



Legislation Details (With Text)

File #: 2457-2019 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 9/17/2019 **In control:** Zoning Committee

On agenda: 10/7/2019 **Final action:** 10/10/2019

Title: To rezone 5438 N. HAMILTON RD. (43230), being 0.99± acres located on the east side of North Hamilton Road, 900± feet north of Thompson Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District and to declare an emergency. (Rezoning #Z19-063)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2457-2019_Attachments, 2. ORD2457-20193_Labels

Date	Ver.	Action By	Action	Result
10/10/2019	2	CITY CLERK	Attest	
10/9/2019	2	MAYOR	Signed	
10/7/2019	2	COUNCIL PRESIDENT	Signed	
10/7/2019	1	Zoning Committee	Amended to Emergency	Pass
10/7/2019	1	Zoning Committee	Approved as Amended	Pass

Rezoning Application: Z19-063

APPLICANT: Brandon Garnett; Nelson Architecture; 30 West Monroe Avenue, Suite 200; Chicago, IL 60603.

PROPOSED USE: Retail bank or commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on September 12, 2019.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site has remained undeveloped since it was zoned to the CPD, Commercial Planned Development District for commercial development in 2015 (Z15-017). The requested CPD, Commercial Planned Development District will permit a two-story retail bank. The current CPD district allows the proposed use, but included elevation renderings for one-story buildings as part of the CPD plan. The CPD text proposes C-4, Commercial District uses, commits to a site plan, and includes development standards addressing setbacks, site access, landscaping, screening, and building materials. Variances for parking lot aisle, driveway, maneuvering, and to eliminate the loading space are included in the request. The site is within the "Preserve District" of the *Northland Plan Volume II* (2002), which recommends that infill development should be compatible with surrounding land uses. The Plan also states that a goal is to improve the quality of development in the Northland Area. Additionally, *Columbus Citywide Planning Policies* (C2P2) Guiding Principles, which have not yet been adopted in this area, note that building placement and design should contribute to a pedestrian-friendly streetscape. As such, the Planning Division had suggested that the site plan be revised to reduce the space between the primary building and the right of way, which may potentially include the use of one way southbound circulation with parking being placed in the rear or to the side of the building. The applicant has not revised the parking lot circulation, but has included additional pedestrian amenities on their site plan along North Hamilton Road that are consistent with the goals of C2P2 and the *Northland Plan Volume II*. Staff is supportive of the

proposed configuration which follows the established zoning and development pattern in the corridor and allows for flexibility on the location of the future cross-access to the north, as requested by that adjoining property owner.

To rezone **5438 N. HAMILTON RD. (43230)**, being 0.99± acres located on the east side of North Hamilton Road, 900± feet north of Thompson Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District **and to declare an emergency.** (Rezoning #Z19-063)

WHEREAS, application #Z19-063 is on file with the Department of Building and Zoning Services requesting rezoning of 0.99± 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*, and compatible with the established zoning and development pattern of the area;

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

5438 N. HAMILTON RD. (43230), being 0.99± acres located on the east side of North Hamilton Road, 900± feet north of Thompson Road, and being more particularly described as follows:

**DESCRIPTION OF A 0.986 ACRE TRACT
NORTH OF 5420 N. HAMILTON ROAD,
CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 2 North, Range 16 West, United States Military Lands and being 0.986 acre out of a 2.537 acre tract of land conveyed DS Hamilton LLC, by deed of record in Instrument 201601260009806, all references being to the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning, for reference, at Franklin County Monument No. 6666 found at an angle point in the centerline of N. Hamilton Road, said point also being the intersection of the centerline of N. Hamilton Road (variable width) with the centerline of Thompson Road;

thence N 03° 19' 31" E along the centerline of N. Hamilton Road a distance of 1,078.31 feet to a point at the northwest corner of a 0.392 acre tract of land conveyed, for N. Hamilton Road right-of-way purposes, to the City of Columbus, Ohio, by deed of record in Instrument No. 201412190168806 and at the southwest corner of a 0.194 acre tract of land conveyed, as Parcel No. 62-WD for N. Hamilton Road right-of-way purposes, to the City of Columbus, Ohio, by deed of record in Instrument No. 20181227017 4046, said point being S 03° 19' 31" W a distance of 508.26 feet from Franklin County Monument No. 8813 found at an angle point in the centerline of N. Hamilton Road;

thence S 86° 54' 29" E along the north line of said 0.392 acre tract, along the south line of said 0.194 acre tract and along a portion of the south line of an original 1.956 acre tract of land conveyed to Sara Zahra Rastegar, by deeds of record in

Instrument No. 200410260246960 and Instrument No. 20081 0030148794 a distance of 60.00 feet to a 3/4" I.D. iron pipe found at the northeast corner of said 0.392 acre tract, at the southeast corner of said 0.194 acre tract, at the northwest corner of said 2.537 acre tract and at the true place of beginning of the tract herein intended to be described;

thence S 86° 54' 29" E along a portion of the north line of said 2.537 acre tract and along a portion of the south line of said original 1.956 acre tract a distance of 305.45 feet to a 3/4" I.D. iron pipe set;

thence S 03° 05' 31" W crossing said 2.537 acre tract a distance of 140.40 feet to a 3/4" I. D. iron pipe set at a corner of said 2.537 acre tract and at the northeast corner of a 1.013 acre tract of land conveyed to The Kroger Co., by deed of record in Instrument No. 201602240021801;

thence N 86° 56' 27" W along a south line of said 2.537 acre tract and along the north line of said 1.013 acre tract a distance of 306.02 feet to a 3/4" I.D. iron pipe previously set in the east right-of-way line of N. Hamilton Road, in the east line of said 0.392 acre tract, at a southwest corner of said 2.537 acre tract and at the northwest corner of said 1.013 acre tract;

thence N 03° 19' 31" E along the east right-of-way line of N. Hamilton Road, along a portion of the east line of said 0.392 acre tract and along a west line of said 2.537 acre tract a distance of 140.57 feet to the true place of beginning;

containing 0.986 acre of land, more or less and being subject to all easements and restrictions of record. Of said 0.986 acre, all is within P.N. 010-295572.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc. Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under my supervision in June, 2015. Basis of bearings is the centerline of N. Hamilton Road, between FCGS Monument 6666 and FCGS Monument 8813 being N 03° 19' 31" E, as shown on the Centerline Survey Plat prepared by the Franklin County Engineers Office and dated February 08, 2012, all other bearings are based upon this meridian.

To Rezone From: CPD, Commercial Planned Development 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 site plans being titled, "**BANK OF AMERICA SITE PLAN**," and "**BANK OF AMERICA LANDSCAPE PLAN**," signed by Douglas M. Leining, Professional Engineer, and said text being titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," signed by Brandon Garnett, Applicant, all dated September 18, 2019, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPERTY ADDRESS: 5438 N. Hamilton Road, Columbus, OH 43230

PID: 010-295572 (partial)

AREA: 0.99 +/- ac

EXISTING ZONING: CPD, Commercial Planned Development

PROPOSED DISTRICT: CPD, Commercial Planned Development

APPLICANT: Brandon Garnett; 30 W. Monroe Ave.; Suite 200; Chicago, IL 60603

PROPERTY OWNER: DS Hamilton LLC; 850 N. Hamilton Rd.; Columbus, OH 43230

DATE OF TEXT: September 18, 2019

APPLICATION NUMBER: Z19-063

1. INTRODUCTION: 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 a proposed two-story retail bank facility on 0.99 +/- acres with the Site and Landscape Plans titled, "Bank of America," dated September 18, 2019, submitted as the CPD plan for this property.

2. PERMITTED USES: Permitted uses, except as prohibited below, uses of Section 3356.03, C-4, Permitted Uses, except as prohibited. The following uses shall not be permitted: 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. One or more driveways/maneuvering aisles shall be provided to permit future vehicular connection to the adjacent parcel to the north across applicant's site. The location(s) of these driveways/maneuvering aisle(s) shall be determined at the time of redevelopment of the property to the north as approved by the Department of Public Service. See also C.2. Easements 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 location(s) to be determined at the time of redevelopment 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, subject to Section B.2, if additional north 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, until such time as the abutting parcel (5454 N Hamilton Road, PID: 220-001077) to the north is redeveloped. The six (6) foot fence along the north property line 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.

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

The exterior elevation of all buildings shall be brick veneer with stone and stucco accents, other than window and door areas.

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

N/A

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.
2. Existing Land Use: The site is undeveloped and zoned CPD under Z15-017.
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: A retail banking facility is proposed. Commercial uses with exclusions as listed in the permitted uses section are also permitted.
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 the subject site will be split to form a separate tax parcel. 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. 3312.53, 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 and Landscape Plan titled "Bank of America," dated September 18, 2019, and signed by Douglas M. Leining, Professional Engineer. The plans 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. 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.