



Legislation Text

File #: 1022-2017, **Version:** 2

Rezoning Application Z16-043

APPLICANT: The New Albany Company LLC; c/o Aaron Underhill, Atty.; 8000 Walton Parkway, Suite 260; Columbus, OH 43215.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on November 10, 2016.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently undeveloped and zoned L-AR-O, Limited Apartment Office District. The requested CPD, Commercial Planned Development District updates permitted uses and development standards in order to provide a uniform development along the new portion of Hamilton Road. The site is located within the boundaries of the *Northland Plan: Volume II* (2002), which recommends mixed-use development for this location. The proposed CPD text allows most C-4 district uses and one fuel sales use, and includes provisions for setback requirements, lot coverage, and development standards consistent with adjacent zoning districts. The CPD Plan depicts setbacks and access, and a building rendering exhibit is included. Variances for reduced setbacks, and to allow parking lots to be divided by parcel lines are also included. The permitted uses of this CPD are consistent with the land use recommendation of the *Northland Plan: Volume II*, and the provisions of the CPD text will ensure that future development is compatible with adjacent properties.

To rezone **5806 NORTH HAMILTON ROAD (43230)**, being 13.86± acres located on the east side of North Hamilton Road, 667± feet north of Preserve Boulevard, **From:** L-AR-O, Limited Apartment Office District, **To:** CPD, Commercial Planned Development District (Rezoning # Z16-043) **and to declare an emergency.**

WHEREAS, application # Z16-043 is on file with the Department of Building and Zoning Services requesting rezoning of 13.86± acres from L-AR-O, Limited Apartment Office 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 updates permitted uses and development standards in order to provide a uniform development along the new portion of Hamilton Road. The permitted uses are consistent with *Northland Plan's* recommendation for mixed-use development, and the provisions of the CPD text will ensure that future development is compatible with adjacent properties;

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 No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

5806 NORTH HAMILTON ROAD (43230), being 13.86± acres located on the east side of North Hamilton Road, 667± feet north of Preserve Boulevard, and being more particularly described as follows:

TRACT 1 - 1.87 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, being a part of that 65.122 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201212310201339 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 8814 found at an angle point in the centerline of Hamilton Road (County Road 103, variable right-of-way width), being the northwesterly corner of that 0.320 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200807100105811, and in the southerly terminus of that portion of Hamilton Road dedicated in Plat Book 120, Page 64;

Thence South 87° 01' 32" East, with the northerly lines of said 0.320 acre tract, that 5.063 acre tract conveyed to Hamilton Retail II by deed of record in Instrument Number 200512010253314 and that subdivision entitled "The Preserve Section 4", of record in Plat Book 93, Page 26, said southerly terminus and the southerly lines of that 3.722 acre tract as conveyed to The New Albany Company by deed of Record in Instrument Number 201607190092673, and that 41.591 acre tract conveyed to Wesley Woods at New Albany by deed of record in Instrument Number 201509300138208, distance of 1797.58 feet to a point;

Thence North 02° 58' 28" East, across said 41.591 and 65.122 acre tracts, a distance of 579.29 feet to a point, the TRUE POINT OF BEGINNING;

Thence continuing across said 65.122 acre tract, the following courses and distances:

North 02° 53' 44" East, a distance of 74.74 feet to a point of curvature; and

with the arc of a curve to the left, having a central angle of 05° 45' 08", a radius of 818.00 feet, an arc length of 82.13 feet, a chord bearing of North 00° 01' 10" East and chord distance of 82.09 feet to a point in southerly right-of-way line of said Hamilton Road (P.B. 120, P. 64);

Thence with said southerly right-of-way line, the northerly line of the remainder of said 65.122 acre tract, the following courses and distances:

North 83° 45' 06" East, a distance of 10.02 feet to a point on the arc of a curve;

with the arc of a curve to the right, having a central angle of 31° 47' 14", a radius of 83.00 feet, an arc length of 46.05 feet, a chord bearing of North 12° 59' 45" East and chord distance of 45.46 feet to a point compound curvature;

with the arc of a curve to the right, having a central angle of 61° 23' 33", a radius of 50.00 feet, an arc length of 53.58 feet, a chord bearing of North 59° 35' 08" East and chord distance of 51.05 feet to a point of reverse curvature;

with the arc of a curve to the left, having a central angle of 12° 10' 54", a radius of 100.00 feet, an arc length of 21.26 feet, a chord bearing of North 84° 11' 28" East and chord distance of 21.22 feet to a point of tangency;

North 78° 06' 01" East, a distance of 215.36 feet to a point; and

South 11° 53' 59" East, a distance of 21.04 feet to a point of curvature, being the northwesterly corner of said 41.591 acre tract;

Thence with the line common to the remainder of said 65.122 acre tract and said 41.591 acre tract, the following courses and distances:

with the arc of a curve to the right, having a central angle of 90° 03' 15", a radius of 35.00 feet, an arc length of 55.01 feet, a chord bearing of South 34° 21' 16" West and chord distance of 49.52 feet to a point of reverse curvature;

with the arc of a curve to the left, having a central angle of 100° 28' 54", a radius of 15.00 feet, an arc length of 26.31 feet, a chord bearing of South 29° 08' 27" West and chord distance of 23.06 feet to a point of compound curvature;

with the arc of a curve to the left, having a central angle of 36° 59' 35", a radius of 250.00 feet, an arc length of 161.41 feet, a chord bearing of South 39° 35' 48" East and chord distance of 158.62 feet to a point of reverse curvature;

with the arc of a curve to the right, having a central angle of 144° 30' 43", a radius of 55.00 feet, an arc length of 138.72 feet, a chord bearing of South 14° 09' 46" West and chord distance of 104.77 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of 36° 00' 30", a radius of 150.00 feet, an arc length of 94.27 feet, a chord bearing of North 75° 34' 37" West and chord distance of 92.73 feet to a point of reverse curvature;

with the arc of a curve to the left, having a central angle of 68° 06' 28", a radius of 55.00 feet, an arc length of 65.38 feet, a chord bearing of South 88° 22' 24" West and chord distance of 61.60 feet to a point; and

North 87° 06' 16" West, a distance of 189.35 feet to the TRUE POINT OF BEGINNING, containing 1.87 acres, more or less.

TRACT 2 - 2.49 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, being a part of that 65.122 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201212310201339, part of that 40.809 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 2012123110201338 and that 3.722 acre tract conveyed to The New Albany Company by deed of record in Instrument Number 201607190092673 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 8814 found at an angle point in the centerline of Hamilton Road (County Road 103, variable right-of-way width), being the northwesterly corner of that 0.320 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200807100105811, and in the southerly terminus of that portion of Hamilton Road dedicated in Plat Book 120, Page 64;

Thence South 87° 01' 32" East, with the northerly line of said 0.320 acre tract, said southerly terminus, a distance of 65.00 feet to the southerly terminus of the easterly right-of-way line of said Hamilton Road, being the common corner of said 3.722 acre tract, said 0.320 acre tract and the remainder of that 5.063 acre tract conveyed to Hamilton Retail II by deed of record in Instrument Number 200512010253314, the TRUE POINT OF BEGINNING;

Thence with the easterly and southerly right-of-way line of said Hamilton Road (P.B. 120, P. 64), the following courses and distances:

North 03° 07' 54" East, a distance of 49.78 feet to a point on the arc of a curve;

with the arc of a curve to the right, having a central angle of $06^{\circ} 02' 53''$, a radius of 1000.00 feet, an arc length of 105.56 feet, a chord bearing of North $16^{\circ} 05' 31''$ East and chord distance of 105.51 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of $03^{\circ} 16' 35''$, a radius of 2061.00 feet, an arc length of 117.85 feet, a chord bearing of North $20^{\circ} 45' 15''$ East and chord distance of 117.84 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of $53^{\circ} 01' 32''$, a radius of 83.00 feet, an arc length of 76.81 feet, a chord bearing of North $48^{\circ} 54' 19''$ East and chord distance of 74.10 feet to a point of tangency;

North $75^{\circ} 25' 05''$ East, a distance of 31.70 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of $32^{\circ} 47' 07''$, a radius of 83.00 feet, an arc length of 47.49 feet, a chord bearing of South $88^{\circ} 11' 21''$ East and chord distance of 46.85 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of $06^{\circ} 45' 28''$, a radius of 333.00 feet, an arc length of 39.28 feet, a chord bearing of South $68^{\circ} 25' 04''$ East and chord distance of 39.25 feet to a point; and

North $35^{\circ} 44' 59''$ East, a distance of 3.05 feet to a point on the arc of a curve;

Thence continuing across said 3.722, 40.809 and 65.122 acre tracts, the following courses and distances:

with the arc of a curve to the right, having a central angle of $10^{\circ} 41' 28''$, a radius of 336.00 feet, an arc length of 62.70 feet, a chord bearing of South $59^{\circ} 35' 45''$ East and chord distance of 62.60 feet to a point of tangency;

South $54^{\circ} 15' 01''$ East, a distance of 172.89 feet to a point;

South $33^{\circ} 14' 59''$ West, a distance of 39.10 feet to a point at a point of curvature;

with the arc of a curve to the left, having a central angle of $30^{\circ} 16' 32''$, a radius of 188.00 feet, an arc length of 99.34 feet, a chord bearing of South $18^{\circ} 06' 43''$ West and chord distance of 98.19 feet to a point of tangency; and

South $02^{\circ} 58' 28''$ West, a distance of 65.86 feet to a point in the northerly line of said 5.063 acre tract;

Thence North $87^{\circ} 01' 32''$ West, with the line common to said 3.722 and 5.063 acre tracts, a distance of 384.80 feet to the TRUE POINT OF BEGINNING, containing 2.49 acres, more or less.

TRACT 3 - 9.50 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, being part of that 65.122 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201212310201339 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 8814 found at an angle point in the centerline of Hamilton Road (County Road 103, variable right-of-way width), being the northwesterly corner of that 0.320 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200807100105811, and in the southerly terminus of that portion of Hamilton Road dedicated in Plat Book 120, Page 64;

Thence South $87^{\circ} 01' 32''$ East, with the northerly lines of said 0.320 acre tract, that 5.063 acre tract conveyed to Hamilton Retail II by deed of record in Instrument Number 200512010253314 and that subdivision entitled "The Preserve Section 4", of record in Plat Book 93, Page 26, said southerly terminus and the southerly lines of that 3.722 acre

tract as conveyed to The New Albany Company by deed of Record in Instrument Number 201607190092673, and that 10.652 acre tract conveyed to Five 14 Church by deed of record in Instrument Number 201610130139810, a distance of 520.39 feet to a point;

Thence North 02° 58' 28" East, across said 10.652 acre tract, a distance of 237.62 feet to an angle point in the northerly line thereof, the southerly line of the remainder of said 65.122 acre tract, the TRUE POINT OF BEGINNING;

Thence North 54° 15' 01" West, with the line common to the remainder of said 65.122 acre tract and said 10.652 acre tract, a distance of 233.04 feet to a point in the southerly right-of-way line of said Hamilton Road (P.B. 120, P. 64);

Thence with said southerly right-of-way line, the northerly line of the remainder of said 65.122 acre tract, the following courses and distances:

North 35° 44' 59" East, a distance of 3.19 feet to a point on the arc of a curve;

with the arc of a curve to the right, having a central angle of 25° 21' 37", a radius of 83.00 feet, an arc length of 36.74 feet, a chord bearing of North 37° 39' 42" West and chord distance of 36.44 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of 47° 03' 24", a radius of 33.00 feet, an arc length of 27.10 feet, a chord bearing of North 01° 27' 12" West and chord distance of 26.35 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of 46° 12' 56", a radius of 583.00 feet, an arc length of 470.26 feet, a chord bearing of North 45° 10' 58" East and chord distance of 457.61 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of 24° 36' 18", a radius of 950.00 feet, an arc length of 407.97 feet, a chord bearing of North 80° 35' 35" East and chord distance of 404.84 feet to a point of tangency;

South 87° 06' 16" East, a distance of 408.09 feet to a point of curvature;

with the arc of a curve to the left, having a central angle of 10° 14' 33", a radius of 1039.00 feet, an arc length of 185.74 feet, a chord bearing of North 87° 46' 27" East and chord distance of 185.49 feet to a point of reverse curvature;

with the arc of a curve to the right, having a central angle of 48° 11' 37", a radius of 83.00 feet, an arc length of 69.81 feet, a chord bearing of South 73° 15' 01" East and chord distance of 67.77 feet to a point of tangency;

South 49° 09' 13" East, a distance of 41.33 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 32° 29' 47", a radius of 63.00 feet, an arc length of 35.73 feet, a chord bearing of South 32° 54' 19" East and chord distance of 35.25 feet to a point of compound curvature; and

with the arc of a curve to the right, having a central angle of 10° 24' 32", a radius of 383.00 feet, an arc length of 69.58 feet, a chord bearing of South 11° 27' 10" East and chord distance of 69.48 feet to a point;

Thence across the remainder of said 65.122 acre tract, the following courses and distances:

North 83° 45' 06" East, a distance of 10.00 feet to a point on the arc of a curve;

with the arc of a curve to the right, having a central angle of 09° 08' 38", a radius of 393.00 feet, an arc length of 62.72 feet, a chord bearing of South 01° 40' 35" East and chord distance of 62.65 feet to a point of tangency; and

South 02° 53' 44" West, a distance of 86.08 feet to a point;

Thence North 87° 06' 16" West, across the remainder of said 65.122 acre tract and partially with the line common to the remainder of said 65.122 acre tract and said 10.652 acre tract, a distance of 711.01 feet to a point of curvature;

Thence with the line common to the remainder of said 65.122 acre tract and said 10.652 acre tract, the following courses and distances:

with the arc of a curve to the left, having a central angle of 25° 31' 41", a radius of 688.00 feet, an arc length of 306.54 feet, a chord bearing of South 80° 07' 54" West and chord distance of 304.01 feet to a point of compound curvature;

with the arc of a curve to the left, having a central angle of 34° 07' 04", a radius of 303.00 feet, an arc length of 180.43 feet, a chord bearing of South 50° 18' 31" West and chord distance of 177.77 feet to a point of tangency;

South 33° 14' 59" West, a distance of 176.65 feet to the TRUE POINT OF BEGINNING, containing 9.50 acres, more or less.

To Rezone From: L-AR-O, Limited Apartment Office 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, "**EXHIBIT A CPD PLAN,**" "**EXHIBIT B,**" and text titled, "**DEVELOPMENT TEXT,**" all dated April 7, 2017, and signed by Aaron L. Underhill, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

(See Attachment File ORD1022-2017_DEVELOPMENT_TEXT)

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.