



## Legislation Details (With Text)

**File #:** 1126-2019      **Version:** 1

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

**File created:** 4/16/2019      **In control:** Zoning Committee

**On agenda:** 5/6/2019      **Final action:**

**Title:** To amend Ordinance #1822-97, passed July 27, 1997 (Z97-036), for property located at 4940 NORTH HAMILTON ROAD (43230), by repealing Section 3 and replacing it with a new Section 3 thereby modifying the CPD Text as it pertains to parking and landscaping setbacks (Rezoning Amendment # Z97-036A).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1126-2019\_Attachments

Date	Ver.	Action By	Action	Result
5/9/2019	1	CITY CLERK	Attest	
5/8/2019	1	MAYOR	Signed	
5/6/2019	1	COUNCIL PRESIDENT	Signed	
5/6/2019	1	Zoning Committee	Approved	Pass
4/29/2019	1	Columbus City Council	Read for the First Time	

**Rezoning Amendment: Z97-036A**

Ordinance #1822-97, passed July 27, 1997 (Z97-036), rezoned 0.99± acres at 4940 North Hamilton Road, to the CPD, Commercial Planned Development District for a car wash development. That rezoning established specific use prohibitions and development standards including building design, height, setbacks, landscaping, lighting, access, and graphics restrictions. The property is located on the east side of North Hamilton Road, and this arterial is in the process of being widened which has necessitated the acquisition of additional right-of-way. The right-of-way acquisitions are compromising existing parking and landscaping setbacks thereby creating noncompliant situations. This ordinance amends the setback restrictions in the CPD Text established by Ordinance #1822-97 (Z97-036) on this property. All other aspects of Ordinance #1822-97 remain in effect and are included in this amendment.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #1822-97, passed July 27, 1997 (Z97-036), for property located at **4940 NORTH HAMILTON ROAD (43230)**, by repealing Section 3 and replacing it with a new Section 3 thereby modifying the CPD Text as it pertains to parking and landscaping setbacks (Rezoning Amendment # Z97-036A).

**WHEREAS**, Ordinance #1822-97, passed July 27, 1997 (Z97-036), rezoned 0.99± acres at **4940 NORTH HAMILTON ROAD (43230)** from the L-C-4, Limited Commercial District to the CPD, Commercial Planned Development District for a car wash development; and

**WHEREAS**, that rezoning established specific development standards addressing permitted uses, setbacks, access, parking, landscaping, building design, and lighting commitments in the CPD Text; and

**WHEREAS**, the CPD Text included commitments for specific parking and landscaping setbacks; and

**WHEREAS**, it is necessary to amend Section 3 of Ordinance #1822-97, passed July 27, 1997 (Z97-036) to account for right-of-way acquisitions that are compromising existing setbacks thereby creating noncompliant situations, and;

**WHEREAS**, all other aspects of Sections 1 and 2 contained in Ordinance #1822-97 are unaffected by this amendment and remain in effect, and are repeated below for clarity; now, therefore:

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

**SECTION 1.** That 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:

**4940 NORTH HAMILTON ROAD (43230)**, being 0.99± acres located on the east side of North Hamilton Road, 170± feet south of Chestnut Hill Drive, and being more particularly described as follows:

**Legal Description for 4940 N. Hamilton Road, Columbus, Ohio 43230, commonly known as Franklin County Auditor Tax Parcel Id. No. 545-254329-00**

0.992 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 3, Township 2, Range 16, United States Military Lands and being 0.992 acre of Parcel Three as conveyed to Thomas H. Lurie by deed of record in Deed Book 3683, Pages 111 and 119, all references being to those of record in the Recorder's Office, Franklin County, Ohio, said 0.992 acre being more particularly described as follows:

Beginning at an iron pin set on the easterly right-of-way line of Hamilton Road at the northwesterly corner of that tract conveyed to Highland Properties, Inc. by deed of record in Official Record 05586C06, said iron pin also being located North 3 deg. 18' 12" East, a distance of 684.08 feet and South 86 deg. 48' 23" East, a distance of 60.00 feet from F.C.G.S. Monument No. 6616;

Thence North 3 deg. 18' 12" East, along the said right-of-way line of Hamilton Road, a distance of 160.00 feet to an iron pin set;

Thence South 86 deg. 48' 23" East, a distance of 270.00 feet to an iron pin set;

Thence South 3 deg. 18' 12" West, a distance of 160.00 feet to an iron pin set on the northerly line of the said Highland Properties, Inc. tract;

Thence North 86 deg. 48' 23" West, along the said northerly line, a distance of 270.00 feet to the place of beginning, containing 0.992 acre, more or less.

Subject, however, to all legal rights of ways and/or easements, if any, of previous record.

Bearings contained herein are based on the Ohio State Plane Coordinate System, as per NAD83. Control for bearings was from Coordinate of Monuments established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

**To Rezone From:** CPD, Commercial Planned Development District,

To: CPD, Commercial Planned Development District.

**SECTION 2.** That a Height District of Sixty (60) feet is hereby established on the CPD, Commercial Planned Development District on this property.

**SECTION 3.** That Section 3 of Ordinance #1822-97, passed July 27, 1997 (Z97-036), be hereby repealed and replaced with new Section 3 reading as follows:

**SECTION 3.** That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.12 of the Columbus City Codes; said plans being titled, " **SITE PLAN**," originally signed by Jeffrey L. Brown, Attorney for the Applicant, and dated July 1, 1997, and amended by Donald Plank, Attorney for the Applicant, and dated February 4, 2019, and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT** ," signed by Donald Plank, Attorney for the Applicant, and dated January 15, 2019, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

PROPOSED DISTRICT: CPD

PROPERTY ADDRESS: 4940 Hamilton Road, Columbus, OH 43230

OWNER: ~~Thomas H. Lurie~~ **Christopher M. Krisiewicz, Successor Trustee of the Lurie Children's Irrevocable Trust, dated December 30, 1985**

APPLICANT: ~~Ron Moore~~ **Same as Owner**

DATE OF TEXT: ~~6/25/97~~ **1/15/2019**

APPLICATION: Z97-036A

1. Introduction: The property is part of a developing commercial area along Hamilton Road. This zoning request would add an additional permitted use to the existing L-C4 zoning.

2. Permitted Uses:

A. Those uses contained in Section 3356.03 (C-4, Commercial). The following uses are excluded from the subarea:

- a) adult bookstore
- b) adult only motion picture theater
- c) adult only entertainment
- d) book bindery
- e) bus or truck terminal
- f) ice house
- g) poultry killing
- h) stables
- i) tinsmith

3. Development Standards: Unless otherwise indicated in the written text, the applicable development standards shall be those standards contained in ~~Section~~ **Chapter** 3356 C-4, Commercial of the Columbus City Code.

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

1. A minimum ~~forty~~ **thirty (30)**(40) foot parking setback and a minimum ~~seventy-five (75)~~ **seventy (70)** foot building setback shall be established along Hamilton Road except for vacuum units shown on the submitted site plan which shall have a maximum height of five feet.

2. Structures shall not exceed sixty (60) feet in height. The maximum height of the proposed car wash/fast lube facility building shall be thirty (30) feet with any architectural elements limited to forty (40) feet.

3. The permitted maximum site density shall not exceed the ratio of 12,000 gross square feet of building per net acre of site.

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

1. Size, ratio and type of parking and loading shall be regulated by the Columbus Zoning Code under Chapter 3312.

2. All parking areas shall be designed and constructed to promote safety. Such designs shall provide for efficient circulation with respect to public streets, service roads, and adjacent uses.

3. Parking areas shall be surfaced with either concrete or blacktop with drainage according to applicable city of Columbus requirements. The parking area shall have raised curbs.

4. Curb cuts and access points shall be designed and located to the specification of the City of Columbus Division of Traffic Engineering or any other appropriate governmental agency.

5. Hamilton Road shall contain a right-of-way of a minimum 120 feet.

6. The stacking spaces for the proposed car wash/fast lube development are as shown on the submitted site plan.

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

1. Within the required ~~40~~ **30** foot green space corridor along Hamilton Road, fencing and landscaping shall be required for a minimum of 65% of the frontage within each parcel; such fencing and landscaping shall be uniformly placed within the last 10 feet of the required ~~40~~ **30** foot green space corridor at a minimum distance of ~~30~~ **20** feet from right-of-way. The fencing shall consist of a 3-board fence that is painted or stained white and is a maximum of 54 inches in height. It shall be constructed of 1 1/8 inches x 6 inches x 16 foot treated wood boards attached to 6 to 7 inch treated posts, with face boards, located 8 feet on center. The landscaping shall consist of deciduous shade trees (minimum 2 inch caliper upon installation), ornamental trees (minimum 1 inch caliper upon installation), and evergreen trees (height 4 feet to 6 feet upon installation). Evergreen and/or deciduous shrubs and mounding may be used. To insure the utilization of a variety of plant material, 3 evergreen trees, 3 ornamental trees, and 2 shade trees and at least 5 shrubs shall be used for every 100 feet of frontage that is landscaped. A sidewalk shall also be installed within this green space along the Hamilton Road frontage.

2. Street tree planting shall be required within the setback area along Hamilton Road. Such trees shall be those specified in the Columbus Street Tree Program guidelines from the City of Columbus Forester and have a minimum caliper upon planting of 2 inches and a minimum spacing of 35 feet on center and located 1 foot from edge of right-of-way.

3. All parking areas adjacent to Hamilton Road shall have headlight screening parallel to the frontage with a minimum height of 30 inches measured from the elevation of the nearest section of the adjacent parking area. Headlight screening shall be in the form of an evergreen hedge, earth mounding, or wall. The requirements of this paragraph may be included as part of the landscaping treatment required in Subarea 3, Section C so long as the total number of trees planted and the height of the screening meet the requirements of these two sections.

4. All major entries shall be developed by utilizing the fencing and landscape material noted in Subarea 3, Section C.

5. Tree plantings shall be required within site parking and service areas. The number of trees required shall be determined by the following applicable ratios of total inches of tree caliper (minimum of 2 inch caliper per tree) to total site coverage by buildings and pavement:

1. 0 to 20,000 square feet: 6 inches of trunk size plus 1 inch additional for every 4,000 square feet of total site coverage by buildings and pavement.
2. 20,001 to 100,000 square feet: 10 inches of trunk size plus 1 inch additional for every 4,000 square feet of total site coverage by buildings and pavement over 20,000 square feet.
3. Over 100,000 square feet: 20 inches of trunk size plus 1 inch additional for every 6,500 square feet of total site coverage by buildings and pavement over 100,000 square feet.
6. At least 50% of required tree planting shall be integrated within parking or service areas. Existing trees of 3 inch caliper or greater may offset 2/3 of this requirement. Maximum possible green space shall be provided to minimize extensive unbroken hard surface areas.
7. The landscaping required in items 5 and 6 may be used to offset the parking lot landscaping requirements contained in Chapter 3312 of the Columbus Zoning Code.
8. Minimum tree size shall be no less than 2 inches caliper for street and/or shade trees, 4 feet to 6 feet in height for evergreen trees and 1 inch caliper for ornamental trees.
9. If landscaping is used to screen a service area, 90% opacity is required for all non-servicing sides and must be protected from service vehicles. Screening shall be 1 foot above height of structure to be screened but not less than seven (7) feet in height.
10. Drainage shall not adversely affect stormwater draining on adjacent and downstream properties, streets, and the storm drainage system.
11. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months with new materials meeting the above specifications.

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

1. A residential appearing roof shall be required, and structures that appear to have flat roofs shall specifically be prohibited. A residential appearing roof shall be defined as a roof structure with a minimum pitch of 6:12 and a maximum roof of 12:12. The height of the roof element shall not be less than 40% of the overall height of the building as measured from finish floor to top of roof. Once the roof element has reached the 40% level then the roof may be flattened or depressed so long as the flattened or depressed portion of the roof is not visible from adjacent parking, service areas or roadways. The sloped roof noted above shall be finished with one of the following materials: dimensional asphalt shingles, wood shakes, slate, composite slate, tile, standing metal seam, or copper.
2. A maximum of three building material types shall be utilized for the exterior of any building including roof material except that the car wash/fast lube facility shall be finished on all four sides with brick. Minor accenting of structures through the use of a fourth building material shall be permitted.
3. No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside the permitted structure except for vacuum pumps for the car wash.
4. Mechanical equipment or other utility hardware on the roof of a building shall be screened from view by the same material utilized on the building roof or exterior. Color shall also match the building exterior or roof mechanical and all other equipment on the ground shall be fully screened from view by wall, fence or landscape material utilizing the same material or character of the building.
5. Building illumination shall be permitted provided such light source is concealed. No colored light shall be used to light the exterior of any building.

6. All buildings shall be finished utilizing the same materials on all sides of the exterior.

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

1. All external outdoor lighting shall be cut-off fixtures (down lighting), except there may be accent lighting (up lighting) on landscaping in the front structures and ground signs, provided the fixtures are screened with landscaping to prevent glare.

2. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to insure aesthetic compatibility. All light poles and standards shall be dark brown, bronze, or black.

3. Light poles in the parking lots shall not exceed 28 feet in height.

4. Building mounted lighting within service areas shall be designed in such a way that no light spillage off-site occurs.

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

6. Dumpsters shall be screened on all four sides to an opacity of ninety percent.

7. All electrical wiring to the site shall be placed underground.

F. Graphics and Signage Commitments.

1. All signage shall conform to Chapters 3375 through 3383 of the Columbus City Code as they apply to C-4, Commercial District. Any variance to the sign requirements other than those sign requirements listed below shall be submitted to the Columbus Graphics Commission.

2. Signage shall be monument style and shall be limited to one sign. Monument style shall mean that the base of the sign fully encloses the sign supports.

3. Directional entry and exit signs which shall be ground type only and limited to four (4) square feet in area per face and shall be located at a minimum of five (5) feet from the street right-of-way. In no case, shall such signage interfere with maintaining safe clear-sight distances at driveway entries or exits. Identification logo or name shall be not displaced on directional signage.

4. No signs shall be painted directly on the surface of any building, wall or fence. No wall murals shall be allowed.

5. No roof signs shall be permitted nor should a sign extend higher than the building.

6. No flashing, traveling, animated or intermittently illuminated signs shall be used.

7. City addresses shall be prominently displayed either on the signs or on the building front.

G. Miscellaneous commitments

The applicant shall have an attendant on the lot to direct traffic into the car wash and out of the fast lube facility when the car wash is open.

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