

*******COMMERCIAL PLANNED DEVELOPMENT TEXT
PARCEL ID: 545-175660**

PROPOSED DISTRICT: CPD, Commercial Planned Development District
PROPERTY ADDRESS: 5700 North Hamilton Road
OWNER: Hamilton II Retail, LLC
APPLICANT: Hamilton II Retail, LLC
DATE OF TEXT: 6-17-13
APPLICATION NUMBER: Z13-007

1. INTRODUCTION: This parcel is located on the east side of Hamilton Road, 438± feet north of Preserve Boulevard, and is currently zoned CPD, Commercial Planned Development District. As previously submitted and approved, the planned development for this parcel was a retail gas filling station with a convenience store.

The Applicant seeks to modify the Development Standards previously approved if a user other than a retail gas filling station with a convenience store develops the property. The modifications proposed herein will only apply if the user is a business other than a retail gas filling station with a convenience store (a “Non-Fuel Sales” use). The attached site plan labeled “Non-Fuel Sales Site Plan” is included to demonstrate the fencing, landscaping and setback commitments for a Non-Fuel Sales user.

2. PERMITTED USES: The following uses shall be permitted: Those uses listed in Chapter 3356 (C-4, Commercial District) of the Columbus City Code, and a retail gas filling station and convenience store.

The following uses are prohibited: Automobile salesroom, Billboards, Bowling alley, Bus or truck terminal, Business School, Commercial radio transmitting or television station appurtenances, Dance Hall, Electric substation, Funeral parlor, Motor bus terminal, Motor vehicle sales or leasing, New or used car lot, Public parking for pay, Stables, Testing or experimental laboratory, and Bar or Nightclub. The foregoing prohibited uses shall not prohibit a Restaurant which sells alcoholic beverages and has entertainment.

3. DEVELOPMENT STANDARDS: Except as otherwise noted above and herein, the applicable development standards of Chapter 3356, C-4, shall apply.

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

1. The building and parking setbacks along Hamilton Road shall be 40 feet for parking and maneuvering areas, and 60 feet for all buildings.
2. The permitted maximum density shall not exceed the ratio of 12,000 gross square feet of building per net acre of site.
3. Except for a screening fence, there shall be a 20-foot continuous landscaped no-build zone along the eastern property line.
4. There shall be a maximum building height limit of 35 feet.

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

1. The subject property shall be accessed via the existing full service access point on Hamilton Road. No additional access points shall be permitted to the site except existing cross access easements and as provided herein.
2. If Hamilton Road is widened to a five-lane section at the full service access point on Hamilton Road, the left-out and left-in turning movements shall not be permitted. Such traffic shall utilize the existing cross access easements to access the signal at Hamilton Road and Preserve Boulevard. The developer shall receive no compensation for this limitation.
3. The view of all loading docks shall be fully screened on all sides from any adjacent roadway, building or parking lot achieving 90% opacity to a minimum height of 7 feet from finished grade.
4. There shall be a minimum five foot wide pedestrian sidewalk within the right-of-way of Hamilton Road along the entire frontage of the property.

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

1. Landscaping within the 40 foot parking setback corridor shall be based on the following standards:
 - a. Within the 40 foot parking setback area along Hamilton Road, there shall be a minimum of 3 foot high continuous uniform earth mound and a 4-rail white horse fence located at the right-of-way line except for areas of ingress and egress, and at the intersection of two public roads, in which area horse fence or other compatible fencing may be utilized to establish "an entrance" to the interior development. The mound shall have a minimum 8:1 slope that will begin at the right-of-way. The mound will also have a 3:1 maximum slope on the opposite side, which will begin approximately 12 feet from the setback line and have an approximate width of 4 feet.
 - b. Two rows of ornamental trees shall be planted within the open space corridor in a grid like fashion at an approximate spacing of 15 feet on center, both ways. The first row of trees shall be planted 20 feet from the right-of-way. Trees may be planted in pairs or staggered.
 - c. All mounding, fencing, landscaping (except for grass) and trees will be kept out of the area of the future right-of-way of Hamilton Road.
2. For a Fuel Sales use, the site shall be landscaped in accordance with the Landscape Plan (Sheet L1). The species, sizes and numbers specified in the Plant List on the Details Plan (Sheet L2) may be substituted with comparable materials.
3. A screening fence shall be provided along the eastern property line and shall not exceed eight (8) feet in height. The purpose of the screening fence is to minimize noise, air and visual pollution between these particular land uses. The screening fence shall comply with the following:
 - a. The screening fence shall be constructed of materials that are durable, weather and rust resistant. In no instance shall any fence contain barbed wire, electric current or charge of electricity.
 - b. The screening fence shall be augmented with suitable landscaping to soften the visual impact of the fence as shown on the attached Landscape Plan except for a Non-Fuel Sales use, which shall be designed in conjunction with the Non Fuel Sales Site Plan and Details. The landscaping materials should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area and shall be in general conformance with the attached plans.
 - c. The screening fence shall be maintained in good repair and appearance.

d. The screening fence shall not have any openings, except as may be required for access to the fifty (50) foot Gas Pipeline Easement of record in Deed Book 1054, Page 292, as assigned in Assignment and Release Volume 190, Page 451, as modified in Official Record 24835118 and as modified in Instrument Number 199907200183458 and/or as required by local fire departments for vehicular access.

4. All major entries shall be demarked by utilizing the fencing and landscape material noted in C.1.

5. There shall be a 12.5 foot continuous no-build zone along the northern property line to preserve the existing tree row within that area running east-west. Within this area, a thorny shrub barrier along the northern property line shall serve to prevent pedestrian walk-thru and as an additional buffer for the adjacent property. This thorny shrub barrier shall be installed so as to preserve the existing tree row within that area.

6. Existing evergreen trees within the no-build zone along the eastern boundary of the site shall be maintained.

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

1. Pitched, flat or mansard roofs shall be permitted and all flat roofs shall be required to have a parapet.

2. A maximum of three (3) building material types shall be utilized for the exterior of any building excluding roof materials. Minor accenting of structures through the use of a fourth building material shall be permitted.

3. Blank facades on the rear of buildings are prohibited, therefore, articulating such facades with recesses, fenestrations, fences or pilasters is required.

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

1. Building illumination shall be permitted provided such light source is concealed. No colored light shall be used to light the exterior of any building.

2. Parking lot lighting shall be no higher than 14 feet.

3. Landscaping at entries to parking lots and buildings if illuminated shall be uplighted by ground mounted concealed fixtures.

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

5. The dumpster shall be emptied only between the hours of 8AM and 8PM and signs will be posted on the dumpster indicating permitted pick up times.

F. Miscellaneous Commitments.

1. For a Fuel Sales use, the Subject Site shall be developed in accordance with the site and landscape plans labeled Sheets C-1, L-1 and L-2. For a Non-Fuel Sales use, the Subject Site shall be developed in accordance with the site and landscape plans labeled Non Fuel Sales Site Plan and Details Sheets 1-2. The 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. Additionally, the site plan reflects improvements to the full service access point on Hamilton Road to minimize the impact of right turning vehicles on through traffic, as determined by the Public Service Department. Any changes to the entrance as depicted shall be subject to the review and approval of the Public Service Department.

2. For a Fuel Sales use, the following shall apply:

- a. Abandonment: The property owner will comply with the abandonment provisions in Section 3357.18.
- b. Deliveries shall be limited to the hours of 8AM-8PM.
- c. Except for emergencies, the use of the outside speaker shall be limited to the hours of 8AM-8PM.

3. The following Graphics and Signage Commitments shall apply:

- a. All signage and graphics shall conform to Article 15 of the Columbus City Graphics Code, as it applies to the C-4, Commercial District. Any variance to the sign requirements other than those sign requirements listed below shall be submitted to the Columbus Graphics Commission.
- b. The height of ground supported signage shall be limited to 7 feet as measured from the grade level at the right-of-way line. The maximum area of the sign face shall be 50 square feet per side and will be placed within the setback areas at the right-of-way line. All signage shall be mounted on 8x8-inch wooden or brick posts, on fencing, or otherwise. If illuminated, the source shall be external and concealed. No internal illumination shall be allowed.
- c. The proposed commercial development within this Subarea shall have the right to a ground sign, including tenant panels if permitted, on each public street frontage. Said signage may be located on any tax parcel within the Subarea and may contain the names of any tenants within the subarea.
- d. All other signage shall be behind the required 40 foot setback with the exception of one directional entry and exit sign located at each entrance which shall be ground type only and limited to 4 square feet per sign face and located at a minimum of 5 feet from the right-of-way. In no case shall such signage interfere with maintaining safe clear sight distances at driveway entries or exits. Identification logo or name shall not be displayed on directional signage.
- e. No signs shall be painted directly on the surface of any building, wall or fence. No wall murals shall be allowed.
- f. No roof signs shall be permitted nor should a sign extend higher than a building.
- g. No flashing, traveling, animated or intermittently illuminated signs shall be used.
- h. All monument signs shall be landscaped with hedges, bushes, annuals, or perennials, or a combination thereof.

G. CPD Criteria.

Natural Environment: The existing site consists of primarily of an open field with flat topography.

Existing Land Use: The current land use on the property is CPD.

Circulation: The property will be accessed from Hamilton Road.

Visual Form: The form of the development will be sensitive to the natural features of the site. In addition, size and character of all structures will be in context with the local area and comply with all standards set forth in this development text.

1. Visibility: Views into the site are primarily unobstructed.

2. Proposed Development: The size, type and character of the proposed development will meet the zoning, land use and standards set forth in this development text.

Traffic Behavior Patterns: It is anticipated that most traffic will access the site from Hamilton Road.

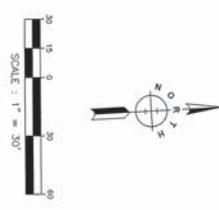
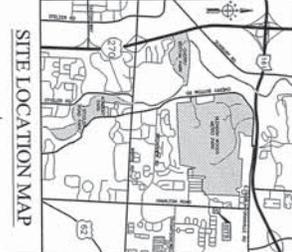
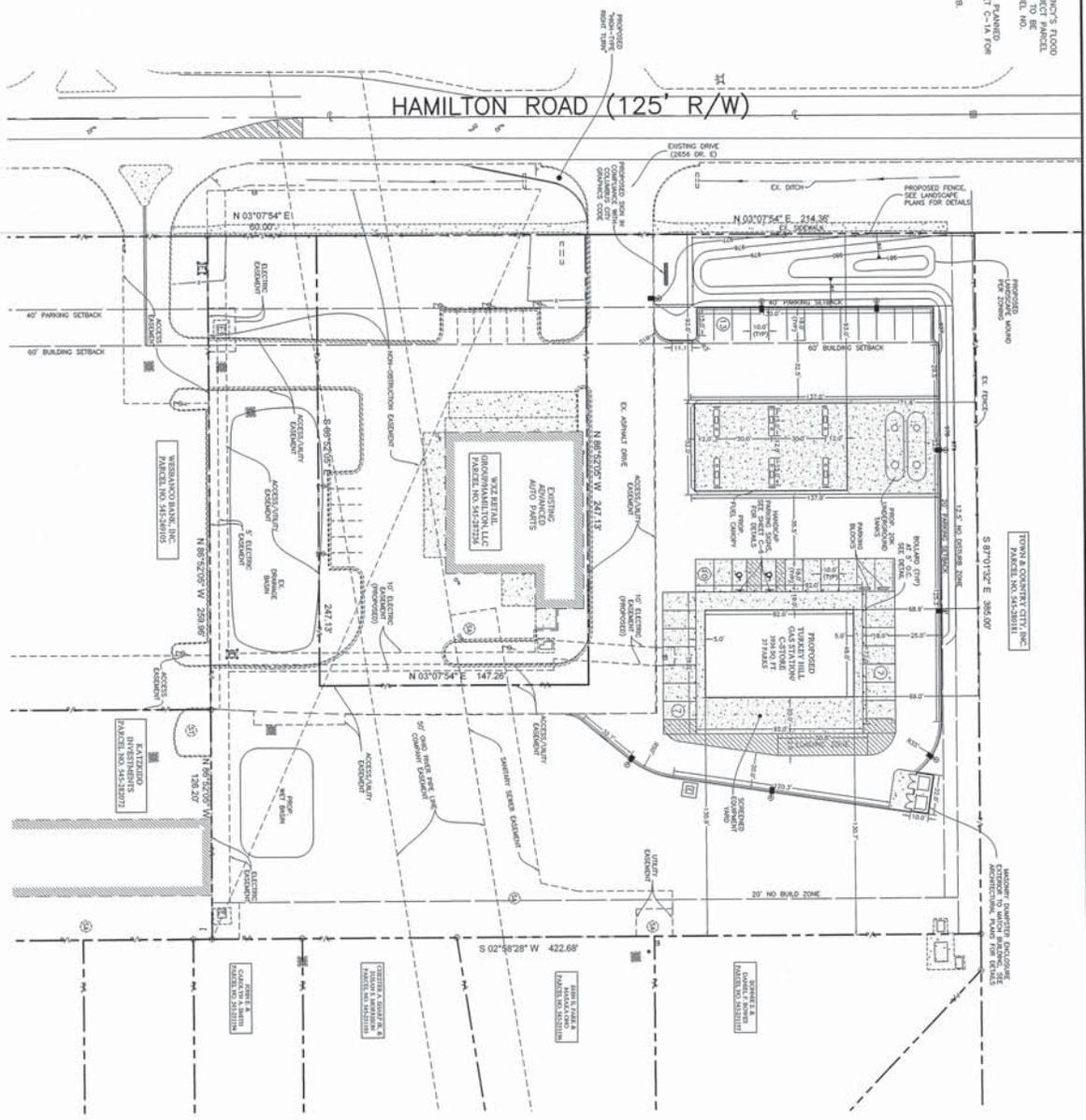
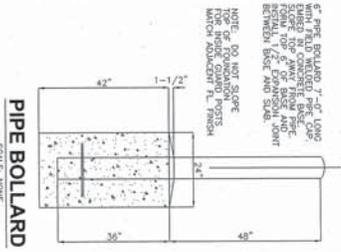
Proposed Development: The size, type and character of the proposed development will meet the zoning, land use and standards set forth in this development text.

P:\Land Projects 2\Billsan_Geo Station\Hamilton-Propres\dwg\C-1 Site Plan_3d_Hamilton-Propres.dwg by tsx on 04/17/2009 @ 08:23:02 am - P & L Systems, Inc.

- NOTES:**
1. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD RESISTANCE MAP MAP DATED MARCH 16, 2004, THE SUBJECT PARCEL IS LOCATED WITHIN A FLOOD HAZARD ZONE (SPECIAL FLOOD HAZARD ZONE) OUTSIDE OF THE 500 YEAR FLOOD PLAIN. COMMENTARY PANEL NO. 30040502004X, DATED JUNE 17, 2008.
 2. ZONING: THE SITE IS CURRENTLY ZONED CPO, COMMERCIAL PLANNED FOR THE FULL TEXT.
 3. SITE LIGHTING BEARS TO BE PLACED 3' OFF BACK OF CURB.

PARCEL INFORMATION:

HAMILTON & SERIAL, LLC
 PARCEL NO. 545-175690
 2.991 AC.



LEGEND

- PROPERTY LINE
- - - - - NON-DRIVEWAY
- - - - - EX. CURB
- - - - - PROPOSED CURB & GUTTER
- CONCRETE OF ROAD
- EX. TOP OF PAVEMENT
- WITHIN WALK
- ELECTRIC TRANSMISSION
- FIRE HYDRANT
- EX. CURB SIGN
- EX. S. DRIVE WALKWAY
- EX. DRIVE WALKWAY
- EX. DRIVE WALKWAY
- PROPOSED DRIVEWAY/ACCESS
- PROPOSED FIRE CONDUIT
- CONCRETE SERVICE
- EX. DRIVEWAY

Final Rev'd 4/10/09 by A. Pina

Revised 5/13/09

213-007

Doc 3

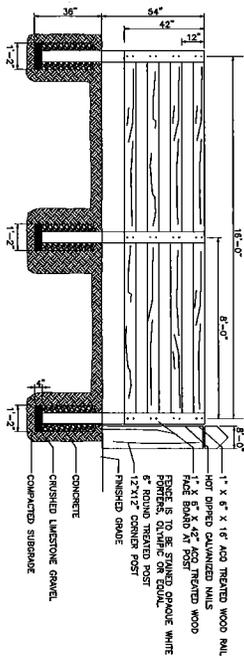
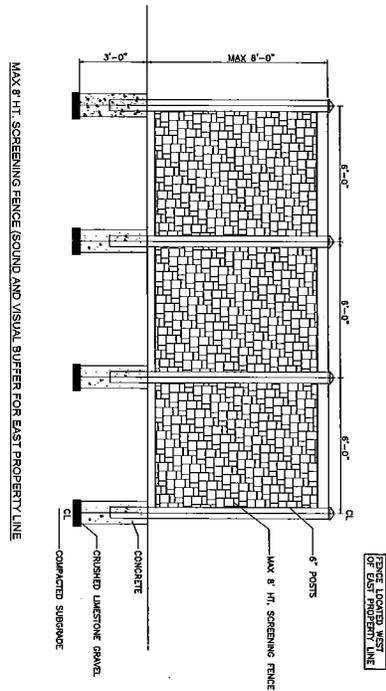
NO.	REVISIONS	DATE
1	REVISED STRIPING AND LOADING AREA	5/21/09

DESIGN TEAM	DATE
DRIVEN BY: MDC	
CHECKED BY: MDC	
SCALE: 1" = 30'	
SHEET: 700	
PROJECT: C-1	
DATE: 5-6-09	

P & L Systems, Inc.
 Surveying & Engineering
 171 Chestnut Grove Dr.
 Westerville, Ohio 43081
 Phone: (614) 991-8990
 Fax: (614) 991-8988

SITE PLAN

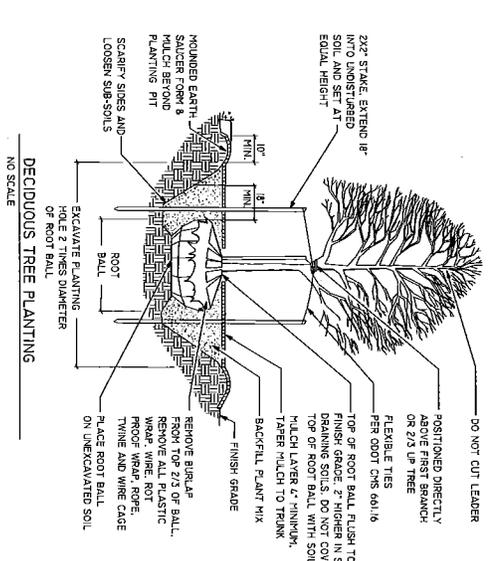
5720 HAMILTON ROAD
 COLUMBUS, OHIO 43230



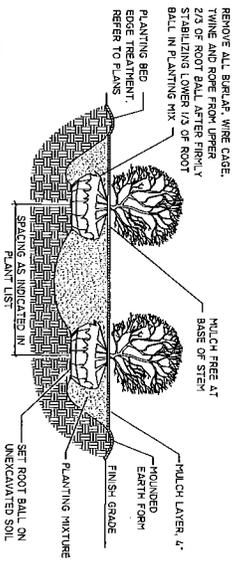
4 RAIL HORSE FENCE (ALONG HAMILTON RD.)

Steve Fox
 HAMILTON II RETAIL, LLC 6/17/2013

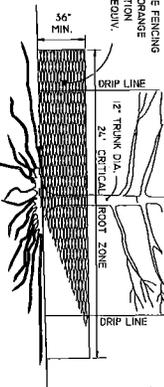
213-007 Final Received 6/17/13
 2 of 2



DECIDUOUS TREE PLANTING
 NO SCALE



MASS SHRUB PLANTING
 NO SCALE



TREE PROTECTION FENCE
 CRITICAL ROOT ZONE AREA = 2' FOR EACH 1" OF TREE CALIBER

- TREE PROTECTION NOTES
1. TREE PROTECTION MEASURES SHALL BE INSTALLED PER THIS PLAN SHEET AT THE CRITICAL ROOT ZONE OF TREES TO BE PRESERVED PRIOR TO THE START OF ANY CLEANING, GRADING OR OTHER CONSTRUCTION ACTIVITY.
 2. NO STORAGE OF ANY KIND IS PERMITTED WITHIN THE TREE PROTECTION ZONE. ANY ROOTS EXPOSED BY CONSTRUCTION ACTIVITY SHALL BE PRUNED FLUSH WITH THE SOIL AND BACKFILLED WITH TOPSOIL WITHIN THE SAME DAY.
 3. ALL VEGETATION THAT IS NOT SPECIATED ON THE PLANS TO BE REMOVED SHALL BE PROTECTED FROM DAMAGE. TREES THAT ARE DAMAGED BY THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.

2	NON-FUEL SALES SITE PLAN DETAILS	5700 HAMILTON ROAD	ENGINEER THE HERRICK & SMITH GROUP 115 COPVIEW AVENUE, SUITE 450 COLUMBIANA, OHIO 43212 CONTACT: STEVE FOX, PE	THE MANNIK SMITH GROUP CREATIVE. AMBITIOUS.	DATE: 6/17/13	BY: []	DESCRIPTION
					JOB#: 09130534	CHECKED BY: SCH	

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
JUNE 13, 2013**

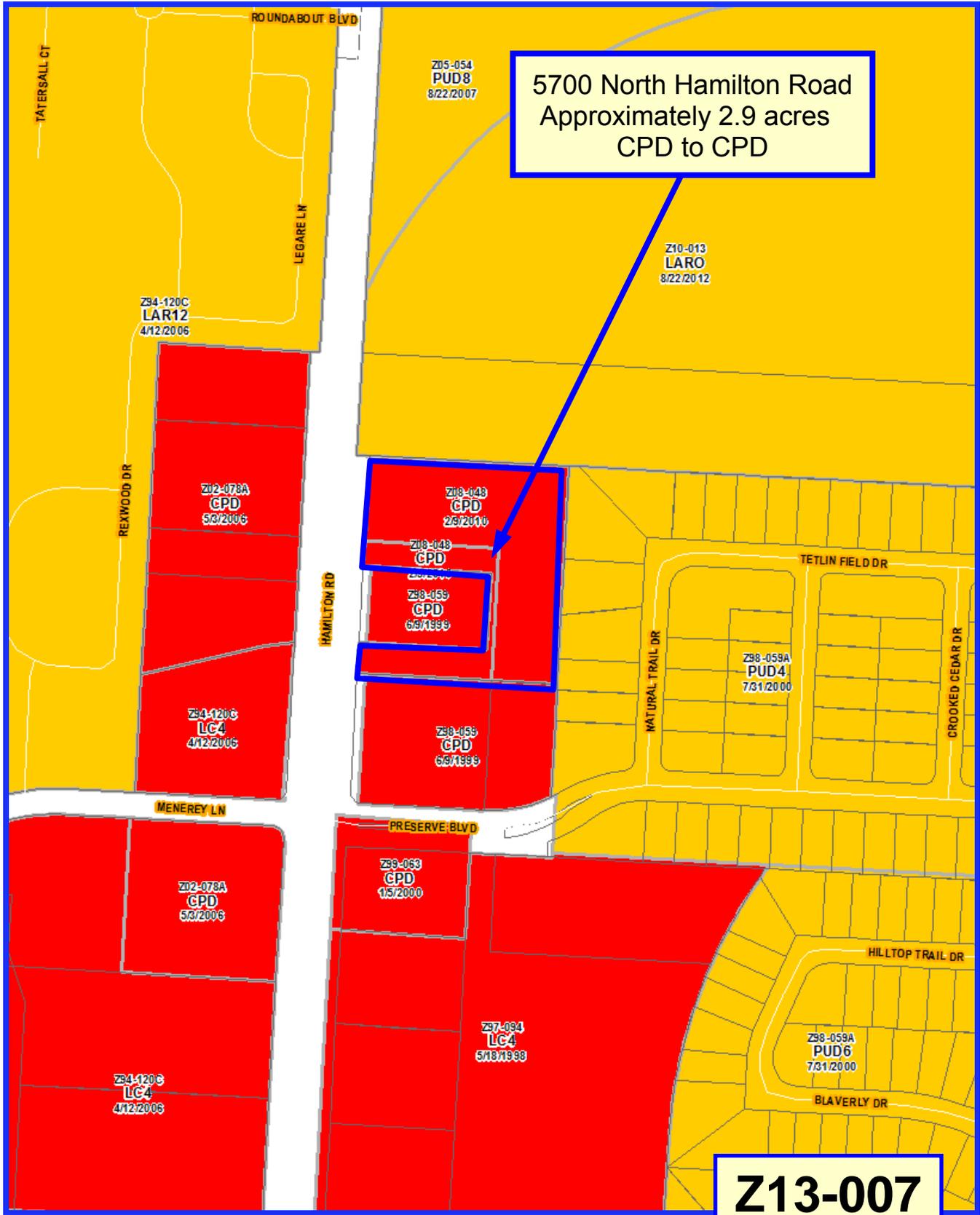
- 3. APPLICATION: Z13-007 (ACCELA # 13335-00000-00067)**
Location: **5700 NORTH HAMILTON ROAD (43230)**, being 2.9± acres located on the east side of Hamilton Road, 438± feet north of Preserve Boulevard (545-175660).
Existing Zoning: CPD, Commercial Planned Development District.
Request: CPD, Commercial Planned Development District.
Proposed Use: Commercial development.
Applicant(s): Hamilton II Retail LLC; c/o Melanie Wollenberg; 445 Hutchinson Avenue, Suite 800; Columbus, OH 43235.
Property Owner(s): The Applicant.
Planner: Shannon Pine; 645-2208; spine@columbus.gov

BACKGROUND:

- The 2.9± acre site has remained undeveloped since it was zoned in the CPD, Commercial Planned Development District for a fuel sales facility in 2010. The applicant requests the CPD, Commercial Planned Development District to allow for development alternatives.
- To the north is vacant land zoned in the L-AR-O, Limited Apartment Residential Office District. To the east is single-unit subdivision in the PUD-4, Planned Unit Development District. To the south is a bank and automobile maintenance facility in the CPD, Commercial Planned Development District. To the west is an automobile parts store and across North Hamilton Road is mixed commercial development, all in the in the CPD, Commercial Planned Development District.
- The site is located within the boundaries of the Preserve District of the *Northland Plan: Volume II* (2002). No specific land use guidelines apply to this site, however staff is supportive of commercial uses at this location given the existing development pattern in the area.
- The CPD plan depicts the locations of the proposed building and canopy, parking area, site access and landscaping, should the site develop with a fuel sales facility. The CPD text contains provisions for the development of non-fuel-sales uses, and includes use restrictions, landscaping and screening commitments, and lighting and graphics controls. A 20-foot landscaped and fenced buffer area is included along the eastern property line adjacent to the single-unit subdivision.
- The *Columbus Thoroughfare Plan* identifies this portion of North Hamilton Road as a 4-2D arterial requiring a minimum of 60 feet of right-of-way from centerline.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

The requested CPD, Commercial Planned Development District will update the existing development standards and CPD Plan for future commercial development. With the proposed commitments within the CPD plan and text, the request is compatible with the established zoning and development pattern of the area.



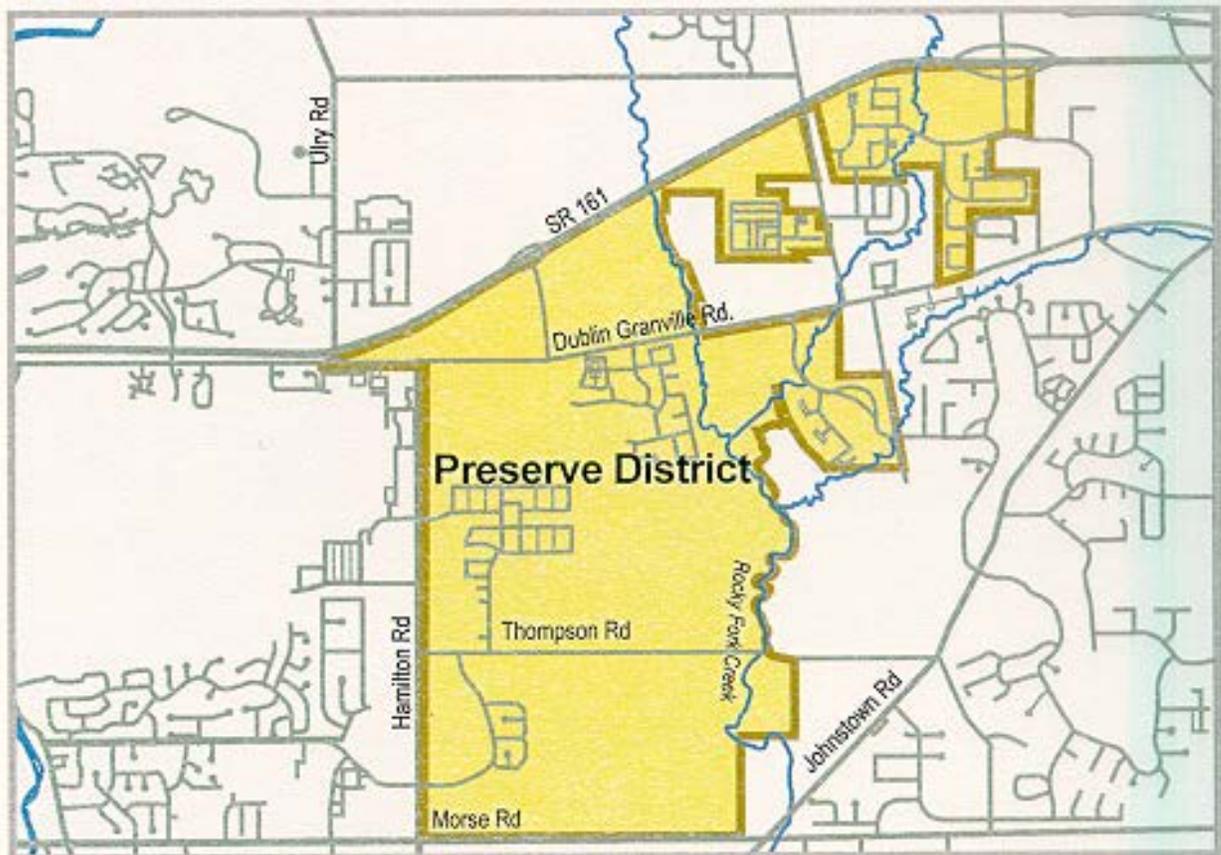
Proposed Land-Use/Preserve District

Preserve District

This district is located east of Hamilton Road, north of Morse Road and follows the Columbus city limits east to the village of New Albany. A significant portion of this district is undeveloped, however, almost the entire district has previously been annexed and zoned in the city of Columbus.

The largest single zoning in the district is the Preserve Master Plan, a nearly 1,000-acre development east of Hamilton Road. This plan will incorporate single and multi-family residences, provisions for open space, portions of a golf course, and some commercial uses. Hamilton Road will eventually be extended in the northwest corner of this district. There is commercial and multi-family zoning in place where this road will be located.

Zoning on several parcels near SR-161, north of Dublin-Granville Road, ranges from LM2, limited manufacturing, to LC4, limited commercial. Preliminary private sector plans for these parcels call for a mixed-use development with retail, single and multi-family residential, and office uses.



Preserve District

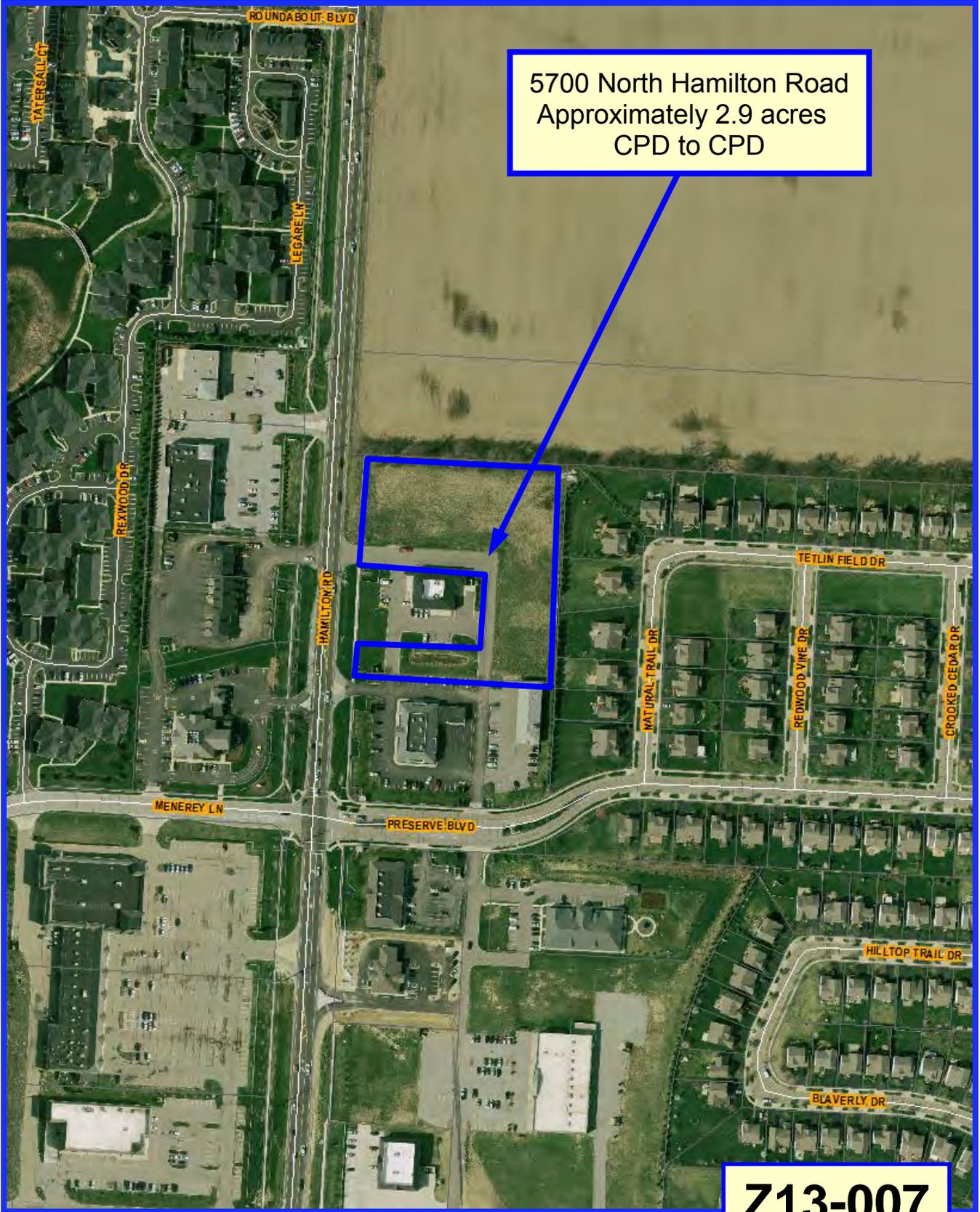
Z13-007

It is the recommendation of Northland Plan – Volume II that:

- *The current residential pattern of development east of Hamilton Road, south of Old Dublin-Granville Road be continued, with single-family residential encouraged.*
- *Future redevelopment or rezoning of larger parcels between SR-161 and Dublin Granville Road, currently zoned in Columbus, adhere to the Northland Development Standards. State Route 161 bisects a property of approximately 140 acres zoned LM2 in Columbus. The southernmost LM2 parcel falls within the Northland Plan-Volume II area. Mixed-use development, consisting of retail and multi-family uses on this parcel, with an office-use component either on this parcel or the parcel immediately to the north, is recommended as the future land-use for this area. Any future redevelopment of these parcels should take into consideration views from the highway and surrounding land-uses.*
- *To ensure that appropriate standards pertaining to freeway exposure and surrounding land-uses are met, major commercial development of five or more acres be zoned in planned or limited districts.*
- *Land-use recommendations and standards of the Rocky Fork-Blacklick Accord (RFBA), adopted by Columbus City Council in 1997 as a planning guide for development in northeast Franklin County, be considered when reviewing re-zoning applications contiguous to the RFBA, to ensure compatibility of planning efforts.*



Z13-007



5700 North Hamilton Road
Approximately 2.9 acres
CPD to CPD

Z13-007



Northland Community Council
Development Committee

Report

May 29, 2013 7:00 PM
Northland Performing Arts Center
4411 Tamarack Boulevard

Meeting Called to Order: **7:05 pm** by Chair Dave Paul

Members represented:

Voting: (10): Albany Park (APHA), Cooperwoods (CWCA), Forest Park (FPCA), Friendship Village (FVRA) Maize-Morse Tri-Area (MMTACA), Northland Alliance (NA), Rolling Ridge (RRSHA), Salem (SCA), Sharon Woods (SWCA).

-
- Case #1:** Application Z13-029 (*Rezone 2.2 AC± from L-C-4 to CPD; tabled 4/24/2013*)
Dave Perry/David Perry Company Inc. *representing*
Core Resources Inc.
3224 Morse Road, 43231 (PID 010-158416)
- *The Committee approved 10-0 a motion (by FPCA, second by APHA) to recommend **APPROVAL** of the application.*

-
- Case #2** Application Z13-007 (*Rezone 2.91 AC± from CPD to CPD*)
Melanie Wollenberg/Equity *representing*
Hamilton II Retail, LLC
5700 North Hamilton Rd, 43230 (PID 545-175660)
- *The Committee approved 10-0 a motion (by APHA, second by SCA) to recommend **APPROVAL** of the application with the following modifications:*
 - *Add to the list of prohibited uses in Paragraph 2 of the text:*
 - Bar
 - Nightclub*(but explicitly permit a Restaurant serving alcohol and/or providing entertainment as incidental uses)*
 - *Modify Paragraph 3(A) to specify a 20' continuous no-build zone along the east property line regardless of use (i.e. strike the last sentence of the text as presented).*

Executive Session **8:50 pm**

Meeting Adjourned **9:20 pm**

Next Meeting: *Wednesday, June 26, 2013*



REZONING APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # 213-007

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) MELANIE WOLLENBERG
of (COMPLETE ADDRESS) 445 HUTCHINSON AVE., SUITE 800, COLUMBUS, OHIO 43235
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

- Name of business or individual
- Business or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

1. HAMILTON II RETAIL, LLC 445 HUTCHINSON AVE., SUITE 800 COLUMBUS, OHIO 43235 NO EMPLOYEES CONTACT: MELANIE WOLLENBERG 614-802-2900	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Melanie B Wollenberg

Subscribed to me in my presence and before me this 4th day of February, in the year 2013

SIGNATURE OF NOTARY PUBLIC

TR

My Commission Expires:

This Project Disclosure Statement expires six months after date of notarization.



THOMAS J. ROCCO
Attorney At Law
Notary Public, State of Ohio
My Commission has no expiration date
Sec. 147.03 R.C.

Notary Seal Here

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make all checks payable to the Columbus City Treasurer