



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 2578-2016, **Version:** 1

Rezoning Application Z16-038

APPLICANT: Hamilton Crossing, LLC; c/o Charlie Fraas, Agent; 250 Civic Center Drive, Suite 500; Columbus, OH 43215; and Aaron L. Underhill, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on September 8, 2016.

CITY DEPARTMENTS' RECOMMENDATION: The site is currently undeveloped and zoned in the CPD, Commercial Planned Development District (northern portion of Subarea 6 of Z05-054). The applicant proposes the CPD, Commercial Planned Development District to revise the current development text to alter site density, setback, and height requirements in order to provide a uniform development that is consistent with nearby properties that were recently rezoned. The development text allows uses permitted in the C-4, Commercial District with several restrictions. The text includes provisions for height limits, setback requirements and development standards that provide compatibility with adjacent properties. Variances for reduced setbacks, to allow parking lots to be divided by parcel lines, and for increased light pole height 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 **5980 NORTH HAMILTON ROAD (43081)**, being 26.2± acres located at the southeast corner of North Hamilton Road and State Route 161, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z16-038).

WHEREAS, application No. Z16-038 is on file with the Department of Building and Zoning Services requesting rezoning of 26.2± 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 zoning classification would revise the existing development texts to update site density, setback, and height requirements which will result in a uniform development; 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:

5980 NORTH HAMILTON ROAD (43081), being 26.2± acres located at the southeast corner of North Hamilton Road

and State Route 161, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, and being all of that 26.195 acre tract conveyed Hamilton Crossing LLC by deeds of record in Instrument Numbers 201510300154503 and 201602110017560 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Dublin-Granville Road and Hamilton Road;

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;

Thence North 80° 01' 45" East, across said Hamilton Road, a distance of 105.23 feet to a point in the easterly right-of-way line of said Hamilton Road, the TRUE POINT OF BEGINNING;

Thence North 12° 10' 08" West, with said right-of-way line, the westerly line of said 26.195 acre tract, a distance of 221.84 feet to a point, being the intersection of said right-of-way line and the southerly limited access right-of-way line of State Route 161;

Thence with said southerly limited access right-of-way line, the southerly line of said 26.195 acre tract, the following courses and distances:

North 15° 25' 07" West, a distance of 521.88 feet to a point;

North 47° 10' 55" East, a distance of 499.66 feet to a point;

North 34° 52' 30" East, a distance of 447.02 feet to a point;

North 60° 52' 48" East, a distance of 501.29 feet to a point; and

North 61° 51' 28" East, a distance of 231.94 feet to a point at the northeasterly corner of said 26.195 acre tract;

Thence with the easterly line of said 26.195 acre tract, the following courses and distances:

South 28° 08' 32" East, a distance of 294.60 feet to a point;

South 06° 54' 39" East, a distance of 308.26 feet to a point of curvature;

with the arc of a curve to the left, having a central angle of 31° 56' 02", a radius of 199.00 feet, an arc length of 110.91 feet, a chord bearing of South 22° 52' 40" East and chord distance of 109.48 feet to a point of reverse curvature; and

with the arc of a curve to the right, having a central angle of 13° 43' 54", a radius of 201.00 feet, an arc length of 48.17 feet, a chord bearing of South 31° 58' 44" East and chord distance of 48.06 feet to a point at a southeasterly corner of said 26.195 acre tract;

Thence with the southerly line of said 26.195 acre tract, the following courses and distances:

South 83° 05' 21" West, a distance of 152.94 feet to a point;

South 06° 54' 39" East, a distance of 69.92 feet to a point;

South 83° 05' 21" West, a distance of 221.11 feet to a point;

North 06° 54' 39" West, a distance of 153.25 feet to a point;

South 83° 05' 21" West, a distance of 99.43 feet to a point;

North 06° 54' 39" West, a distance of 12.00 feet to a point;

North 41° 13' 05" West, a distance of 57.93 feet to a point;

South 48° 46' 55" West, a distance of 465.35 feet to a point on the arc of a curve;

with the arc of a curve to the right, having a central angle of 90° 39' 21", a radius of 29.00 feet, an arc length of 45.89 feet, a chord bearing of South 85° 53' 24" East and chord distance of 41.25 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of 33° 39' 04", a radius of 69.00 feet, an arc length of 40.53 feet, a chord bearing of South 23° 44' 11" East and chord distance of 39.95 feet to a point of tangency;

South 06° 54' 39" East, a distance of 712.44 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 90° 00' 00", a radius of 34.00 feet, an arc length of 53.41 feet, a chord bearing of South 38° 05' 21" West and chord distance of 48.08 feet to a point of tangency;

South 83° 05' 21" West, a distance of 200.00 feet to a point;

South 85° 52' 34" West, a distance of 98.82 feet to a point;

South 80° 54' 07" West, a distance of 220.34 feet to a point;

North 12° 10' 08" West, a distance of 12.02 feet to a point; and

South 80° 54' 07" West, a distance of 50.07 feet to the TRUE POINT OF BEGINNING, containing 26.20 acres, more or less.

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 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, "**EXHIBIT A HAMILTON QUARTER - SUBAREA G1,**" "**EXHIBIT B VISIBILITY PRESERVATION AREA,**" "**EXHIBIT C 4 RAIL FENCE,**" and "**EXHIBIT D PAGES 1 & 2,**" and text titled, "**DEVELOPMENT TEXT,**" all signed by Charles Fraas, Agent for the Applicant, and dated October 6, 2016, and the text reading as follows:

DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD
PROPERTY ADDRESS: 5980 N. Hamilton Road
OWNER: Hamilton Crossing LLC
APPLICANT: Hamilton Crossing LLC
DATE OF TEXT: October 6, 2016
APPLICATION NUMBER: Z16-038

INTRODUCTION: The purpose of this rezoning is to update the development standards that apply to certain real property that is located to the southeast of the State Route 161/Hamilton Road interchange to ensure that they are consistent with the standards for nearby property that was recently rezoned in City Ordinance 1758-2015 (Zoning Case Number Z14-044). This rezoning does not propose any changes in permitted uses on the subject property.

The real property that is the subject of this text consists of 26.20+/- acres. It is located to the east of and adjacent to Hamilton Road, to the south of and adjacent to the State Route 161 Expressway, and to the north of and adjacent to Franklin County Auditor Parcel Number 010-285960 (to be referred to herein as the “Adjacent Property”). Prior to the effective date of the approval of this rezoning the aforementioned property was part of Subarea 6 as identified in Zoning Case No. Z05-054. Upon approval of this rezoning, the property that is subject to this text will be known as Subarea G1.

1. SUBAREA G1: CPD

A. LOCATION: Subarea G1 contains 26.20+/- acres and is located to the east of and adjacent to Hamilton Road, to the south of and adjacent to the State Route 161 Expressway, and to the north of and adjacent to the Adjacent Property (as such term is defined above). The CPD plan for this subarea is attached hereto as **Exhibit A**.

B. PERMITTED USES: Permitted uses for Subarea G1 are contained in Sections 3356.02 (C-4, Commercial) and 3357.01 (C-5, Commercial) of the Columbus City Code unless otherwise indicated within this text. The following uses shall not be permitted in this subarea:

1. Billboards
2. Cabaret
3. 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.
4. Dance hall
5. Funeral parlor
6. Motor bus terminal (but transit oriented developments and/or park-and-ride stations are permitted)
7. Motion picture theater
8. Nightclub
9. Pawn shop
10. Poolroom
11. Private club
12. Testing or experimental laboratory
13. 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 gross square feet of building per net acre of the subarea except that office development shall not exceed the ratio of 18,000 gross square feet of building per net acre of the subarea. Net acreage shall be the gross acreage of the property less public right-of-way.
2. Setback from Hamilton Road shall be 20 feet for parking and maneuvering areas and buildings and canopies.
3. Setbacks from State Route 161 shall be 40 feet for parking and maneuvering areas and 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 and along the shared boundary line between this Subarea G1 and the Adjacent Property (as such term is defined above).
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 60 feet. Notwithstanding the foregoing sentences, no building shall exceed a height of twenty-five feet (25') in the Visibility Preservation Area shown on **Exhibit B**.
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. 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.
2. Vehicular access between Subarea G1 and Hamilton Road shall be provided via the access point on the west side of the Adjacent Property (as defined above) pursuant to a cross access easement between the owners of Subarea G1 and the Adjacent Property. Subarea G1 shall not be entitled to another vehicular access point on Hamilton Road.
3. 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. The same traffic study shall apply to this subarea. This subarea shall be serviced from vehicular access points that are identified in the approved traffic study. 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 from time-to-time in the future to address actual development patterns in the area if agreed upon by both the developer and the Department of Public Service.
4. No more than two rows of parking with one (two-way) drive aisle between them shall be permitted between the right-of-way for Hamilton Road and buildings located on any outparcel within the subarea that is under two acres in size with frontage on Hamilton Road.

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

1. Landscaping within the required building setback along Hamilton Road shall contain one or more of the following: a minimum 3-foot high shrubbery screen, deciduous trees, evergreen trees, shrubbery, decorative walls, decorative fencing, and/or other landscaping features. Landscaping within these areas shall be adequate to meet the screening requirements of City Code Section 3312.21, where applicable.
2. A street tree row shall be established within all publicly dedicated rights-of-way containing 1 tree for every 30-40 feet of street frontage. The spacing and species of street trees shall be subject to the approval of the City of Columbus Forester. Minimum street tree size at installation shall be 2 ½ caliper inches.
3. Deciduous trees shall be planted along both sides of any internal private access road that serves outparcels in this subarea, at a rate that is not less than 1 tree per 50 feet of access road.
4. 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.
5. The property owner or its assigns shall maintain the fencing and landscaping permitted or required in this section.
6. All parking spaces which are 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, fence, or wall. The requirements of this paragraph may be included as part of the landscaping treatment required within the parking setback described in this subarea text so long as the total number of trees planted and the height of the screening meet the requirements of these two sections.
7. The owner(s) of Subareas G1 shall have the right to continue to drain into the existing ponds and/or creeks located on the east side of Subarea 8 (as such subarea is identified in City Ordinance 1307-2012) 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 Subarea 9-A (also as such subarea is identified in City Ordinance 1307-2012) as may be necessary for the proper storm water management of Subareas G1 and 8 with the exception of the existing delineated mitigation wetland. The owner(s) of Subareas G1 and/or 8 shall retain ownership and maintenance responsibilities of the ponds located in Subarea 8.
8. At the time of development in Subarea G1, the developer shall install (if such installation has not already occurred) a four board fence, as shown in **Exhibit C**, along the west side of Albany Park Drive, and along the south side of the East Dublin-Granville Road frontage in front of the single family homes in the Albany Park subdivision (if the necessary permission is given by the Albany Park Homeowners Association in a timely manner). In addition to the fence the developer shall install along the above referenced street frontages one (1) street tree per thirty (30) feet of frontage if the necessary permission is given by the Albany Park Homeowners Association in a timely manner. Any existing trees along East Dublin-Granville Road shall count towards meeting these landscape requirements for that frontage area.
9. Automobile body shops shall screen all cars to be repaired within a building or behind a six foot (6') high solid wall or fence.
10. Parkland, green or open space requirements beyond what is included in this Subarea G1 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/OR 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.1 and shall be coordinated between the various uses and proposed building types. However, these standards shall not apply to buildings in which the primary use is office. For purposes of the immediately preceding sentence, the primary use of a building shall be determined based on the anticipated uses that are to be contained within the building at the time a building permit is issued, which shall be deemed to be office if no more than 20% of the total gross square footage of the building is to contain uses other than office uses. Examples of the intent with respect to the quality of architectural design intent for buildings (other than office) in this subarea are attached to this text as **Exhibit D**.

2. 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, metal, fiber cement siding or comparable material, wood, and/or glass. Nothing herein shall prohibit the use of the aforementioned materials or other materials as secondary or trim materials.

3. Any side of a building which is visible from a public street, right-of-way, or green shall have a finished appearance and shall be of compatible materials, color, trim, and style as the front facade of the building.

4. In addition to other permitted locations, outdoor seating for restaurants shall be permitted between the front facades of buildings and the right-of-way for Hamilton Road.

5. Drive-thrus and pick-up windows shall be prohibited along the front facades of buildings on outparcels with frontage on Hamilton Road.

H. DUMPSTERS, LIGHTING, OUTDOOR DISPLAY AREAS AND/OR 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. The screening of mechanical equipment or other utility hardware on the roof of a building shall be of building

materials, parapets or mansards compatible and consistent with the building roof or exterior. Color shall also match the building roof or exterior. The screening of mechanical and all other equipment on the ground shall be a wood fence or brick wall (matching the brick on the nearest building elevation).

9. Mechanical equipment or other utility hardware on the roof of a building shall be screened from ground level by building materials, 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 fully screened from view at ground level with a wood fence or brick wall (matching the brick on the nearest building elevation) that screens the equipment.

I. GRAPHICS AND SIGNAGE COMMITMENTS: All signage and graphics 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 (Subarea G1) will be split to form separate tax parcels. In anticipation of the split, the following City of Columbus code modifications are requested:

A. 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).

B. 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).

C. 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).

D. Section 3312.49, Minimum Numbers of Parking Spaces Required, code required parking may occur on separate tax parcels within Subarea G1 provided that the sum of parking on Subarea G1 shall be used to determine compliance with core required parking for uses within separate tax parcels located within Subarea G1.

E. 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.

F. Section 3356.11, C-4 District Setback Lines, to reduce the setback requirements identified in that provision in accordance with this text.

K. CPD CRITERIA:

1. Existing land uses: To the north is future multi-family residential; to the east is future office; 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: 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.

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