Rezoning Amendment: Z04-038A

Ordinance #1228-2004, passed July 19, 2004 (Z04-038), rezoned 1.69± acres at 4950 North Hamilton Road, to the CPD, Commercial Planned Development District for an eating and drinking establishment. That rezoning established specific use prohibitions and development standards including building design, height, setbacks, landscaping, lighting, access, and graphics restrictions. The property is located on the east side of North Hamilton Road, and 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 in the CPD Text established by Ordinance #1228-2004 (Z04-038) on this property. All other aspects of Ordinance #1228-2004 remain in effect and are included in this amendment.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To amend Ordinance #1228-2004, passed July 19, 2004 (Z04-038), for property located at **4950 NORTH HAMILTON ROAD (43230),** by repealing Section 3 and replacing it with a new Section 3 thereby modifying the CPD Text as it pertains to parking and landscaping setbacks (Rezoning Amendment # Z04-038A).

WHEREAS, Ordinance #1228-2004, passed July 19, 2004 (Z04-038), rezoned 1.69± acres at **4950 NORTH HAMILTON ROAD (43230)** from the L-C-4, Limited Commercial District to the CPD, Commercial Planned Development District for an eating and drinking establishment; and

WHEREAS, that rezoning established specific development standards addressing permitted uses, setbacks, access, parking, landscaping, building design, and lighting commitments in the CPD Text; and

WHEREAS, the CPD Text included commitments for specific parking and landscaping setbacks; and

WHEREAS, it is necessary to amend Section 3 of Ordinance #1228-2004, passed July 19, 2004 (Z04-038) to account for right-of-way acquisitions that are compromising existing setbacks thereby creating noncompliant situations, and;

WHEREAS, all other aspects of Sections 1 and 2 contained in Ordinance #1228-2004 are unaffected by this amendment and remain in effect, and are repeated below for clarity; 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:

4950 NORTH HAMILTON ROAD (43230), being 1.69± acres located at the southeast corner of North Hamilton Road and Chestnut Hill Drive, and being more particularly described as follows:

1.690 ACRES

Situated in the State of Ohio, County of Franklin, located in Quarter Township 3, Township 2, Range 16, United States Military Lands and being 1.690 acres out of that 5.999 acre tract as conveyed to The Lurie Family Limited Partnership by deed of record in Instrument Number 200103300065530 (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 the centerline intersection of Hamilton Road and Chestnut Hill Drive of record in Plat Book 75, Page 71, being North 03° 18' 12" East, a distance of 1046.63 feet from Franklin County Geodetic Survey Monument Number 6616 at the centerline intersection of said Hamilton Road and Morse Road;

thence South 86° 41' 48" East, with the centerline of said Chestnut Hill Drive, a distance of 85.00 feet to a point;

thence South 03° 18' 12" West, across said Chestnut Hill Drive, a distance of 30.00 feet to an iron pin set in the southerly right-of-way line of said Chestnut Hill Drive, being the True Point of Beginning;

thence South 86° 41' 48" East with said southerly right-of-way line of Chestnut Hill Drive, a distance of 375.35 feet to an iron pin set;

thence across said 5.999 acre tract, the following courses:

South 03° 18' 12" West, a distance of 43.21 feet to an iron pin set;

South 18° 35' 12" East, a distance of 125.72 feet to an iron pin set;

South 37° 18' 13" West, a distance of 28.04 feet to an iron pin set;

North 86° 48' 23" West, a distance of 118.49 feet to an iron pin set; and

North 70° 44' 31" West, a distance of 41.56 feet to an iron pin set;

thence North 86° 48' 23" West, continuing across said 5.999 acre tract and the northerly line of that 0.992 acre tract as conveyed to Ben W. Hale Jr., Trustee by deed of record in Instrument Number 200401280019845, a distance of 273.11 feet to an iron pin set in the easterly right-of-way line of said Hamilton Road, being the easterly line of that 1.729 acre tract as conveyed to the City of Columbus by deed of record in Deed Book 3791, Page 18, and being the northwesterly corner of said 0.992 acre tract;

thence North 03° 18' 12" East, with said easterly right-of-way line, being the easterly line said 1.792 acre tract, a distance of 147.44 feet to an iron pin set at a point of curvature of a curve to the right;

thence northeasterly, continuing with said easterly right-of-way line, with the arc of said curve to the right (Delta = 90° 00' 00", Radius = 25.00 feet) an arc length of 39.27 feet, a chord bearing and distance of North 48° 18' 12" East, 35.36 feet to the True Point of Beginning, containing 1.690 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.

The bearings are based on the Ohio State Plane Coordinate System as per NAD83. Control for bearings was from coordinates of monuments established was coordinates of monuments established by Franklin County Engineering Department, using Global Positioning System procedures and equipment.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

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 Section 3 of Ordinance #1228-2004, passed July 19, 2004 (Z04-038), be hereby repealed and replaced with new Section 3 reading as follows:

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, "**PRELIMINARY SITE PLAN**," and "**PRELIMINARY LANDSCAPE PLAN**," originally signed by Brian Lorenz, AICP, Agent for the Applicant, and dated June 21, 2004, and amended by Donald Plank, Attorney for the Applicant, and dated February 4, 2019, and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," signed by Donald Plank, Attorney for the Applicant, and dated January 15, 2019, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: CPD Commercial Planned Development District
PROPERTY ADDRESS: 4950 Hamilton Road Columbus, OH 43230
OWNER: The Lurie Family Limited Partnership
APPLICANT: ~~RARE Hospitality International, Inc.~~ **Same as Owner**
DATE OF TEXT: ~~June 21, 2004~~ **January 15, 2019**
APPLICATION NUMBER: Z04-038**A**

INTRODUCTION:

The property is part of a developing commercial corridor along the east side of Hamilton Road. The site currently has development setbacks over and above those required by commercial zoning. The site is also encumbered by an existing 50 foot overhead electric easement that limits the area within which we can put our building. This zoning request would allow for a reduction of the building and parking setback along Chestnut Hill Drive.

PERMITTED USES:

A. Permitted uses and applicable development standards for this parcel are contained in Chapter 3355 (C3) and Chapter 3356 (C4), respectively of the City of Columbus Zoning Code unless otherwise indicated within this text.

1. The following uses are prohibited from this parcel:

a) Appliance Maintenance and Repair
b) Armored Car, Investigation Guard and Security Services
c) Funeral Homes and Services
d) Motorcycle, Boat, and Other Motor Vehicle Dealers
e) Outdoor Power Equipment Stores
f) Parking Lots and Garages
g) Pawn Brokers
h) Recreational Vehicle Dealers

i) Reupholster and Furniture Repair
j) Stables
k) Truck, Utility Trailer, and RV (Recreational Vehicle) Sales, Rental and Leasing
l) Used Merchandise Stores
m) Vending Machine Operators
n) Warehouse Clubs and Super Centers

2. Outdoor storage of any kind is prohibited from this parcel. This will include garden centers and sales.

DEVELOPMENT STANDARDS:

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

1. Building Location: If a restaurant or any other use is developed on this property, it will not be held to the exact location as shown on the CPD Site Plan submitted with the rezoning dated June 21, 2004 (the "Site Plan"). The proposed use developed on this parcel must meet the setback requirements listed below.

2. The setback along ~~North~~ Hamilton Road shall be ~~forty (40)~~ **twenty-five (25)** feet for parking and maneuvering and seventy-five (75) feet for building.

3. The setback along Chestnut Hill Drive shall be ~~fifteen (15)~~ **five (5)** feet for parking and maneuvering and forty (40) feet for building.

4. Structures shall not exceed sixty (60) feet in height. The maximum height of the restaurant shall not exceed thirty (30) feet including architectural elements.

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

1. All circulation, curb cuts and access points shall be designed and located to the specification of the City of Columbus Division of Transportation.

2. Direct access to the site from North Hamilton Road will be via existing right in/ right out service drive shared with the car wash site to the south.

3. Direct access to the site from Chestnut Hill Drive will be via an existing service drive located to the east of this parcel.

4. Chapter ~~3342~~ **3312** of the Columbus Zoning Code shall regulate size, ratio, and type of parking facilities.

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

1. Within the required ~~forty (40)~~ **twenty-five (25)** foot green space corridor of Hamilton Road, fencing and landscaping shall be uniformly placed within the last ten (10) feet at a minimum distance of ~~thirty (30)~~ **fifteen (15)** feet from the right of way. Fencing and landscaping shall also be uniformly placed within the ~~ten (10)~~ **five (5)** feet of required green space of Chestnut Hill Drive. The fencing shall consist of a four-board fence that is painted or stained Keenland Green and is a maximum of 54 inches in height. It shall be constructed of 1 1/8 inch x 6 inch x 16 foot treated wood boards attached to 6 to 7 inch treated posts, with face boards, located 8 feet on center. The landscaping shall consist of deciduous shade trees, (minimum 3" caliper upon installation measured 6" from the ground); ornamental trees (minimum 2" caliper upon installation); and evergreen trees (minimum 5 feet in height upon installation). Evergreen and deciduous shrubs and mounding may be used. To insure utilization of a variety of plant material, three (3) evergreen trees, three (3) ornamental trees, and two (2) shade trees with at least five (5) bushes shall be used for every 100 feet of frontage.

2. Street tree planting shall be required within the green space corridor. Such trees shall be Locust and have a minimum

caliper upon planting of two (2) inches and a minimum spacing of thirty-five (35) feet on center and located one (1) foot from the edge of right of way.

3. Parking areas adjacent to Hamilton Road shall have headlight screening parallel to the frontage with a minimum height of thirty (30) inches measured from the elevation of the nearest section of the adjacent parking area. Headlight screening shall be in the form of an evergreen hedge, earth mounding, or walls.

4. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.

5. Drainage shall not adversely affect storm water drainage on, adjacent, and downstream properties and streets.

6. Tree plantings shall be required within site parking and service areas. The number of trees required shall be determined by the following applicable ratios of total inches of tree caliper (minimum two inch per tree) to total site coverage by buildings and pavement:

a) 0 to 20,000 square feet: Six (6) inches of trunk size plus one (1) inch additional for every 4,000 square feet of total site coverage by buildings and pavement over 20,000 square feet.

b) 20,001 to 100,000 square feet: Ten (10) inches of trunk size plus one (1) inch additional for every 4,000 square feet of total site coverage by buildings and pavement over 20,000 square feet.

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

1. A maximum of three building material types shall be utilized for the exterior of any building. Minor accenting of structures through the use of a fourth building material shall be permitted.

2. No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside the permitted structure.

3. Mechanical equipment or other utility hardware on the roof of the building shall be screened from view by the same materials utilized on building roof or exterior. Color shall also match the exterior or roof. Mechanical and all other equipment on the ground shall be fully screened from view by wall, fence, or landscape material utilizing the same material or character of the building.

4. Building illumination shall be permitted provided such light source is concealed. No colored light shall be used to light the exterior of any building.

5. All buildings shall be finished utilizing the same materials on all sides of the exterior.

6. In addition to using building elements to articulate building mass, individual elevations must be articulated with fenestrations, pattern or structural expressions of the structure. Through the use of articulated building elements such as porticoes, dormers, recesses, and other such elements, the overall building mass will appear to be reduced and will reflect a residential character.

E. Lighting Commitments.

1. All external lighting shall be cut-off fixtures (down-lighting) and shall be designed to prevent offsite spillage.

2. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer’s type to insure compatibility.

3. Accent lighting shall be permitted provide such light source is concealed.

4. Any wall-mounted lighting shall be shielded to prevent offsite spillage.

5. Light poles shall not exceed twenty-eight (28) feet and shall be bronze, dark brown, or black.

F. Graphics and/or Signage Commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments.

1. The developer of said property shall install a sidewalk along ~~the~~ Hamilton Road (unless in place) and Chestnut Hill Drive frontage and provide pedestrian access to Chestnut Hill Drive via a sidewalk/striping.

2. All new utilities brought to the site will be underground.

CPD REQUIREMENTS:

A. Natural Environment:

The site is flat and barren with no existing trees or vegetation.

B. Existing Land Use:

Currently the land use is undeveloped ground zoned for commercial development.

C. Transportation and Circulation:

The site is located at the Southeast corner of Hamilton Road and Chestnut Hill Drive. Hamilton Road, which is a 4-2D arterial, has one existing curb cut leading to an access drive serving the site. Site will not have direct access to either Hamilton Road or Chestnut Hill Drive.

D. Visual form of Environment:

A new restaurant structure and landscaping developed in accordance with this text will enhance the visual environment of the site.

E. View and Visibility:

We believe the construction of the proposed restaurant and the installation of a creative landscaping package will enhance the surrounding neighborhood.

F**1**. Proposed Development:

A reduction of the parking setback along Chestnut Hill Drive from twenty-five feet to ~~fifteen~~ **five (5)** feet is requested. In addition, a reduction of the building setback is requested from fifty feet to forty feet along Chestnut Hill Drive. The remainder of this site shall be developed (in general) with the former underlying text. Per the requirements of the Northland Development Standards, the site will be limited to 80 % maximum lot coverage.

F**2**. Behavior Patterns:

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The new restaurant will be development in accordance with the recommendations in the Northland, Volume II comprehensive planning study.

G. Emissions:

The site is bordered on the south by a car wash/oil change facility. Odors will be comparable to the existing restaurants for which there have been no complaints submitted to Code Enforcement. The new restaurant will be dine-in only. Therefore outside noise should be minimal. Trash from the new restaurant will be contained within a dumpster, situated to the satisfaction of the Division of Refuse Collection. Refuse will be dumped between the hours of 8 am and 8 pm and will not unduly disturb the commercial identity of the neighborhood.

H. Site plan:

The Subject Site shall be developed in general conformance with the site plan. The site plan 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 plan shall be reviewed and may be approved by the Director of the Department of ~~Development~~ **Building and Zoning Services** or his designee upon submission of the appropriate data regarding the proposed adjustment.

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