



## Legislation Details (With Text)

**File #:** 2134-2012      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/25/2012      **In control:** Zoning Committee  
**On agenda:** 10/22/2012      **Final action:** 10/24/2012  
**Title:** To rezone 5509 NORTH HAMILTON ROAD (43230), being 4.42± acres located on the west side North Hamilton Road, 792± feet south of Blendon Brook Lane, From: L-C-4, Limited Commercial District, To: L-C-4, Limited Commercial District. (Rezoning # Z12-034)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2134-2012attachments, 2. Notice Of Public Hearing - Council Mtg20121022

Date	Ver.	Action By	Action	Result
10/24/2012	1	CITY CLERK	Attest	
10/23/2012	1	MAYOR	Signed	
10/22/2012	1	COUNCIL PRESIDENT	Signed	
10/22/2012	1	Zoning Committee	Approved	Pass
10/15/2012	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z12-034

**APPLICANT:** The Myers Y. Cooper Company; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

**PROPOSED USE:** Pet Daycare with outside runs and boarding.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on August 9, 2012.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. Staff supports the proposed land use. Concurrent Council variance CV12-020 addresses outdoor runs and a parking variance. The applicant's attorney asserts that the developers of the future senior housing development to the west are aware of this proposal and do not object. Staff does not object to the applicant allowing additional building materials to be used or flat roofs to be employed since those limitations were established by the applicant originally, and those provisions have been varied or waived frequently in this corridor.

To rezone **5509 NORTH HAMILTON ROAD (43230)**, being 4.42± acres located on the west side North Hamilton Road, 792± feet south of Blendon Brook Lane, **From:** L-C-4, Limited Commercial District, **To:** L-C-4, Limited Commercial District. (Rezoning # Z12-034)

**WHEREAS**, application #Z12-034 is on file with the Department of Building and Zoning Services requesting rezoning of 4.42± acres from the L-C-4, Limited Commercial District, to L-C-4, Limited Commercial District; and

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

**WHEREAS**, the City Departments recommend approval of said zoning change. Staff supports the proposed land use. The applicant's attorney asserts that the developers of the future senior housing development to the west are aware of this proposal and do not object. Staff does not object to the applicant allowing additional building materials to be used or flat roofs to be employed since those limitations were established by the applicant originally, and those provisions have been varied or waived frequently in this corridor, 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:

**5509 NORTH HAMILTON ROAD (43230)**, being 4.42± acres located on the west side of North Hamilton Road, 500± feet north of Thompson Road, and being more particularly described as follows:

**ZONING DESCRIPTION OF 1.67 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Lot 17, Quarter Township 4, Township 2, Range 17, United States Military Lands and being part of the remainder of that 10.648 acre tract as conveyed to Suburban Improvement of Columbus Inc., by deed of record in Instrument Number 201010070133765 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 8813 found in the centerline of Hamilton Road, being North 03° 19' 23" East, a distance of 1586.62 feet, with said centerline, from Franklin County Geodetic Survey Monument Number 6666 found at the centerline intersection of Hamilton Road and Thompson Road;

thence North 03° 07' 54" East, with said centerline, being said easterly line, a distance of 48.43 feet, to a point;

thence North 86° 52' 06" West, across said 1.759 acre tract, a distance of 60.00 feet, to an iron pin set in the westerly right-of-way line of said Hamilton Road, being the westerly line of said 1.759 acre tract, at a common corner of the that 2.696 acre tract conveyed to ALDI, Inc. (Ohio) by deed of record in Instrument Number 200604270079332 and said 10.648 acre tract, being the TRUE POINT OF BEGINNING;

thence South 03°07'54" West, with the westerly right-of-way line of said Hamilton Road, a distance of 48.33 feet to a point;

thence South 03° 19' 23" West, with the westerly right-of-way line of said Hamilton Road, a distance of 150.11 feet to a point;

thence across said 10.648 acre tract, the following courses and distances:

North 86°41'33" West, a distance of 364.09 feet to a point;

North 04°36'27" East, a distance of 146.51 feet to a point;

South 46° 53' 13" West, a distance of 15.96 feet to a point;

North 43° 17' 09" West, a distance of 40.03 feet to a point;

North 46° 53' 18" East, a distance of 31.28 feet to a point;

South 85° 23' 33" East, a distance of 19.40 feet to a point; and

North 04° 36' 27" East, a distance of 12.70 feet to a point in the southerly line of said 2.696 acre tract;

thence South 86°52'06" East, with said southerly line, a distance of 359.50 feet to a point the TRUE POINT OF BEGINNING, and containing 1.67 acre of land more or less.

### ZONING DESCRIPTION OF 2.75 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Lot 17, Quarter Township 4, Township 2, Range 17, United States Military Lands and being part of the remainder of that 10.648 acre tract as conveyed to Suburban Improvement of Columbus Inc., by deed of record in Instrument Number 201010070133765 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 8813 found in the centerline of Hamilton Road, being North 03° 19' 23" East, a distance of 1586.62 feet, with said centerline, from Franklin County Geodetic Survey Monument Number 6666 found at the centerline intersection of Hamilton Road and Thompson Road;

thence North 03° 07' 54" East, with said centerline, being said easterly line, a distance of 48.43 feet, to a point;

thence North 86° 52' 06" West, across said 1.759 acre tract, a distance of 60.00 feet, to an iron pin set in the westerly right-of-way line of said Hamilton Road, being the westerly line of said 1.759 acre tract, at a common corner of the that 2.696 acre tract conveyed to ALDI, Inc. (Ohio) by deed of record in Instrument Number 200604270079332 and said 10.648 acre tract;

thence South 03°07'54" West, with the westerly line of said Hamilton Road, a distance of 48.33 feet to a point;

thence South 03° 19' 23" West, with the westerly line of said Hamilton Road, a distance of 150.11 feet to the TRUE POINT OF BEGINNING;

thence South 03°19'23" West, with the westerly line of said Hamilton Road, a distance of 328.90 feet to a point at the common corner of that 0.516 acre tract conveyed to City of Columbus by deed of record in Official Record 29199C20 and "Blendon Park Condominiums", of record in Condominium Plat Book 68, Pages 98-102;

thence North 85°49'30" West, with the line common to said 10.648 acre tract and "Blendon Park Condominiums", a distance of 371.38 feet to a point;

thence North 04°36'27" East, across said 10.648 acre tract, a distance of 323.36 feet to a point;

thence South 86°41'33" East, continuing across said 10.648 acre tract, a distance of 364.09 feet to a point the TRUE POINT OF BEGINNING, and containing 2.75 acre of land more or less.

**To Rezone From:** L-C-4, Limited Commercial District,

**To:** L-C-4, Limited Commercial District.

**SECTION 2.** That a Height District of Thirty-five (35) feet is hereby established on the L-C-4, Limited Commercial District on this property.

**SECTION 3.** That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said changes on the said original zoning map and shall register a copy of the approved L-C-4, Limited Commercial District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said text titled, "**LIMITATION OVERLAY TEXT**," dated June 21, 2012 signed by Jeffrey L. Brown, attorney for the applicant, and reading as follows:

**LIMITATION OVERLAY TEXT**

PROPOSED DISTRICT: L-C-4  
PROPERTY ADDRESS: 5509 Hamilton Road  
OWNER: Suburban Improvement of Columbus, Inc.  
APPLICANT: The Myers T. Cooper Company  
DATE OF TEXT: 6/21/12  
APPLICATION NUMBER: Z12-034

1. INTRODUCTION: This site was originally zoned in 1991 as part of Z90-166. In 2006 the zoning was amended to create a Subarea 4 and 4A and modify the building materials and roof requirements (Z94-120C). The western portion of Subarea 4A was rezoned in 2011 to permit housing for the elderly (Z10-024). This zoning would adjust the building materials for the remaining portion of Subarea 4A along Hamilton Road and update the development standards per changes to the code.

2. PERMITTED USES: Section 3356.03 (C-4) of the Columbus City Code with the following exceptions:

billboards  
motel

3. DEVELOPMENT STANDARDS: Unless otherwise indicated in the limitation text the applicable development standards are contained, in Chapter 3356 C-4 of the Columbus City Code.

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

1. The permitted maximum density within Subarea 4A shall not exceed the ratio of 10,000 square feet of building per acre of site for the entire Subarea.
2. The setback along Hamilton Road shall be 40 feet for parking and maneuvering areas and 60 feet for building.
3. The setback along all other public streets shall be 25 feet for parking and maneuvering areas and 50 feet for buildings.

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

1. Hamilton Road shall contain a right-of-way of 120 feet.
2. Major vehicular entries to the retail centers may contain a landscaped median subject to the review of the City's Department of Public Service.
3. Right-in, right-out curbcut along Hamilton Road shall be permitted as long as they are a minimum 200 feet, centerline to centerline from other curbcuts.
4. Any development having full access to Hamilton Road shall construct an additional, lane on Hamilton Road if required by the City's Department of Public Service. The additional lane shall run for the length of the frontage to facilitate turning onto and off of Hamilton Road.
5. Developer shall install sidewalk along the Hamilton Road frontage.

C. Buffering, Landscaping, Open space and/or Screening commitments.

1. Within the required 40 foot green, space corridor along Hamilton Road, fencing and landscaping shall be required for a minimum of 65% of the frontage within each parcel. 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 2.5 inch caliper upon installation); ornamental, trees minimum 1.5 inch caliper upon installation) and evergreen trees height 5 foot 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.

2. Street tree planting shall be required within the setback area along Hamilton Road. Such trees shall be those specified in the Columbus Street Program guidelines from the City of Columbus Forester and have a minimum, caliper upon planting of 2.5 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 as 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 Section 3.C. 1 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, as noted in Section 3.C.1.

D. Building design and/or Interior-Exterior treatment commitments.

1. In Subarea 4A pitched, flat or mansard roofs shall be permitted and all flat roofs shall be required to have a parapet.

2. In Subarea 4A a maximum of three (3) building material types shall be utilized for the exterior of any building excluding roof materials. Minor accenting of structures through the use of a fourth building material shall be permitted.

3. Mechanical equipment or other utility hardware on the roof of a building shall be screened from view by the same materials utilized on building roof or exterior. Color shall also match building exterior or roof. Mechanical or other utility equipment on the ground shall be fully screened from view by wall, fence or landscape material.

4. Building illumination shall be permitted; provided such light source is concealed. No colored light shall be used to light the exterior of any building.

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

F. Graphics and Signage commitments.

1. All signage and graphics shall conform to Article 15 of the Columbus City Graphic Code as it applies to the C-4, Commercial classification. Any variance to the sign requirements other than those sign requirements listed below shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous commitments

N/A

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