



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed
File created: 5/25/2022 **In control:** Zoning Committee
On agenda: 6/13/2022 **Final action:** 6/16/2022
Title: To amend Ordinance #0349-2022, passed February 14, 2022 (Z21-050), for property located at 5756 N. HAMILTON RD. (43230), by repealing Sections 1 and 3 and replacing them with new Sections 1 and 3 to include a revised legal description and to modify the CPD text and plan to account for a larger site area (Rezoning Amendment #Z21-050A).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1572-2022_Attachments

Date	Ver.	Action By	Action	Result
6/16/2022	1	CITY CLERK	Attest	
6/15/2022	1	MAYOR	Signed	
6/13/2022	1	COUNCIL PRESIDENT	Signed	
6/13/2022	1	Zoning Committee	Approved	Pass
6/6/2022	1	Columbus City Council	Read for the First Time	

Rezoning Amendment: Z21-050A

Ordinance #0349-2022, passed February 14, 2021 (Z21-050), rezoned 0.87± acres at 5756 North Hamilton Road from CPD, Commercial Planned Development District to CPD, Commercial Planned Development District for an automatic car wash facility. That rezoning established specific development standards including setback, site access, landscaping and screening, building design, lighting, and signage, with modification of code standards to reduce parking lot screening in accordance with a registered CPD plan. This ordinance amends the CPD district by slightly expanding the size of the site to 0.95± acres which enables perimeter landscaping to be installed along the northeast and southwest sides of the site. The text is also being revised to incorporate the amended CPD plan. No other changes are proposed, and all other aspects of Ordinance #0349-2022 remain in effect and are included in this amendment.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To amend Ordinance #0349-2022, passed February 14, 2022 (Z21-050), for property located at **5756 N. HAMILTON RD. (43230)**, by repealing Sections 1 and 3 and replacing them with new Sections 1 and 3 to include a revised legal description and to modify the CPD text and plan to account for a larger site area (Rezoning Amendment #Z21-050A).

WHEREAS, Ordinance #0349-2022, passed February 14, 2022 (Z21-050), rezoned 0.87± acres at **5756 N. HAMILTON RD. (43230)**, from the CPD, Commercial Planned Development District to the CPD, Commercial Planned Development District to permit the development of an automatic car wash facility; and

WHEREAS, that rezoning established specific development standards addressing setback, site access, landscaping and screening, building design, lighting, and signage in accordance with a registered CPD plan; and

WHEREAS, the Applicant proposes to modify the CPD district by slightly expanding the size of the site to 0.95 acres, thereby enabling perimeter landscaping to be installed along the northeast and southwest sides of the site; and

WHEREAS, it is necessary to amend Section 1 of Ordinance #0349-2022, passed February 14, 2022 (Z21-050), to replace the legal description for this expanded site; and

WHEREAS, it is necessary to amend Section 3 of Ordinance #0349-2022, passed February 14, 2022 (Z21-050), to replace the CPD plan and CPD text for this expanded site, and;

WHEREAS, all other aspects of Ordinance #0349-2022 are unaffected by this amendment and remain in effect, and are repeated below for clarity; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Section 1 of Ordinance #0349-2022, passed February 14, 2022 (Z21-050), be hereby repealed and replaced with a new Section 1 to establish a revised legal description for the subject site reading as follows:

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:

5756 N. HAMILTON RD. (43230), being 0.95± acres located on the southeast side of North Hamilton Road, 165± feet east of the roundabout at Old Hamilton Road, and being more particularly described as follows:

Description of a 0.946 Acre Tract

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2 North, Range 16 West United States Military District and being part of a 1.978 acre tract being conveyed to Casey's Marking Company, by deed of record in Instrument Number 202005010057055, all records herein are from the Recorder's Office Franklin County, Ohio, said 0.946 acre tract being more particularly described as follows:

BEGINNING FOR REFERENCE, at Franklin County Monument "FCGS 8815" located on the centerline of Old Hamilton Road as shown and delineated in the record plat in Plat Book 122, Page 85 and being the common line of Quarter Township 4, Township 2, Range 17 and Quarter Township 3, Township 2, Range 16 and on the historic Blendon/Plain township line;

Thence the following three (3) courses and distances along the centerline of said Old Hamilton Road as shown in Plat Book 120, Page 64:

1. South 03°23'11" West, a distance of 33.52 feet, to a point;
2. Along a curve to the right, having a central angle of 57°38'12", a radius of 350.00 feet, an arc length of 352.08 feet, a chord which bears South 25°25'55" East, a distance of 337.42 feet to a point;
3. South 54°15'01" East, a distance of 175.30 feet, to a point;

Thence North 35°44'59" East, a distance of 25.08 feet, leaving the centerline to a point on the southeasterly right-of-way line of said Hamilton Road and the northwesterly corner of a 10.652 acre tract being conveyed to Five 14 Church, by deed of record in Instrument Number 201610130139810 to a point in the southeasterly line of said Hamilton Road as shown and delineated in Plat Book 120, Page 64;

Thence the following four (4) courses and distances along the southeasterly right-of-way lines of said Hamilton Road:

1. North 35°44'59" East, a distance of 3.19 feet, to a point;
2. Along a curve to the right a delta angle of 25°21'41", an arc length of 36.74 feet, a radius of 83.00 feet, a chord bearing of North 37°39'42" West, a chord length of 36.44 feet, to a point;
3. Along a compound curve to the right a delta angle of 47°03'42", an arc length of 27.11 feet, a radius of 33.00 feet, a chord bearing of North 01°27'11" West, a chord length of 26.35 feet, to a point;
4. Along a compound curve to the right a delta angle of 13°11'38", an arc length of 134.25 feet, a radius of 583.00 feet, a chord bearing of North 28°40'20" East, a chord length of 133.96 feet, to the TRUE POINT OF BEGINNING;

Thence along a curve to the right a delta angle of 14°00'09", an arc length of 142.48 feet, a radius of 583.00 feet, a chord bearing of North 42°16'13" East, a chord length of 142.12 feet, to a point at northerly corner of said 1.978 acre tract and in the southeasterly right-of-way line of said Hamilton Road ;

Thence South 50°07'43" East, a distance of 293.28 feet, along the easterly line of said 1.978 acre tract, to a point in a northwesterly line of said 10.652 acre tract;

Thence the following two (2) courses and distances along the northwesterly lines of said 10.652 acre tract:

1. Along a curve to the left a delta angle of 21°21'25", an arc length of 112.94 feet, a radius of 303.00 feet, a chord bearing of South 43°55'42" West, a chord length of 112.29 feet, to a point;
2. South 33° 14'59" West, a distance of 23.89 feet, to a point;

Thence the following two (2) courses and distances over and across said 1.978 acre tract:

1. North 55°01'20" West, a distance of 73.34 feet, to a point;
2. North 50°07'43" West, a distance of 220.97 feet, to the TRUE POINT OF BEGINNING containing 0.946 acres of land more or less. Being subject to all easements restrictions and rights-of-way of record.

The bearings are based on the centerline of Hamilton Road as being South 54°15'01" East of record in Instrument Number 202005010057055 and being shown in Plat Book 120, Page 64;

The description is based on record information as obtained from the Recorder's Office, Franklin County, Ohio.

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 Section 3 of Ordinance #0349-2022, passed February 14, 2022 (Z21-050), be hereby repealed and replaced with new Section 3 reading as follows:

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 site plan being titled, "**ZONING SITE PLAN**," and text titled, "**CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT**," both signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated March 31, 2022, and the text reading as follows:

CPD, COMMERCIAL PLANNED DEVELOPMENT TEXT

0.95 +/- acres

EXISTING ZONING: CPD, Commercial Planned Development (Z16-043)

PROPOSED ZONING: CPD, Commercial Planned Development

PROPERTY ADDRESS: 5756 N. Hamilton Road, Columbus, OH 43230

APPLICANT: Moo Car Express Car Wash LLC c/o Dave Perry, Agent, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Attorney, Plank Law Firm, 411 E Town Street, FL 2, Columbus, OH 43215.

PROPERTY OWNER: Casey's Marketing Company, c/o Kendra Meyer, One S.E. Convenience Boulevard, Ankeny, Iowa 50021

DATE OF TEXT: March 31, 2022

APPLICATION NUMBER: Z21-050A

1. INTRODUCTION: The 0.946 +/- acre site is located on the south side of N. Hamilton Road, 1,350 +/- feet north of Preserve Boulevard. The 0.87 +/- acres is the east 120 +/- feet of PID: 545-300807, which is zoned CPD, Commercial Planned Development (Z16-043, Ordinance 1022-2017). Z16-043 established commercial zoning on 13.86 +/- acres with many permitted commercial uses including a retail gas station. There is extensive existing and proposed commercial development in the area along the realigned N. Hamilton Road and N. Hamilton Road / SR 161 interchange. Applicant proposes to rezone the site to CPD to permit a single bay automatic car wash and C-4, Commercial uses, as presently permitted. The site plan, hereafter "Site Plan", titled "Moo Moo Express Car Wash, 5756 N. Hamilton Road, Zoning Site Plan", depicting a single unit tunnel car wash, is submitted as the site development plan for the automatic car wash. If the car wash is not developed, only the building and parking setbacks depicted on the Site Plan shall apply to the property. It is anticipated the 0.946 +/- ac will be split to form a separate tax parcel.

2. PERMITTED USES:

a). All uses of Chapter 3356, C-4, Commercial District, except as follows:

1. Billboards
2. Bars, cabarets, or nightclubs, except as an accessory use
3. Commercial radio transmitting or television station and appurtenances including cellular towers
4. Motion picture theater
5. Pawn Brokers
6. Free-standing automobile repair shops conducting engine or body repair provided, however, free-standing automobile repair shops which conduct only routine maintenance shall be permitted.
7. Check cashing and loans
8. Truck stops (defined herein to mean "a filling station or retail fuel service use that in addition to serving automobiles also provides products and/or services to semi-trucks (or similar large vehicles) and their drivers and provides parking areas for such trucks for purposes other than loading and unloading").
9. Animal shelter
10. Blood and organ banks
11. Halfway house
12. Missions/temporary shelters
13. Motorcycle, boat and other motor vehicle dealers (not including new car dealers).
14. Used automobile sales (except as associated with a new car dealership)

b). A car wash, as depicted on the Site Plan and as regulated herein.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan, which shall only be applicable for the

proposed car wash, or in this written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, of the Columbus City Code.

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

- 1). The N. Hamilton Road building setback for the car wash building shall be 80'.
- 2). Development standards of the Zoning Code shall apply to use of the property for all other uses.

B.) Access, Loading, Parking and/or other Traffic related commitments.

- 1). Development of the site with a car wash shall be as depicted on the submitted Site Plan. Development standards of the Zoning Code shall apply to use of the property for uses of the C-4 District and the permitted retail fuel use.
- 2). There shall be no direct vehicular access to N. Hamilton Road. All vehicular access shall be by off-site private drives, as depicted on the Site Plan.

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

- 1). Required landscaping for the car wash shall be as depicted on the Site Plan.
- 2). Four (4) street trees at approximately 35' on-center shall be provided along the N. Hamilton Road frontage and may be located in the parking setback or in the N. Hamilton Road right of way, with permission of the City of Columbus.

D.) Building design and/or Interior-Exterior treatment commitments.

Permitted primary building materials shall include and shall be limited to the following (either alone or in some combination): brick, brick veneer, stone, stone veneer, metal, fiber cement siding or comparable material, wood, and/or glass and asphalt roof shingles. Nothing herein shall prohibit the use of the aforementioned materials or other materials as secondary or trim materials.

E.) Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

The maximum height of parking lot lighting shall be 18'

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F.) Graphics and Signage commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as applies to the C-4, Commercial District. Any ground sign shall be monument-style. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration.

G). Other CPD Requirements.

1. Natural Environment: The site is located on the south side of N. Hamilton Road, 1,350 +/- feet north of Preserve Boulevard. There are many existing and proposed commercial uses on this arterial corridor.

2. Existing Land Use: Undeveloped.

3. Circulation: Vehicular access shall be from private drives as depicted on the Site Plan. There shall be no direct vehicular access to N. Hamilton Road.

4. Visual Form of the Environment: The N. Hamilton Road corridor is an arterial right of way extensively developed and to be developed with commercial uses.

5. Visibility: N. Hamilton Road is an arterial right of way. The site will be visible from N. Hamilton Road.

6. Proposed Development: Automatic car wash.

7. Behavior Patterns: Vehicular access shall be from private drives as depicted on the Site Plan. There shall be no direct vehicular access to N. Hamilton Road.

8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

H). Modification of Code Standards.

1). Section 3312.11, Drive-up Stacking Area, to use the private access drive in lieu of an exclusive by-pass lane for the car wash.

2). Section 3312.21(B)(3)(D)(1), Landscaping and Screening, to not provide parking lot screening to the south (L-AR-O) and to not provide a 4' landscaped pavement setback along the south property line.

I.) Miscellaneous commitments.

1. The development shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. Development of the site with an automatic car wash shall be in accordance with the Site Plan titled "Moo Moo Express Car Wash, 5756 N. Hamilton Road, Zoning Site Plan", dated and signed March 31, 2022, by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. If the car wash is not developed, only the building and parking setbacks depicted on the Site Plan shall apply to the property. These plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Plan 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.

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