



## Legislation Text

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**File #:** 1719-2017, **Version:** 1

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### Rezoning Application Z16-025

**APPLICANT:** Thomas O'Neil; 5151 Menard Drive; Eau Claire, WI 54703.

**PROPOSED USE:** Home improvement store and other commercial uses.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on April 13, 2017.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single parcel that is currently undeveloped, recently annexed from Prairie Township, and zoned R, Rural District. The requested CPD, Commercial Planned Development District would permit the development of commercial uses in two subareas. A building materials supply dealer is proposed within Subarea I, with C-4 district uses also permitted. Within Subarea II, C-4 and C-5 district uses would be permitted for unspecified commercial development. The CPD text includes use, setback, access, frontage, screening, landscaping, and building design commitments. Variances to reduce minimum parking, screening, landscaping, building setback, and maneuvering requirements are also included within the text. The applicant will develop the site in accordance with a site plan and building elevations. The site is located within the planning area of the *Trabue / Roberts Area Plan* (2011), which recommends "community mixed uses" for this location. The Planning Division supports the request as the site plan and zoning text are consistent with plan recommendations for screening and parking lots. The request includes setbacks and screening from adjacent residential property. It also incorporates Regional Commercial Overlay standards for parking lot screening as well as prohibits parking and stacking between the right-of-way line and primary buildings in Subarea II.

To rezone **831 HILLIARD & ROME ROAD (43228)**, being 35.9± acres on the west side of Hilliard & Rome Road, 450± feet south of Fisher Road, From: R, Rural District, To: CPD, Commercial Planned Development District (Rezoning # Z16-025). **(AMENDED BY ORD. 1496-2022 PASSED 6/6/2022).**

**WHEREAS**, application # Z16-025 is on file with the Department of Building and Zoning Services requesting rezoning of 35.9± acres from R, Rural 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, which will allow the development of the site with a home improvement store and other commercial uses, is compatible with the development along the Hilliard & Rome Road corridor, and is properly buffered and screened from the adjacent multi-unit residential development.

### 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:

**831 HILLIARD & ROME ROAD (43228)**, being 35.9± acres on the west side of Hilliard & Rome Road, 450± feet

south of Fisher Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Prairie, in Virginia Military Survey Numbers 7326 and 1484, being a part of Lots 1 and 5 as shown on Plat "A" of the partition of the lands of Thomas O'Harra, of record in Complete Record Number 80, Page 196 of the Court of Common Pleas, also being part of those tracts of land conveyed to LJKJ Rome Hilliard, LLC by deeds of record in Instrument Numbers 201212190195037 and 201306120097793, and to Ruth Ann Hoffman and Roy Lee Hoffman by deeds of record in Official Records 2614J05 and 5431H02, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the northeasterly corner of said Hoffman tracts, the southeasterly corner of that 0.972 acre tract conveyed as Tract Three to Dean E. Salts, Trustee, by deed of record in Instrument Number 201411030145462, in the westerly line of that 7.879 acre tract conveyed as Parcel No. 104 WD to the State of Ohio by deed of record in Deed Book 2990, Page 249, in the westerly right-of-way line of Hilliard-Rome Road;

Thence with said westerly right-of-way line the following courses and dimensions:

South 14°27'57" East, a distance of 110.68 feet to a point;

South 21°34'02" East, a distance of 314.09 feet to a point;

South 31°34'10" East, a distance of 209.73 feet to a point;

South 40°22'51" East, a distance of 400.89 feet to a point;

South 33°03'34" East, a distance of 192.46 feet to a point; and

South 23°34'36" East, a distance of 71.46 feet to the northerly corner of the condominium entitled "Templeton Crossing Condominiums", of record in Condo Plat Book 92, Page 35, in the existing City of Columbus corporation line as established by Ordinance Number 775-98, of record in Instrument Number 199805120115788;

Thence South 13°54'58" West, with the westerly line of said "Templeton Crossing Condominiums", with said City of

Columbus corporation line, a distance of 725.74 feet to the northeasterly corner of that 5.023 acre tract conveyed to the City of Columbus, Ohio by deed of record in Instrument Number 199902250048365;

Thence North 85°53'40" West, with the northerly lines of said 5.023 acre tract and said "Templeton Crossing Condominiums", with said City of Columbus corporation line, a distance of 1133.61 feet to the southeasterly corner of that 16.480 acre tract conveyed to Marcus Pohlmann Properties I, LLC by deed of record in Instrument Number 200007240145759;

Thence North 03°47'12" East, with the easterly line of said 16.480 acre tract, with said City of Columbus corporation line, a distance of 1091.76 feet to a point in the southerly line of the condominium entitled "Hartford Village Commons Condominiums Phase V, Fifth Amendment", of record in Condominium Plat Book 243, Page 9;

Thence South 85°51'22" East, with said southerly line, continuing with said City of Columbus corporation line, a distance of 295.39 feet to the southeasterly corner thereof;

Thence North 03°52'15" East, with the easterly lines of said condominium and that 1.629 acre tract conveyed to Image Hospitality, L.L.C. by deed of record in Instrument Number 201010010129017, continuing with said City of Columbus corporation line, a distance of 685.45 feet to the southwesterly corner of said 0.972 acre tract;

Thence South 85°41'56" East, with the southerly line of said 0.972 acre tract, a distance of 246.75 feet to the POINT OF BEGINNING, containing 35.9 acres, more or less.

**To Rezone From:** R, Rural 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 plans being titled, “**CPD SITE PLAN,**” and “**CPD BUILDING ELEVATIONS,**” and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT,**” all dated June 13, 2017, and signed by Thomas O’Neil, Applicant, and the text reading as follows:

## **COMMERCIAL PLANNED DEVELOPMENT TEXT**

**PROPOSED DISTRICTS:** Commercial Planned Development (CPD)

**PROPERTY ADDRESS:** 831 Hilliard & Rome Road

**OWNER:** LJKJ Rome Hilliard LLC; Ruth Ann Hoffman; Roy Lee Hoffman

**APPLICANT:** Menard, Inc., a Wisconsin corporation

**DATE OF TEXT:** 06/13/2017

**APPLICATION NUMBER:** Z16-025

## **INTRODUCTION**

The subject area is being divided into subareas to reflect zoning classifications and standards, which are thought to be appropriate for each subarea. The development of Subarea I is planned as a Menards home improvement and building materials supply dealer, with said development tentatively scheduled for construction during the 2018 construction season. The development of parts or all of Subarea II is planned as ancillary commercial retail development, with said development tentatively scheduled for construction during the 2019 construction season and later.

Any subarea may be the subject of a rezoning application filed with the City of Columbus and nothing contained herein shall prevent the current or future owners of the property from filing and processing a rezoning application on any subarea.

The applicable development requirements contained in this text shall not apply to the subarea until the time of development of that subarea.

## **SUBAREA I - 20.51+/- ACRES**

1. **PERMITTED USES:** The following uses shall be permitted within Subarea I: Those uses listed in Chapter 3356 (C-4, Commercial District).

2. **DEVELOPMENT STANDARDS:** Except as otherwise noted herein, the applicable development standards of Chapter 3356, C-4, Commercial District shall apply to Subarea I.

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

1. Setback from Hilliard & Rome Road shall be two hundred (200) feet for all parking, loading and maneuvering areas and five hundred (500) feet for buildings, unless and until such time as Hilliard & Rome Road is relocated in accordance with the City of Columbus Transportation Plan, at which time the setbacks shall be reduced to correspond to the road relocation.

2. Setback from residential properties shall be twenty-five (25) feet for parking, loading and maneuvering areas and twenty-five (25) feet for buildings. That being said, the property line for the lot comprising Subarea I and the lots comprising Subarea II may straddle the internal, private frontage drive.

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

1. Access to Hilliard & Rome Road shall be by one right-in / right-out turning movement intersection to the north and

one full-turning movement signalized intersection to the south, subject to the approval of the Franklin County Engineer Office.

2. A bike rack will be installed adjacent to the building in Subarea I.

3. Upon development of Subarea I, the developer shall make the following roadway improvements:

a. Install a traffic signal at the proposed Menards store access point approximately 1200' south of the Hilliard & Rome Road and Fisher Road / Feder Road Intersection.

Due to the signal being at a private drive, Menard, Inc. understands it will be required to sign an agreement with Franklin County for the future maintenance costs and electrical costs for this signal.

b. Construct a 439' northbound left turn lane at the proposed Menards store signal.

c. Construct an additional southbound through lane on Hilliard & Rome Road beginning at the current southbound merge point (south of Fisher Road / Feder Road). This additional southbound thru lane will end at the southbound right turn lane at Summerlin Way. Final design will be coordinated with the City of Columbus Fisher Road / Feder Road Intersection Improvement Project to provide a fluid continuation of the 2 southbound through lanes.

d. Construct a two-way left turn lane from the City of Columbus Fisher Road / Feder Road Intersection Improvement Project to Summerlin Way, where it will terminate into the existing southbound left turn lane at Summerlin Way.

C. Buffering, Landscaping, Open space and/or Screening commitments.

1. The lumberyard shall be screened with a treated lumber pallet racking structure surrounding the lumberyard area.

2. The developer shall install a mixture of evergreen and deciduous trees along the length of the treated lumber pallet racking located to the west. These trees shall be planted in a staggered configuration in order to provide a series of visual interruptions along the length of the treated lumber pallet racking. Trees will be planted at a minimum density of 1 tree every 30'.

3. A 14' tall board on board fence with a planting strip 10' in width will be provided in the setback adjacent to the residential properties, excepting the rear of the accessory structure located along the west property line which shall constitute the buffering "fence" in that area. The tree buffer will be provided between the fence and the adjacent residential properties. Trees will be planted at a minimum density of 1 tree every 30', and shall extend along the southern property line to the eastern edge of Subarea I.

D. Building Design / Exterior Façade Commitments.

The building constructed on Subarea I shall be designed in conformance with the CPD Building Elevations plan.

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

1. Buildings and landscaping may be up lit or down lit provided that such lighting does not spill over into the public right of way or the residential property to the west or south. Pedestrian friendly decorative lighting shall be permitted on the wrought iron fence adjacent to the garden center located on the northwest side of the Menards building.

2. Outdoor display areas shall include a propane tank display and sales area in front of the building, (provided however that four (4) feet of sidewalk shall remain available to pedestrians), and a propane fueling station. The propane fueling station shall lie within the parking field.

3. All light poles shall be black in color (above any base) and the poles shall be constructed of metal.

F. Graphics and Signage commitments.

All signage and graphics shall conform to the Columbus City Code as it applies to the C-4, Commercial District, or a Graphics Plan shall be submitted for approval by the Columbus Graphics Commission.

G. Miscellaneous Commitments.

The Subject Site shall be developed in accordance with the submitted site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of 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. The Building shall be developed in accordance with the submitted building elevation plan. The building elevations may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the elevations 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.

**SUBAREA II - 15.38+/- ACRES**

1. PERMITTED USES: The following uses shall be permitted within Subarea II: Those uses listed in Chapter 3356 (C-4, Commercial District) and in Chapter 3357 (C-5, commercial district).

2. DEVELOPMENT STANDARDS: Except as otherwise noted herein, the applicable development standards of Chapter 3356, C-4, Commercial District shall apply to Subarea II.

A. Density, Height, Lot and/or Setback commitments.

1. Setback from Hilliard & Rome Road shall be ten (10) feet for all parking, loading and maneuvering areas and twenty five (25) feet for buildings.

2. Setback from residential properties shall be twenty-five (25) feet for parking, loading, and maneuvering lanes and twenty-five (25) feet for buildings. Setback from property lines other than the west and south property line of Subarea II shall be ten (10) feet for parking, loading, and maneuvering lanes and twenty-five (25) feet for buildings. That being said, the property line for the lot comprising Subarea I and the lots comprising Subarea II may straddle the internal, private frontage drive.

B. Access, Loading, Parking and/or other Traffic related commitments.

1. Access to Hilliard & Rome Road shall be by one right-in / right-out turning movement intersection to the north and one full-turning movement signalized intersection to the south, subject to the approval of the Franklin County Engineer Office.

2. Parking and stacking are not permitted between the principle buildings in Subarea II and a street right-of-way line. Circulation aisles are permitted between the principle buildings and street right-of-way line. Subarea II development plans should include parking lot screening as listed in Chapter 3372.807 to screen parking.

C. Buffering, Landscaping, Open space and/or Screening commitments.

1. A street tree row shall be established along Hilliard & Rome Road at such time as each individual lot adjacent thereto develops. Said street tree row shall contain trees planted at a maximum of forty (40) feet on center. Such trees shall be a

minimum of two and one half (2½) inches in caliper. Said street trees shall be located outside of the right-of-way for Hilliard & Rome Road.

2. 6' screening that is a minimum of 90% opaque shall be provided in the setback adjacent to the residential properties. In the event a fence or wall is utilized to meet the screening requirement, a planting strip 10' in width will be provided between the fence and the adjacent residential property lines. Trees will be planted at a minimum density of 1 tree every 30'.

D. Building Design / Exterior Façade Commitments.

N/A

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

1. Buildings and landscaping may be up lit or down lit provided that such lighting does not spill over into the public right of way or the residential property to the west or south.

2. All light poles shall be black in color (above any base) and the poles shall be constructed of metal.

F. Graphics and Signage commitments.

All signage and graphics shall conform to the Columbus City Code as it applies to the C-4, Commercial District, or a Graphics Plan shall be submitted for approval by the Columbus Graphics Commission.

G. Miscellaneous Commitments.

The Subject Site shall be developed in accordance with the submitted site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of 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.

**CPD CRITERIA WHICH APPLIES TO BOTH SUBAREA I AND II**

1. NATURAL ENVIRONMENT:

The site is undeveloped.

2. EXISTING LAND USES:

To the north along Hilliard & Rome Road, commercial uses; to the south and west multi-family development; to the east across Hilliard & Rome Road agricultural uses.

3. TRANSPORTATION AND CIRCULATION:

Access to the site is shown on the attached CPD Site Plan. Roadway improvements are included within the Subarea I CPD text.

4. VISUAL FORM OF THE DEVELOPMENT:

The site shall be developed in accordance with the zoning text.

5. VIEW AND VISIBILITY:

In the development of the subject property and the location of the buildings and access points consideration has been given to the visibility and safety of the motorists and pedestrians.

6. PROPOSED DEVELOPMENT:

Commercial as permitted under this text.

7. EMISSIONS:

No adverse effects from emissions shall result from the proposed development.

8. BEHAVIOR PATTERNS:

The proposed development would serve the growing Columbus residential population as well as the motorists who use Hilliard & Rome Road and I-70 to get to their place of employment.

**VARIANCES REQUESTED WITH RESPECT TO EITHER SUBAREA I OR II**

1. To reduce the minimum amount of parking otherwise required by code to 400 parking spaces within Subarea I.
2. To allow the 14' fence that is setback 25' from the adjacent residential property lines to constitute the screening buffer otherwise required no further than 20' from the property line within Subarea I.
3. To allow the minimum amount of storefront and parking lot shade trees within Subarea I to be comprised of both shade trees and ornamental trees.
4. To reduce the building setback on Hilliard & Rome Road from 80 to 25 feet within Subarea II.
5. To allow maneuvering areas to be divided by parcel lines if lot splits occur between subareas or within subareas.

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