



## Legislation Details (With Text)

**File #:** 2408-2020      **Version:** 2  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/20/2020      **In control:** Zoning Committee  
**On agenda:** 11/9/2020      **Final action:** 11/12/2020  
**Title:** To rezone 6465 N. HAMILTON RD. (43081), being 1.27± acres located on the west side of North Hamilton Road, 215± feet south of Warner Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z19-007). and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2408-2020.Attachments, 2. ORD2408-2020.Labels

Date	Ver.	Action By	Action	Result
11/12/2020	2	CITY CLERK	Attest	
11/11/2020	2	MAYOR	Signed	
11/10/2020	2	COUNCIL PRESIDENT	Signed	
11/9/2020	1	Zoning Committee	Amended to Emergency	Pass
11/9/2020	1	Zoning Committee	Approved as Amended	Pass

**Rezoning Application: Z19-007**

**APPLICANT:** TH Midwest, Inc.; c/o Christopher Rinehart; Rinehart Legal Services, Ltd.; P.O. Box 16308; Columbus, OH 43216.

**PROPOSED USE:** Car wash.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on September 10, 2020.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel in the CPD, Commercial Planned Development District which permits limited C-4 Commercial District uses. The requested CPD, Commercial Planned Development District will permit a car wash, a C-5, Commercial District use. The development text commits to a site plan and includes provisions for setbacks, access, buffering and landscaping, outdoor display area, and signage commitments. The site is located within the boundaries of the *Rocky Fork-Blacklick Accord Plan (2003)*, which recommends "Multi-Family" land uses for this location. While the Plan recommends residential land uses for this location, Staff recognizes that the existing zoning allows commercial development, and is therefore supportive of the proposal. Additionally, the requested CPD district will allow a car wash development that will complement a planned fuel sales facility development adjacent to the site. The request is compatible with the development pattern in the area.

To rezone **6465 N. HAMILTON RD. (43081)**, being 1.27± acres located on the west side of North Hamilton Road, 215± feet south of Warner Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z19-007). **and to declare an emergency.**

**WHEREAS**, application #Z19-007 is on file with the Department of Building and Zoning Services requesting rezoning of 1.27± 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 compatible with the development pattern of the area, and will permit a car wash development that will complement a planned fuel sales facility development adjacent to the site; now, therefore:

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to the need to enable certain construction activities and work to begin as soon as possible after approval to take advantage of less inclement weather conditions during construction. 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:

**6465 N. HAMILTON RD. (43081)**, being 1.27± acres located on the west side of North Hamilton Road, 215± feet south of Warner Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Quarter Township 3, Township 2, Range 16, United States Military Lands, being 1.269 acres out of an original 33.918 acre tract as conveyed to Cardinal Title Holding Company as shown of record in Official Record Volume 12417 Page G-06, and being more particularly described as follows:

Commencing for reference at a 1" iron bar found at the intersection of the centerlines of Warner Road and Hamilton Road of record in the Dedication Plat of Hamilton Road and Easements as recorded in Plat Book 100, Page 3;

Thence South 03°42'30" West with the centerline of said Hamilton Road, a distance of 64.11 feet to a Mag nail found at the point of curvature of a curve to the right;

Thence with said curve to the right having a radius of 1000.00 feet, a central angle of 12°03'09", a chord bearing of South 09°44'04" West, a chord distance of 209.97 feet, and an arc length of 210.36 feet to a point;

Thence North 74°14'21" West crossing said right of way, a distance of 50.00 feet to an iron pin set at the westerly right of way line and the TRUE POINT OF BEGINNING of the tract to be described;

Thence with a curve to the right and with said right of way line having a radius of 950.00 feet, a central angle of 15° 15'31", a chord bearing South 23°23'25" West, a chord distance of 252.25 feet, and an arc length of 253.00 feet to an iron pin set;

Thence North 86°17'30" West crossing said 33.918 acre tract, a distance of 182.09 feet to a 5/8" iron pin found at 0.35 feet south and 0.97 feet west of the southeasterly corner of a 1.795 acre tract as conveyed to William L. Willis Jr. Trustee of record in Inst. No. 200507140139086;

Thence North 01°14'21" East with the easterly line of said 1.795 acre tract, a distance of 232.84 feet to an iron pin set;

Thence South 87°18'13" East crossing said 33.918 acre tract, a distance of 277.13 feet to the true point of beginning

containing 1.269 acres of land, more or less.

Subject however to all easements, restrictions and rights-of-way of record, if any.

Basis of bearings is South 03°42'30" West for the centerline of Hamilton Road as shown on Plat Book 100, Page 3.

All iron pins are 5/8" solid iron pins 30" in length with an orange plastic cap stamped "Floyd Browne Group".

**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 plan being titled, "**ENGINEERING PLANS FOR TURKEY HILL #723,**" and text titled, "**CPD TEXT,**" both dated October 1, 2020, and signed by Christopher A. Rinehart, Attorney for the Applicant, and the text reading as follows:

**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.**

### CPD TEXT

**EXISTING DISTRICT:** CPD, Commercial Planned Development District

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

**PROPERTY ADDRESS:** 6465 N. Hamilton Rd. / Parcel I.D No: 010-292038

**PROPERTY OWNER:** Cardinal Title Holding Co.; ATTN: Jennifer Alvarez; 141 E. Town Street, Suite 200; Columbus, Ohio 43215

**APPLICANT:** TH Midwest, Inc. ("Turkey Hill"); c/o EG America, LLC; c/o Cumberland Farms; 165 Flanders Road; Westborough, MA 01581; c/o: Christopher A. Rinehart, Esq. (Counsel for Applicant); Rinehart Legal Services, Ltd.; P.O. Box 16308; Columbus, Ohio 43216

**DATE OF TEXT:** October 1, 2020

**APPLICATION NUMBER:** Z19-007

### 1. INTRODUCTION:

The subject property consists of one (1) parcel totaling 1.269 +/- acres located at 6465 N. Hamilton Road ("Site"). The Site is currently vacant land and is zoned CPD, Commercial Planned District.

The Applicant proposes to develop this parcel with the parcel located directly north of the Site (with parcel identification number of 010-288950) as a Turkey Hill convenience store with (1) a retail convenience store, (2) a fuel sales canopy that includes six (6) island dispensers, totaling twelve (12) fueling positions, (3) a car wash, and (4) a drive-through / fast food establishment (combined with the convenience store in one building) serving food or beverages to customers in their automobiles and/or fast food business, as illustrated on the attached plan. The attached plan outlines the Site for purposes of this rezoning application, but this application does not include the parcel located to the North. This Site contains the proposed car wash that will service the overall development.

## **2. PERMITTED USES:**

### **A. Chapter 3356 (C-4), Regional Scale Commercial District**

Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall be those allowed in Chapter 3356 (C-4), of the Columbus City Code.

### **B. Chapter 3357 (C-5), Highway Oriented Commercial Development**

Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall include retail fuel sales, filling stations, automobile service station; car wash; and establishments serving food or beverages to customers in their automobiles and/or fast food business as permitted by Chapter 3357 of the Columbus City Code.

### **C. Prohibited Uses**

The following uses are specifically prohibited and shall not be on the Site:

Assembly Hall  
Auto rental, new or used  
Auto repair (Garage)  
Auto Sales, new or used  
Bar  
Billboards  
Bowling Alley  
Business College  
Cabaret  
Cellular Telephone Towers  
Commercial radio transmission or television station or appurtenances  
Dance halls  
Electric substation  
Funeral Parlor  
Hospital (public/private)  
Hotel  
Motel  
Motion picture theater  
Motor bus terminal  
Newspaper printing  
Night club  
Off premise graphics  
Pool Hall  
Private club  
Public parking for pay  
Skating rink  
Telephone substation  
Testing or experimental laboratory  
Trade School

**3. DEVELOPMENT STANDARDS:** Unless otherwise stated herein, the applicable development standards shall be as specified in Chapter 3356 of the Columbus City Code.

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

1. Building Setbacks: The minimum building setback from Warner Road shall be thirty feet (30'). The minimum building setback from North Hamilton Road shall be twenty-five feet (25'), as shown on the attached site plan.

2. Parking Setbacks: The minimum parking, loading and maneuvering setbacks shall be ten feet (10') from Warner Road and twenty-five feet (25') from Hamilton Road

#### **B. Access, Loading, Parking and/or Other Traffic Related Commitments**

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Department of Public Service.

2. Curb cuts shall be approved by the City of Columbus Department of Public Service. Access to and from the Site is proposed to be provided from two access points located along Warner Road and North Hamilton Road.

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

Buffering, landscaping, open space and/or screening commitments, unless otherwise stated herein, shall be as depicted on the attached site plan. The exact location of landscaping as depicted on the site plan may be changed in consultation with city staff.

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

N/A

#### **E. Lighting, Outdoor Display Areas, and/or Other Environmental Commitments**

Outdoor display and/or sales shall be limited to the following areas: Pump island end cap displays shall not exceed a footprint of 3' x 3' nor exceed a height of 4'.

#### **F. Graphic and Signage Requirements**

Except as otherwise stated herein, 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, Regional Scale Commercial District, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

#### **G. Miscellaneous Commitments**

1. The Site, if developed with a car wash, shall be developed in accordance with the submitted site plan titled, "Engineering Plans for Turkey Hill #723". The plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of Development of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment. Should any other permitted use be developed on the site, the setbacks and landscaping provisions contained within this CPD text shall apply.

2. Section 3357.18 of the Columbus City Code shall apply if a fuel sales facility is developed on the subject site and is abandoned according to the definition included in this Section of the Columbus City Code. The owner/lessee shall follow the requirements found in Section 3357.18 (a through e) in order to secure the site and maintain the aesthetics of the property.

#### **H. Other CPD Requirements**

1. Natural Environment: The Site is located at the intersection of Warner Road and North Hamilton Road. The natural environment of the Site is vacant land.

2. Existing Land Use: The property is currently zoned CPD, Commercial Planned District, and is currently vacant land. The rezoning permits commercial use of the Site pursuant to existing C-4 standards as well as various C-5 uses and ancillary parking, as described herein.
3. Transportation and Circulation: There will be direct vehicular access to the Site from Warner Road and North Hamilton Road.
4. Visual Form of the Environment: The existing uses/zoning of the surrounding properties are as follows:  
East: To the east is property zoned CPD, LAR12, and LARLD;  
North: To the north are multiple parcels, all principally zoned CPD;  
West: To the west is a retail center zoned CPD;  
South: To the south is property zoned CPD.
5. View and Visibility: The Site is clearly visible from Warner Road and North Hamilton Road.
6. Proposed Development: The overall proposed development is (1) a retail convenience store, (2) a fuel sales canopy that includes six (6) pump island dispensers, totaling sixteen (12) fueling positions, (3) a car wash, and (4) a drive through/fast food establishment (combined with the convenience store in one building) serving food or beverages to customers in their automobiles and/or fast food business, as illustrated on the attached site plan. The development associated with the specific parcel identified in this text is for the development of the car wash associated with the overall development.
7. Behavior Patterns: Access to the Site will be facilitated from Warner Road and North Hamilton Road. The proposed development is not expected to significantly alter existing traffic behavior patterns.
8. Emissions: No adverse emissions are expected from this development.

#### **I. Modification of Code Standards**

N/A

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