



## Legislation Details (With Text)

**File #:** 0939-2005      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 5/17/2005      **In control:** Zoning Committee

**On agenda:** 7/25/2005      **Final action:** 7/27/2005

**Title:** To rezone 2410 HILLIARD-ROME ROAD (43228), being 1.380.904± acres located on the east side of Hilliard-Rome Road, 400± feet north of Asics Road, From: R, Rural District, To: L-C-42, Limited Commercial District (Z04-105).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 0939-2005 exhibits.pdf, 2. ORD 0939-2005 Disclosure.pdf, 3. ORD 0939-2005 labels.pdf, 4. ORD 0939-2005 Data Form.pdf

Date	Ver.	Action By	Action	Result
7/27/2005	2	MAYOR	Signed	
7/27/2005	2	CITY CLERK	Attest	
7/25/2005	1	Zoning Committee	Approved as Amended	Pass
7/25/2005	2	Zoning Committee	Amended as submitted to the Clerk	Pass
7/25/2005	2	Zoning Committee	Taken from the Table	Pass
7/25/2005	2	COUNCIL PRESIDENT	Signed	
7/18/2005	1	Zoning Committee	Tabled to Certain Date	Pass
7/18/2005	1	Zoning Committee	Taken from the Table	Pass
7/11/2005	1	Zoning Committee	Tabled to Certain Date	Pass
7/11/2005	1	Zoning Committee	Waive the 2nd Reading	Pass
6/23/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
6/22/2005	1	Dev Zoning Drafter	Sent for Approval	
6/22/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
6/15/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
5/17/2005	1	Dev Zoning Drafter	Sent for Approval	

**REZONING APPLICATION:** Z04-105

**APPLICANT:** Hilliard Rome Chiropractic & Rehab Co., PC; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

**PROPOSED USE:** Medical office, ~~veterinary or fitness center development.~~

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on March 10, 2005.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant is requesting the L-C-42, Limited Commercial District to permit office development on the entire site and ~~veterinary and fitness center uses on approximately the southern one-third~~

~~of the site.~~ While the *West Columbus Interim Concept* (1991) recommends multi-family residential development on this site, staff believes that deviation from the plan to permit the proposed commercial uses is appropriate. The depth of the remaining residential parcels is not sufficient for further multi-family development and the proposed commercial uses are consistent with L-C-4 zoning already established on the west side of Hilliard-Rome Road. The limitation text permits C-2 uses on the entire site ~~and veterinary or fitness center development on about one-third of the site,~~ and includes customary development standards that address site access, sidewalks, street trees and landscaping, building design and materials, and lighting controls.

To rezone **2410 HILLIARD-ROME ROAD (43228)**, being ~~1.380.904±~~ acres located on the east side of Hilliard-Rome Road, 400± feet north of Asics Road, **From:** R, Rural District, **To:** L-C-42, Limited Commercial District (Z04-105).

**WHEREAS**, application #Z04-105 is on file with the Building Services Division of the Department of Development requesting rezoning of ~~1.380.904±~~ acres from R, Rural District to L-C-42, Limited Commercial District, and

**WHEREAS**, the Development Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of the applicant's request for the L-C-42, Limited Commercial District to permit office development on the entire site ~~and veterinary and fitness center uses on approximately the southern one-third of the site.~~ While the *West Columbus Interim Concept* (1991) recommends multi-family residential development on this site, staff believes that deviation from the plan to permit the proposed commercial uses is appropriate. The depth of the remaining residential parcels is not sufficient for further multi-family development and the proposed commercial uses are consistent with L-C-4 zoning already established on the west side of Hilliard-Rome Road. The limitation text permits C-2 uses on the entire site ~~and veterinary or fitness center development on about one-third of the site,~~ and includes customary development standards that address site access, sidewalks, street trees and landscaping, building design and materials, and lighting controls; now, therefore,

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

**SECTION 1.** That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**2410 HILLIARD ROME ROAD (43228)**, being ~~1.380.904±~~ acres located on the east side of Hilliard-Rome Road, 400± feet north of Asics Road, and being more particularly described as follows:

**ZONING DESCRIPTIONS FOR 1.38± ACRES**

**EXHIBIT "A," Parcel # 560-168633**

0.452 Acres - Tract A

Lot 7 and North Half of 0.046 Acre Tract

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Virginia Military Surveys 6554 and 7029, being all of Lot 7 of Katherine Durban Subdivision, as is numbered and delineated upon the recorded plat thereof, of record in Plat Book 23, Page 35, all records being of the Recorder's Office, Franklin County, Ohio, and being part of a 0.046 Acre tract conveyed to William R. Reader in Official Record Volume 24848 H-03, Parcel 2, and being more particularly described as follows:

Beginning at a set iron pin at the southwest corner of said Lot 7, also being the northwest corner of Lot 8 of said Katherine Durban Subdivision and in the east right-of-way of Hilliard-Rome Road;

Thence, along the west line of said Lot 7 and the east right-of-way of Hilliard-Rome Road, North 05 degrees 03 minutes West, 100.00 feet to a found 5/8" rebar at the northwest corner of said Lot 7 and the southwest corner of Lot 6 of said Katherine Durban Subdivision;

Thence, along the north line of said Lot 7 and of said Reader 0.046 Acre tract, and along the south lines of said Lot 6 and a 0.023 Acre tract conveyed to Ben G. Whightsil in Official Record Volume 1514 G-13, South 86 degrees 02 minutes East, 199.50 feet to a set iron pin at the northeast corner of said Reader 0.046 Acre tract and the southeast corner of said Whightsil 0.023 Acre tract and in the west line of an 11.029 Acre tract conveyed to T & R Development, Inc. in Official Record Volume 21462-J-05;

Thence, along part of the east line of said Reader 0.046 Acre tract, and part of the west line of said 11.029 Acre tract, parallel with the west line of said Lot 7, South 05 degrees 03 minutes East, 100.00 feet to a set iron pin;

Thence, across said Reader 0.046 Acre tract, and along the south line of said Lot 7 and the north line of said Lot 8, North 86 degrees 02 minutes West, 199.50 feet to the place of beginning CONTAINING 0.452 ACRES, subject, however to all legal easements, restrictions, and rights-of-way of record and of records in the respective utility offices.

Iron pins set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. 6579". Basis of bearings is South 05 degrees 03 minutes East on the centerline of Hilliard-Rome Road per Plat Book 23, Page 35, Recorder's Office, Franklin County, Ohio.

**EXHIBIT "B," Parcel # 560-168634**

0.452 Acres - Tract B

Lot 8 and South Half of 0.046 Acre Tract

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Virginia Military Surveys 6554 and 7029, being all of Lot 8 of Katherine Durban Subdivision, as is numbered and delineated upon the recorded plat thereof, of record in Plat Book 23, Page 35, all records being of the Recorder's Office, Franklin County, Ohio, and being part of a 0.046 Acre tract conveyed to William R. Reader in Official Record Volume 24848 H-03, Parcel 2, and being more particularly described as follows:

Beginning at the southwest corner of said Lot 8, also being the northwest corner of Lot 9 of said Katherine Durban Subdivision and in the east right-of-way of Hilliard-Rome Road;

Thence, along the west line of said Lot 8 and the east right-of-way of Hilliard-Rome Road, North 05 degrees 03 minutes West, 100.00 feet to a set iron pin at the northwest corner of said Lot 8 and the southwest corner of Lot 7 of said Katherine Durban Subdivision (passing a set reference iron pin at 4.00 feet);

Thence, along the north line of said Lot 8 and across said Reader 0.046 Acre tract, and along the south line of said Lot 7, South 86 degrees 02 minutes East, 199.50 feet to a set iron pin in the east line of said Reader 0.046 Acre and in the west line of an 11.029 Acre tract conveyed to T & R Development, Inc. in Official Record Volume 21462 J-05;

Thence, along part of the east line of said Reader 0.046 Acre tract and part of the west line of said 11.029 Acre tract, parallel with the west line of said Lot 8, South 05 degrees 03 minutes East, 100.00 feet to a set iron pin at the southeast corner of said Reader 0.046 Acre tract and at the northeast corner of a 0.023 Acre tract conveyed to Clinton E. and Melba J. Dalton in Official Record Volume 3810 F-15;

Thence, along the south lines of said Reader 0.046 Acre tract, and Lot 8, and the north lines of said Dalton 0.023 Acre tract and said Lot 9, North 86 degrees 02 minutes West, 199.50 feet to the place of beginning, CONTAINING 0.452 ACRES, passing a set reference iron pin at 195.50 feet, subject, however to all legal easements, restrictions, and rights-of-way of record and of records in the respective utility offices.

Iron pins set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. #6579". Basis of bearings is South 05 degrees 03 minutes East on the centerline of Hilliard-Rome Road per Plat Book 23, Page 35, Recorder's Office, Franklin County, Ohio.

**EXHIBIT "C"**

~~Situated in the County of Franklin, State of Ohio and the City of Hilliard: Being Lot Number Nine (9) of Katherine Durban Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 23, Page 35, Recorder's Office, Franklin County, Ohio. Situated in the State of Ohio, County of Franklin, City of Columbus being in Virginia Military Survey No. 6554 and 7029. Being 0.023 acres but of that 22.01 acre tract conveyed to Rome Hilliard Partnership by deed of record in Deed Book 3268, Page 614 (all references in deed books and plat books in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 0.023 acres being more particularly described as follows: Beginning at the true point of beginning, said point being the Northeast corner of Lot No. 9 of the Katherine Durban Subdivision as recorded in Plat Book 23, Page 35; thence, Easterly South 86 degrees 05 minutes 45 seconds East 10.00 feet to an iron pin; thence, Southerly South 5 degrees 03 minutes 57 seconds East parallel with and 10.00 feet Easterly from (as measured at right angles) the Easterly line of said Lot No. 9, 100.01 feet to an iron pin; thence Westerly North 86 degrees 05 minutes 45 seconds West 10.00 feet to a point in the Southeasterly corner of said Lot No. 9; thence Northerly along the Easterly line of said Lot No. 9, North 5 degrees 03 minutes 57 seconds West 100.01 feet to the true point of beginning, containing 0.023 acres more or less, but subject to all easements, restrictions and highways of previous records. AND ALSO THE FOLLOWING: Permanent Parcel Number: 560-168635 Loan Reference Number: 0011088767 First American Order No. 1559122.~~

**To Rezone From:** R, Rural District,

**To:** L-C-42, Limited Commercial District.

**SECTION 2.** That a Height District of Thirty-five (35) feet is hereby established on the L-C-42, Limited Commercial District on this property.

**SECTION 3.** That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved L-C-42, Limited Commercial District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes; said text titled, "**LIMITATION TEXT**," signed by Jeffrey L. Brown, attorney for the applicant, dated April 20, 2005, and the text reading as follows:

**LIMITATION TEXT**

**PROPOSED DISTRICT:** L-C-42, Limited Commercial District

**PROPERTY ADDRESS:** 2410 Hilliard Rome Road

**OWNER:** Gregory A. Richards et al.

**APPLICANT:** Hilliard Rome Chiropractic & Rehab Co., PC

**DATE OF TEXT:** 4/20/05

**APPLICATION NUMBER:** Z04-105

1. **INTRODUCTION:** The applicant wants to redevelop this site with an office building; and other permitted uses.
2. **PERMITTED USES:** The following uses are permitted on the subject site Section 3353.03 C-2, Commercial of the Columbus City Code however no residential use shall be permitted above a commercial use; ~~the following uses Veterinarian and fitness facility shall also be permitted on the portion of the subject site which is within 100 feet of the subject site's south property line.~~
3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated the applicable development standards are contained in Chapter 33563, C-42 Commercial of the Columbus City Code.

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

N/A

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

1. All circulation, curb cuts and access points shall be subject to the approval of the Division of Transportation but the property owners may be required to grant cross access easements to adjacent parcels to access full movement curb-cuts.
2. Prior to issuance of zoning clearance right-of-way for Hilliard-Rome Road sufficient to comply with the City of Columbus Thoroughfare Plan (maximum of 60 feet from center line) shall be dedicated at no cost to the City of Columbus.

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

1. Street trees shall be planted evenly spaced along Hilliard Rome Road at a ratio of one tree per forty (40) feet of frontage.
2. Headlight screening in the form of landscaping (30 inch minimum height at installation) shall be installed along Hilliard Rome Road adjacent to any parking areas as well as along the west property line adjacent to any parking area.
3. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.

4. All trees meet the following minimum size at the time of planting: Shade trees 2½" caliper; Ornamental trees 1½" caliper; Evergreen trees 5 feet in height. Tree caliper is measured six (6) inches from the ground.

5. Lot coverage for building and paved areas (excluding sidewalks) shall not exceed 90%.

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

1. Any mechanical equipment or utility hardware on the roof of a building shall be screened from view to prevent the equipment from being visible from the property line of the parcel. Ground mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping or any fence or wall utilizing comparable and compatible materials as the building materials.

2. The building(s) shall have a pitched roof. The minimum roof pitch shall be 4.5/12.

3. The exterior building materials shall be a combination of brick, wood and glass individually or in any combination thereof.

4. Front (west) elevations of all buildings shall be finished in brick.

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

1. All external lighting shall be cut-off fixtures (down-lighting). However, buildings and landscaping may be illuminated with up-lighting from a concealed source.

2. Light poles shall not exceed 18 feet in height.

3. All new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.

4. All external outdoor fixtures to be used shall be from the same or similar manufacturer type to family to ensure aesthetic compatibility.

**F. Graphics and/or Signage Commitments.**

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-42 , Commercial District and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**G. Miscellaneous Commitments.**

1. The developer shall install a sidewalk along the Hilliard Rome Road frontage or provide the City with a check for the cost of installing the sidewalk if the City has a road improvement project for Hilliard-Rome Road unless the sidewalk requirement is waived by the City.

2. No non residential use shall occur in the ~~two~~ existing single-family dwellings.

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