

## **DEVELOPMENT TEXT**

**PROPOSED DISTRICT:** CPD

**PROPERTY ADDRESS:** 5806 N. Hamilton Road

**OWNER:** The New Albany Company LLC

**APPLICANT:** The New Albany Company LLC

**DATE OF TEXT:** April 7, 2017

**APPLICATION NUMBER:** Z16-043

**INTRODUCTION:** The purpose of this rezoning is to update and amend the development standards that apply to certain real property that is located to the south of the newly constructed Hamilton Road “S curve”, to the east of existing Hamilton Road. This rezoning will provide development standards that are consistent with the standards for nearby property that was recently rezoned in City Ordinance 1758-2015 (Zoning Case Number Z14-044). The real property that is the subject of this text is 13.86 +/- acres in size, and will be identified as “Subarea I” in reference to its relationship with the subareas that were included in the aforementioned zoning and other recent rezonings in the area.

### **1. SUBAREA I: CPD**

**A. LOCATION:** Subarea I contains 13.86 +/- acres and is located to the south of and adjacent to the Hamilton Road “S curve” and to the east of existing Hamilton Road. The CPD plan for this subarea is attached hereto as **Exhibit A**.

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

1. Those uses specified in Section 3356.02 (C-4, Commercial) of the Columbus City Code unless otherwise indicated within this text.
2. One filling station or retail fuel service use (or some combination thereof) with the limitations described in this text. The filling station or retail fuel service use (or some combination thereof) shall be permitted on only one parcel within this subarea that shall not exceed 2.0 acres in size. This use shall not be permitted within the westernmost portion of the subarea which is labeled on the CPD plan as containing 2.494 acres.
3. The following uses are prohibited within this subarea:
  - a. Billboards
  - b. Bars, cabarets, or nightclubs, except as an accessory use
  - c. Commercial radio transmitting or television station and appurtenances including cellular towers
  - d. Dance hall
  - e. Electric substation
  - f. Funeral parlor
  - g. Motor bus terminal, excepting therefrom public transit park and ride and station facilities
  - h. Motion picture theater
  - i. Pawn shop
  - j. Poolroom
  - k. Private club
  - l. Testing or experimental laboratory
  - m. 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.
  - n. Check cashing and loans

- o. 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”).
- p. Animal shelter
- q. Blood and Organ Banks
- r. Halfway house
- s. Missions/temporary shelters
- t. Motorcycle, boat and other motor vehicle dealers (not including new car dealers)
- u. Used automobile sales (except as associated with a new car dealership)

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

**D. DENSITY, HEIGHT, LOT AND/OR SETBACK COMMITMENTS:**

1. The permitted maximum site density for retail uses in this subarea shall not exceed 50,000 gross square feet of building in total. For purposes of this text, a filling station or retail fuel service use shall not be included when calculating retail density, subject to the acreage limitation contained in Section 1.B.2 above. “Net acreage” shall be the gross acreage less acreage contained within public right-of-way found outside of easement areas that is dedicated from this subarea following the date of this text.
2. Height District: The height district for this Subarea shall be 35 feet. Height shall be measured per Columbus City Code except such measurements shall be made exclusive of architectural features, parapets, and roof elements.
3. Setbacks:
  - a. The minimum setback from the right-of-way of existing Hamilton Road and the Hamilton Road “S curve” shall be 25 feet for parking and maneuvering areas and for buildings and canopies.
  - b. The minimum setback from all perimeter boundaries of this subarea which are not adjacent to existing Hamilton Road or the Hamilton Road “S curve” shall be 25 feet for parking and maneuvering areas and for buildings and canopies. Notwithstanding the foregoing, a private access road shall be permitted to be located within the required setback from the southern perimeter boundary line of this subarea.
  - c. There shall be a zero setback for interior property lines within this subarea for parking, maneuvering, and buildings.
  - d. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to encroach no more than 5 feet into minimum required building setbacks.
  - e. 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.
4. Lot Coverage: Lot coverage shall not exceed 80%.

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

1. Pedestrian access will be provided between development parcels in this subarea via the sidewalk that is being or has been installed on the south side of the Hamilton Road “S curve.” Sidewalks shall be provided internally on each development parcel to connect buildings to this sidewalk.
2. The total number of trips generated during the AM Peak Hour and PM Peak Hour, respectively, by this zoning district shall not exceed the total number of trips generated by this area during the AM Peak Hour and PM Peak Hour, respectively, in the traffic study dated July 9, 2015 previously prepared by Carpenter Marty Transportation, Inc. on behalf of the applicant, which was reviewed and approved by the City of Columbus Department of Public Service as part of Zoning Case Number Z14-044 unless such traffic study is amended and approved as noted below. 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.
3. Rights-of-way and easements for Hamilton Road have previously been dedicated to the City as shown on the plat that is of record with the Office of the Recorder of Franklin County, Ohio as Instrument Number 201605270066988. No additional rights-of-way or easements shall be required to be dedicated or otherwise provided to the City from this subarea.
4. The property owner has recorded a vehicular cross access easement in favor of and burdening all property located within this subarea as necessary to provide routes of vehicular ingress and egress to and from the Hamilton Road “S curve.”
5. No more than two rows of parking with one drive aisle between them shall be permitted between the right-of-way for existing Hamilton Road or the Hamilton Road “S curve” and buildings located on outparcels with frontage on these public streets.

**F. BUFFERING, LANDSCAPING, OPEN SPACE AND/OR SCREENING COMMITMENTS:**

1. Landscaping within the required setback along the Hamilton Road “S curve” 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 this setback shall be consistent throughout this subarea.
2. 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.
3. 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.
4. Self-illuminated items such as vending machines shall not be permitted on the exterior of any structure. This prohibition shall not affect any signage for the site.
5. 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.

6. Parkland, green or open space requirements shall be fulfilled by the open/green space L-R zoning classification labeled as 9-A and 9-B in Zoning Case Number Z05-054 approved by the Columbus City Council on July 23, 2007.

**G. BUILDING DESIGN AND/OR INTERIOR-EXTERIOR TREATMENT COMMITMENTS:**

1. The architectural design for buildings in this subarea shall be consistent with the standards set forth in this Section 1.G. and shall be coordinated between the various uses and proposed building types. However, these standards shall not apply to 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**.

2. 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.

3. 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.

4. Drive-thrus and pick-up windows shall be prohibited along the front facades of buildings on outparcels with frontage on the Hamilton Road "S curve".

5. 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 Hamilton Road.

6. Each primary building in this subarea shall have its front façade oriented toward existing Hamilton Road or the Hamilton Road "S curve" (as applicable) so that it is parallel or nearly parallel to this public street.

**H. LIGHTING COMMITMENTS:**

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

2. The maximum height of light poles shall not exceed 18 feet in height.

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

**I. UTILITY COMMITMENTS:**

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

**J. GRAPHICS AND SIGNAGE COMMITMENTS:** 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.

**K. MISCELLANEOUS COMMITMENTS:**

1. **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 referenced in Section 1.E.2 above, by a future amendment to the approved traffic study or by subsequent engineered design plans approved by the Department of Public Service.

2. Modification of Code Standards: It is anticipated that the property subject to this rezoning will be split to form separate tax parcels. In anticipation of the split, the following City of Columbus code modifications are requested:

a. Section 3312.09, Aisle, to permit aisle(s) to be divided by a property line, subject to applicable total code required aisle width being provided and applicable easement(s).

b. Section 3312.13, Driveway, to permit driveways to be divided by property lines, subject to applicable total code required driveway width being provided and applicable easement(s).

c. Section 3312.25, Maneuvering, to permit maneuvering areas (including aisles, driveways, and parking spaces) to be divided by property lines, subject to applicable total code required maneuvering being provided for parking spaces and applicable easement(s).

d. Section 3356.11, C-4 District Setback Lines, to reduce the setback requirements identified in that provision in accordance with this text.

e. Section 3372.806(C), Graphics, to allow signage with electronic changeable copy displaying only fuel pricing shall be should the subject property ever be incorporated into the Regional Commercial Overlay (RCO) found in Chapter 3372 of the Columbus City Code.

3. CPD Criteria:

a. Existing land uses: To the north is future commercial; to the east is future institutional; to the west is existing multi-family residential and commercial; and to the south is undeveloped land and existing residential.

b. Transportation and circulation: Access to the site shall be via 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: 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.