



## Legislation Details (With Text)

**File #:** 2076-2004      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/11/2004      **In control:** Zoning Committee  
**On agenda:** 12/6/2004      **Final action:** 12/9/2004  
**Title:** To rezone 4001 SOUTH HAMILTON (43125), being 2.41± acres located at the southwest corner of South Hamilton Road and Winchester Pike, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District (Z04-059).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2076-2004 CPD plan.pdf, 2. ORD2076-2004 Staff Rpt.pdf, 3. ORD2076-2004 zone.pdf, 4. ORD2076-2004 gis.pdf, 5. ORD2076-2004 Disclosure.pdf, 6. ORD2076-2004 labels.pdf, 7. Z04-059 Data Form.pdf

Date	Ver.	Action By	Action	Result
12/9/2004	1	CITY CLERK	Attest	
12/7/2004	1	MAYOR	Signed	
12/6/2004	1	Zoning Committee	Approved	Pass
12/6/2004	1	COUNCIL PRESIDENT	Signed	
11/29/2004	1	Columbus City Council	Read for the First Time	
11/22/2004	1	Dev Zoning Drafter	Sent for Approval	
11/22/2004	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/22/2004	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
11/19/2004	1	Dev Zoning Reviewer	Reviewed and Approved	
11/12/2004	1	Dev Zoning Drafter	Sent for Approval	

**REZONING APPLICATION:** Z04-059

**APPLICANT:** Plaza-GRB-Hamilton Road LLC; c/o Jackson B. Reynolds, III, Atty.; Smith and Hale; 37 East Broad Street, Suite 725; Columbus, Ohio 43215.

**PROPOSED USE:** Convenience store, carwash and fuel sales.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on September 9, 2004.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant's request for the CPD, Commercial Planned Development District to develop a convenience store with a carwash and fuel sales is consistent with surrounding zoning and development patterns. The CPD text includes use restrictions and development standards that are consistent with the L-C-4, Limited Commercial District located directly south and west of this site. The right-in / right-out curb cut shown on the CPD site plan was designed in consultation with the Transportation Division.

To rezone **4001 SOUTH HAMILTON (43125)**, being 2.41± acres located at the southwest corner of South Hamilton Road and Winchester Pike, **From:** L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development District (Z04-059).

**WHEREAS**, application #Z04-059 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.41± acres, from L-C-4, Limited Commercial District, to CPD, Commercial Planned Development District; and

**WHEREAS**, the Development Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the proposed CPD, Commercial Planned Development District to develop a convenience store with fuel sales and a carwash is consistent with surrounding zoning and development patterns. The CPD text includes use restrictions and development standards are consistent with the L-C-4, Limited Commercial District located directly south and west of this site. The right-in / right-out curb cut shown on the CPD site plan was designed in consultation with the Transportation Division, 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:

To rezone **4001 SOUTH HAMILTON (43125)**, being 2.41± acres located at the southwest corner of South Hamilton Road and Winchester Pike, and being more particularly described as follows:

**ZONING LEGAL DESCRIPTION FOR 2.41± ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 9, Township 11, Range 21, Congress Lands and being part of that 35.586 acre tract conveyed to Plaza GRB Hamilton Road, LLC of record in Instrument Number 200401210014620 (all references refer to the records of the Recorder's Office, Franklin County, Ohio unless noted otherwise) and described as follows:

Beginning, for reference, at mag nail set marking the intersection of Hamilton Road, as shown on plan FRA-317-0J9(B) and on file with the Ohio Department of Transportation, with the old centerline of State Route 33, as shown on plan S.H. 49-SEC. F, E-1, D-1 D-2 and on file with the Ohio Department of Transportation, being Station 38+39.19 for said Hamilton Road;

thence south 04° 04' 40 " West, with the centerline of said Hamilton Road, a distance of 120.55 feet;

thence North 85° 45' 20" West, leaving said centerline, a distance of 100.03 feet to the intersection of the westerly right-of-way line for said Hamilton Road with the southerly right-of-way line for Winchester Pike, as shown on Plan S.H.-49 SEC. -D(1)pt. and on file with the Ohio Department of Transportation, the True Point of Beginning;

thence with said westerly right-of-way line, the following courses:

South 03° 34' 34" East, a distance of 220.70 feet to a point,

South 04° 14' 40" West, a distance of 102.76 feet to a point,

thence across said 35.586 acre tract, the following courses:

North 85° 10' 23" West, a distance of 306.22 feet to a point;

North 04° 49' 37" East, a distance of 395.91 feet to a point in the southerly right-of-way line of said Winchester Pike;

thence South 70° 19' 02" East, with said southerly right-of-way line a distance of 150.60 feet to a point of curvature;

thence continuing with said southerly right-of-way line with the arc of said curve to the right, having a central angle of 02° 02' 03" and a radius of 3729.72 feet, an arc length of 132.42 feet, a chord bearing and cord distance of South 69° 18' 00" East, 132.42 feet to the True Point of Beginning and containing 2.41 acres, more or less.

EVANS MECHWART, HABLETON AND TILTON, INC.

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

**To:** CPD, Commercial Planned Development District.

**SECTION 2.** That a Height District of Thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development 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 CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plan being titled "**ZONING EXHIBIT**," and CPD text titled, **COMMERCIAL PLANNED DISTRICT TEXT**," both dated and signed November 1, 2004 by Jackson B. Reynolds, III, attorney for the applicant, , and the text reading as follows:

**COMMERCIAL PLANNED DISTRICT TEXT**

**PROPOSED DISTRICT: CPD - Commercial Planned District**

**PROPERTY ADDRESS: 4001 South Hamilton Road**

**OWNER: Plaza - GRB - Hamilton Road LLC**

**APPLICANT: Plaza - GRB - Hamilton Road, LLC**

**DATE OF TEXT: 11/01/04**

**APPLICATION NUMBER: Z04-059**

**1. INTRODUCTION:** The site consists of approximately 2.41± acres of a 35.59 ± acre tract that was zoned L-C-4 under Z03-009 in 2003. This rezoning is to provide for one out parcel within the 2.41± acre site to be used for gasoline sales, convenience store and a carwash.

**2. PERMITTED USES:** The area included in this CPD district consists of 2.41± acres and shall allow gasoline sales and carwashes and all C-4 uses permitted under Section 3356 of the Columbus Zoning Code, except as provided herein after.

The following shall not be permitted on the Property: testing or experimental laboratory, electric sub-station, motor bus terminal, new and used automobile sales, newspaper printing, auctioneer's auditorium, drive-in theater, funeral home, massage parlor, outdoor amphitheater, pawn shop, ice and other skating rinks, storage garage, armory, and billboards.

**3. DEVELOPMENT STANDARDS:**

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

1. The building setback for South Hamilton Road and Winchester Pike shall be fifty (50) feet.
2. The parking setback for South Hamilton Road and Winchester Pike shall be twenty-five (25) feet.

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

1. There shall be one right-in / right-out curb cut on South Hamilton Road for the 2.41± acre site. This curb cut is subject to review and approval by the Transportation Division. No curb cuts shall be provided to Winchester Pike for this parcel.
2. A traffic signal has previously been installed at the full service curb cut from the Property onto Hamilton Road. The warrants for said signal were met prior to the development of the Property. Applicant and all assigns will pay on an on-going basis, twenty-five percent (25%) of the maintenance costs relative to said signal, and Applicant and all assigns shall pay one hundred percent (100%) of the costs incurred to install new control cabinets on the west side of Hamilton Road, to accommodate signalization changes

necessitated by the development of the Property.

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

1. Street trees shall be planted evenly spaced along Hamilton Road and Winchester Pike at a ratio of not less than one tree per thirty-five (35) feet of frontage.
2. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.
3. All landscaping shall meet the following minimum size at the time of planting: Shade trees - 2.5" caliper; Ornamental trees - 1.5" caliper; Evergreen trees - 5 feet in height; and shrubs - 2 gallon. Tree caliper is measured six inches (6") from the ground.

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

1. Rooftop Mechanicals Screening. 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. Building Height. Buildings constructed on the Property shall not exceed thirty-five feet (35') in height as measured from finished grade at the base of the building, excluding parapets or other roof or wall extensions; the purpose of which are to add architectural detail or screening of rooftop mechanical equipment.
3. Sidewalks. Applicant agrees to construct sidewalks along Winchester Pike and South Hamilton Road frontage.
4. Building Materials. Buildings shall be constructed of a combination of glass, brick, synthetic stucco, and standing seam roofs. Awnings at entries are permitted.

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

1. Light standards shall not exceed twenty-five feet (25') in height.
2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
3. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type and color to insure aesthetic compatibility.
4. Building-mounted area lighting within the parcel shall utilize fully shielded cutoff style fixtures and be designed in such a way to minimize any off-site light spillage.
5. Any new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.
6. Any outdoor display is subject to the following standards:
  - a. Outdoor displays shall only be permitted on a sidewalk area if that sidewalk has a minimum depth of nine (9) feet. At least five feet of said sidewalk shall remain free of display materials to permit pedestrian transit. Outdoor displays measuring four (4) feet by four (4) feet are also permitted at the ends of fuel pump islands. Display areas at the end of fuel islands must be shown on the approved zoning clearance plan.
  - b. The maximum height for any outside storage area shall be three feet.
  - c. The outdoor display area shall contain only those items normally and customarily sold by a convenience store and other seasonal items and products, including but not limited to, firewood, mulch, flowers, Christmas wreaths.
7. Dumpsters shall be screened from view on all four (4) sides to a height of six (6) feet, or the height of the dumpster, whichever is greater.

**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, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**G. CPD Criteria**

1. NATURAL ENVIRONMENT: The site is currently vacant.
2. EXISTING LAND USES: The site is surrounded by undeveloped property zoned L-C-4 to the north and south, an abandoned gas station to the west, C-5 to the northeast and CPD to the east, both developed as convenience stores with gas sales.
3. TRANSPORTATION AND CIRCULATION: Access points shall remain the same as they are located on the site with the addition of one right-in/right-out curb cut on Hamilton Road to serve the 2.41 acre site as approved by the City Transportation Department.
4. VISUAL FORM OF THE ENVIRONMENT: The design of the buildings for this site have not been submitted.
5. VIEW AND VISIBILITY: In the development of the subject property and in the location of the buildings and access points, consideration will be given to the visibility and safety of the motorist and pedestrian.
6. PROPOSED DEVELOPMENT: Convenience store with gas and a car wash.
7. EMISSIONS: No adverse affects from emissions shall result from the proposed development.
8. BEHAVIOR PATTERNS: The proposed development should not change the behavior patterns other than to attract customers to purchase gasoline, convenient store products or get their cars cleaned.

**H. Variances**

N./A.

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