



## Legislation Details (With Text)

**File #:** 1355-2022      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/5/2022      **In control:** Zoning Committee  
**On agenda:** 5/23/2022      **Final action:** 5/26/2022  
**Title:** To rezone 5775 OLD HAMILTON RD. (43054), being 1.00± acre located on the east side of Old Hamilton Road, 350± feet northeast of the roundabout intersection with North Hamilton Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning #Z22-004).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1355-2022\_Attachments, 2. ORD1355\_Labels

Date	Ver.	Action By	Action	Result
5/26/2022	1	CITY CLERK	Attest	
5/25/2022	1	MAYOR	Signed	
5/23/2022	1	COUNCIL PRESIDENT	Signed	
5/23/2022	1	Zoning Committee	Approved	Pass
5/16/2022	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z22-004

**APPLICANT:** Christian Brothers Automotive; c/o Aaron Underhill, Atty.; Underhill & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Auto repair facility.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on April 14, 2022.

**NORTHLAND COMMUNITY COUNCIL RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is a 1.00± acre undeveloped section within a larger 15.75± parent parcel, zoned in the CPD, Commercial Planned Development District. The requested CPD, Commercial Planned Development District would allow the development of an auto maintenance and repair facility that would include engine repair which is not permitted in the existing CPD district. The CPD text commits to the setbacks and access as reflected on the site plan. The text establishes use restrictions and includes development standards addressing building setbacks, lot coverage, site access, screening and landscaping, building design, lighting, utility, and graphics requirements. Modifications to code standards include a reduced building setback line from 60 feet to 25 feet along Old Hamilton Road. The site is within the boundaries of the *Northland Plan Volume II (2002)*, which does not include any specific land use recommendations for this site, however it is included in the "Preserve District" which was intended to incorporate a mix of uses including single- and multi-unit residential, open space, and commercial land uses. The proposed use is compatible with adjacent developments and does not introduce incompatible uses to the surrounding area.

To rezone **5775 OLD HAMILTON RD. (43054)**, being 1.00± acre located on the east side of Old Hamilton Road, 350± feet northeast of the roundabout intersection with North Hamilton Road, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning #Z22-004).

**WHEREAS**, application #Z22-004 is on file with the Department of Building and Zoning Services requesting rezoning of 1.00± acre 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 surrounding development pattern, and the property's proposed zoning designation provides an appropriate use of the site; 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:

**5775 OLD HAMILTON RD. (43054)**, being 1.00± acre located on the east side of Old Hamilton Road, 350± feet northeast of the roundabout intersection with North Hamilton Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military District, being part of that 29.379 acre tract conveyed to Center State Enterprises LLC by deeds of record in Instrument Numbers 201409180123641 and 201512210178187, (all references are to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 8815 found at an angle point in the centerline of Old Hamilton Road, as dedicated by Plat Book 122, Page 85;

Thence North 03° 23' 04" East, with the centerline of said Old Hamilton Road, a distance of 75.03 feet to a point;

Thence South 86° 36' 56" East, across said Old Hamilton Road, a distance of 50.00 feet to an iron pin set in the easterly right-of-way line thereof, at a corner common of the remainder of said 29.379 acre tract and that 2.447 acre tract conveyed to Gahanna Rubicon 2020 LLC by deed of record in Instrument Number 202101140008713, being the TRUE POINT OF BEGINNING;

Thence North 03° 23' 04" East, with the easterly right-of-way line of said Old Hamilton Road, the westerly line of the remainder of said 29.379 acre tract, distance of 227.21 feet to an iron pin set;

Thence South 86° 36' 56" East, across said 29.379 acre tract, a distance of 287.46 feet to an iron pin set on the arc of a curve in the northerly line of that 2.090 acre tract conveyed to GZD Rocco Ventures LLC by deed of record in Instrument Number 202105190088825;

Thence with the line common to said 29.379 acre and said 2.090 acre tracts, with the arc of a curve to the left, having a central angle of 09° 42' 58", a radius of 300.00 feet, an arc length of 50.87 feet, a chord bearing of South 41° 20' 41" West and chord distance of 50.81 feet to a magnetic nail set;

Thence South 36° 29' 12" West, with the southerly line of the remainder of said 29.379 acre tract, the northerly

line of said 2.090 and 2.447 acre tracts, a distance of 65.35 feet to an iron pin set at a point of curvature;

Thence with the line common to the remainder of said 29.379 acre tract and said 2.447 acre tract, the following courses and distances:

With the arc of a curve to the right, having a central angle of 23° 52' 31", a radius of 278.00 feet, an arc length of 115.84 feet, a chord bearing of South 48° 25' 28" West and chord distance of 115.01 feet to a magnetic nail set;

Thence South 60° 21' 43" West, a distance of 51.09 feet to a magnetic nail set at a point of curvature;

With the arc of a curve to the right, having a central angle of 14° 30' 09", a radius of 80.50 feet, an arc length of 20.38 feet, a chord bearing of South 67° 36' 48" West and chord distance of 20.32 feet to a magnetic nail set at a point of compound curvature;

With the arc of a curve to the right, having a central angle of 16° 01' 43", a radius of 284.50 feet, an arc length of 79.59 feet, a chord bearing of South 82° 52' 43" West and chord distance of 79.33 feet the TRUE POINT OF BEGINNING, containing 1.004 acres, more or less.

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

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC. Permanent Markers set are one-inch solid iron pins with aluminum cap stamped EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone, as per NAD83 (2007 Adjustment). Control for bearings was from coordinates of monuments FCGS 8815 & FCGS 8816, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment, with a bearing of North 03° 23' 04" East for a portion of the centerline of Hamilton Road (Relocated).

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

**To Rezone From:** CPD, Commercial Planned Development District.

**To:** CPD, Commercial Planned Development District.

**SECTION 2.** That a Height District of sixty (60) 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 plan being titled, "**PRELIMINARY SITE PLAN,**" and said landscaping plans titled "**LANDSCAPE PLAN,**" and "**LANDSCAPE DETAILS AND SPECIFICATIONS,**" all dated April 11, 2022 and signed by Eric Zartman, Attorney for the Applicant, and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" dated April 11, 2022 and signed by Aaron Underhill, Attorney for the Applicant, and the text reading as follows:

## **COMMERCIAL PLANNED DEVELOPMENT TEXT**

**Application: Z22-004**

**Address: 5775 Old Hamilton Road**

**Parcel: 545-294042**  
**Property Size: +/- 1.004 acres**  
**Current District: CPD, H-60**  
**Proposed District: CPD, H-60**  
**Civic Association: Northland Community Council**  
**Owner: Center State Enterprises LLC c/o David Martin**  
**Applicant: Christian Brothers Automotive**  
**Attorney: Aaron Underhill, Underhill and Hodge**  
**Date: April 11, 2022**

## **I. INTRODUCTION:**

The area around North Hamilton Road and State Route 161 was rezoned to CPD in 2015 by Ordinance 1758-2015 (Z14-044). That ordinance rezoned 181 acres of property into multiple subareas and a mix of uses. This property is located within Subarea C of that development plan.

The Applicant Christian Brothers Automotive proposes development of the property with an automotive maintenance and repair shop. Christian Brothers Automotive is unique within this industry because it sets the aesthetic standard for automotive repair shops and it also keeps a conservative schedule, generally operating on weekdays before 6 pm.

The Applicant's sales primarily consist of diagnostics, brakes, fluid/oil maintenance, and cooling and heating systems. However, a typical Christian Brothers Automotive repair shop sees approximately 7% of its sales from engine maintenance. The existing CPD text for this site allows free-standing automotive maintenance and repair shops but does not permit engine repair. While engine repair is essentially an accessory use for a Christian Brothers Automotive repair shop, it is critical to the business model that the repair shop is full service for its customers. For that reason, the Applicant submits this rezoning application to remove the prohibition of engine repair use from the property's entitlements.

The Applicant proposes the construction of an approximately 5,245 square foot automotive repair shop with nine (9) service bays. If this rezoning application is approved, the +/- 1.004 acre site will be split from the parent parcel. This text reincorporates many of the same design and landscaping commitments from the underlying Ordinance 1758-2015 (Z14-044) so that this development will complement the rest of Subarea C as it develops.

## **II. PERMITTED USES:**

A. Those uses specified in Section 3356.02 (C-4, Commercial) and Section 3357.01 (C-5, Commercial) of the Columbus City Code unless otherwise indicated within this text.

B. The following uses are prohibited:

1. Billboards
2. Cabaret
3. Commercial radio transmitting or television station and appurtenances including cellular towers unless it is located on top of a building. Notwithstanding the previous sentence, no full size regional cell towers will be located on the top of a building if such cell tower exceeds ten (10) feet above the height of the building.
4. Dance hall
5. Electric substation
6. Funeral parlor

7. Motor bus terminal, excepting therefrom public transit park and ride and station facilities
8. Motion picture theater
9. Pawn shop
10. Poolroom
11. Private club
12. Testing or experimental laboratory
13. Check cashing and loans
14. Truck stops (defined herein to mean “a filling station or retail fuel service use that in addition to serving automobiles also provides products and/or services to semi-trucks (or similar large vehicles) and their drivers and provides parking areas for such trucks for purposes other than loading and unloading”).

**III. DEVELOPMENT STANDARDS:** The applicable development standards are contained in Chapter 3356 (C- 4, Commercial) unless otherwise indicated within this text.

**A. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS:**

1. The permitted maximum site density for the subject property shall not exceed the ratio of 12,000 gross square feet of building per net acre except that office development shall not exceed the ratio of 18,000 gross square feet of building per net acre. “Net acreage” shall be defined as gross acreage less acreage contained within the public right-of-way that is dedicated from this subarea following the date of this text.
2. Setbacks:
  - a. The minimum setback from the right-of-way for Old Hamilton Road shall be 25 feet for parking and maneuvering areas and buildings and canopies, except that loading docks and generators shall be located no closer than 50 feet from this same right-of-way.
  - b. There shall be a zero setback for interior property lines within this subarea for parking and maneuvering, and buildings.
  - c. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to encroach no more than 5 feet into minimum required building setbacks.
  - d. Building setbacks shall not apply to landscape features such as, but not limited to, planters or walls six (6) feet high or less or ornamental fencing which may or may not contain signage as permitted by Article 15, Graphics Code of the City of Columbus.
3. Height District: The height district shall be 60 feet. However, buildings with a primary use that is other than hotels, offices, or parking garages or structures shall be limited to a maximum of 35 feet in height. Height shall be measured per Columbus City Code except such measurements shall be made exclusive of architectural features, parapets, and roof elements.
4. Lot Coverage: For structures and paved areas lot coverage shall not exceed 80%. Internal sidewalks and bikeways shall not be considered as part of the lot coverage.

**B. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:**

Access to the site will be by private road, as depicted on the site plan.

### **C. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:**

1. Landscaping within the required building setbacks along Old Hamilton Road shall contain one or more of the following: a minimum 3 foot high continuously uniform shrubbery screen, deciduous trees, evergreen trees, shrubbery, decorative walls, decorative fencing, and/or other landscaping features. Landscaping within these areas shall be adequate to meet the screening requirements of City Code Section 3312.21, where applicable.
2. A street tree row shall be established within all publicly dedicated rights-of-way containing 1 tree for every 30 - 40 feet of street frontage. The spacing and species of street trees shall be subject to the approval of the City of Columbus Forester. Minimum street tree size at installation shall be 2 ½ caliper inches.
3. Deciduous trees shall be planted along both sides of any internal private access road that serves outparcels in this subarea, in a number not less than 1 tree per 50 feet of access road.
4. When the rear of any building faces Old Hamilton Road and contains one or more loading areas, it shall be screened to a minimum height of 6 feet using fencing, landscaping, mounding, or some combination thereof to achieve a minimum of 90% opacity when viewed from a height of 6 feet at the western edge of the Old Hamilton Road right-of-way. In this same circumstance, additional screening shall be provided using landscaping that provides for a minimum of 75% opacity between the height of 6 feet and 10 feet within 3 years of the date of issuance of an occupancy permit for the relevant building.
5. Self-illuminated items such as vending machines shall not be permitted on the exterior of any structure.
6. Dumpsters, mechanical equipment, and areas where equipment, products, or materials are stored shall be fully screened from off-site view by a solid wall or fence consisting of materials that are consistent with one or more of the primary or secondary materials that are used on the nearest structure that is served by the relevant dumpster or mechanical equipment. This screening requirement shall not apply to products displayed for retail sale.

### **D. BUILDING DESIGN AND INTERIOR-EXTERIOR TREATMENT COMMITMENTS:**

1. Permitted primary building materials shall include and shall be limited to the following (either alone or in some combination): brick, brick veneer, stone, stone veneer, metal, fiber cement siding or comparable material, wood, and/or glass. Nothing herein shall prohibit the use of the aforementioned materials or other materials as secondary or trim materials.
2. Any side of a building which faces or is visible from a public street, right-of-way, or green shall have a finished appearance and shall be of compatible materials, color, trim, and style as the front facade of the building.
3. Where the rear of a building faces Old Hamilton Road and is located within 75 feet of the right-of-way for that public street the same palette of exterior finishes and color shall be used on the rear façade as is used on the front of the building.

### **E. LIGHTING COMMITMENTS:**

1. Direct lighting fixtures for a ground sign shall be shielded with landscaping and shall be positioned in a manner that prevents glare.

2. The maximum height of light poles shall not exceed 39 feet in height, except that (i) light poles on outparcels with frontage on a public street and (ii) light poles located within 100 feet of property with a residential zoning classification shall not exceed 18 feet in height.

**F. UTILITY COMMITMENTS:**

All new or relocated utility lines shall be installed underground.

**G. GRAPHICS AND SIGNAGE COMMITMENTS:**

All signage and graphics shall conform to the requirements of the Regional Commercial Overlay (RCO) found in Chapter 3372 of the Columbus City Code unless otherwise approved by the Graphics Commission.

**H. CPD CRITERIA:**

1. Natural Environment. The property is not developed. The land does not have any natural features but it does contain a retention pond.
2. Existing Land Use. The property is vacant and unused.
3. Transportation and Circulation. The Site is accessed via a curb cut on Old Hamilton Road. The internal circuitry shall be as shown on the submitted Site Plan.
4. Visual Form of the Environment. Subarea C of Ordinance 1758-2015 (Z14-044) remains largely undeveloped. This and surrounding properties are generally vacant and not developed.
5. View and Visibility. The Site can be viewed from Old Hamilton Road.
6. Proposed Development. The Applicant proposes the construction of an approximately 5,245 square foot automotive repair shop with nine (9) service bays.
7. Behavior Patterns. The development and behavior pattern of this area supports C-4 and C-5 commercial uses.
8. Emission. No adverse effect from emissions shall result from the proposed development.

**I. MODIFICATIONS:**

1. Section 3356.11 - C-4 district setback lines. This section shall be modified to reduce the minimum building setback from 60 feet to 25 feet.
2. Section 3321.03(A)(1) - Lighting. This section shall be modified to increase the height of light poles from 28 feet to 39 feet.

**J. MISCELLANEOUS:**

1. The submitted Site Plan titled "Preliminary Site Plan" is conceptual except for setbacks and access which are commitments. The Site Plan may be slightly adjusted to reflect engineering, topographical or other site data

developed at the time that development and engineering plans are completed. Any slight adjustment to the Site Plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

2. Landscaping shall generally conform to the attached landscape plans titled “Landscape Plan,” and “Landscape Details and Specifications.” The plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering 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, upon submission of the appropriate data regarding the proposed adjustment.

3. The parking of inoperable vehicles being repaired by this facility at any location exterior to the service building shall be limited to no more than 72 hours.

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