



## Legislation Details (With Text)

**File #:** 1071-2019      **Version:** 1

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

**File created:** 4/10/2019      **In control:** Zoning Committee

**On agenda:** 5/6/2019      **Final action:** 5/9/2019

**Title:** To amend Ordinance #1252-2004, passed July 26, 2004 (Z90-166B), and Ordinance #1302-91, passed June 17, 1991 (Z90-166), for property located at 5150 & 5160 NORTH HAMILTON ROAD (43230), by repealing Section 3 of Ordinance #1252-2004 and replacing it with a new Section 3 thereby modifying the CPD Text for Subarea 14A as it pertains to parking and landscaping setbacks; and to modify Section 15 of Ordinance #1302-91 to revise legal descriptions for these specific properties (Rezoning Amendment # Z90-166E).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD1071-2019\_L-C-4\_TEXT\_AMENDED, 2. ORD1071-2019\_Attachments

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 5/9/2019  | 1    | CITY CLERK            | Attest                  |        |
| 5/8/2019  | 1    | MAYOR                 | Signed                  |        |
| 5/6/2019  | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 5/6/2019  | 1    | Zoning Committee      | Approved                | Pass   |
| 4/29/2019 | 1    | Columbus City Council | Read for the First Time |        |

### Rezoning Amendment: Z90-166E

Ordinance #1302-91, passed June 17, 1991 (Z90-166), known as 5800 North Hamilton Road, rezoned 1,691.37± acres to various limited residential, commercial, and manufacturing districts. That rezoning established 42 separate subareas each having specific use prohibitions and development standards including building design, height, setbacks, landscaping, lighting, access, and graphics restrictions. Ordinance #1252-2004, passed July 26, 2004 (Z90-166B), modified the roof pitch requirements for Subarea 14A, and three other previous or subsequent amendments have been approved for similar modifications to other subareas subject to Z90-166. The properties subject to this amendment are part of Subarea 14A along the east side of North Hamilton Road, and are developed with a bank and an automobile service facility. This arterial is in the process of being widened which has necessitated the acquisition of additional right-of-way. The right-of-way acquisitions are compromising existing setbacks thereby creating noncompliant situations. This ordinance amends the setback restrictions for Subarea 14A in the limitation overlay text established originally by Ordinance #1302-91 (Z90-166) and subsequently by Ordinance #1252-2004 (Z90-166B) specifically for these two properties. This amendment makes no other changes to Ordinance #1252-2004 or subsequent amendments to Ordinance #1302-91.

### CITY DEPARTMENTS' RECOMMENDATION: Approval.

To amend Ordinance #1252-2004, passed July 26, 2004 (Z90-166B), and Ordinance #1302-91, passed June 17, 1991 (Z90-166), for property located at **5150 & 5160 NORTH HAMILTON ROAD (43230)**, by repealing Section 3 of Ordinance #1252-2004 and replacing it with a new Section 3 thereby modifying the CPD Text for Subarea 14A as it pertains to parking and landscaping setbacks; and to modify Section 15 of Ordinance #1302-91 to revise legal

descriptions for these specific properties (Rezoning Amendment # Z90-166E).

**WHEREAS**, Ordinance #1252-2004-2005, passed July 26, 2004 (Z90-166B), amended the roof pitch requirements in Subarea 14A that was subject to Ordinance #1302-9, passed June 17, 1991 (Z90-166); a rezoning of 1,691.37± acres located at 5800 North Hamilton Road to various limited residential, commercial, and manufacturing districts; and

**WHEREAS**, that rezoning and subsequent amendments established specific development standards addressing permitted uses, setbacks, access, parking, landscaping, building design, and lighting commitments; and

**WHEREAS**, it is necessary to modify the Subarea 14A Limitation Text on these properties to account for right-of-way acquisitions that are compromising existing setbacks thereby creating noncompliant situations, and;

**WHEREAS**, it is necessary to amend Section 15 of Ordinance #1302-91, passed June 17, 1991 (Z90-166), to revise legal descriptions in Section 1 of this ordinance for the properties that are subject to this amendment; and

**WHEREAS**, Section 16 of Ordinance #1302-91, passed June 17, 1991 (Z90-166), established a height district of sixty feet on the subject site, and that section is being carried over as Section 2 in this ordinance for clarity purposes; and

**WHEREAS**, it is necessary to amend Section 3 of Ordinance #1252-2004, passed July 26, 2004 (Z90-166B) (Section 19 of Ordinance #1302-91), to modify the parking and landscaping setback commitments in Section 3 of this ordinance; and

**WHEREAS**, all other aspects contained in Ordinance #1302-91 (Z90-166), except as subsequently amended, are unaffected by this amendment and remain in effect; and

**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 #0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**5150 & 5160 NORTH HAMILTON ROAD (43230)**, being 2.44± acres located on the east side of North Hamilton Road, 1055± feet north of Chestnut Hill Drive, and being more particularly described as follows:

**Parcel I**

**5150 N. Hamilton Road, Columbus, Ohio 43230**

**Franklin County Auditor Tax Parcel Id. No. 545-254328-00**

**1.325 Acre Tract**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 3, Township 2, Range 16, United States Military Lands and being part of the 20.634 acre tract conveyed to Thomas H. Lurie, by deed of record in Deed Book 3707, Page 746, all references being to records in the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning for reference at Franklin County Monument No. FCGS 6671, located at the intersection of the centerline of Hamilton Road with the centerline of Broadview Road;

thence North 3° 28' 28" East, along said centerline of Hamilton Road, a distance of 371.96 feet to a point;

thence South 86° 31' 32" East, crossing Hamilton Road, a distance of 60.00 feet to an iron pin found in the easterly right-of-way line of Hamilton Road at the TRUE POINT OF BEGINNING, being the southwesterly corner of the tract herein intended to be described and being a corner of said Thomas H. Lurie 20.634 acre tract;

thence North 3° 28' 28" East, along the easterly right-of-way line of Hamilton Road, being 60 feet easterly, as measured

at right angles and parallel with the centerline of Hamilton Road, a distance of 242.75 feet to an iron pin at a corner of the Meijer, Inc. 36.385 acre tract, of record in Official Record 23494H05;

thence South 86° 31' 32" East, along a southerly line of said Meijer, Inc. 36.385 acre tract, a distance of 247.59 feet to an iron pin at a point of curvature of a curve to the right;

thence along the arc of said curve (Delta = 55° 43' 50", Radius = 49.00 feet), a chord bearing and distance of South 24° 23' 27" East, 45.81 feet to an iron pin at a point of tangency;

thence along a westerly line of the Meijer, Inc. 36.385 acre tract, the following courses and distances:

South 3° 28' 28" West, 78.06 feet to a point of curvature to the right;

South 31° 02' 17" West, 45.35 feet, a chord bearing and distance (Delta = 55° 07' 39", Radius = 49.00 feet) to an iron pin at a point of tangency;

South 58° 36' 07" West, 139.95 feet to an iron pin set;

North 88° 14' 12" West, 133.26 feet to the point of beginning, containing 1.325 acres, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

Bearings contained herein are based on the Ohio State Plane Coordinate, as per NAD 83.

## **Parcel II**

**5160 Hamilton Road, Columbus, Ohio 43230**

**Franklin County Auditor Tax Parcel Id. No. 545-125868-00**

**1.117 Acres**

Situated in the County of Franklin, State of Ohio, City of Columbus, being located in Quarter Township 3, Township 2 North, range 16 West, United States Military lands, and being a portion of land conveyed to Thomas H. Lurie recorded in Deed Book 3707, Page 746 of the Deed Records of Franklin County, Ohio, and being more particularly described as follows:

Beginning at a concrete monument found at the intersection of the centerline of Hamilton Road and the centerline of Morse Road;

thence along the centerline of said Hamilton Road for the following two courses:

North 03 deg. 18' 30" East for 1,769.57 feet to a concrete monument found at the intersection of the centerline of said Hamilton Road and the centerline of Broadview Road;

thence North 03 deg. 28' 28" East for 677.21 feet to a point;

thence leaving said centerline, South 86 deg. 31' 32" East for 60.00 feet to a ¾-inch iron pipe set on the east line of a 0.671 acre tract of land conveyed to the City of Columbus recorded in Deed Book 3791, Page 18 in the Deed Records of Franklin County, Ohio, said point also being the TRUE POINT OF BEGINNING of the tract of land described herein;

thence along the east line of said City of Columbus 0.671 acre tract, North 03 deg. 28' 28" East for 179.77 feet to a ¾-inch iron pipe found at the northeast corner thereof, said iron pipe being in the south line of a tract of land conveyed to Offie and Peggy Bartley recorded in O.R. Volume 6389C04 in the Deed Records of Franklin County, Ohio;

thence along the south line of said Bartley land, South 87 deg. 00' 32" East for 269.01 feet to a ¾-inch pipe set;

thence over said Thomas Lurie lands, on a new division line, for the following two courses:

South 03 deg. 28' 28" West for 182.04 feet;

thence North 86 deg. 31' 32" West for 269.00 feet to the TRUE POINT OF BEGINNING, containing 1.117 acres, more or less, subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above tract of land.

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

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

**SECTION 2.** That a Height District of sixty (60) 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 change on the said original zoning map and shall register a copy of the approved L-C-4, Limited Commercial District and Application records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said text titled, "**Z90-166E L-C-4 TEXT FOR SUBAREA 14A,**" dated January 15, 2019, and signed by Donald Plank, Attorney for the Applicant, and the text reading as follows:

**(SEE ATTACHMENT FILE TITLED, "ORD1071-2019\_L-C-4\_TEXT\_AMENDED".)**

**SECTION 4.** That the existing limitation text for Subarea 14A in Section 3 of Ordinance #1252-2004, passed July 26, 2004 (Z90-166B) is hereby repealed on these properties.

**SECTION 5.** That the existing Section 15 of Ordinance #1302-91, passed June 17, 1991 (Z90-166) is hereby modified to establish revised legal descriptions for the properties subject to this amendment ordinance.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.