is flat.
- ii. Existing Land Use: unused (open field).
- iii. Circulation: circulation on the site shall be in accordance with the site plan.
- iv. Visual Form of the Environment: the surrounding properties along Wilson Road are developed with commercial uses.
- v. Visibility: the site can be viewed from Wilson Road.
- vi. Proposed Development: green space and landscaping proposed today; future proposals would need to be consistent with C-2.
- vii. Behavior Patterns: behavior consistent with unused private green space proposed today; future proposals would need to bring behavior consistent with a use permitted in C-2.
- viii. Emissions: no adverse effect from emissions shall result from the proposed development.

h. Modification of Code Standards:

n/a

i. Miscellaneous:

n/a

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