



## Legislation Text

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**File #: 1496-2022, Version: 1**

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### **Rezoning Amendment: Z16-025A**

Ordinance #1719-2017, passed July 24, 2017 (Z16-025), rezoned 35.9± acres at 831 Hilliard & Rome Road from the R, Rural District to the CPD, Commercial Planned Development District for a big-box home improvement store and future commercial outparcels. That rezoning established specific development standards for two subareas including setback, access, frontage, screening, landscaping, and building design commitments with modification of code standards to reduce minimum parking, screening, landscaping, building setback, and maneuvering requirements. The subject site is a 1.07± acre tract within Subarea II (15.38± acres) which prohibits parking and stacking between the principal buildings and a street right-of-way line. The presence of a sanitary sewer easement that intersects the site prevents a proposed fast food establishment building from being placed closer to Hilliard & Rome Road as required, and so this amendment will permit parking and circulation in front of the building. This ordinance amends the design restrictions as they apply to parking and circulation placement in the CPD text established by Ordinance #1719-2017 (Z16-025) for this specific site. The text is also being revised to incorporate an amended CPD plan and to add a landscaping plan. The remaining 14.31± acres of Subarea II and the entirety of Subarea I of Ordinance #1719-2017 are not included in this amendment, and remain unchanged and in effect.

### **CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #1719-2017, passed July 24, 2017 (Z16-025), for property located at **905 HILLIARD & ROME RD. (43228)**, by repealing Sections 1 and 3 and replacing them with new Sections 1 and 3 to include the legal description for this specific property and to modify the Subarea II CPD text and plan as it pertains to parking and circulation design standards (Rezoning Amendment #Z16-025A).

**WHEREAS**, Ordinance #1719-2017, passed July 24, 2017 (Z16-025), rezoned 35.9± acres at **905 HILLIARD & ROME RD. (43228)**, from the R, Rural District to the CPD, Commercial Planned Development District in two subareas for a big-box home improvement store and a future commercial outparcels; and

**WHEREAS**, that rezoning established specific development standards addressing setback, access, frontage, screening, landscaping, and building design commitments in the CPD text in accordance with a registered CPD plan; and

**WHEREAS**, the Applicant proposes to modify the Subarea II CPD text to permit parking and circulation in front of a proposed eating and drinking establishment due to the presence of a sanitary sewer easement that intersects the site and prevents the building to be placed closer to Hilliard & Rome Road; and

**WHEREAS**, it is necessary to amend Section 1 of Ordinance #1719-2017, passed July 24, 2017 (Z16-025), as it applies to Subarea II, to revise the legal description in Section 1 of this ordinance for the property that is subject to this amendment; and

**WHEREAS**, it is necessary to amend Section 3 of Ordinance #1719-2017, passed July 24, 2017 (Z16-025) to revise the Subarea II CPD text to permit parking and circulation in front of the proposed building, and;

**WHEREAS**, all other aspects of Ordinance #1719-201704 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 #1719-2017, passed July 24, 2017 (Z16-025), as it applies to Subarea II, be hereby repealed and replaced with a new Section 1 to establish a revised legal description for the property subject to this amendment ordinance and 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:

**905 HILLIARD & ROME RD. (43228)**, being 1.07± acres located on the west side of Hilliard & Rome Road, 1,085± feet south of Fisher Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Prairie, in Virginia Military Survey Numbers 7326, being part of Menard, Inc.'s 35.897 acre tract recorded in Instrument Number 201712130175358 and more particularly described as follows:

Beginning at a 3/4 inch pin found at the centerline intersection of Fisher Road with Hilliard-Rome Road East;

Thence South 13° 57' 15" West 963.73 feet, following the centerline of said Hilliard-Rome Road East, to a point of curvature;

Thence continuing with said Hilliard-Rome Road East centerline and with the arc of said curve, having a central angle of 11° 56' 59", a radius of 1145.92 feet, an arc length of 239.00 feet, a chord bearing of South 07° 58' 45" West and chord distance of 238.56 feet to the south line of Lot 1 as shown on Plat "A" of the partition of the lands of Thomas O'Harra, of record in Complete Record Number 80, Page 196 of the Court of Common Pleas, also being part of the tracts of land conveyed to LJKJ Rome Hilliard, LLC, Ruth Ann Hoffman and Roy Lee Hoffman recorded in Instrument Number 201212190195037;

Thence North 85° 51' 22" West 396.61 feet, along the south line of said Lot 1, to a MAG nail set at the intersection of the south line of said Lot 1, the west right of way line of Hilliard-Rome Road (FRA-70-3.41), the west line of Parcel No. 104 WD to the State of Ohio (Deed Book 2990, Page 249) and the east line of said 35.897 acre tract;

Thence North 40° 22' 51" West 34.58 feet, following the west line of said Hilliard Rome Road, Parcel No 104 WD and the east line of said 35.897 acre tract, to an iron pin set at the *point of beginning*;

Thence **South 49° 37' 09" West 71.04 feet**, entering said 35.897 acre tract, to an iron pin set;

Thence **South 40° 22' 51" East 34.61 feet**, to a MAG nail set;

Thence **South 49° 37' 09" West 204.14 feet**, to a MAG nail set;

Thence **North 40° 22' 51" West 177.56 feet**, to a Mag nail set;

Thence **North 49° 37' 09" East 275.18 feet**, to an iron pin set at the west line of said Hilliard Rome Road, the west line of Parcel No 104 WD and the east line of said 35.897 acre tract;

Thence **South 40° 22' 51" East 142.95 feet**, following the west line of Hilliard Rome Road, the west line of Parcel No 104 WD and the east line of said 35.897 acre tract to the *point of beginning*, containing **1.065 acres**, more or less, of which 0.697 acres is out of Parcel Number 470-296198 and 0.368 acres is out of Parcel Number 470-296199.

Subject to all valid easements and restrictions of record.

**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 #1719-2017, passed July 24, 2017 (Z16-025), as it applies to Subarea II, 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 plan being titled, “**CPD SITE PLAN**,” dated June 13, 2017, and signed by Thomas O’Neil, Applicant for Rezoning Application #Z16-025, aid plans titled, “**PRELIMINARY SITE PLAN**,” and, “**L1 LANDSCAPE PLAN**,” both dated May 13, 2022, and signed by Eric Zartman, Attorney for the Applicant, and said text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT**,” dated May 13, 2022, and signed by Michael T. Shannon, Attorney for the Applicant, and the text reading as follows:

#### COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICTS: Amended Commercial Planned Development (CPD)

PROPERTY ADDRESS: 905 Hilliard & Rome Road

OWNER: Menard Inc.

APPLICANT: OH Columbus Hilliard Rome, LLC

DATE OF TEXT: May 13, 2022

APPLICATION NUMBER: Z16-025A

#### INTRODUCTION

This proposed +/- 1.07-acre out parcel is part of a larger property which was rezoned to CPD in 2017 by Ordinance 1719-2017 (Z16-025). The total property included +/- 35.9 acres and was zoned with two commercial subareas. Subarea I was rezoned to CPD to permit the development of a Menards store and that was eventually constructed, and is not included in this amendment. Subarea II consists of future out lots along Hilliard & Rome Road and proposes general commercial development. This site is located within Subarea II of that zoning legislation. The Applicant proposes amending Ordinance 1719-2017 (Z16-025) to allow the development of a restaurant with drive thru service on this out parcel.

Any subarea may be the subject of a rezoning application filed with the City of Columbus and nothing contained herein shall prevent the current or future owners of the property from filing and processing a rezoning application on any subarea.

The applicable development requirements contained in this text shall not apply to the subarea until the time of development of that subarea.

#### SUBAREA II TEXT APPLICABLE TO THIS TRACT

1. **PERMITTED USES:** The following uses shall be permitted within Subarea II: Those uses listed in Chapter 3356 (C- 4, Commercial District) and in Chapter 3357 (C-5, commercial district).

2. DEVELOPMENT STANDARDS: Except as otherwise noted herein, the applicable development standards of Chapter 3356, C-4, Commercial District shall apply to Subarea II.

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

1. Minimum setback from Hilliard & Rome Road shall be ten (10) feet for all parking, loading and maneuvering areas and twenty five (25) feet for buildings.

2. Minimum setback from residential properties shall be twenty-five (25) feet for parking, loading, and maneuvering lanes and twenty-five (25) feet for buildings. Setback from property lines other than the west and south property line of Subarea II shall be ten (10) feet for parking, loading, and maneuvering lanes and twenty-five (25) feet for buildings. That being said, the property line for the lot comprising Subarea I and the lots comprising Subarea II may straddle the internal, private frontage drive.

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

1. Access to Hilliard & Rome Road shall be by one right-in / right-out turning movement intersection to the north and one full-turning movement signalized intersection to the south, subject to the approval of the Franklin County Engineer Office.

2. Parking and stacking are not permitted between the principal buildings in Subarea II and a street right-of-way line. Circulation aisles are permitted between the principal buildings and street right-of-way line. Subarea II development plans should include parking lot screening as listed in Chapter 3372.807 to screen parking.

3. Notwithstanding the above requirement, parking, stacking, and circulation shall be permitted between the principal building and the street right-of-way line for the property addressed 905 Hilliard & Rome Road, as reflected on the attached site plan.

C. Buffering, Landscaping, Open space and/or Screening commitments.

1. A street tree row shall be established along Hilliard & Rome Road at such time as each individual lot adjacent thereto develops. Said street tree row shall contain trees planted at a maximum of forty (40) feet on center. Such trees shall be a minimum of two and one half (2½) inches in caliper. Said street trees shall be located outside of the right-of-way for Hilliard & Rome Road.

2. 6' screening that is a minimum of 90% opaque shall be provided in the setback adjacent to the residential properties. In the event a fence or wall is utilized to meet the screening requirement, a planting strip 10' in width will be provided between the fence and the adjacent residential property lines. Trees will be planted at a minimum density of 1 tree every 30'.

D. Building Design / Exterior Façade Commitments.

N/A

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

1. Buildings and landscaping may be up lit or down lit provided that such lighting does not spill over into the public right of way or the residential property to the west or south.

2. All light poles shall be black in color (above any base) and the poles shall be constructed of metal.

F. Graphics and Signage commitments.

All signage and graphics shall conform to the Columbus City Code as it applies to the C-4, Commercial District, or a Graphics Plan shall be submitted for approval by the Columbus Graphics Commission.

**G. Miscellaneous Commitments.**

The Subject Site shall be developed in accordance with the submitted site plans titled, “CPD Site Plan,” dated June 13, 2017, “Preliminary Site Plan,” signed and dated May 13, 2022, and “Landscape Plan,” signed and dated May 13, 2022. The site plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or a designee upon submission of the appropriate data regarding the proposed adjustment.

**CPD CRITERIA WHICH APPLIES TO SUBAREA II**

**1. NATURAL ENVIRONMENT:**

The site is undeveloped.

**2. EXISTING LAND USES:**

The property is bordered on the north, south, and west by property zoned for commercial use by Ordinance 1719-2017 (Z16-025). The Menards store has been constructed in Subarea I to the west. Subarea II to the north and south is planned for future commercial development.

**3. TRANSPORTATION AND CIRCULATION:**

Access to the site is shown on the attached CPD Site Plan. Roadway improvements are included within the Subarea I CPD text.

**4. VISUAL FORM OF THE DEVELOPMENT:**

The site shall be developed in accordance with the zoning text.

**5. VIEW AND VISIBILITY:**

In the development of the subject property and the location of the buildings and access points consideration has been given to the visibility and safety of the motorists and pedestrians.

**6. PROPOSED DEVELOPMENT:**

Commercial as permitted under this text.

**7. EMISSIONS:**

No adverse effects from emissions shall result from the proposed development.

**8. BEHAVIOR PATTERNS:**

The proposed development would serve the growing Columbus residential population as well as the motorists who use Hilliard & Rome Road and I-70 to get to their place of employment.

MODIFICATIONS REQUESTED WITH RESPECT TO SUBAREA II

1. To reduce the building setback on Hilliard & Rome Road from 60 to 25 feet within Subarea II.
2. To allow maneuvering areas to be divided by parcel lines if lot splits occur between subareas or within subareas.

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