



## Legislation Details (With Text)

**File #:** 2477-2019      **Version:** 1

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

**File created:** 9/18/2019      **In control:** Zoning Committee

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

**Title:** To rezone 3800 S. HAMILTON RD. (43125), being 0.51± acres located on the east side of South Hamilton Road, 490± feet north of Hamilton Square Boulevard, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning #Z19-055).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2477-2019.Attachments, 2. ORD2477-2019.Labels

| Date       | Ver. | Action By         | Action                | Result |
|------------|------|-------------------|-----------------------|--------|
| 10/10/2019 | 1    | CITY CLERK        | Attest                |        |
| 10/9/2019  | 1    | MAYOR             | Signed                |        |
| 10/7/2019  | 1    | COUNCIL PRESIDENT | Signed                |        |
| 10/7/2019  | 1    | Zoning Committee  | Waive the 2nd Reading | Pass   |
| 10/7/2019  | 1    | Zoning Committee  | Approved              | Pass   |

**Rezoning Application: Z19-055**

**APPLICANT:** Boos Development Group, Inc.; c/o Robert D. Boos; 410 Park Place Boulevard, Suite 100; Clearwater, FL 33759.

**PROPOSED USE:** Drive-in restaurant.

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

**GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped and is zoned in the L-C-4, Limited Commercial District. The applicant is requesting the CPD, Commercial Planned Development District to permit a drive-in restaurant. The site is located within the boundaries of the *South East Land Use Plan* (2018), which recommends "Mixed Use 2 (24-45 du/ac)" land uses for this location. The plan also includes an Area Specific Policy that recommends that Community Commercial Overlay (CCO) standards be used in areas designated for mixed-use. The development text commits to a site plan and includes development standards addressing setbacks, buffering, and graphics provisions. A variance to permit the required by-pass lane to be located on an adjacent parcel is included in this request. The requested CPD, Commercial Planned Development District will allow a commercial development that is compatible with the development standards of adjacent commercial developments. The proposal is also consistent with the land use recommendations of the *South East Land Use Plan*.

To rezone **3800 S. HAMILTON RD. (43125)**, being 0.51± acres located on the east side of South Hamilton Road, 490±

feet north of Hamilton Square Boulevard, **From:** L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning #Z19-055).

**WHEREAS**, application #Z19-055 is on file with the Department of Building and Zoning Services requesting rezoning of 0.51± acres from 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 Greater South East Area 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 will allow a drive-in restaurant that is compatible with the development standards of adjacent commercial developments and is consistent with the land use recommendations of the *South East Land Use Plan*; 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:

**3800 S. HAMILTON RD. (43125)**, being 0.51± acres located on the east side of South Hamilton Road, 490± feet north of Hamilton Square Boulevard, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of Section 9, Township 11, Range 21 and being a part of Lot 2 of South Hamilton Square as recorded in Plat Book 70, Page 43 and being the remainder 1.892 acres out of a 2.898 acre tract (Tract 2) as conveyed to M Five Limited Partnership as recorded in instrument No. 201202100019419 of the Franklin County Records, being more fully bounded and described as follows;

Beginning at a found 5/8" rebar with cap "J&H-PS 8283" at the southeast corner of said Lot 2, being a corner of Lot 6 of said South Hamilton Square as conveyed to Waterford Harbor Limited Partnership as recorded in O.R. 15491, Page D06, being in the North line of South Hamilton Square Blvd. as shown on said plat of South Hamilton Square, thence North 04°29'02" East along the east line of said Lot 2 a distance of 609.96 feet to a northeasterly corner of Franklin County Parcel 530-292080-00 now or formerly owned by Groveport Properties, Inc., as recorded in instrument No. 201402070015853 of the Franklin County Records being a 1.010 acre parcel of land out of said 2.898 acre tract 2 conveyed to M Five Limited Partnership, said point being referenced by a 5/8" rebar with cap "J&J Survey" found South 0.03 feet and West 0.05 feet thereof, also being the Principal Place of Beginning for the parcel herein described;

Course No.1 thence North 85°46'58" West along said Groveport Properties land, a distance of 314.00 feet to a found 5/8" rebar with cap "J&J Survey" at the easterly right of way of South Hamilton Road, A.K.A. State Route 317, width varies;

Course No.2 thence North 04°13'02" East along said Hamilton Road, a distance of 70.06 feet to 5/8" x 30" rebar with cap "Langan" set at a new division line;

Course No.3 thence South 85°51'46" East along said new division line, a distance of 314.33 feet to a 5/8" x 30" rebar with cap "Langan" set along the east side of said Lot 2;

Course No.4 thence South 04°29'02" West along said Lot 2, a distance of 70.50 feet to the principal place of beginning, containing 22,079 square feet or 0.5068 acres of land according to a survey by Anthony Maione, PS, registered surveyor no. 8544 of Langan Engineering and Environmental Services dated May of 2019 and being the same more or less and being subject to all legal highways and easements. The basis of bearings of this survey is based on the east line of said lot 2 as North 04°29'02" East as described in deed recorded as instrument number 201906200074113 on June 20th, 2019.

**To Rezone From:** L-C-4, Commercial 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, “**CONCEPT PLAN 8,**” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT,**” both dated September 17, 2019, and signed by Robert Boos, Applicant, and the text reading as follows:

### **COMMERCIAL PLANNED DEVELOPMENT TEXT**

EXISTING ZONING: L-C-4, Commercial District

PROPOSED ZONING: CPD, Commercial Planned Development

PROPERTY ADDRESS: 3800 S. Hamilton Rd., Groveport, OH. 43125

APPLICANT: Boos Development Group, Inc.

OWNER: M Five Limited Partnership

DATE OF TEXT: 8/26/19

APPLICATION NUMBER: Z19-055

#### **1. INTRODUCTION:**

The subject property (Parcel A) is +/- 0.51 acres and shall be developed with a +/- 950 SF freestanding restaurant with drive-in and no indoor seating. The Applicant seeks to rezone the property from C-4 to CPD in order to allow for the proposed development.

#### **2. PERMITTED USES:**

All uses permitted per Columbus City Code Section 3356, C-4 including a restaurant with drive-in and no indoor seating.

#### **3. DEVELOPMENT STANDARDS:**

Unless otherwise indicated herein, or on the attached site plan prepared by LANGAN Engineering dated 8/26/19, the applicable development standards of Chapter 3356, C-4, Regional Scale Commercial District of the Columbus City Codes shall apply.

##### **A. Density, Height, Lot, and/or Setback Commitments.**

Density, Height, Lot, and Setbacks shall be as shown on the attached site plan.

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

N/A

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

Required buffering, landscaping, open space, and screening shall meet development standards of Chapter 3321. Street trees along S. Hamilton Rd. right of way shall be planted 40' on center.

**D. Building Design and/or Interior-Exterior treatment Commitments.**

N/A

**E. Dumpster, Lighting, Outdoor display areas and/or other Environmental Commitments.**

N/A

**F. Graphics and Signage Commitments.**

All graphics and signage shall comply with the Community Commercial Overlay (CCO) graphic standards in the CPD text. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous Commitments.**

The property shall be developed in accordance with the attached Site Plan titled, "Concept Plan 8." The site plan is not applicable to any use other than a drive-in restaurant, except, if drive-in restaurant is not developed on Parcel, then only the building setbacks as shown on the Site Plan shall apply. The site plan may be slightly adjusted to reflect engineering, topographic, architectural, or other data developed at the time of the development and when engineering and architectural plans are completed. Any slight adjustment to the plans shall be reviewed, and may be approved by the Director of the Department of Building and Zoning Services, or a designee.

**H. Other CPD Requirements.**

1. Natural Environment: The site is located along the east side of S. Hamilton Rd. This arterial road is currently developed with a variety of restaurants and general retail services.
2. Existing Land Use: The site is currently vacant, graded, undeveloped commercially zoned land.
3. Circulation: The site is accessible from multiple existing curb cuts along S. Hamilton Rd., Winchester Pike, and Hamilton Square Blvd.
4. Visual Form of the Environment: S. Hamilton Rd. is a corridor with similar, developed commercial uses.
5. Visibility: The site will be highly visible from S. Hamilton Rd.
6. Proposed Development: The development will be a +/- 950 SF freestanding restaurant with drive-thru and no indoor seating.
7. Behavior Patterns: The proposed use is appropriate for the location along an arterial road in a commercial area with similar uses.
8. Emissions: No adverse effects from emissions shall result from the proposed development.

**I. Modification of Code Standards**

The site plan will require one variance to Columbus City Code of Ordinance:

Variance - A removal of the required drive-in by-pass lane per Section 3312.11 of the code, subject to it being provided via the access point on the adjacent parcel to the north as approved by the Division of Traffic Management.

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