



Legislation Text

File #: 1109-2019, Version: 1

Rezoning Amendment: Z91-052D

Ordinance #366-92, passed March, 2, 1992 (Z91-052), known as 4865 North Hamilton Road, rezoned 21.41± acres to the L-C-4, Limited Commercial and CPD, Commercial Planned Development districts. That rezoning established two subareas each having specific use prohibitions and development standards including building design, height, setbacks, landscaping, lighting, access, and graphics restrictions. Ordinance #2215-1998, passed September 14, 1998 (Z91-052B), modified signage requirements, and Ordinance #1247-2004, passed November 29, 2004 (Z91-052C), modified the roof pitch and roof material requirements. One previous amendment has also been approved for text modifications to Z91-052. The properties subject to this amendment are part of Subareas 1 and 2 along the west side of North Hamilton Road, and are developed with a department store, a commercial strip center, and a bank. This arterial is in the process of being widened which has necessitated the acquisition of additional right-of-way. The right-of-way acquisitions are compromising existing parking and landscaping setbacks thereby creating noncompliant situations. This ordinance amends the setback restrictions for Subareas 1 and 2 in the limitation overlay and CPD texts established originally by Ordinance #366-92 (Z91-052) and subsequently amended by Ordinance #1247-2004 (Z91-052C) specifically for these three properties. This amendment makes no other changes to Ordinance #1247-2004 or subsequent amendments to Ordinance #366-92.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To amend Ordinance #1247-2004, passed November 29, 2004 (Z91-052C), and Ordinance #2215-1998, passed September 14, 1998 (Z91-052B), for property located at **4845 NORTH HAMILTON ROAD (43230)**, by repealing Section 1 of Ordinance #1247-2004 and Section 1 of Ordinance #2215-1998 and replacing it with a new Section 3 thereby modifying the L-C-4 and CPD texts for parts of Subareas 1 and 2 as it pertains to parking and landscaping setbacks; and to modify Sections 1 and 3 of Ordinance #366-92 to revise legal descriptions of these properties (Rezoning Amendment # Z91-052D).

WHEREAS, Ordinance #2215-1998, passed September 14, 1998 (Z91-052B), modified signage requirements, and Ordinance #1247-2004, passed November 29, 2004 (Z91-052C), modified the roof pitch and material requirements for Subarea 1 that was subject to #366-92, passed March, 2, 1992 (Z91-052); a rezoning of 21.41± acres located at 4865 North Hamilton Road to the L-C-4, Limited Commercial and CPD, Commercial Planned Development districts; and

WHEREAS, that rezoning and subsequent amendments established specific development standards addressing permitted uses, setbacks, access, parking, landscaping, building design, and lighting commitments; and

WHEREAS, it is necessary to modify the Limitation and CPD texts on these properties to account for right-of-way acquisitions that are compromising existing setbacks thereby creating noncompliant situations, and;

WHEREAS, it is necessary to amend Sections 1 and 3 of Ordinance #366-92, passed March, 2, 1992 (Z91-052), to revise legal descriptions in Section 1 of this ordinance for the properties that are subject to this amendment; and

WHEREAS, Sections 2 and 4 of Ordinance #366-92, passed March, 2, 1992 (Z91-052), established a height district of sixty feet on the subject site, and that section is being carried over as Section 2 in this ordinance for clarity purposes; and

WHEREAS, it is necessary to amend Section 1 of Ordinance #1247-2004, November 29, 2004 (Z91-052C) (Section 5 of Ordinance #366-92), and Section 1 of Ordinance #2215-1998 (Z91-052B), passed September 14, 1998, to modify the parking and landscaping setback commitments in Section 3 of this ordinance; and

WHEREAS, all other aspects contained in #366-92 (Z91-052), except as subsequently amended, are unaffected by this amendment and remain in effect; and

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:

4845 NORTH HAMILTON ROAD (43230), being 13.34± acres located at the northwest and southwest corners of North Hamilton Road and Broadview Road, and being more particularly described as follows:

Subarea 1

L-C-4 District (13.08± acres)

Tract I

Legal Description for 4865 Hamilton Road, Columbus, Ohio 43230, commonly known as Franklin County Auditor Tax Parcel Id. No. 600-254098

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 4, Township 2, Range 17, United States Military Lands and being 12.233 acres out of those tracts of land as conveyed to Ben W. Hale, Jr., Trustee, by deed of record in Official Record 34299G14 and Instrument Number 200003090047635, all references being to records of the Recorder's Office, Franklin County, Ohio, and being described as follows:

Beginning at an iron pin set in the northerly right-of-way line of Morse Road at the southeasterly corner of that 5.78 acre tract as conveyed to the City of Columbus by deed of record in Deed Book 2929, Page 99;

thence North 3° 39' 04" East, being along the easterly line of said 5.78 acre tract, a distance of 570.00 feet to an iron pin found at the northeasterly corner of said 5.78 acre tract, being the southeasterly corner of that tract of land as conveyed to Chestnut Hill Apartments, Ltd. by deed of record in Official Record 33896H07;

thence North 13° 40' 28" East, being along the easterly line of said Chestnut Hill tract, a distance of 198.12 feet to an iron pinset;

thence South 86° 41' 48" East, being across said Hale tracts, a distance of 766.01 feet to an iron pin found in the westerly right-of-way line of Hamilton Road;

thence South 3° 18' 12" West, being along the westerly right-of-way line of said Hamilton Road (being 60 feet Westerly from, as measured at right angles and parallel with the centerline of Hamilton Road), a distance of 571.00 feet to an iron pin found at the northeasterly corner of that 0.961 acre tract as conveyed to B.P. Exploration & Oil, Inc. by deed of record in Official Record 21725D16;

thence North 86° 20' 56" West, along the northerly line of said 0.961 acre tract, a distance of 204.85 feet to an iron pin found at the northwesterly corner of said 0.961 acre tract;

thence South 3° 18' 12" West, along the westerly line of said 0.961 acre tract, a distance of 199.85 feet to an iron pin found at the southwesterly corner of said 0.961 acre tract, being in the northerly right-of-way line of said Morse Road;

thence North 86° 20' 56" West, along said right-of-way line (being 60 feet northerly from, as measured at right angles and parallel with the centerline of Morse Road), a distance of 386.19 feet to an iron pin set on the arc of a curve to the left;

thence leaving said right-of-way line and crossing said Hale tract, the following seven (7) courses and distance:

Northwesterly, along the arc of said curve (Delta = 33° 12' 50", Radius = 37.00 feet), a chord bearing and distance of North 18° 50' 56" East, 21.15 feet to an iron pin set at a point of tangency;

North 3° 02' 20" East, a distance of 154.07 feet to an iron pin set at a point of curvature of a curve to the left;

Northwesterly, along the arc of said curve (Delta = 89° 42' 44", Radius = 37.00 feet), a chord bearing and distance of North 41° 50' 26" West, 52.19 feet to an iron pin set at a point of tangency;

North 86° 41' 48" West, a distance of 119.04 feet to an iron pin set at a point of curvature of a curve to the left;

Southwesterly, along the arc of said curve (Delta = 89° 39' 08", Radius = 12.00 feet), a chord bearing and distance of South 48° 28' 38" West, 16.92 feet to an iron pin set at a point of tangency;

South 3° 39' 04" West, a distance of 168.84 feet to an iron pin set at a point of curvature of a curve to the left; and

Southeasterly, along the arc of said curve (Delta = 38° 52' 40", Radius = 47.00 feet), a chord bearing and distance of South 15° 47' 16" East, 31.28 feet to an iron pin set at a point in the northerly right-of-way line of said Morse Road;

thence North 86° 20' 56" West, along said right-of-way line, a distance of 53.41 feet to the place of beginning containing 12.233 acres of land, more or less.

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

Bearings contained herein are based on the Ohio State Plane Coordinate System as per NAD 83. Control for bearings was from coordinates of Monuments Frank 69 and Frank 169, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment

Excluding therefrom a triangular area in the northwest corner of said Parcel #600-254098 that is subject to Zoning Application #Z97-016: Beginning at the northwest corner of said Parcel #600-254098; thence east a distance of approximately 90.3 feet along the north property line; thence southwest a distance of approximately 236.7 feet to a point at the northeast corner of Parcel #600-168470; thence northwest a distance of approximately 207.6 feet to the point of beginning, containing approximately 0.2 acres.

Also excluding therefrom Parcel #600-255888 described below:

1.528 ACRE TRACT

Situated in the State of Ohio, City of Columbus, being located in Quarter Township 4, Township 2, Range 17, United States Military Lands and being 1.528 acres out of that tract of land as conveyed to Ben W. Hale, Jr., Trustee, by deed of record in Official Record 34299G14, all references being to records of the Recorder's Office, Franklin County, Ohio, and being described as follows:

Beginning for reference at the intersection of the centerline of Hamilton Road with the centerline of Morse Road1 said intersection being Franklin County Monument No. 6616;

thence North 86° 20' 56" West, with the centerline of Morse Road, a distance of 264.85 feet to a point;

thence North 3° 18' 12" East, crossing Morse Road a distance of 60.00 feet to an iron pin found in the northerly right-of-way line of Morse Road at the southwesterly corner of the B.P. Exploration & Oil, Inc. 0.961 acre tract, of record in Official Record 21725E01, being the TRUE POINT OF BEGINNING and the southeasterly corner of the tract herein intended to be described;

thence North 86° 20' 56" West, with said right-of-way line of Morse Road, a distance of 299.84 feet to an iron pin set;

thence with the arc of a curve to the right (Delta = 52° 42' 24", Radius = 37.00 feet), a chord bearing and distance of North 23° 18' 52" West, 32.85 feet to an iron pin set at a point of tangency;

thence North 3° 02' 20" East, a distance of 145.25 feet to an iron pin set at a point of curvature of a curve to the right;

thence with said curve (Delta = 90° 15' 52", Radius = 37.00 feet), a chord bearing and distance of North 48° 10' 16" East, 52.45 feet to an iron pin set at a point of tangency;

thence South 86° 41' 48" East, a distance of 278.22 feet to an iron pin set;

thence South 3° 18' 12" West, being in part along the westerly line of the B.P. Exploration & Oil, Inc. 0.961 acre tract (passing an iron pin at the northwesterly corner of said 0.961 acre tract at 13.76 feet), a distance of 213.61 feet to the place of true beginning, containing 1.528 acres more or less.

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

Bearings contained herein are based on the Ohio State Plane Coordinate System as per NAD 83. Control for bearings was from coordinates of Monuments Frank 69 and Frank 169 established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

Also excluding therefrom the portion of Parcel 600-254098 that is in the CPD, Commercial Planned Development District described below in Subarea 2 and containing approximately 0.26 acres.

Tract II

Legal Description for 5055 N. Hamilton Road, Columbus, Ohio 43230, commonly known as Franklin County Auditor Tax Parcel Id. No. 600-254194-00

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 4, Township 2, Range 17, United States Military Lands, being part of that tract of land as conveyed to Ben W. Hale, Jr., Trustee, by deed of record in Official Record 34299G14, all references being to records in the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning for reference at Franklin County Monument FCGS 6616, located at the intersection of the centerline of Morse Road with the centerline of Hamilton Road;

thence North 3° 18' 12" East, with the centerline of Hamilton Road, a distance of 1096.63 feet to a point;

thence North 86° 41' 48" West., a distance of 60.00 feet to an iron pin set in the westerly right-of-way line of Hamilton Road and being the TRUE POINT OF BEGINNING of the tract herein intended to be described;

thence along the arc of a curve to the right (Delta = 90° 00' 00", Radius = 20.00 feet), a chord bearing and distance of South 48° 8' 20" 12.233-.2-1.528+1.158+1.679

West, 28.28 feet to an iron pin set at a point of tangency in the northerly right-of-way line of Broadview Road (60 feet in width);

thence North 86° 41' 48" West, with said right-of-way line of Broadview Road, a distance of 195.00 feet to an iron pin set;

thence North 3° 18' 12" East, a distance of 235.00 feet to an iron pin set;

thence South 86° 41' 48" East, a distance of 215.00 feet to an iron pin set in the westerly right-of-way line of Hamilton Road;

thence South 3° 18' 12" West, with said right-of-way line of Hamilton Road (being 60 feet westerly from, as measured at right angles and parallel with the centerline of Hamilton Road), a distance of 215.00 feet to the place of beginning, containing 1.158 acres, more or less.

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

Bearings contained herein, are based on the Ohio State Plane Coordinate System as per NAD 83. Control for bearings was from coordinates of Monuments Frank 69 and Frank 169, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

Tract III

Legal Description for 4951-4965 N. Hamilton Road, Columbus, Ohio 43230, commonly known as Franklin County Auditor Tax Parcel Id. No. 600-267633-00

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 8, Range 17, United States Military Lands and being part of the original 30234 acre tract conveyed to Ben W. Hale, Jr., Trustee, by deed of record in Official Record 34299G14, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning for Reference at a 1" solid iron pin found marking the centerline intersection of Hamilton Road and Broadview Road. Said iron pin being South 03° 18' 12" West, a distance of 722.82 feet from Franklin County Geodetic Survey Monument No. 6671;

Thence North 86° 41' 48" West, a distance of 80.00 feet, with said centerline of Broadview Road, to a point;

Thence South 03° 18' 12" West, a distance of 30.00 feet, across said Broadview Road right-of-way, to an iron pin set at a point of curve in the westerly right-of-way line of said Hamilton Road. Said iron pin being the TRUE POINT OF BEGINNING of the herein described tract;

Thence with said westerly right-of-way line of Hamilton Road and with the arc of said curve to the right having a central angle of 90° 00' 00", a radius of 20.00 feet, an arc length of 31.42 feet and a chord bearing South 41° 41' 48" East, a chord distance of 28.28 feet, to an iron pin set at a point of tangency;

Thence South 03° 18' 12" West, a distance of 165.42 feet, continuing with said westerly right-of-way line of Hamilton Road, to an iron pin set at a common corner of said original 30.234 tract and the 12.237 acre tract conveyed to Ben Hale, Jr., Trusee, by deed of record in Instrument No. 200007120138038;

Thence North 86° 41' 48" West, a distance of 395.00 feet, with the line common to said original 30.234 and 12.237 acre

tracts, to an iron pin set;

Thence North 03° 18' 12" East, a distance of 185.42 feet, across said original 30.234 acre tract, to an iron pin set in the southerly right-of-way line of Broadview Road;

Thence South 86° 41' 48" East, a distance of 375.00 feet, with said southerly right-of-way line of Broadview Road, to the TRUE POINT OF BEGINNING. Containing 1.679 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 inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings in the above description are based on the same bearing system as "Asbury Ridge of New Albany Section 1", as recorded in Plat Book 93, Page 97.

To Rezone From: L-C-4, Limited Commercial District,

To: L-C-4, Limited Commercial District.

Subarea 2

CPD District Description (0.26± acres):

Part of Parcel # 600-254098

Situated in the Township of Blendon, County of Franklin, State of Ohio, located in the southeast Quarter of the 4th Quarter of Township 2, Range 17, United States Military Lands and being a 0.407 acre tract out of a 15.339 acre tract deeded to Thomas H. Lurie, in Deed Book 3701, Page 623 (Franklin County Parcel No, 168445), all references to Deed Book are of record in the Recorder's Office, Columbus, Ohio and said 0.407 acre parcel being more particularly bounded and described as follows:

Beginning for reference at Franklin County Monument No. FCGS 6616, located at the intersection of the centerline of Morse Road with the centerline of Hamilton Road and being at a common corner to Blendon, Plain, Jefferson, and Mifflin Townships, and being at the southeasterly corner of a 1.580 acre tract conveyed to Thomas H. Lurie, in Deed Book 3646, Page 157;

Thence North 89° 58' 00" West along the southerly line of said 1.580 acre tract, and along the line between said Blendon and Mifflin Township in the centerline of Morse Road, a distance of 264.85 feet to a PK nail set at the southeasterly corner of a 15.339 acre tract deeded to Thomas H. Lurie, of record in Deed Book 3701, Page 623 (Franklin County Parcel No, 168445) and at the southwesterly corner of said 1.580 acre tract;

Thence North 0° 21' 00" West along the westerly line of said 1.580 acre tract and with the easterly line of said 15.339 acre tract passing an iron pin at 25.00 and 30.00 feet, a total distance of 60.00 feet to an iron pin set and being the true point of beginning;

Thence from said true point of beginning North 89° 58' 00" West, a distance of 30.00 feet to an iron pin set;

Thence North 0° 21' 00" West parallel to the westerly line of said 1.580 acre tract a distance of 249.85 feet to an iron pin set;

Thence South 89° 58' 00" East parallel to the centerline of Morse Road a distance of 234.85 feet to an iron pin set;

Thence South 0° 21' 00" East a distance of 50.00 feet to an iron pin set in the north line of said 1.580 acre tract;

Thence North 89° 58' 00" West along part of said north line of said 1.580 acre tract a distance of 204.85 feet to a point at the northwest corner of said 1.580 acre tract;

Thence South 0° 21' 00" East along part of the west line of said 1.580 acre tract a distance of 199.85 feet to the true point of beginning, and containing 17,737 square feet (0.407 acres of land), more or less, and subject to all easements, restrictions, and rights-of-way of record.

Excluding therefrom a rectangular area being the eastern 30 feet of Parcel #600-255888 that is subject to Zoning Application #Z91-052B:

Beginning at the northeast corner of said Parcel #600-255888; thence south a distance of approximately 213.6 feet along the east property line; thence west a distance of approximately 30 feet along the southern property line; thence north a distance of approximately 213.6 feet; thence east a distance of 30 feet to the point of beginning, containing approximately 0.147 acres.

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 L-C-4, Limited Commercial District and 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 L-C-4, Limited Commercial District and Application records of the Department of Building and Zoning Services as required by Sections 3311.12 and 3370.03 of the Columbus City Codes; said plan titled, "**SIGN EXHIBIT**," dated August 27, 1998, and signed by Jeffrey L. Brown, Attorney for the Applicant, and said text titled, "**LIMITATION/CPD TEXT**," dated January 15, 2019, and signed by Donald Plank, Attorney for the Applicant, and the text reading as follows:

(SEE ATTACHMENT FILE TITLED, "ORD1109-2019_ LIMITATION/CPD TEXT _AMENDED".)

SECTION 4. That the existing limitation and CPD texts in Section 1 of Ordinance #1247-2004, November 29, 2004 (Z91-052C), is hereby repealed on these properties.

SECTION 5. That the existing limitation and CPD texts in Section 1 of Ordinance #2215-1998, passed September 14, 1998 (Z91-052B), is hereby repealed on these properties.

SECTION 6. That the existing Sections 1 and 3 of Ordinance #366-92, passed March 9, 1992 (Z91-058) are hereby modified to establish revised legal descriptions for the properties subject to this amendment ordinance.

SECTION 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.