



## Legislation Text

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**File #:** 2130-2016, **Version:** 1

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### **Rezoning Application Z16-028**

**APPLICANT:** Hamilton Crossing, LLC; c/o Charles 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 (5-0) on July 14, 2016.

**CITY DEPARTMENTS' RECOMMENDATION:** The site is currently undeveloped and zoned in the CPD, Commercial Planned Development District (Z14-044) and L-C-4 Limited Commercial District (Z98-029A). The applicant proposes the CPD, Commercial Planned Development District to revise the current development texts 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 **5995 NORTH HAMILTON ROAD (43081)**, being 8.43± acres located at the southwest corner of North Hamilton Road and State Route 161, From: CPD, Commercial Planned Development District, and L-C-4 Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z16-028).

**WHEREAS**, application No. Z16-028 is on file with the Department of Building and Zoning Services requesting rezoning of 8.43± acres from CPD, Commercial Planned Development District, and L-C-4 Limited Commercial 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:

**5995 NORTH HAMILTON ROAD (43081)**, being 8.43± acres located at the southwest corner of North Hamilton Road

and State Route 161, From: CPD, Commercial Planned Development District, 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, being part of that 55.460 acre tract conveyed to Hamilton Crossing, LLC by deeds of record in Instrument Number 201510300154503 and Instrument Number 201602110017560, (all references are to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

BEGINNING in the westerly right-of-way line of Hamilton Road, being a southeasterly corner of said 55.460 acre tract, the northeasterly corner of that 5.876 acre tract conveyed to 161 Hamilton, LLC by deed of record in Instrument Number 200412010273500 and in the westerly line of Parcel No. 102-WD conveyed to State of Ohio by deed of record in Instrument Number 199905240130003;

Thence with the line common to said 55.460 and 5.876 acre tracts, with the arc of a curve to the right, having a central angle of 10° 03' 52", a radius of 960.00 feet, an arc length of 168.63 feet, a chord bearing of South 88° 19' 30" West and chord distance of 168.42 feet to a point of tangency;

Thence North 86° 38' 33" West, partially with said common line and partially across said 55.460 acre tract, a distance of 849.46 feet to a point;

Thence North 50° 36' 30" East, continuing across said 55.460 acre tract, a distance of 802.71 feet to a point;

Thence North 03° 21' 27" East, continuing across said 55.460 acre tract, a distance of 96.56 feet to a point in the southerly limited access right-of-way line of State Route 161 (Relocated), being a southerly line of Parcel 13WL conveyed to State of Ohio by deed of record in Official Record 25998B20;

Thence South 66° 01' 19" East, with said limited access right-of-way line, a northerly line of said 55.460 acre tract, a distance of 282.01 feet to a point;

Thence South 16° 39' 21" East, continuing with said limited access right-of-way line, an easterly line of said 55.460 acre tract, a distance of 289.25 feet to a point at the common corner of said Parcel 13WL and Parcel No. 102-WD;

Thence South 14° 37' 15" East, with the westerly right-of-way line of said Hamilton Road, the line common to said 55.460 acre tract and said Parcel No. 102-WD, a distance of 193.21 feet to a point;

Thence South 00° 47' 00" East, continuing with said westerly right-of-way line, said common line, a distance of 71.97 feet to the POINT OF BEGINNING, containing 8.43 acres, more or less.

**To Rezone From:** CPD, Commercial Planned Development, and L-C-4 Limited Commercial Districts

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

**SECTION 2.** That a Height District of one-hundred ten (110) 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, "SUBAREA F CPD PLAN," and text titled, "DEVELOPMENT TEXT," both signed by Charles Fraas, Agent for the Applicant, and dated July 25, 2016, and the text reading as follows:

## DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD  
PROPERTY ADDRESS: 5995 N. Hamilton Rd.  
OWNER: Hamilton Crossing LLC  
APPLICANT: Hamilton Crossing LLC  
DATE OF TEXT: 7/25/16  
APPLICATION NUMBER: Z16-028

**INTRODUCTION:** The real property that is the subject of this zoning text consists of 8.43± acres (Subarea F) located to the southwest of and adjacent to the State Route 161 Expressway/Hamilton Road interchange in northeast Columbus. Most of the undeveloped real property located to the south of the Expressway, to the north of East Dublin-Granville Road, and to the west of Hamilton Road was rezoned in 2015 to allow office and mixed use commercial development. A portion of the property that is the subject of this text, consisting of 3.69± gross acres, was included in part of that zoning. The balance of the property (4.74± gross acres) that is the subject of this text was not included in that application and was previously zoned as Subarea 18E in Zoning Case Z98-029A.

This application serves to update the development standards on the subject property to accommodate hotel and commercial uses to be developed in a manner that is consistent and harmonious with the standards contained in the recent approved zoning text for the property to the west, and to allow uses to be developed and operated with square footages that meet the needs of the market, including the employment-generating office uses that are anticipated in the southwest quadrant of the State Route 161 Expressway/Hamilton Road interchange.

**1.01. LOCATION:** The property that is the subject of this text is located to the southwest of the State Route 161 Expressway interchange at Hamilton Road and is 8.43± gross acres in size.

**1.02. PERMITTED USES:** Permitted uses for the subject property are as follows:

A. Those which are contained in Section 3356.03 (C-4) of the Columbus Zoning Code. In addition, parking garages and parking structures shall be permitted in this portion of the subarea to the extent that they serve one or more uses that are permitted in this subarea of on adjacent real property.

B. Use Limitations: The following uses are prohibited within all portions of this subarea:

1. Billboards
2. Cabaret
3. Bars and nightclubs, except as accessory uses
4. Automobile and light truck dealers
5. Automobile driving training facility
6. Check cashing and loans
7. Community food pantry
8. Missions/temporary shelters
9. Pawn shop/pawn brokers
10. Recreational vehicle dealers
11. Truck, utility trailer, and RV (recreational vehicle) sales, rental and leasing
12. Automotive maintenance and repair
13. Drive-in motion picture theaters
14. Animal shelters
15. Halfway houses
16. Monopole telecommunication antennas or other free-standing towers containing communications equipment (but excluding communications equipment or antennae that are permitted on buildings per Columbus City Code).

17. Dance hall
18. Electric substation
19. Funeral parlor
20. Motor bus terminal, excepting therefrom public transit park and ride and station facilities
21. Motion picture theater
22. Poolroom
23. Private club
24. Testing or experimental laboratory

**1.03. DEVELOPMENT STANDARDS:** The applicable development standards are contained in Chapter 3356 (C-4, Commercial) of the Columbus City Code unless otherwise indicated within this text.

**1.04. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS:**

A. Density: There shall be no maximum density restriction in this zoning district except as limited by Section 1.05.A of this text.

B. Setbacks:

1. The minimum setback from the right-of-way for the State Route 161 Expressway shall be 40 feet for parking and maneuvering areas and for buildings.
2. The minimum setback from the right-of-way for Hamilton Road shall be 20 feet for parking and maneuvering areas and for buildings and canopies.
3. The minimum setback along other public streets shall be 20 feet from the right-of-way for parking and maneuvering areas and for buildings and canopies.
4. The minimum setback from the western boundary line (including the gas line) of this zoning district shall be 0 feet for parking and maneuvering areas and buildings.
5. There shall be a zero setback for interior property lines within this subarea for parking and maneuvering and buildings.
6. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to encroach no more than 5 feet into minimum required building setbacks.
7. Building setbacks shall not apply to landscape features such as, but not limited to, planters or walls 6 feet high or less or ornamental fencing which may or may not contain signage as permitted by Article 15, Graphics Code of the City of Columbus.

C. Height District: The height district for this subarea shall be 110 feet as measured per the Columbus City Code, provided, however, that buildings shall not exceed a maximum height of (i) 75 feet for hotels and (ii) 35 feet in height for retail uses except such measurements shall be made exclusive of architectural features, parapets, and roof elements.

D. Lot Coverage: For structures and paved areas lot coverage shall not exceed 80% as measured over the entire zoning district. Individual parcels may exceed this limitation so long as the lot coverage ratio does not exceed this threshold as measured across the entire zoning district. Internal sidewalks and bikeways shall not be considered as part of the lot coverage.

**1.05. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:**

A. The total number of trips generated during the AM Peak Hour and PM Peak Hour, respectively, by this zoning district shall not exceed the total number of trips generated by this area during the AM Peak Hour and PM Peak Hour, respectively, in the traffic study dated July 9, 2015 previously prepared by Carpenter Marty Transportation, Inc. on behalf of the applicant which was reviewed and approved by the City of Columbus Department of Public Service as part of Zoning Case Number Z14-044 unless such traffic study is amended and approved as noted below. This subarea shall be serviced from vehicular access points that are identified in that 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.

B. 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.

C. Pedestrian access will be provided between Subarea F and Subarea A. A sidewalk or other pedestrian trail shall be installed within (but only if permitted by the easement holder) or near to the existing gas line easement on the west side of this subarea for a distance into Subarea F that is determined at the time of final site engineering. A sidewalk or other pedestrian trail shall be installed along the north side of relocated East Dublin-Granville Road within the right-of-way as part of improvements to this public street that are anticipated as a result of the traffic impact study that relates to this text. Sidewalks shall be provided internally on each development parcel to connect buildings to sidewalks and bike paths.

**1.06. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:**

A. 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.

B. 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.

C. 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.

D. Self-illuminated items such vending machines shall not be permitted on the exterior of any structure.

E. Parkland, green or open space requirements beyond what is included in this Subarea A shall be fulfilled by the open/green space in Zoning Case 14-044 approved by the Columbus City Council in Ordinance #1758-2015.

**1.07. BUILDING DESIGN COMMITMENTS FOR RETAIL AND RELATED BUILDINGS**

A. The architectural design for buildings in this zoning district shall be consistent with the standards set forth in this Section 1.07 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 or hotel. 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 or hotel if no more than 20% of the total gross square footage of the building is to contain uses other than office uses or hotel uses respectively.

B. 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.

C. 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.

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

E. 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 a public street, including, without limitation, Hamilton Road.

**1.08. LIGHTING COMMITMENTS:**

A. Direct lighting fixtures for a ground sign shall be shielded with landscaping and shall be positioned in a manner that prevents glare.

B. The maximum height of light poles shall not exceed 39 feet in height, except that light poles on outparcels with frontage on a public street shall not exceed 18 feet in height.

C. Rear service area lighting shall be provided through the use of cut-off style downlighting with concealed light sources.

**1.09 UTILITY COMMITMENTS:** All new or relocated utility lines shall be installed underground.

**1.10 GRAPHICS AND SIGNAGE COMMITMENTS:** All signage and graphics shall conform to the requirements of the Regional Commercial Overlay found in Chapter 3372 of the Columbus City Code unless otherwise approved by the Graphics Commission.

**1.11 SITE PLAN:** The site shall be developed in conformance with the site plan that is attached hereto as Exhibit A. In the event of a conflict between the site plan and the provisions of this zoning text, the provisions of this zoning text shall control.

**1.12 MODIFICATION OF CODE STANDARDS:** It is anticipated that the property subject to this rezoning (Subarea F) 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 F provided that the sum of parking on Subarea F shall be used to determine compliance with core required parking for uses within separate tax parcels located within Subarea F.

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.

### **1.13 CPD CRITERIA:**

A. Existing land uses: To the north is the State Route 161 Expressway, green space/parkland and future multi-family residential; to the east is future commercial; to the west is future office and commercial; and to the south is office and commercial.

B. Transportation and circulation: Access to the site shall be via existing Hamilton Road on the east. Additional access to the site may be provided through public streets or private drives that are constructed in the future on the property to west of and adjacent to this site.

C. Visual form of the development: The site shall be developed in accordance with the zoning text.

D. 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.

E. Proposed development: Office and commercial as permitted under this text.

F. Emissions: No adverse effects from emissions shall result from the proposed development.

G. Behavior patterns: The proposed development would serve the motorists who use State Route 161, Hamilton Road, and East Dublin-Granville Road, and will serve anticipated office development to the west of and adjacent to this site.

### **1.14 MISCELLANEOUS COMMITMENTS:**

**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 above, by a future amendment to the approved traffic study or by subsequent engineered design plans.

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