

DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD, L-AR-1, L-ARLD  
PROPERTY ADDRESS: 5074 E. Dublin-Granville Road  
OWNER: TCCI Acquisitions, LLC, et al.  
APPLICANT: DNC Hamilton Crossing, LLC  
DATE OF TEXT: ~~6/23/15~~ 7/10/15  
APPLICATION NUMBER: Z14-044

**INTRODUCTION:** The real property that is the subject of this zoning text consists of 181.22± acres located on the north and south sides of the State Route 161 Expressway in the vicinity of the Hamilton Road interchange. The site includes most of the acreage found in the southwest quadrant of the interchange to the north of East -Dublin-Granville Road, much of which is being down-zoned to eliminate retail uses and to provide for a commitment to office development. The balance of this quadrant, as well as the portion of the site that is located to the south of East Dublin-Granville Road, are being rezoned to facilitate mixed use commercial and office development to accommodate modern development trends. The portions of the site located in the northeast and northwest quadrants of the interchange are being rezoned to accommodate multi-family development.

This application serves to relocate the commercial uses that are presently permitted in the northeast and northwest quadrants of the interchange to a location to the southwest of and adjacent to the intersection of East Dublin-Granville Road and existing Hamilton Road. Similarly, it will relocate multi-family uses that are currently permitted at this intersection to the north side of the freeway. These relocations will serve to provide for uniform commercial zoning districts and development standards on the south side of East Dublin-Granville Road and will yield a reduction in the amount of retail acreage permitted in the area from the presently zoned 54.3± acres of retail acreage on the north to less than 27 acres in a subarea located to the southwest of the intersection of East Dublin-Granville Road and existing Hamilton Road.

**1. SUBAREA A: CPD**

**1.01. LOCATION:** Subarea A is located to the southwest of the State Route 161 Expressway interchange at Hamilton Road and is found to the north of East Dublin-Granville Road. Subarea A is 50.72± gross acres in size.

**1.02. PERMITTED USES:** Permitted uses for this subarea will differ depending on the location from which the use is operated.

**A. North/West of Gas Line Easement:** Subject to the limitations set forth in Section 1.02.C below, for all portions of this subarea that are located to the north and/or west of the centerline of the gas line easement that runs through this subarea (as it exists on the date that the ordinance approving this zoning text becomes legally effective and as generally shown on the subarea map that is attached hereto as **Exhibit A**), the following uses shall be permitted:

1. All uses permitted in Section 3353.03 (C-2, Office Commercial).
2. Parking garages and parking structures serving one or more permitted uses in Subareas A, B, and/or C.
3. The following uses, but only to the extent that they are accessory to permitted uses identified in Section 3353.03 (C-2, Office Commercial). For purposes of this provision, uses shall be deemed to be “accessory” to a permitted use if individually or collectively they operate from no more than 20% of the gross square floor area of a building in which at least one permitted use operates.
  - a. Cafes, delicatessens, and restaurants
  - b. Drug stores and pharmacies

- c. Dry cleaning services
- d. Barber shops and beauty salons
- e. Ice cream and yogurt stores
- f. News dealers and newsstands
- g. Footwear sales and repair
- h. Food and beverage stores
- i. Clothing and clothing accessories stores
- j. General merchandise stores
- k. Exercise and health facilities
- l. Banks and Automatic Teller Machines (without drive thru service)

B. South/East of Gas Line Easement: Subject to the limitations set forth in Section 1.02.C below, for all portions of this subarea that are located to the south and/or east of the centerline of the gas line easement that runs through this subarea (as it exists on the date that the ordinance approving this zoning text becomes legally effective and as generally shown on the subarea map that is attached hereto as **Exhibit A**), permitted uses shall be those which are contained in Section 3356.03 (C-4) of the Columbus Zoning Code. In addition, parking garages and parking structures shall be permitted in this portion of the subarea to the extent that they serve one or more uses that are permitted in Subareas A, B, and/or C.

C. Use Limitations: The following uses are prohibited within all portions of this subarea:

- 1. Billboards
- 2. Cabaret
- 3. Monopole telecommunication antennas or other free-standing towers containing communications equipment (but excluding communications equipment or antennae that are permitted on buildings per Columbus City Code).
- 4. Dance hall
- 5. Electric substation
- 6. Funeral parlor
- 7. Motor bus terminal, excepting therefrom public transit park and ride and station facilities
- 8. Motion picture theater
- 9. Pawn shop
- 10. Poolroom
- 11. Private club
- 12. Testing or experimental laboratory
- 13. 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.
- 14. Check cashing and loans

**1.03. DEVELOPMENT STANDARDS:** The applicable development standards are contained in Chapter 3356 (C-4, Commercial) of the Columbus City Code unless otherwise indicated within this text.

**1.04. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS:**

A. The permitted maximum site density within Subarea A shall not exceed:

- 1. The ratio of 12,000 gross square feet of building per net acre of site for retail uses;
- 2. The ratio of 18,000 gross square feet of building per net acre of site for office uses if no parking garages or other parking structures are utilized to serve such uses; and

3. The ratio of 30,000 gross square feet of building per net acre of site for office uses if some combination of surface parking and parking garages or other parking structures are utilized to serve such uses.
4. The gross square footage of parking garages and parking structures shall not be included in the calculation of permitted square footage. "Net acreage" shall be defined as gross acreage less acreage contained within public right-of-way that is dedicated from this subarea following the date of this text.

B. Setbacks:

1. The minimum setback from the right-of-way for the State Route 161 Expressway shall be 40 feet for parking and maneuvering areas and for buildings.
2. The minimum setback from the right-of-way for East Dublin-Granville Road shall be 20 feet for parking and maneuvering areas and for buildings.
3. The minimum setback along other public streets shall be 20 feet from the right-of-way for parking and maneuvering areas and for buildings.
4. The minimum setback from the western boundary line of Subarea A shall be 25 feet for parking and maneuvering areas and buildings.
5. The minimum setback from the eastern boundary line of Subarea A shall be zero for parking and maneuvering areas, canopies and buildings, except that there shall be a minimum setback for parking and maneuvering areas, canopies and buildings of 20 feet from Franklin County Auditor Tax Parcel Numbers 010-245194 and 010-221373 as they exist on the date of this text.
6. There shall be a zero setback for interior property lines within this subarea for parking and maneuvering and buildings.
7. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to encroach no more than 5 feet into minimum required building setbacks.
8. There shall be a zero setback requirement for landscape features such as, but not limited to, planters or walls 6 feet high or less or ornamental fencing which may or may not contain signage as permitted by Article 15, Graphics Code of the City of Columbus.

C. Height District: The height district for this subarea shall be 110 feet as measured per the Columbus City Code, provided, however, that buildings shall not exceed a maximum height of 65 feet for (i) all portions of this subarea located to the south and/or east of the centerline of the gas line easement (as it exists on the date of this text and as generally shown on subarea plan that is attached hereto as **Exhibit A**) and (ii) all buildings in this subarea any portion of which are located within 50 feet of the right-of-way of existing East Dublin-Granville Road.

D. Lot Coverage: For structures and paved areas lot coverage shall not exceed eighty percent (80%). Internal sidewalks and bikeways shall not be considered as part of the lot coverage.

**1.05. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:**

A. A traffic study dated July ~~XX~~ 9, 2015, prepared by Carpenter Marty Transportation, Inc., has been prepared on behalf of the applicant and has been reviewed and approved by the City of Columbus, Department of Public Service. This subarea shall be serviced from vehicular access points that are identified in the approved traffic study. These access points shall be designed with turn movement commitments and/or restrictions that are identified in the

study. The approved traffic study may be amended from time-to-time in the future to address actual development patterns in the area if agreed upon by both the developer and the Department of Public Service.

B. Right-of-way shall be dedicated to the City so that there is a total of 30 feet of right-of-way measured from the centerline of East Dublin-Granville Road.

C. The developer of Subarea A and/or the developer of Subarea C shall construct or cause the construction of a so-called "Central Boulevard" from Relocated Hamilton Road on the south extending northward into Subareas A and B in accordance with the terms of an economic development agreement (an "EDA") with the City, provided that such an agreement has been fully executed by these parties. The conceptual location of the Central Boulevard is illustrated in **Exhibit A**. The final location of the Central Boulevard, its length and width, and its final design shall be determined by actual development patterns in Subareas A and C and by the final engineering of its design, and nothing herein shall be read to prohibit the Central Boulevard from being built in a location that differs from the location conceptually shown in **Exhibit A**.

#### **1.06. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:**

A. Landscaping within the required building setback along East Dublin-Granville Road and the Central Boulevard shall contain one or more of the following: a minimum 3-foot high shrubbery screen, deciduous trees, evergreen trees, shrubbery, decorative walls, decorative fencing, and/or other landscaping features. Landscaping within these areas shall be adequate to meet the screening requirements of City Code Section 3312.21, where applicable. Landscaping within setbacks along the Central Boulevard shall be consistent and coordinated among Subareas A and B.

B. A street tree row shall be established within all publicly dedicated rights-of-way containing 1 tree for every 30-40 feet of street frontage. The spacing and species of street trees shall be subject to the approval of the City of Columbus Forester. Minimum street tree size at installation shall be 2 ½ caliper inches.

C. Deciduous trees shall be planted along both sides of any internal private access road that serves outparcels in this subarea, at a rate that is not less than 1 tree per 50 feet of access road.

D. Dumpsters and mechanical equipment shall be fully screened from off-site view by a solid wall or fence consisting of materials that are used on the nearest structure that is served by the relevant dumpster or mechanical equipment.

E. Parkland, green or open space requirements beyond what is included in this Subarea A shall be fulfilled by the open/green space L-R zoning classification labeled as 9-A and 9-B in case Z05-054 approved by the Columbus City Council on July 23, 2007.

#### **1.07. BUILDING DESIGN COMMITMENTS FOR RETAIL AND RELATED BUILDINGS**

A. The architectural design for buildings in this subarea (and in Subareas B and C, as referenced in Sections 2.07 and 3.07 below) shall be consistent with the standards set forth in this Section 1.07 and shall be coordinated between the various uses and proposed building types. However, these standards shall not apply to (i) any portion of Subarea A located to the north and/or west of the gas line easement that runs through this subarea (as it exists on the date that the ordinance approving this zoning text becomes legally effective and as generally shown on the subarea map that is attached hereto as **Exhibit A**) or (ii) buildings in which the primary use is office. For purposes of the immediately preceding sentence, the primary use of a building shall be determined based on the anticipated uses that are to be contained within the building at the time a building permit is issued, which shall be deemed to be office if no more than 20% of the total gross square footage of the building is to contain uses other than office uses. Examples of the intent with respect to the quality of architectural design intent for buildings (other than office) in this subarea are attached to this text as **Exhibit B**.

B. 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. Nothing herein shall prohibit the use of the aforementioned materials or other materials as secondary or trim materials.

C. Any side of a building which is visible from a public street, right-of-way, or green shall have a finished appearance and shall be of compatible materials, color, trim, and style as the front facade of the building.

D. Drive-thrus and pick-up windows shall be prohibited along the front facades of buildings on outparcels with frontage on the Central Boulevard.

E. In addition to other permitted locations, outdoor seating for restaurants shall be permitted between the front facades of buildings and the right-of-way for a public street, including, without limitation, the Central Boulevard and Relocated Hamilton Road.

**1.08. LIGHTING COMMITMENTS:**

A. Direct lighting fixtures for a ground sign shall be shielded with landscaping and shall be positioned in a manner that prevents glare.

B. The maximum height of light poles shall not exceed 39 feet in height, except that (i) light poles on outparcels with frontage on a public street and (ii) light poles located within 100 feet of property with a residential zoning classification shall not exceed 18 feet in height.

C. Rear service area lighting shall be provided through the use of cut-off style downlighting with concealed light sources.

**1.09 UTILITY COMMITMENTS:**

A. All new or relocated utility lines shall be installed underground.

**1.10 GRAPHICS AND SIGNAGE COMMITMENTS:**

A. All signage and graphics shall conform to the requirements of the Regional Commercial Overlay found in Chapter 3372 of the Columbus City Code unless otherwise approved by the Graphics Commission.

**2. SUBAREA B: CPD**

**2.01. LOCATION:** Subarea B contains approximately 44.65 acres and is located southwest of and adjacent to the intersection of East Dublin-Granville Road and the to-be-constructed portion of Hamilton Road, to the east of and adjacent to Subarea C.

**2.02 PERMITTED USES:** Permitted uses for Subarea B shall be as follows:

A. Those uses specified in Section 3356.02 (C-4, Commercial) and Section 3357.01 (C-5, Commercial) of the Columbus City Code unless otherwise indicated within this text, provided that:

1. A maximum of 2 filling stations or retail fuel service uses (or some combination thereof) shall be permitted in Subarea B;

2. No more than 10 acres within Subarea B shall be developed and/or operated with the uses that are permitted only in the C-5 zoning classification. In order to determine the amount of acreage from which such uses are operated, at the time of the submittal of an application for a building permit or certificate of zoning compliance (as applicable) the applicant shall provide a calculation of the amount of acreage attributable to such use, which shall include all acreage containing a building from which such use operates, associated parking areas, and required setback areas from public rights-of-way and other perimeter boundaries. For purposes of clarification, a “fast food business” is listed as a permitted use in Section 3357.01 (C-5, Commercial) of the Columbus City Code. This term includes only fast food restaurants that do not provide seating and that serve customers that are seated in their vehicles outside of drive-thrus. This term does not include fast food restaurants that provide seating, which restaurants shall not be subject to the acreage restriction contained in this paragraph.

B. Parking garages and parking structures serving one or more permitted uses in this Subareas A, B, and/or C.

C. The following uses are prohibited within this subarea:

1. Billboards
2. Cabaret
3. Commercial radio transmitting or television station and appurtenances including cellular towers unless it is located on top of a building. Notwithstanding the previous sentence, no full size regional cell towers will be located on the top of a building if such cell tower exceeds ten (10) feet above the height of the building.
4. Dance hall
5. Electric substation
6. Funeral parlor
7. Motor bus terminal, excepting therefrom public transit park and ride and station facilities
8. Motion picture theater
11. Pawn shop
12. Poolroom
13. Private club
14. Testing or experimental laboratory
15. 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.
16. Check cashing and loans
17. 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”).

**2.03. DEVELOPMENT STANDARDS:** The applicable development standards are contained in Chapter 3356 (C-4, Commercial) of the Columbus City Code unless otherwise indicated within this text.

**2.04. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS:**

A. The permitted maximum site density for the subject property shall not exceed the ratio of 12,000 gross square feet of building per net acre of the subarea except that office development shall not exceed the ratio of 18,000 gross square feet of building per net acre of the subarea. “Net acreage” shall be the gross acreage less acreage contained within public right-of-way that is dedicated from this subarea following the date of this text. The gross square footage of parking garages and parking structures shall not be included in the calculation of permitted square footage.

B. Setbacks:

1. The minimum setback from the right-of-way for Relocated Hamilton Road shall be 25 feet for parking and maneuvering areas and for buildings and canopies.
2. The minimum setback from the right-of-way for East Dublin-Granville Road shall be 20 feet for parking and maneuvering areas and for buildings and canopies.
3. There shall be a zero minimum building setback and a maximum building setback of 20 feet from the right-of-way for the Central Boulevard for buildings that front on the Central Boulevard. An outdoor seating area may be located to the front of a building within the 20-foot maximum setback from the right-of-way for the Central Boulevard. A building shall be considered to “front” on the Central Boulevard when any portion of it is located within 50 feet of the right-of-way for that street. Parking areas and drive aisles located on the sides of buildings that front on the Central Boulevard shall be set back at least 5 feet behind the plane of the front building façade that is located furthest from the public right-of-way of the Central Boulevard.
4. A minimum of 60% of the length of the frontage on each side of the right-of-way along the Central Boulevard as measured between the southern boundary of the right-of-way for East Dublin-Granville Road and the northern boundary of the right-of-way for Relocated Hamilton Road shall contain building frontages. Parking structures shall not be counted toward the 60% minimum building frontage requirement and shall not be located within 50 feet of the right-of-way for the Central Boulevard. Applications for any requested variances from the requirements of this Section 2.04.B.4 shall be submitted to and acted upon by the Board of Zoning Adjustment.
5. The minimum setback from the western boundary line of Subarea B shall be 25 feet for parking and maneuvering areas, canopies, and buildings, provided, however, that there shall be a zero setback requirement from the western boundary line of Subarea B in the event that Subarea B and Subarea C (located to the west of and adjacent to Subarea B) are developed as a unified development.
6. There shall be a zero setback for interior property lines within this subarea for parking and maneuvering, and buildings.
7. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to no more than 5 feet into minimum required building setbacks.
8. Building setbacks shall not apply to landscape features such as, but not limited to, planters or walls 6 feet high or less or ornamental fencing which may or may not contain signage as permitted by Article 15, Graphics Code of the City of Columbus.

C. Height District: The height district for this subarea shall be 60 feet. However, buildings with a primary use that is other than hotels, offices, or parking garages or structures shall be limited to a maximum of 35 feet in height. Height shall be measured per Columbus City Code except such measurements shall be made exclusive of architectural features, parapets, and roof elements.

D. Lot Coverage: For structures and paved areas lot coverage shall not exceed eighty percent (80%). Internal sidewalks and bikeways shall not be considered as part of the lot coverage.

**2.05. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:**

A. Pedestrian access will be provided between Subarea B and Subarea C. A sidewalk or other pedestrian trail shall be installed along the north side of Relocated Hamilton Road within the right-of-way as part of the construction of this public street. A sidewalk or other pedestrian trail shall be installed along the south side of East Dublin-Granville Road within the right-of-way as part of improvements to this public street that are anticipated as a result of

the traffic impact study that relates to this text. Sidewalks shall be provided internally on each development parcel to connect buildings to sidewalks and bike paths to the extent that exist or are to be constructed along adjacent public streets. Other pedestrian access points between Subareas B and C shall be coordinated between the owners of those subareas.

B. A traffic study dated July ~~XX~~ 9, 2015, prepared by Carpenter Marty Transportation, Inc., has been prepared on behalf of the applicant and has been reviewed and approved by the City of Columbus, Department of Public Service. This subarea shall be serviced from vehicular access points that are identified in the approved traffic study. These access points shall be designed with turn movement commitments and/or restrictions that are identified in the study. The approved traffic study may be amended from time-to-time in the future to address actual development patterns in the area if agreed upon by both the developer and the Department of Public Service.

C. Right-of-way shall be dedicated to the City so that there is a total of 30 feet of right-of-way measured from the centerline of East Dublin-Granville Road and a total of 60 feet of right-of-way measured from the centerline of the to-be-constructed portion of Hamilton Road on the south side of this subarea.

D. The relevant owner of affected portions of Subarea B shall provide a vehicular cross access easement in favor of Subarea C once both subareas are developed.

E. The developer of Subarea A and/or the developer of Subarea C shall construct or cause the construction of a so-called "Central Boulevard" from Relocated Hamilton Road on the south extending northward into Subareas A and B in accordance with the terms of an economic development agreement (an "EDA") with the City, provided that such an agreement has been fully executed by these parties. The conceptual location of the Central Boulevard is illustrated in **Exhibit A**. The final location of the Central Boulevard, its length and width, and its final design shall be determined by actual development patterns in Subareas A and C and by the final engineering of its design, and nothing herein shall be read to prohibit the Central Boulevard from being built in a location that differs from the location conceptually shown in **Exhibit A**.

F. No more than two rows of parking with one drive aisle between them shall be permitted between the right-of-way for Relocated Hamilton Road and buildings located on outparcels with frontage on Relocated Hamilton Road and.

G. No parking or drive aisles shall be permitted between the right-of-way for the Central Boulevard and buildings that front on the Central Boulevard. For purposes of this provision, any building a portion of which is located within 50 feet of the right-of-way for the Central Boulevard shall be deemed to "front" on this street.

**2.06. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:**

A. Landscaping within the required building setbacks along East Dublin-Granville Road, Relocated Hamilton Road, and the Central Boulevard shall contain one or more of the following: a minimum 3 foot high continuously uniform shrubbery screen, deciduous trees, evergreen trees, shrubbery, decorative walls, decorative fencing, and/or other landscaping features. Landscaping within these areas shall be adequate to meet the screening requirements of City Code Section 3312.21, where applicable. Landscaping within setbacks along the Central Boulevard shall be consistent and coordinated among Subareas A and B, and landscaping within setbacks along Relocated Hamilton Road shall be consistent and coordinated among Subareas B and C.

B. A street tree row shall be established within all publicly dedicated rights-of-way containing 1 tree for every 30-40 feet of street frontage. The spacing and species of street trees shall be subject to the approval of the City of Columbus Forester. Minimum street tree size at installation shall be 2 ½ caliper inches.

C. Deciduous trees shall be planted along both sides of any internal private access road that serves outparcels in this subarea, at a rate that is not less than 1 tree per 50 feet of access road.



D. Self-illuminated items such as vending machines shall not be permitted on the exterior of any structure.

E. Dumpsters and mechanical equipment shall be fully screened from off-site view by a solid wall or fence consisting of materials that are consistent with one or more of the primary or secondary materials that are used on the nearest structure that is served by the relevant dumpster or mechanical equipment.

F. Parkland, green or open space requirements beyond what is included in this Subarea B shall be fulfilled by the open/green space L-R zoning classification labeled as 9-A and 9-B in case Z05-054 approved by the Columbus City Council on July 23, 2007.

**2.07 BUILDING DESIGN COMMITMENTS:**

A. The architectural design requirements for Subarea B shall be the same as which apply to Subarea A as provided in Section 1.07 of this text. In the event that the provisions of Section 1.07 of this text are altered as a result of a rezoning or variance(s) approved subsequent to the date of this zoning text, then the architectural design requirements for Subarea B shall remain as they are stated in Section 1.07 of this text unless they are specifically altered as part of the same rezoning or variance(s) that include Subarea A or as part of a separate zoning or variance application. Applications for any requested variances from the requirements of this Section 2.07 that relate to buildings with frontage on the Central Boulevard shall be submitted to and acted upon by the Board of Zoning Adjustment.

B. Any building a portion of which is located within 50 feet of the right-of-way for the Central Boulevard shall have its front façade oriented toward the Central Boulevard so that it is parallel or nearly parallel to this public street. At the intersection of the Central Boulevard and East-Dublin Granville Road, the aforementioned requirement shall not apply if the building is instead oriented toward East Dublin-Granville Road so that it is parallel or roughly parallel to that public street.

C. Any building a portion of which is located within 50 feet of the right-of-way for Relocated Hamilton Road shall have its front façade oriented toward Relocated Hamilton Road so that it is parallel or nearly parallel to this public street.

D. Drive-thrus and pick-up windows shall be prohibited along the front facades of buildings on outparcels with frontage on Relocated Hamilton Road or the Central Boulevard.

E. Along the Central Boulevard within this subarea, a primary building frontage shall incorporate at least one door provided that the main entrance may be permitted along the side of the building. At a building corner where two primary building frontages meet, one main entrance door may be located so as to meet the requirements for both building frontages.

F. For each primary building frontage along the Central Boulevard, at least 60% of the area between the height of 2 feet and 10 feet above the nearest sidewalk or shared-use path grade shall incorporate clear/non-tinted window glass permitting a view of the building's interior to a minimum depth of 4 feet. For a secondary building frontage, the pattern of window glass shall continue from the primary frontage for a minimum distance of 10 feet.

**2.08. LIGHTING COMMITMENTS:**

A. Direct lighting fixtures for a ground sign shall be shielded with landscaping and shall be positioned in a manner that prevents glare.

B. The maximum height of light poles shall not exceed 39 feet in height, except that (i) light poles on outparcels with frontage on a public street and (ii) light poles located within 100 feet of property with a residential zoning classification shall not exceed 18 feet in height.

C. Rear service area lighting shall be provided through the use of cut-off style downlighting with concealed light sources.

**2.09 UTILITY COMMITMENTS:**

A. All new or relocated utility lines shall be installed underground.

**2.10 GRAPHICS AND SIGNAGE COMMITMENTS:**

A. All signage and graphics shall conform to the requirements of the Regional Commercial Overlay (RCO) found in Chapter 3372 of the Columbus City Code unless otherwise approved by the Graphics Commission. Electronic changeable copy displaying only fuel pricing shall be omitted from the graphics requirements contained in the RCO.

**3. SUBAREA C: CPD**

**3.01. LOCATION:** Subarea C contains approximately 26.94 acres and is located southeast of and adjacent to the intersection of East Dublin-Granville Road and existing Hamilton Road, to the west of and adjacent to Subarea B.

**3.02. PERMITTED USES:** Permitted uses for Subarea C shall be as follows:

A. Those uses specified in Section 3356.02 (C-4, Commercial) and Section 3357.01 (C-5, Commercial) of the Columbus City Code unless otherwise indicated within this text, provided that:

1. A maximum of 1 filling station or retail fuel service use shall be permitted in Subarea C;
  2. No more than 5 acres within Subarea C shall be developed and/or operated with the uses that are permitted only in the C-5 zoning classification. In order to determine the amount of acreage from which such uses are operated, at the time of the submittal of an application for a building permit or certificate of zoning compliance (as applicable) the applicant shall provide a calculation of the amount of acreage attributable to such use, which shall include all acreage containing a building from which such use operates, associated parking areas, and required setback areas from public rights-of-way and other perimeter boundaries. For purposes of clarification, a “fast food business” is listed as a permitted use in Section 3357.01 (C-5, Commercial) of the Columbus City Code. This term includes only fast food restaurants that do not provide seating and that serve customers that are seated in their vehicles outside of drive-thrus. This term does not include fast food restaurants that provide seating, which restaurants shall not be subject to the acreage restriction contained in this paragraph.
  3. No portion of Subarea C that is located to the west of the intersection of the realignment of existing Hamilton Road and Relocated Hamilton Road shall be developed and/or operated with the uses that are permitted only in the C-5 zoning classification. In the event that the portion of Subarea C that is located to the west of the intersection of the realignment of existing Hamilton Road and Relocated Hamilton Road contains less than 0.75 acres, then this limited portion of Subarea C shall not be developed with any structures but may be improved with landscaping, signage, and/or stormwater management improvements.
- B. Parking garages and parking structures serving one or more permitted uses in this subarea, provided that they are located no closer than 150 feet from the right-of-way for existing Hamilton Road as it exists on the date of this text.
- C. The following uses are prohibited within this subarea:

1. Billboards
2. Cabaret
3. Commercial radio transmitting or television station and appurtenances including cellular towers unless it is located on top of a building. Notwithstanding the previous sentence, no full size regional cell towers will be located on the top of a building if such cell tower exceeds ten (10) feet above the height of the building.
4. Dance hall
5. Electric substation
6. Funeral parlor
7. Motor bus terminal, excepting therefrom public transit park and ride and station facilities
8. Motion picture theater
9. Pawn shop
10. Poolroom
11. Private club
12. Testing or experimental laboratory
13. 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.
14. Check cashing and loans
15. 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”).

**3.03. DEVELOPMENT STANDARDS:** The applicable development standards are contained in Chapter 3356 (C-4, Commercial) unless otherwise indicated within this text.

**3.04. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS:**

A. The permitted maximum site density for the subject property shall not exceed the ratio of 12,000 gross square feet of building per net acre of the subarea except that office development shall not exceed the ratio of 18,000 gross square feet of building per net acre of the subarea. “Net acreage” shall be defined as gross acreage less acreage contained within the public right-of-way that is dedicated from this subarea following the date of this text.

B. Setbacks:

1. The minimum setback from the right-of-way for Relocated Hamilton Road shall be 25 feet for parking and maneuvering areas and for buildings and canopies.
2. The minimum setback from the right-of-way for existing Hamilton Road shall be 25 feet for parking and maneuvering areas and buildings and canopies, except that loading docks and generators shall be located no closer than 50 feet from this same right-of-way.
3. The minimum setback from the right-of-way for East Dublin-Granville Road shall be 20 feet for parking and maneuvering areas and for buildings and canopies.
4. The minimum setback from the eastern boundary line of Subarea C shall be 25 feet for parking and maneuvering areas, canopies, and buildings, provided, however, that there shall be a zero setback requirement from the eastern boundary line of Subarea C in the event that Subarea B (located to the east of and adjacent to Subarea B) and Subarea C are developed as a unified development.
5. There shall be a zero setback for interior property lines within this subarea for parking and maneuvering, and buildings.

6. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to encroach no more than 5 feet into minimum required building setbacks.

7. Building setbacks shall not apply to landscape features such as, but not limited to, planters or walls six (6) feet high or less or ornamental fencing which may or may not contain signage as permitted by Article 15, Graphics Code of the City of Columbus.

C. Height District: The height district for this subarea shall be 60 feet. However, buildings with a primary use that is other than hotels, offices, or parking garages or structures shall be limited to a maximum of 35 feet in height. Height shall be measured per Columbus City Code except such measurements shall be made exclusive of architectural features, parapets, and roof elements.

D. Lot Coverage: For structures and paved areas lot coverage shall not exceed 80%. Internal sidewalks and bikeways shall not be considered as part of the lot coverage.

**3.05. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:**

A. Pedestrian access will be provided between Subarea B and Subarea C. A sidewalk or other pedestrian trail shall be installed along the north side of Relocated Hamilton Road within the right-of-way as part of the construction of this public street. A sidewalk or other pedestrian trail shall be installed along the south side of East Dublin-Granville Road within the right-of-way as part of improvements to this public street that are anticipated as a result of the traffic impact study that relates to this text. Other pedestrian access points between Subareas B and C shall be coordinated between the owners of those subareas.

B. A traffic study dated July ~~XX~~ 9, 2015, prepared by Carpenter Marty Transportation, Inc., has been prepared on behalf of the applicant and has been reviewed and approved by the City of Columbus, Department of Public Service. This subarea shall be serviced from vehicular access points that are identified in the approved traffic study. These access points shall be designed with turn movement commitments and/or restrictions that are identified in the study. The approved traffic study may be amended from time-to-time in the future to address actual development patterns in the area if agreed upon by both the developer and the Department of Public Service.

C. Right-of-way shall be dedicated to the City so that there is a total of 30 feet of right-of-way measured from the centerline of East Dublin-Granville Road, a total of 50 feet from the centerline of existing Hamilton Road on the west side of this subarea, and a total of 60 feet of right-of-way measured from the centerline of the to-be-constructed portion of Hamilton Road on the south side of this subarea.

D. The relevant owner of affected portions of Subarea C shall provide a vehicular cross access easement in favor of Subarea B once both subareas are developed.

E. No more than two rows of parking with one drive aisle between them shall be permitted between the right-of-way for Relocated Hamilton Road and buildings located on outparcels with frontage on Relocated Hamilton Road.

**3.06. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:**

A. Landscaping within the required building setbacks along East Dublin-Granville Road, Relocated Hamilton Road, and existing Hamilton Road shall contain one or more of the following: a minimum 3 foot high continuously uniform shrubbery screen, deciduous trees, evergreen trees, shrubbery, decorative walls, decorative fencing, and/or other landscaping features. Landscaping within these areas shall be adequate to meet the screening requirements of City Code Section 3312.21, where applicable. Landscaping within setbacks along Relocated Hamilton Road shall be consistent and coordinated among Subareas B and C.

B. A street tree row shall be established within all publicly dedicated rights-of-way containing 1 tree for every 30-40 feet of street frontage. The spacing and species of street trees shall be subject to the approval of the City of Columbus Forester. Minimum street tree size at installation shall be 2 ½ caliper inches.

C. Deciduous trees shall be planted along both sides of any internal private access road that serves outparcels in this subarea, in a number not less than 1 tree per 50 feet of access road.

D. When the rear of any building faces existing Hamilton Road and contains one or more loading areas, it shall be screened to a minimum height of 6 feet using fencing, landscaping, mounding, or some combination thereof to achieve a minimum of 90% opacity when viewed from a height of 6 feet at the western edge of the existing Hamilton Road right-of-way. In this same circumstance, additional screening shall be provided using landscaping that provides for a minimum of 75% opacity between the height of 6 feet and 10 feet within 3 years of the date of issuance of an occupancy permit for the relevant building.

E. Self-illuminated items such as vending machines shall not be permitted on the exterior of any structure.

F. Dumpsters, mechanical equipment, and areas where equipment, products, or materials are stored shall be fully screened from off-site view by a solid wall or fence consisting of materials that are consistent with one or more of the primary or secondary materials that are used on the nearest structure that is served by the relevant dumpster or mechanical equipment. This screening requirement shall not apply to products displayed for retail sale.

G. Parkland, green or open space requirements beyond what is included in this Subarea C shall be fulfilled by the open/green space L-R zoning classification labeled as 9-A and 9-B in case Z05-054 approved by the Columbus City Council on July 23, 2007.

**3.07. BUILDING DESIGN AND INTERIOR-EXTERIOR TREATMENT COMMITMENTS:**

A. The architectural design requirements for Subarea C shall be the same as which apply to Subarea A as provided in Section 1.07 of this text. In the event that the provisions of Section 1.07 of this text are altered as a result of a rezoning or variance(s) approved subsequent to the date of this zoning text, then the architectural design requirements for Subarea C shall remain as they are stated in Section 1.07 of this text unless they are specifically altered as part of the same rezoning or variance(s) that include Subarea A or as part of a separate zoning or variance application. In the event of a conflict between the provisions of this Section 3.07 and Section 1.07, then the provisions of this Section 3.07 shall govern.

B. Buildings on outparcels having frontage on only existing Hamilton Road in the western portion of Subarea C shall be required to have their front facades facing this right-of-way. Any building on an outparcel having frontage on existing Hamilton Road and another public right-of-way shall be permitted to have the front face of the building facing either right-of-way, provided that a similar level of architectural finish as is provided on the front façade is provided on the building façade that faces the other public right-of-way.

C. Where the rear of a building faces existing Hamilton Road and is located within 75 feet of the right-of-way for that public street the same palette of exterior finishes and color shall be used on the rear façade as is used on the front of the building.

D. Drive-thrus, pick-up windows, drive-thru speakers and ordering boards shall be prohibited along the front facades of buildings on outparcels with frontage on Relocated Hamilton Road.

**3.08. LIGHTING COMMITMENTS:**

A. Direct lighting fixtures for a ground sign shall be shielded with landscaping and shall be positioned in a manner that prevents glare.

B. The maximum height of light poles shall not exceed 39 feet in height, except that (i) light poles on outparcels with frontage on a public street and (ii) light poles located within 100 feet of property with a residential zoning classification shall not exceed 18 feet in height.

**3.09 UTILITY COMMITMENTS:**

A. All new or relocated utility lines shall be installed underground.

**3.10 GRAPHICS AND SIGNAGE COMMITMENTS:**

A. All signage and graphics shall conform to the requirements of the Regional Commercial Overlay (RCO) found in Chapter 3372 of the Columbus City Code unless otherwise approved by the Graphics Commission. Electronic changeable copy displaying only fuel pricing shall be omitted from the graphics requirements contained in the RCO.

**4. MISCELLANEOUS COMMITMENTS FOR SUBAREAS A, B, AND C:**

**4.01 SUBAREA PLAN:** Subject to Sections 1.05.C and 2.05.F, Subareas A, B, and C shall be developed in general conformance with the subarea plan that is attached hereto as **Exhibit A**. The subarea plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering plans are completed. Any slight adjustment to the subarea plan is subject to review and approval by the Director of the Department of Building and Zoning Services or his designee, upon submission of the appropriate data regarding the proposed adjustment.

**4.02 VARIANCES:** The applicant requests the following variances:

A. Variance to Columbus City Code Section §3321.03, to increase the permitted maximum height of light poles from 28 feet to 39 feet in Subareas A, B, and C, subject to the limitations provided in this text.

B. Variances to Columbus City Code Sections 3356.11, 3357.04, and 3357.05 to reduce the setback requirements identified in those provisions in accordance with this text.

C. Variance to Columbus City Code Section 3312.25 allow interior parcel lines to divide aisles, maneuvering, or parking spaces so long as the minimum number of required spaces is provided.

**4.03 CPD CRITERIA:**

A. Existing land uses: To the north is green space/parkland and future multi-family residential; to the east is future commercial; to the west is existing commercial; and to the south is future residential.

B. Transportation and circulation: Access to the site shall be via East Dublin-Granville Road, existing Hamilton Road, and the to-be-constructed Hamilton Road.

C. Visual form of the development: The site shall be developed in accordance with the zoning text.

D. 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 motorists and pedestrians.

E. Proposed development: Office and commercial as permitted under this text.

F. Emissions: No adverse effects from emissions shall result from the proposed development.

G. Behavior patterns: The proposed development would serve the growing Columbus residential population as well as the motorists who use State Route 161, Hamilton Road, and East Dublin-Granville Road.

**5. SUBAREA D: L-AR-1**

**5.01. LOCATION**: Subarea D contains approximately 44.39 acres and is located northeast of and adjacent to the intersection of State Route 161 and Hamilton Road.

**5.02. PERMITTED USES**: Permitted uses for Subarea D shall include multi-family residential; private clubhouses, fitness centers, and pools serving multi-family uses; and accessory uses that are customary for multi-family residential uses.

**5.03. DEVELOPMENT STANDARDS**: The applicable development standards are contained in Chapter 3333 (AR-1, Apartment Residential) of the Columbus City Code unless otherwise indicated within this text.

**5.04. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS**:

A. The maximum number of dwelling units in this subarea shall be 600.

B. The minimum building and pavement setback from the right-of-way for Hamilton Road and State Route 161 shall be the same as the Preservation Areas' boundary as outlined in Section 5.06 below. Outside of the Preservation Areas, the minimum setback from Hamilton Road (as measured from the edge of right-of-way as it exists prior to the dedication of any right-of-way as contemplated in Section 5.06.C) and from the right-of-way for State Route 161 shall be 50 feet for parking and maneuvering areas and for buildings. Steps, stoops, balconies, and porches, shall be permitted to encroach into the setback areas (including the Preservation Areas) along Hamilton Road but shall not extend more than 5 feet into such areas. Sidewalks to access buildings shall be permitted within this setback area.

C. The minimum perimeter setbacks from boundaries of this subarea that are not otherwise specifically addressed in this text shall be 30 feet for parking and maneuvering areas and 50 feet for buildings. Sidewalks to access the buildings may be permitted within the building setback area provided that no pavement, sidewalks or buildings shall be constructed within the area labeled as "Undisturbed Parkland" in **Exhibit C**. Within the required pavement setback from the northern property line of this subarea, (1) the first 10 feet as measured from the northern property line shall not be disturbed except to remove understory and brush as approved by the City Forester, and (2) an easement shall be granted in favor of the City for the remaining 20 feet at such time as the City finalizes a plan for a bike/multi-use path that generally runs north-south through dedicated parkland on the east side of this subarea. The easement will allow the City to construct an asphalt bike/multi-use path along the southernmost 10 feet of the easement area, which path may extend from Hamilton Road to or through the dedicated parkland on the east side of this subarea. The easement also shall permit the City to access the remaining 10 feet of the easement area to construct the path and to clear any trees necessary for such construction or to ensure the safety of those using the path.

D. From all internal roadways or drives, the minimum setback for buildings shall be 10 feet from the edge of pavement. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to encroach into minimum required building setbacks, provided, however, that no encroachment will be permitted into the public right-of-way. This setback shall not apply to buildings with attached garages or stand-alone garages.

E. The height district shall be 60 feet as measured per Columbus City Code, provided, however, that no building in this subarea shall exceed 40 feet in height as measured by Columbus City Code.

**5.05. BUILDING DESIGN COMMITMENTS:**

A. The architectural design for buildings in this subarea shall be consistent with the standards set forth in this text and shall be coordinated between the various proposed building types. The design of buildings in this subarea shall be consistent with the character of the elevations that are attached to this text as **Exhibit D**.

B. Permitted primary building materials shall include the following (either alone or in some combination): brick, brick veneer, stone, stone veneer, fiber cement panels and/or siding or comparable material, vinyl siding, wood, and/or glass.

**5.06. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:**

A. Parking on internal private streets and drives shall be permitted as shown on the approved site plan for this subarea, subject to final approval by the Department of Public Service and the Department of Public Safety.

B. A shared use path or sidewalk, as approved by the Department of Public Service shall be installed along the entire frontage of this subarea on Hamilton Road, to be located either within a sidewalk/utility easement (which shall be permitted to be located in Preservation Areas, provided that reasonable efforts shall be made to minimize tree removal within these areas) or within the right-of-way as approved by the City's Department of Public Service. Pedestrian connections shall be established between the primary parking area for a building and the primary entry doors of that building.

C. Right-of-way shall be dedicated to the City so that there is a total of 60 feet of right-of-way measured from the centerline of Hamilton Road.

D. A traffic study dated July ~~XX~~ 9, 2015, prepared by Carpenter Marty Transportation, Inc., has been prepared on behalf of the applicant and has been reviewed and approved by the City of Columbus, Department of Public Service. This subarea shall be serviced from vehicular access points that are identified in the approved traffic study. These access points shall be designed with turn movement commitments and/or restrictions that are identified in the study. The approved traffic study may be amended from time-to-time in the future to address actual development patterns in the area if agreed upon by both the developer and the Department of Public Service.

E. The applicant shall make appropriate contributions to the Department of Public Service for the installation of necessary turn lanes into Subarea [D/E] and signalization of the access point serving Subarea [D/E] or shall initiate these improvements, as determined by the Department of Public Service.

**5.07. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:**

A. Unless such plantings would cause significant harm to existing vegetation in relevant Preservation Areas (as contemplated in Section 5.07.C below), a street tree row shall be established along Hamilton Road with the planting of a minimum of 1 tree for every 30 lineal feet of street frontage. Trees shall be approximately evenly spaced, unless tree grouping is more practical, and planted within the right-of-way. A street tree row shall be established between sidewalks and buildings along both sides of all internal access roadways with the planting of a minimum of 1 tree for every 30 lineal feet. Such trees shall be those specified in the Columbus Street Tree Program guidelines from the City Forester.



B. The parking setback area along the S.R. 161 Expressway shall include tree plantings at a rate of 4 trees per 100 lineal feet of expressway frontage except in areas where existing trees are preserved. The trees shall be placed randomly to create a natural appearance. Existing healthy trees 5 inches in caliper and above may be used in place of new trees.

C. The natural environment of trees, topography, and the pond that exists along Hamilton Road and the S.R. 161 Expressway shall be maintained as described in this Section 5.07.D. Preservation Areas A-G are hereby established as delineated on **Exhibit C**, titled "Tree Preservation Plan," and are intended to preserve and maintain existing trees as outlined below. Legal descriptions of these Preservation Areas shall be filed with the City as part of the first building permit application that is filed for construction of a structure in either Subarea D or Subarea E. Preservation Areas "A", "B", "D", "E", and "F", as delineated on **Exhibit C** will be "total non-disturbance preservation areas," meaning that all existing landscaping, vegetation, trees and other growth will be left in their current state and remain untouched as the site is developed except as otherwise provided in this Section 5.07.C or in Sections 5.07.D or 5.07.E. Notwithstanding the foregoing, if the City of Columbus Recreation and Parks Department requires a bike/multi-use path to be located along the northern property line of Subarea D, then the total Non-Disturbance/Preservation Area for Preservation Area D may be reduced to ten feet (10') to allow for construction of such path, and such bike/multi-use path may also be permitted to cross Preservation Area C.

D. Within Preservation Area "C", at least 50% of mature, healthy trees 5 inches in caliper and greater shall be preserved. Ground signage and sidewalks for residential units may be placed within Preservation Area "C" as long as the requirements in the immediately preceding sentence are met. The location of the two curb cuts on Hamilton Road shown on **Exhibit C** are subject to change with the consent of the City of Columbus Department of Public Service and the City of Columbus Recreation and Parks Department, and Preservation Area "C" may be adjusted to allow for these access points. Dead trees may be removed within Preservation Area "C" and "D". Prior to tree removal within Preservation Areas "C" or "D", this area shall be inspected by the City Forester to determine the health of trees and to identify any trees which need to be removed to preserve the health and/or safety of residents and/or to protect future improvements within the subarea.

All trees preserved in Preservation Areas "A-F" shall be maintained in a healthy state according to locally accepted good horticultural practices. In areas along Hamilton Road where existing trees are dead, are in decline or are undesirable species these trees may be removed and replanted with landscaping consisting of a single row of deciduous shade trees (4 trees per 100 lineal feet) in a natural hedgerow (minimum 2 ½ inch caliper upon installation) and ornamental trees unless tree groupings are more practicable or tree groupings will make the landscaping appear more natural in character. Evergreen and/or deciduous shrubs and/or mounding may also be used. Mounding, if used for screening, shall maintain a maximum 3:1 slope along Hamilton Road. Utilities may be located in Preservation Areas "A-F" provided that care is taken to prevent the unnecessary destruction of vegetation. Prior to installation of utilities in these areas, the developer will consult with the City of Columbus Department of Public Utilities and the City of Columbus Recreation and Parks Department to prevent the unnecessary destruction of or damage to environmentally sensitive areas.

E. The area on the Tree Preservation Plan (**Exhibit C**) which is labeled Preservation Area "F" shall remain in its natural state except that trees shall be permitted to be removed if they present a danger to persons or property. On or before the date of issuance of the first building permit in this subarea, the owner(s) of the relevant portion of Subarea D shall dedicate Preservation Areas "A", "B", "E", and "F" to the City of Columbus as parkland.

**5.08. DUMPSTERS, LIGHTING, AND SIGNAGE COMMITMENTS:**

A. Dumpsters shall be screened from off-site view to a minimum height of 6 feet by a fence, wall, building, and/or landscaping, used individually or in combination.

B. All external outdoor lighting (including, without limitation, light poles) shall be cut-off type fixtures (downlighting), and shall be designed in such a way to prevent off-site spillage. Light poles shall not exceed 18 feet in height. Lighting shall not generate excessive light levels, cause glare, or direct light onto an adjacent property or street. The source of exterior illumination of a building or landscaping shall be concealed from view. Direct lighting fixtures for a ground sign shall be shielded with landscaping and be positioned in such a way as to prevent glare. External outdoor lighting fixtures for a ground sign shall be shielded with landscaping and be positioned in such a way as to prevent glare. External outdoor lighting fixtures will be similar, and wiring for such fixtures will be underground.

C. On the date of this text, street lights exist along the east side of the Hamilton Road right-of-way. To the extent that these street lights are damaged during any construction occurring in this subarea, the developer shall replace them at its own cost and expense. Street lights shall be required along primary private roads and drives within this subarea but shall not be required on secondary access drives or within drive aisles unless desired by the developer.

D. All new or relocated utility lines shall be installed underground.

E. Project identification signage shall be permitted in the general locations shown on the site plan for this subarea, subject to graphics permit approval.

#### **5.09 GRAPHICS AND SIGNAGE COMMITMENTS:**

A. All signage and graphics shall conform to the graphics and signage requirements found in Chapter 3376 of the Columbus City Code unless otherwise approved by the Graphics Commission.

#### **5.10 MISCELLANEOUS:**

A. Site Plan: The subject site shall be developed in accordance with the submitted plan titled, "Site Plan – Subarea D" dated June 23, 2015 (the "Plan"). The Plan may be slightly adjusted to reflect engineering, topographical, or other site data determined at the time the 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 a designee, upon submission of the appropriate data regarding the proposed adjustment

### **6. SUBAREA E: L-ARLD**

**6.01. LOCATION:** Subarea E contains approximately 14.52 acres and is located northwest of and adjacent to the intersection of State Route 161 and Hamilton Road.

**6.02. PERMITTED USES:** Permitted uses for Subarea E shall include multi-family residential; private clubhouses, fitness centers, and pools serving multi-family uses; and accessory uses that are customary for multi-family residential uses.

**6.03. DEVELOPMENT STANDARDS:** The applicable development standards are contained in Chapter 3333 (ARLD, Apartment Residential) of the Columbus City Code unless otherwise indicated within this text. Development in this subarea.

#### **6.04. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS:**

A. The maximum number of dwelling units in this subarea shall be 192.

B. The minimum building and pavement setback from the right-of-way for Hamilton Road and State Route 161 shall be the same as the Preservation Area's boundary as outlined in Section 6.07 below. Outside of the Preservation Area, the minimum setback from Hamilton Road (as measured from the edge of right-of-way as it exists prior to the dedication of any right-of-way as contemplated in Section 6.04.C) and the right-of-way for State Route 161 shall be 50 feet for parking and maneuvering areas and for buildings. Steps, stoops, balconies and porches shall be permitted to encroach into the setback areas (including the Preservation Area) along Hamilton Road but shall extend no more than 5 feet into these areas. Sidewalks to access the buildings may be permitted within this setback.

C. Along the western perimeter boundary of this subarea, there shall be a "no disturb" zone consisting of 0.98+/- acres, as generally depicted and more particularly described in the attached **Exhibit F**, subject to the following:

1. No improvements shall be made within the "no disturb" zone, except as otherwise described in this subsection C.

2. A fence shall be installed by the developer along all portions of the eastern boundary line of the "no disturb" zone that is identified in **Exhibit F**. The fence shall be located within the "no disturb" zone as close as practicable to its eastern boundary line, but shall be installed in a manner that minimizes the removal of mature healthy trees. At such time as the developer files an application for the first building permit for construction of any improvements within this subarea, it shall file a plan for the installation of the fencing for review and approval by the City's Department of Recreation and Parks, which shall promptly review the plan to determine whether or not the proposed location for the fencing takes reasonable measures to minimize the removal of mature healthy trees within the "no disturb" zone. Such fencing shall be a minimum height of 4 feet and shall be constructed with wood posts utilizing dark colored wires. The developer shall install signage on the fence that identifies the area to the west of the fencing as a preservation area, with the location and size of such signage to be approved by the City's Department of Recreation and Parks.

3. Prior to the issuance of the first building permit for improvements within this subarea, the developer and the City shall execute a conservation easement concerning the "no disturb" zone that will be recorded by the developer with the Office of the Franklin County Recorder. The conservation easement shall run in favor of the City, shall apply to the "no disturb" zone, and shall provide for the following:

a. The "no disturb" zone shall remain in its natural state and trees shall not be removed by the City or the owner of such land unless these parties (i) mutually agree in writing that the removal of trees is necessary pursuant to generally accepted forestry management practices or to protect the health and safety of persons or to eliminate possible damage to property, or (ii) as otherwise provided in this Section 6.04.C.

b. Reasonable provisions concerning the developer's installation of the fencing and associated signage described in Section 6.04.C.2 above, and reasonable provisions requiring the City to maintain, repair, and replace this fencing and associated signage at its expense following the developer's installation of the same.

c. The installation of a paved or unpaved access drive and associated improvements by the City in the general location shown in **Exhibit F**, at its sole cost and expense and as determined in its sole discretion, for the purpose of providing the City with access to 70.8+/- acres that it owns to the west of and adjacent to Subarea E.

d. In addition to and to the east of and adjacent to the “no disturb” zone that is described in Section 6.04.C, there shall be a “no build” zone as generally depicted and more particularly described in the attached **Exhibit F**. Within this “no build” zone, no improvements shall be permitted to be constructed, except that covered or uncovered stoops, porches, and sidewalks shall be permitted to encroach up to, and grading may occur within, the first 14 feet of the “no build” zone as measured from its eastern boundary line. Landscaping shall be permitted in the “no build” area.

D. The minimum perimeter setbacks from boundaries of this subarea that are not otherwise specifically addressed in this text shall be 25 feet for parking and maneuvering areas and for buildings. Steps, stoops, balconies and porches shall be permitted to encroach a maximum of 5 feet into these perimeter setbacks, as described in Council Variance Application Number CV15-034. Sidewalks to access the buildings shall be permitted within this setback.

E. From all internal roadways or drives, the minimum setback for buildings shall be 10 feet from the edge of pavement. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to encroach into minimum required building setbacks, provided, however, that no encroachment will be permitted into the public right-of-way. This setback shall not apply to buildings with attached garages or to stand-alone garages.

F. The height district shall be 60 feet, provided, however, that no building in this subarea shall exceed 40 feet in height as measured by Columbus City Code.

#### **6.05. BUILDING DESIGN COMMITMENTS:**

A. The architectural design for buildings in this subarea shall be consistent with the standards set forth in this text and shall be coordinated between the various proposed building types. The design of buildings in this subarea shall be consistent with the character of the elevations that are attached to this text as **Exhibit E**.

B. Permitted primary building materials shall include the following (either alone or in some combination): brick, brick veneer, stone, stone veneer, fiber cement panels and/or siding or comparable material, vinyl siding, wood, and/or glass.

#### **6.06. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:**

A. Parking on internal private streets and drives shall be permitted as shown on the approved site plan for this subarea, subject to final approval by the Department of Public Service and the Department of Public Safety.

B. A shared use path or sidewalk, as approved by the Department of Public Service shall be installed along the entire frontage of this subarea on Hamilton Road, to be located either within a sidewalk/utility easement (which shall be permitted to be located in Preservation Areas, provided that reasonable efforts shall be made to minimize tree removal within these areas) or within the right-of-way as approved by the City’s Department of Public Service. Pedestrian connections shall be established between the primary parking area for a building and the primary entry doors of that building.

C. The owner and/or developer shall provide the City of Columbus with an access easement through this subarea for the purpose of providing the City with (i) non-exclusive vehicular and pedestrian access to 70.8+/- acres of real property previously dedicated by the current property owner to the City and (ii) non-exclusive use of the 2 parking spaces, as generally shown on the approved site plan and subject to adjustments resulting from final engineering of site improvements. The access easement shall be in a form that is reasonably acceptable to the owner and/or developer and the City and shall be recorded prior to the issuance of the first building permit in Subarea E.

D. Right-of-way shall be dedicated to the City so that there is a total of 60 feet of right-of-way measured from the centerline of Hamilton Road.

E. A traffic study dated July ~~XX~~ 9, 2015, prepared by Carpenter Marty Transportation, Inc., has been prepared on behalf of the applicant and has been reviewed and approved by the City of Columbus, Department of Public Service. This subarea shall be serviced from vehicular access points that are identified in the approved traffic study. These access points shall be designed with turn movement commitments and/or restrictions that are identified in the study. The approved traffic study may be amended from time-to-time in the future to address actual development patterns in the area if agreed upon by both the developer and the Department of Public Service.

F. The applicant shall make appropriate contributions to the Department of Public Service for the installation of necessary turn lanes into Subarea [D/E] and signalization of the access point serving Subarea [D/E] or shall initiate these improvements, as determined by the Department of Public Service

**6.07. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:**

A. Unless such plantings would cause significant harm to existing vegetation in Preservation Area “G”, a street tree row shall be established along Hamilton Road with the planting of a minimum of 1 tree for every 30 lineal feet of street frontage. Trees shall be approximately evenly spaced, unless tree grouping is more practical, and planted adjacent to the right-of-way, unless the City of Columbus otherwise requires. A street tree row shall be established along both sides of all internal access roadways with the planting of a minimum of 1 tree for every 30 lineal feet. Such trees shall be those specified in the Columbus Street Tree Program guidelines from the City Forester.

B. Within Preservation Area “G”, at least 50% of mature, healthy trees 5 inches in caliper and above shall be preserved. Ground signage and sidewalks for residential units may be placed within Preservation Area “G” as long as the requirements in the immediately preceding sentence are met. Prior to tree removal within Preservation Area “G”, this area shall be inspected by the City Forester to determine the health of trees and to identify any trees which need to be removed to preserve the health and/or safety of residents and/or to protect future improvements within the subarea.

**6.08. DUMPSTERS, LIGHTING, AND SIGNAGE COMMITMENTS:**

A. Street lights shall be required to be installed within or adjacent to the Hamilton Road right-of-way to the extent that such lights exist on the eastern portion of the Hamilton Road right-of-way and only as permitted by the Ohio Department of Transportation, if such lights are regulated by that entity. Streets lights installed within or adjacent to the Hamilton Road right-of-way shall be consistent with existing street lights located within the eastern portion of the Hamilton Road right-of-way across from this subarea. Street lights shall be required along primary private and public streets within this subarea but shall not be required on secondary access drive or within drive aisles unless desired by the developer.

B. All external outdoor lighting (including, without limitation, light poles) shall be cut-off type fixtures (downlighting), and shall be designed in such a way to prevent off-site spillage. Light poles shall not exceed 18 feet in height. Lighting shall not generate excessive light levels, cause glare, or direct light onto an adjacent property or street. The source of exterior illumination of a building or landscaping shall be concealed from view. Direct lighting fixtures for a ground sign shall be shielded with landscaping and be positioned in such a way as to prevent glare. External outdoor lighting fixtures for a ground sign shall be shielded with landscaping and be positioned in such a way as to prevent glare. External outdoor lighting fixtures will be similar, and wiring for such fixtures will be underground.

- C. All new or relocated utility lines shall be installed underground.
- D. Project identification signage shall be permitted in the general locations shown on the site plan for this subarea, subject to graphics permit approval.

**6.09 GRAPHICS AND SIGNAGE COMMITMENTS:**

- A. All signage and graphics shall conform to the graphics and signage requirements found in Chapter 3376 of the Columbus City Code unless otherwise approved by the Graphics Commission.

**6.10 MISCELLANEOUS:**

- A. Site Plan: The subject site shall be developed in accordance with the submitted plan titled, "Site Plan – Subarea E," dated June 23, 2015 (together, the "Plan"). The Plan may be slightly adjusted to reflect engineering, topographical, or other site data determined at the time the 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 a designee, upon submission of the appropriate data regarding the proposed adjustment

**7. MISCELLANEOUS COMMITMENTS**

- A. Land consisting of 70.8+/- acres located to the northwest of the State Route 161 Expressway/Hamilton Road interchange was previously dedicated by the owner of Subarea E to the City of Columbus as parkland. This dedication shall be credited toward the total parkland dedication requirements for the subareas that are the subject of this text.
- B. The Development Team shall complete the roadway improvements that have been determined to be the responsibility of the Development Team as defined in the N. Hamilton-161 Economic Development Agreement (ORD # 1802-2015) for this site that is executed by the Development Team and the City of Columbus.**
- C. Exhibit A shall not be utilized as a basis for determining access configurations for this site or the configurations and traffic control of adjacent roadways and intersections. Rather, the access configurations for this site and the configurations and traffic control of adjacent roadways and intersections shall be determined by the approved traffic study, by a future amendment to the approved traffic study or by subsequent engineered design plans.**