



## Legislation Details (With Text)

**File #:** 1947-2015      **Version:** 3

**Type:** Ordinance      **Status:** Passed

**File created:** 7/8/2015      **In control:** Zoning Committee

**On agenda:** 7/27/2015      **Final action:** 7/30/2015

**Title:** To rezone 5420 NORTH HAMILTON ROAD (43230), being 3.55± acres located on the east side of North Hamilton Road, 760± feet north of Thompson Road, From: R, Rural District, To: CPD, Commercial Planned Development District and to declare an emergency (Rezoning # Z15-017).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#1947-2015.Attachments, 2. Notice Of Public Hearing - Council Mtg20150727

Date	Ver.	Action By	Action	Result
7/30/2015	3	CITY CLERK	Attest	
7/29/2015	3	MAYOR	Signed	
7/27/2015	3	COUNCIL PRESIDENT	Signed	
7/27/2015	1	Zoning Committee	Amended as submitted to the Clerk	Pass
7/27/2015	1	Zoning Committee	Amended to Emergency	Pass
7/27/2015	1	Zoning Committee	Approved as Amended	Pass
7/20/2015	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z15-017

**APPLICANT:** The Stonehenge Company, c/o Dave Perry, David Perry Company, Inc; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, Ohio 43215.

**PROPOSED USE:** Commercial development including retail fuel sales.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on June 11, 2015.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a single-unit dwelling, and is zoned in the R, Rural District as a result of a recent annexation from Plain Township. The requested CPD, Commercial Planned Development District will allow for commercial development of retail fuel sales in conjunction with two commercial strip centers. The site is located within the planning area of the *Northland Plan - Volume II* (2002), which does not contain a specific land use recommendation for the site, but does recommend that existing land use and zoning patterns be taken into consideration when decisions are made regarding zoning changes. Staff supports the proposal as the adjacent retail center will buffer the fuel sales facility from the residential uses to the east, and because appropriate use restrictions and development limitations are set forth in the CPD text. The CPD text also commits to a site plan. The proposed development is consistent with existing land use and zoning patterns, considering the site's location along a major commercial corridor.

To rezone **5420 NORTH HAMILTON ROAD (43230)**, being 3.55± acres located on the east side of North Hamilton Road, 760± feet north of Thompson Road, From: R, Rural District, To: CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z15-017).

**WHEREAS**, application #Z15-017 is on file with the Department of Building and Zoning Services requesting rezoning of 3.55± acres from R, Rural 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, which will permit limited commercial development, contains appropriate development standards in consideration of adjacent residential uses as suggested by the *Northland Plan - Volume II*; and

**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:

**5420 NORTH HAMILTON ROAD (43230)**, being 3.55± acres located on the east side of North Hamilton Road, 760± feet north of Thompson Road, and being more particularly described as follows:

#### **Legal Description**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter 3, Township 2, Range 16, United States Military Lands, and being part of that 2.000 acre (original) tract as described in a deed to Norma F. Connett, of record in Official Record 6398, Page A16 and Official Record 33175, Page J16, and part of that 1.943 acre (original) tract as described in a deed to Norma F. Connett, of record in Deed Book 2614, page 167, and Official Record 33176, Page A09, all records referenced herein being to those located in the Recorder's Office, Franklin County, Ohio, and being 3.682 acres more particularly described as follows:

Beginning at a point in the southerly line of said 2.000 acre tract, in the easterly right-of-way line of Hamilton Road, 40 feet easterly of centerline, at an angel point in the existing corporation line of the City of Columbus as established by Ordinance Number 0496-2004, of record in Instrument Number 200407190166449;

Thence in a northerly direction, a distance of approximately 284 feet, along said easterly right-of-way line and said existing corporation line, through said 2.000 acre and 1.943 acre tracts, to the northerly line of said 1.943 acre tract, the southerly line of that 1.9560 acre tract as described in a deed to Sara A. Rastegar, of record in Instrument Number 200810030148794;

Thence in an easterly direction, a distance of approximately 564 feet, leaving said corporation line, along the northerly line of said 1.943 acre tract and the southerly line of said 1.9560 acre tract, to the northeasterly corner of said 1.943 acre tract, the westerly line of that 3.0 acre tract as described in a deed to Gary L. and Pamela S. Rowe, of record in Instrument Number 200010270217905, the existing corporation line of the City of Columbus as established by Ordinance Number 1419-2009, of record in Instrument Number 201001270010240;

Thence in a southerly direction, a distance of approximately 284 feet, along the easterly lines of said 1.943 acre and 2.000 acre tracts, the westerly line of said 3.0 acre tract, and said existing corporation line to the southeasterly corner of said 2.000 acre tract, the northeasterly corner of that 1.5070 acre tract as described in a deed to WOB Properties

LLC, of record in Instrument Number 201307100115084, an angle point in said existing corporation line;

Thence in a westerly direction, a distance of approximately 563 feet along the southerly line of said 2.000 acre tract, the northerly line of said 1.5070 acre tract and the northerly line of that 1.027 acre (tax) tract as described in a deed to Telhio Credit Union Inc., of record in Instrument Number 200402260041572, the existing corporation line of the City of Columbus as established by Ordinance Number 1024-98, of record in Instrument Number 199806160148683, to the place of beginning, containing 3.55 acres of land, with 1.749 acres being in tax parcel number 220-000173 and 1.802 acres being in tax parcel 220-000605.

**To Rezone From:** R, Rural 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 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 plan being titled, “**CPD PLAN, 5420 NORTH HAMILTON ROAD,**” and text titled, “**DEVELOPMENT PLAN - COMMERCIAL PLANNED DEVELOPMENT,**” both signed by Donald Plank, Attorney for the Applicant, and David Perry, Agent for the Applicant, and dated July 2, 2015, and the text reading as follows:

**DEVELOPMENT PLAN**  
**COMMERCIAL PLANNED DEVELOPMENT**

**PROPERTY ADDRESS:** 5420 Hamilton Road, Columbus, OH 43230

**PID:** 220-000605, 220-000173 (pending annexation)

**AREA:** 3.55 +/- ac

**EXISTING ZONING:** R, Rural (pending annexation)

**PROPOSED DISTRICT:** CPD, Commercial Planned Development

**APPLICANT:** The Stonehenge Company c/o Dave Perry, David Perry Company, Inc.,  
145 E. Rich Street, FL 3, Columbus, OH 43215

and Donald Plank, Plank Law Firm, LPA,

145 E. Rich Street, FL 3, Columbus, Ohio 43215

**PROPERTT OWNER:** Norma F. Connett c/o Bob Monahan, NAI Ohio Equities,  
605 S. Front Street, Suite 200, Columbus, OH 43215

**DATE OF TEXT:** July 2, 2015

**APPLICATION NUMBER:** Z15-017

**1. INTRODUCTION:** The 3.55 +/- acre site is pending annexation to the City of Columbus and will be zoned R, Rural upon acceptance by Columbus City Council. The site is located on the east side Hamilton Road between Thompson Road and E Dublin Granville Road. Hamilton Road is presently a major arterial road in the area. The section of Hamilton Road the site is located on is scheduled for widening to four (4) lanes, as other sections of Hamilton Road have already been widened, and Hamilton Road to the north will be realigned with the SR 161 interchange. The proposed commercial uses are consistent with the commercial character of both the present and future arterial corridor and are appropriate for the site. Applicant proposes to rezone the property for retail fuel (Sub-Area A, 1.0 acres) and commercial use (Sub-Area B, 2.55 +/- acres, retail, office, restaurant uses). If the retail fuel use isn't developed, permitted uses on Sub-Area A shall be the same as Sub-Area B. The Site Plan titled “CPD Plan - 5420 North Hamilton Road”, hereafter “Site Plan”, dated July 2, 2015, is submitted as the CPD plan.

**2. PERMITTED USES:** Permitted uses, except as prohibited below, for Sub-Area A shall be fuel sales and accessory

retail sales or uses of Section 3356.03, C-4, Permitted Uses and for Sub-Area B shall be all uses of Section 3356.03, except as prohibited. The following uses shall not be permitted on Sub-area A or B: Amusement Arcade, Animal Shelter, Cabarets and Nightclubs (Bars are permitted), Check Cashing and Loans, Halfway House, Mission/Temporary Shelters and Pawn Brokers.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated on the CPD Plan, or in this written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, of the Columbus City Code.

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

- 1.The Hamilton Road building setback line shall be a minimum of 60 feet.
- 2.The Hamilton Road parking setback shall be a minimum of 40 feet.

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

1. Vehicular access shall be from a full-turning movement curbcut on Hamilton Road aligned with Blendon Place Way (private street). It is anticipated the full-turning curbcut will be signalized.
2. Driveways/maneuvering aisles shall be provided to permit future vehicular connection to adjacent parcels to the north and south across applicant's site, as depicted on the Site Plan. See also C.2. and C.3. An easement(s) for cross access shall be provided, as needed. Applicant may provide additional vehicular connections to property to the north and south, even though not illustrated on the Site Plan, crossing landscaping depicted on the Site Plan, subject to City of Columbus Site Compliance Plan approval, and permission of adjacent property owners, as may be applicable.
3. The developer shall be responsible for all costs associated with the signalization of the access point for this site forming the east leg of the intersection of North Hamilton Road & Blendon Place Drive (private street). These costs shall include, but shall not be limited to: traffic signal infrastructure, pedestrian signal heads, pedestrian pushbuttons, intersection curb ramps, signage installations and modifications, and striping installations and modifications. Subject to the approval of the Department of Public Service, the developer may request that a fee in lieu of construction be accepted for this commitment such that these improvements could be included in the planned public improvements to North Hamilton Road along the frontage of this site.
4. The property owner shall enter into a traffic control device contract with the City of Columbus for 100% of the ongoing maintenance costs associated with the proposed traffic signal at the access point for this site forming the east leg of the intersection of North Hamilton Road & Blendon Place Drive (private street).
5. If redevelopment occurs on the parcel (5454 N Hamilton Road, PID: 220-001077) immediately to the north of the subject site, the property owner of the subject site shall permit the property owner of the parcel immediately to the north of the subject site to remove the landscaping at the northwest corner of the site in the area of the "Future Vehicular Connection" to permit cross access between the subject site and the parcel immediately to the north of the subject site and permit the property owner of the parcel immediately to the north of the subject site to access the proposed traffic signal at the access point for the subject site.

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

- 1.Street tree planting within the 40 foot parking setback shall be provided at the rate 1 tree per 50 lineal feet of frontage.
- 2.Perimeter landscaping/screening shall be provided as depicted on the Site Plan, including screening of the concrete surface of the underground fuel tank area in Sub-Area A, subject to Section B.2, if additional north/south vehicular connections are proposed. Screening along the north property line shall consist of a six (6) foot wood fence, as depicted

on the Site Plan, and three (3) foot plant material interior of the fence, as long as the abutting parcel (5454 N Hamilton Road, PID: 220-001077) to the north is used as a single family dwelling. Screening along the east property line shall consist of a five (5) foot high screen fence and three (3) foot tall shrubbery, as illustrated. Screening along the south property line shall consist of three (3) foot tall plant material. **The six (6) foot fence along the north property line of Sub-area B shall be installed within thirty (30) days of the completion of the rough site grading. The six (6) foot fence shall be placed along the entire north property line from the northeast corner of the property to the northwest corner of the property. The Site Plan depicts the six (6) foot fence terminating 40 feet from the Hamilton Road right of way. This amendment supersedes and replaces the required location of the six (6) foot fence indicated on the Site Plan by eliminating the 40 foot fence setback and requiring the fence to be extended to the northwest corner of the property.**

3. The north five (5) feet of the north “future vehicular connection”, as depicted on the Site Plan, shall be landscaped with three (3) foot tall plant material and shall include a six (6) foot wood fence, as depicted on the Site Plan. The landscaping and fence at the north “future vehicular connection” shall remain, and no paving shall be placed less than five (5) feet from the north property line, until one of the following occurs: a) the abutting property owner requests vehicular access, b). the abutting property (5454 N Hamilton Road, PID: 220-001077) is not used as a single family dwelling.

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

1. The exterior elevation of the fuel canopy columns and attendants kiosk shall be brick veneer, other than window and door areas.
2. The exterior elevation of all buildings, other than an attendants kiosk (D.1), shall be brick veneer with stone and stucco accents, other than window and door areas.
3. The fuel canopy height shall be restricted to a maximum of twenty (20) feet in height, with a minimum of 14 feet clear from grade to underside of canopy.

#### **E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.**

Outside display of merchandise shall be limited to a four (4') foot wide area around the attendant's kiosk and six (6') wide area in front of the attendant's kiosk and not projecting beyond the fuel canopy.

#### **F. Graphics and Signage commitments.**

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4, Commercial District, except ground sign(s) shall be monument-style. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration. No off-premise graphics shall be permitted on this site.

#### **G. Other CPD Requirements.**

1. Natural Environment: The site is located on Hamilton Road, north of Thompson Road and opposite Blendon Place Way (private street) on the west side of Hamilton Road. The site is developed with a house, which will be razed.
2. Existing Land Use: The site is developed with a house, which will be razed in conjunction with development of the property.
3. Circulation: Vehicular access shall be via a full-turning movement curbcut on Hamilton Road, aligned with Blendon Place Way, and by internal connection with the property to the south, as depicted on the Site Plan.
4. Visual Form of the Environment: Hamilton Road is an arterial right of way. There is extensive development in all directions.

5. Visibility: The site is visible from Hamilton Road.

6. Existing and Proposed Development: Commercial development to include retail gas station or C-4 uses (Sub-Area A) and C-4 uses (Sub-Area B).

7. Behavior Patterns: Behavior patterns are illustrated on the Site Plan.

8. Emissions: Development does and will conform to City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

#### **H. Modification of Code Standards.**

It is anticipated Sub-Area A and Sub-area B will be split to form separate tax parcels. In anticipation of the split, the following code modifications are requested:

1. 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. 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. 3312.25, Maneuvering, to permit maneuvering areas to be divided by property lines, subject to applicable total code required maneuvering being provided for parking spaces and applicable easement(s).

4. 3312.49, Minimum Numbers of Parking Spaces Required, if Sub-Area A is not developed with a retail fuel use and Sub-Area A and B are separate tax parcels, code required parking may occur on Sub-Area A or B and the sum of parking on Sub-Areas A and B shall be used to determine compliance with code required parking for uses on Sub-Areas A and B. Applicable easements for parking shall be provided.

5. 3312.53, Minimum Number of Loading Spaces Required, to not provide a loading space(s).

#### **I. Miscellaneous commitments.**

1. The site shall be developed in accordance with the submitted Site Plan titled "CPD Plan, 5240 Hamilton Road" dated and signed July 2, 2015 by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, except, if Sub-Area A is not developed with a retail gasoline station, Sub-Area A may be developed with a free-standing building using the same exterior materials as required for Sub-Area B. Two (2) pickup windows are depicted in Sub-Area B to illustrate possible location of pickup windows, but pickup window(s) shall not be required. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

2. Patio(s) for restaurant uses aren't illustrated on the Site Plan, but shall be permitted, including using non-required parking spaces or as may be approved by variance by the Board of Zoning Adjustment (BZA). There shall be no live entertainment or sound amplification on a patio(s).

3. Applicant shall pay the applicable Parkland Dedication Ordinance (PDO) fee prior to issuance of an approved Site Compliance Plan.

**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.**