



Legislation Details (With Text)

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On agenda: 7/16/2018 **Final action:** 7/18/2018

Title: To rezone 6060 NORTH HAMILTON ROAD (43081), being 31.59± acres located on the south side of State Route 161, 540± feet east of North Hamilton Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z18-007) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1930-2018_Attachments_Amended.pdf, 2. ORD1930-2018_Attachments, 3. ORD1930-2018_Labels

Date	Ver.	Action By	Action	Result
7/18/2018	2	CITY CLERK	Attest	
7/17/2018	2	MAYOR	Signed	
7/16/2018	2	COUNCIL PRESIDENT	Signed	
7/16/2018	1	Zoning Committee	Amended as submitted to the Clerk	Pass
7/16/2018	1	Zoning Committee	Amended to Emergency	Pass
7/16/2018	1	Zoning Committee	Approved as Amended	Pass
7/9/2018	1	Columbus City Council	Read for the First Time	

Rezoning Application Z18-007

APPLICANT: The Ohio State University; c/o Aaron L. Underhill, Atty.; 8000 Walton Parkway, Suite 260; Columbus, OH 43054.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 10, 2018.

CITY DEPARTMENTS' RECOMMENDATION: The 31.59± acre site is currently undeveloped and zoned in the CPD, Commercial Planned Development District (portions of Subareas 6 and 8 in Z05-054, portions of Subarea G-1 in Z16-038, and portions of Subarea G-2 in Z16-039). The existing CPD districts were approved without a specific use or user being known or identified, and the applicant has expressed interest in developing the site with ambulatory care, medical service uses, and medical and/or other office uses. The current CPD districts permit these uses; however, the zoning texts that apply to the site provide some ambiguities in terms of the development standards which would apply to these types of uses. The purpose of this rezoning is to clarify and update the development standards in the context of these uses while generally retaining the same standards as they apply to other permitted uses. The subject site is known as Subarea K. The CPD text allows uses permitted in the C-4, Commercial District with several restrictions, and includes provisions for height limits, setback requirements, and development standards that provide compatibility with adjacent properties. The CPD Plan depicts setbacks and site access. Variances for reduced setbacks, to allow parking lots to be

divided by parcel lines, for increased light pole height, and for sign base requirements are included in the request. The site is located within the boundaries of the *Northland Plan, Volume II* (2002), which recommends mixed-use development for this location. The permitted uses of this CPD are consistent with this recommendation, and the provisions of the CPD text will ensure that future development is compatible with adjacent properties.

To rezone **6060 NORTH HAMILTON ROAD (43081)**, being 31.59± acres located on the south side of State Route 161, 540± feet east of North Hamilton Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z18-007) **and to declare an emergency.**

WHEREAS, application No. Z18-007 is on file with the Department of Building and Zoning Services requesting rezoning of 31.59± acres from CPD, Commercial Planned Development District, to CPD, Commercial Planned Development District; and

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

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District, is consistent with the land use recommendations of the *Northland Plan, Volume II*, for mixed-use development. The requested CPD, Commercial Planned Development District updates development standards in order to provide a uniform development within this newly-defined subarea while remaining consistent with nearby properties that were recently or are being rezoned;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; 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:

6060 NORTH HAMILTON ROAD (43081), being 31.59± acres located on the south side of State Route 161, 540± feet east of North Hamilton Road, and being more particularly described as follows:

ZONING DESCRIPTION

31.59 ACRES

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, being all of that 15.646 acre tract and part of that 7.483 acre tract conveyed to HC Office Sub 6 LLC by deed of record in 201802160022858, part of the remainder of that 102.657 acre tract conveyed to Stephen L. Harper, Trustee, by deed of record in 200404290096691, and part of that 12.097 acre tract conveyed to Target Corporation by deed of record in Instrument Number 200711130195580, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:
Beginning, for reference, at the centerline intersection of Dublin-Granville Road (formerly State Route 161) with Hamilton Road, as depicted on State of Ohio Department of Transportation Plan FRA-161-16.75/LIC-161-0.00, being in the southerly line of that 6.851 acre tract conveyed as Parcel 102-WD to the State of Ohio by deed of record in Instrument Number 199905240130003;
Thence North 02° 48' 55" West, with the centerline of said Hamilton Road, a distance of 327.06 feet to a point of curvature;
Thence continuing with said centerline, with the arc of a curve to the left, having a central angle of 07° 09' 20", a radius of 2864.79 feet, an arc length of 357.77 feet, a chord bearing of North 06° 23' 35" West and chord distance of 357.54 feet to a point;

DATE OF TEXT: June 26, 2018
APPLICATION NUMBER: Z18-007

INTRODUCTION: The property that is the subject of this rezoning is presently found within four different zoning districts and/or subareas. The previous zonings were approved without a specific use or user being known or identified. Recently the applicant has expressed interest developing the site with ambulatory care, medical service uses, and medical and/or other office uses. The current zonings on the property allow for the development and operation of all of these uses. The purpose of this rezoning is to update the development standards that apply to the property in the context of these uses, while generally retaining the same standards as they apply to other uses. Among other modifications, the height district will be changed from 60 feet to 110 feet with the approval of this application to allow buildings from which ambulatory care, medical service uses, and medical and/or other office uses will be operated to reach 110 feet in height at a distance that is closer to State Route 161 than would be permitted under the existing zoning. In addition, standards are being modified to remove a limitation on the maximum number of parking spaces that can be provided for these uses.

The real property that is the subject of this text consists of 31.59+/- acres. It is located to the east of Hamilton Road, to the south of and adjacent to the State Route 161 Expressway, and to the north of East Dublin-Granville Road. Prior to the effective date of the approval of this rezoning the aforementioned property included portions of Subareas 6 and 8 as identified in Zoning Case No. Z05-054, portions of Subarea G-1 as identified in Zoning Case No. Z16-038, and portions of Subarea G-2 as identified in Zoning Case No. Z16-039. Upon approval of this rezoning, the property that is subject to this text will be known as Subarea K.

1. SUBAREA K: CPD

A. LOCATION: Subarea K contains 31.59+/- acres and is located to the east of Hamilton Road, to the south of and adjacent to the State Route 161 Expressway, and to the north of East Dublin-Granville Road. The CPD plan for this subarea is attached hereto as Exhibit A.

B. PERMITTED USES: Permitted uses for Subarea K are contained in Sections ~~3356.02~~ **3356.03** (C-4, Commercial) and 3357.01 (C-5, Commercial) of the Columbus City Code unless otherwise indicated within this text. For purposes of clarification only, ambulatory care uses are permitted in this subarea in addition to all other permitted uses. The term “ambulatory care uses” is intended to encompass a wide range of medical care and medical services and includes (but is not limited to) physician services, wellness services, treatment programs, outpatient procedures and surgeries, clinics, counseling centers, medical laboratories, rehabilitation services, diagnostic services, and related or similar services and/or uses. The following uses shall not be permitted in this subarea:

1. Automobile and light truck dealers
2. Automobile accessories, parts and tire stores
3. Automobile sales, leasing and retail
4. Billboards
5. Cabaret
6. 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.
7. Dance hall
8. Funeral parlor
9. Motor bus terminal (but transit-oriented developments and/or park-and-ride stations are permitted)
10. Motion picture theater
11. Nightclub
12. Pawn shop
13. Poolroom
14. Private club
15. Testing or experimental laboratory, unless operated as an accessory use to an ambulatory care use or other medical-

related use.

16. RV (recreational vehicle), sales, rental and leasing

C. DEVELOPMENT STANDARDS: The applicable development standards for this subarea are contained in Chapter 3356 (C-4 Commercial) and 3357 (C-5 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 the subject property shall not exceed the ratio of 12,000 square feet of building per acre of the subarea except that office development, ambulatory care, medical services, and similar or related uses shall not exceed the ratio of 18,000 square feet of building per acre contained within the subarea. Individual uses or developments within the subarea may exceed this ratio provided that the entire subarea does not exceed the total gross square footage that is permitted in the subarea. Medical office, office, and ambulatory care uses collectively shall not exceed 225,000 total square feet of floor area unless the traffic impact study referenced in Section 1.E.5 below is updated to address the additional square footage for these uses.
2. The minimum required setback from State Route 161 shall be 30 feet for parking and maneuvering areas and buildings and canopies.
3. The minimum required setback for parking, maneuvering, buildings, and canopies shall be 25 feet from the eastern perimeter boundary line of this subarea. The minimum required setback for parking, maneuvering, buildings, and canopies from all other perimeter boundary lines within this subarea which are not adjacent to a public right-of-way shall be 10 feet on parcels containing medical offices, ambulatory care uses, medical services, and/or similar or related uses. Otherwise, there shall be a zero setback required from these other perimeter boundary lines for parking, maneuvering, buildings, and canopies.
4. There shall be a zero setback requirement for parking and maneuvering areas and buildings and canopies for interior property lines within this subarea.
5. 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.
6. The height district for the subject property shall be 110 feet, subject to the following:
 - a. Office, ambulatory care, medical services, and similar or related uses shall not exceed 110 feet in height; and
 - b. All uses other than specified in subsection I.D.6.a above shall be subject to the requirements of the 60-foot height district.
7. Lot coverage shall not exceed 80%. Internal sidewalks and bikeways shall not be considered as part of the lot coverage.

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

1. The minimum and maximum parking spaces to be provided for each use in this subarea shall comply with Section 3312.49 of the Columbus City Code, except that ambulatory care uses and medical service uses (but excluding medical office) shall have no limitation on the maximum number of parking spaces that are permitted.
2. Overnight parking of semi-tractor trailers, box trucks, commercial vehicles or recreational vehicles outside of loading areas shall be prohibited. Trucks located within loading areas shall not be permitted to leave engines running overnight.

3. Wheel stop devices shall not be required where a parking lot extends to a property line.
4. Vehicular access between Subarea K and Hamilton Road shall be provided via a private access drive connecting to the existing access point on Hamilton Road generally located midway between East Dublin-Granville Road and the State Route 161 Expressway, pursuant to a cross access easement between the owner(s) of Subarea K and adjacent real property to the west. Vehicular access between Subarea K and East Dublin-Granville Road also may be provided via a private access drive connecting to the existing access point on East Dublin-Granville Road generally located midway between Hamilton Road on the west and the existing overhead electric transmission line to the east and aligning with the intersection of East Dublin-Granville Road and Albany Park Drive, pursuant to a cross access easement between the owner(s) of Subarea K and adjacent real property to the south. An access drive for service vehicles shall be permitted to the east of the primary access point on East Dublin-Granville Road in a final location that is approved by the City of Columbus Department of Public Service and also pursuant to a cross access easement between the owners(s) of Subarea K and adjacent real property to the south.
5. A traffic study dated July 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 as part of Zoning Case Number Z14-044. An update to the original traffic study ~~was completed~~ **is being prepared** by Carpenter Marty Transportation, Inc. ~~dated June 28, 2018, which evaluated~~ **evaluates** the proposed subarea access points. **This traffic study will require review and approval from the City of Columbus, Department of Public Service.** This subarea shall be serviced from access points that are identified in the ~~June 28, 2018~~ **approved** traffic study update. The same traffic study shall apply to this subarea. In addition to the access points and drives detailed in the immediately preceding paragraph, this subarea may be serviced from other vehicular access points that are identified in the approved traffic study, as modified and approved previously or in the future. 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 for this subarea and/or other real property that is subject to the same from time-to-time in the future to address actual development patterns in the area if agreed upon by the owner(s) of Subarea K and the Department of Public Service.

F. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:

1. The requirements of this paragraph shall only apply to ambulatory care uses, medical service uses, and office uses (and similar or related uses and development) within Subarea K which abuts the western and/or southern boundary lines of Subarea K. For a minimum distance of 10 feet measured eastward from the western boundary line of Subarea K, and for a minimum distance of 10 feet measured northward from the southern boundary line of Subarea K, a buffer zone shall be provided to buffer development within Subarea K from development to be located on real property located to the west of and south of Subarea K. Within these areas, in addition to other landscaping materials that may be installed as permitted by City Code, trees shall be planted at a minimum rate of 1 tree per 30 linear feet. Sidewalks, leisure paths, and underground utilities shall be permitted to cross the planting area. Required trees shall consist of deciduous shade trees, ornamental trees, and/or evergreen trees. The buffer area shall be grassed, mulched, or covered with natural ground cover. Landscaping required by this paragraph may be used to satisfy headlight screening requirements if it meets those requirements.
2. A street tree row shall be established within any and all publicly dedicated rights-of-way within this subarea and along the portion of the private access drive within this subarea which provides the primary route of vehicular ingress and egress to and from Hamilton Road, each containing 1 tree for every 30-40 feet of street or access drive frontage. This requirement shall not apply to the right-of-way of the State Route 161 Expressway. The spacing and species of street trees shall be subject to the approval of the City of Columbus Forester.
3. 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.
4. The property owner or its assigns shall maintain the fencing and landscaping permitted or required in this section.
5. The owner(s) of Subarea K shall have the right to continue to drain into the existing ponds and/or creeks located on

the east side of existing Subarea 8 (as such subarea is identified in City Ordinance 1307-2012) and Subarea 5Z (as such subarea is identified in Zoning Case Number Z10-0130 and as such subareas are shown on Exhibit B) for purposes of storm water management and shall have the right to maintain, modify, and alter such ponds to allow for proper storm water management practices to be used and storm water management facilities to be utilized. This shall include the right to install such storm drainage facilities in or across existing Subarea 9-A (also as such subarea is identified in City Ordinance 1307-2012 and as such subarea is shown on Exhibit B), as may be necessary for the proper storm water management of Subarea K with the exception of the existing delineated mitigation wetland.

6. Parkland, green or open space requirements beyond what is included in this Subarea K 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.

G. BUILDING DESIGN AND 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.
2. For buildings in which office, medical office, ambulatory care, and/or medical services uses are the primary use, 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, manufactured stone, cast stone, precast concrete, metal, fiber cement siding or comparable material, EIFS, painted/pigmented CMU, wood (including synthetic wood products), and/or glass. Nothing herein shall prohibit the use of the aforementioned materials or other materials as secondary or trim materials. For buildings in which any use(s) other than office, medical office, ambulatory care, and/or medical services uses are the primary use, permitted primary exterior building materials shall be brick, brick veneer, stone, stone veneer (including manufactured stone), metal, fiber cement siding or comparable material, EIFS, painted/pigmented CMU (rear and side only), painted/pigmented precast concrete panels (rear and side only), wood (including synthetic wood products), and/or glass.
3. Any portion of a building situated within 300 feet of a public street and which is visible from such public street shall utilize materials described in Section 1.G.2 above and shall be of compatible materials, color, trim, and style as the front facade of the building.

H. DUMPSTERS, LIGHTING, OUTDOOR DISPLAY AREAS AND OTHER ENVIRONMENTAL COMMITMENTS:

1. Rear service area lighting shall be provided through the use of cut-off style down lighting with concealed light sources.
2. Direct lighting fixtures for a ground sign shall be shielded with landscaping and shall be positioned in a manner that prevents glare.
3. 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.
4. All new or relocated utility lines shall be installed underground.
5. All refuse shall be containerized. Such container and containment area shall be fully screened from view by a solid wall or fence that is compatible with the associated building's architecture and materials.
6. Lighting fixtures used to illuminate the area below a freestanding canopy shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy. However, indirect lighting may be used where a shielded source of light is beamed upward and then reflected down from the underside of the canopy.
7. An outdoor display area for convenient store / gas sales shall contain only those items normally and customarily sold by such store and such seasonal items/products including but not limited to firewood, mulch, flowers, and Christmas

wreaths. Such display area shall be located adjacent to the building and is limited to fifty (50) square feet in area with a maximum height of three (3) feet. A five foot (5') wide pedestrian travel zone shall be maintained on a store sidewalk. Self-illuminated items such as ice/soda and vending machines are not permitted outside of a structure.

8. Mechanical equipment or other utility hardware on the roof of a building shall be screened from ground level view measured at a distance of 500 feet from the building by building materials, organized unit placement on the roof, parapets or mansards compatible and consistent with the building roof or exterior. Color shall also match the building roof or exterior. Mechanical and all other equipment on the ground shall be screened from view at ground level by wall, fence, landscape material or a combination thereof to prevent the equipment from being visible 500 feet from the equipment. If a wall is used it shall match the materials on the adjacent building elevation. Whenever live plants are installed pursuant to this section, alone or in combination with other materials, the plants shall be selected to achieve the height equal to the height of the equipment, and a density not less than 75 percent opacity within three years of installation and shall comply with general landscaping standards set out in Chapter 3321 of the Columbus City Code.

I. GRAPHICS AND SIGNAGE COMMITMENTS: Subject to Section J.10 below, all signage and graphics (except for signage and graphics serving or related to ambulatory care uses, medical service uses, and/or office uses) 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.

J. 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:

1. 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).
2. 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).
3. 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).
4. Section 3312.49, Minimum Numbers of Parking Spaces Required, code required parking may occur on separate tax parcels within this subarea provided that the sum of parking in this subarea shall be used to determine compliance with core required parking for uses within separate tax parcels located within this subarea.
5. Section 3312.49, Table 2, Parking Requirements for Retail and Other Commercial Uses, to eliminate the requirement that a maximum number of parking spaces are to be provided for ambulatory care uses and medical service uses.
6. Section 3321.03, Lighting, to increase the permitted maximum height of light poles from 28 feet to 39 feet, subject to the limitations provided in this text.
7. Section 3321.11, Screening of Mechanical Systems, to define the distance (500 feet) from which rooftop mechanical equipment must be screened.
8. Section 3356.11, C-4 District Setback Lines, to reduce the setback requirements identified in that provision in accordance with this text.
9. Section 3312.45, Wheel stop device, to exempt the requirement to install wheel stops where a parking lot extends to a property line, provided that the parking lot extends across the property line.

10. Section 3372.806.E.3., General Standards for all Ground Signs, to allow the base of ground signs to be constructed of (i) brick, (ii) natural, cast, or manufactured stone, and/or (iii) similar building materials as the building(s) they serve.

K. CPD CRITERIA:

1. Existing land uses: To the north is future multi-family residential; to the east is parkland/open space; to the west is future office and commercial and existing office; and to the south is future office and/or commercial.
2. Transportation and circulation: Access to the site shall be via existing Hamilton Road and East Dublin-Granville Road.
3. Visual form of the development: The site shall be developed in accordance with the zoning text.
4. 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.
5. Proposed development: Medical, office, and commercial as permitted under this text.
6. Emissions: No adverse effects from emissions shall result from the proposed development.
7. 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 Dublin-Granville Road.

L. 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 1.05-A 1.E.5 above, by a future amendment to the approved traffic study or by subsequent engineered design plans approved by the Department of Public Services Service.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**