



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 1953-2020, **Version:** 2

Rezoning Application Z20-047

APPLICANT: Northstar Realty; c/o David Hodge, Atty.; Underhill & Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on August 13, 2020.

FAR WEST SIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 1.26± acre site is developed with an eating and drinking establishment in the CPD, Commercial Planned Development District. The applicant requests a new CPD district to allow for a future lot split, resulting in two subareas. Subarea A will be developed with a new eating and drinking establishment, while the existing building in Subarea B will be partially demolished and renovated for two eating and drinking establishments. The CPD text establishes appropriate use restrictions and development standards that address building and parking setbacks, traffic access and parking, street trees, and landscaping, and commits to developing the site in accordance with the submitted site plan. The site is located within the planning boundaries of the *Trabue/Roberts Area Plan* (2011), which recommends community commercial land uses at this location. The proposal is consistent with the Plan's land use recommendation and is compatible with the zoning and development pattern along this portion of Hilliard & Rome Road.

To rezone **1775 HILLIARD & ROME RD. (43026)**, being 1.26± acres located on the west side of Hilliard & Rome Road, 680± north of Westchester Woods Boulevard, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District **and to declare an emergency.** (Rezoning #Z20-047).

WHEREAS, application #Z20-047 is on file with the Department of Building and Zoning Services requesting rezoning of 1.26± acres 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 Far West Side Area 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 will permit commercial development consistent with the *Trabue/Roberts Area Plan's* land use recommendation, and is compatible with the development and zoning pattern along Hilliard & Rome Road;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to the need to immediately conclude permitting to allow the commencement of construction 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:

1775 HILLIARD & ROME RD. (43026), being 1.26± acres located on the west side of Hilliard & Rome Road, 680± north of Westchester Woods Boulevard, and being more particularly described as follows:

Description of 0.577 Acres (Subarea "A")

Situated in the State of Ohio, County of Franklin, City of Columbus and being a part of Virginia Military Survey No. 6641 and being 0.577 acres out of a 1.263 acre tract (after Exceptions) as described in a deed to Hilliard Medical Center LLC as recorded in Instrument No. 201407090087405, said 0.577 acre tract and being further described as follows:

Beginning for reference at a found railroad spike in the intersection of the centerlines of Westchester Woods Blvd. and Hilliard-Rome Rd.;

Thence N 06°56'34"W, 204.58', along the centerline of said Hilliard-Rome Rd., being an east line of a 1.984 acre tract as described in a deed to City of Columbus, Ohio as recorded in O.R. 15104 D-16, to a point at an angle point in the centerline of said road;

Thence N 07°10'44" W, 630.27', along the centerline of said Hilliard-Rome Rd., being an east line of said 1.984 acre tract, to a point;

Thence S 82°49'16" W, 60.00' crossing said 1.984 acre tract, crossing said Hilliard-Rome Rd. to an iron pin set, said iron pin being in the east line of said 1.984 acre tract, being the east line of said Hilliard-Rome Rd., and being the west line of said 1.263 acre tract, said iron pin being the True Place of Beginning for the herein described 0.577 acre tract;

Thence S 82°50'52"W, 240.01', crossing said 1.263 acre tract, along a new division line, to an iron pin set in the west line of said 1.263 acre tract, being the east line of a 16.269 acre tract as described in a deed to Sam's Real Estate Business Trust as recorded in Instrument No. 200303210082337;

Thence N 07°10'44"W, 87.52', along the west line of said 1.263 acre tract, being the east line of said 16.269 acre tract, to a Mag Nail Set at a point of curvature to the right;

Thence with a curve turning to the right having an arc length of 31.41', a radius of 20.00', a delta angle of 89°58'58", a chord bearing of N 37°49'16"E, 28.28', along a northerly line of said 1.263 acre tract, being the southerly line of said 16.269 acre tract, to a Mag Nail set;

Thence N 82°49'16"E, 159.01', along the north line of said 1.263 acre tract, being a south line of said 16.269 acre tract, to a Mag Nail set, said Mag Nail being a northeast corner of a 0.013 acre tract as described in a deed to City of Columbus, Ohio as recorded in Instrument No. 20080920132179;

Thence along the west and south lines of said 0.013 acre tract, the following four (4) bearings and distances:

S 07°09'39"E, 2.54', to an iron pin set; N 82°50'21"E, 39.00', to an iron pin set; S 07°09'39"E, 11.00', to an iron pin set; S 59°28'00"E, 27.81', to an iron pin set;

S 07°10'44"E, 77.06', along the west line of said 1.984 acre tract, the west line of said Hilliard-Rome Rd., being the east line of said 1.263 acre tract, to the True Place of Beginning, containing 25147 square feet, or 0.577 acres, more or less, all

being out of Auditor's Parcel No. 560-224664-00.

Bearings are based on the west line of said 1.263 acre as being N 07°10'44" W based on GPS observations using the State of Ohio Department of Transportation VRS System. the State Plane coordinate system, Ohio South Zone, North American Datum of 1983, also known as NAD 83 (2011 adjustment) All iron pins set are 5/8" rebar, 30" long with yellow plastic cap stamped "J & J Surveying". All references to documents are recorded in the Franklin County Recorder's Office. This description is based on an actual field survey performed by J & J Surveying under January 2020.

Description of 0.686 Acres (Subarea "B")

Situated in the State of Ohio, County of Franklin, City of Columbus and being a part of Virginia Military Survey No. 6641 and being 0.686 acres out of a 1.263 acre tract (after Exceptions) as described in a deed to Hilliard Medical Center LLC as recorded in Instrument No.

201407090087405, said 0.686 acre tract and being further described as follows:

Beginning for reference at a found railroad spike in the intersection of the centerlines of Westchester Woods Blvd. and Hilliard-Rome Rd.;

Thence N 06°56'34"W, 204.58', along the centerline of said Hilliard-Rome Rd., being an east line of a 1.984 acre tract as described in a deed to City of Columbus, Ohio as recorded in O.R. 15104 D-16, to a point at an angle point in the centerline of said road;

Thence N 07°10'44" W, 630.27', along the centerline of said Hilliard-Rome Rd., being an east line of said 1.984 acre tract, to a point;

Thence S 82°49'16" W, 60.00' crossing said 1.984 acre tract, crossing said Hilliard-Rome Rd. to an iron pin set, said iron pin being in the west line of said 1.984 acre tract, being the west line of said Hilliard-Rome Rd., and being the east line of said 1.263 acre tract, said iron pin being the True Place of Beginning for the herein described 0.686 acre tract;

Thence S 07°10'44"E, 124.37', along the west line of said 1.263 acre tract, being the east line of said 1.984 acre tract, being the east line of said Hilliard-Rome Rd. to an iron pin set, said iron pin being the northwest corner of a 1.903 acre tract as described in a deed to Tanglewood Park, LLC (1/2 interest), as recorded in Instrument No. 199910010247164, Roth Tanglewood (1/4 interest) as recorded in Instrument No. 200701290016711, Banc One Trust Company, N.A. Trustee (1/4 interest) as recorded in Instrument No. 199905070116477;

Thence S 82°49'16"W, 240.00', along the south line of said 1.263 acre tract, being the north line of said 1.903 acre tract, to a ¾" iron pipe found in the east line of a 16.269 acre tract as described in a deed to Sam's Real Estate Business Trust as recorded in Instrument No. 200303210082337, said iron pipe being the southeast corner of said 1.263 acre tract, and being the northeast corner of said 1.903 acre tract;

Thence N 07°10'53"W, 124.48', along the east line of said 1.263 acre tract, being the west line of said 16.269 acre tract, to an iron pin set;

Thence N 82°50'52"E, 240.01', crossing said 1.263 acre tract, along a new division line, to the True Place of Beginning, containing 29863 square feet, or 0.686 acres, more or less, being all out of Auditor's Parcel No. 560-224664-00. Subject to all legal easements and right of ways of record

Bearings are based on the west line of said 1.263 acre as being N 07°10'44" W based on GPS observations using the State of Ohio Department of Transportation VRS System. The State Plane coordinate system, Ohio South Zone, North American Datum of 1983, also known as NAD 83 (2011 adjustment). All iron pins set are 5/8" rebar, 30" long with yellow plastic cap stamped "J & J Surveying". All references to documents are recorded in the Franklin County Recorder's Office. This description is based on an actual field survey performed by J & J Surveying under the direction of John W. Wetherill, P.S. 7811, in January 2020.

Property Address: 1775 Hilliard & Rome Rd. Columbus, OH 43026
Parcel IDs: 560-224664

To Rezone From: CPD, Commercial Planned Development 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 site plan being titled, “**CPD SITE PLAN**,” and text titled, “**DEVELOPMENT TEXT**,” both dated August 8, 2020, and signed by David Hodge, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

APPLICATION: Z20-047

ADDRESS: 1775 Hilliard Rome Rd.

PARCELS: 560-224664

PROPERTY SIZE: +/- 1.26

CURRENT DISTRICT: CPD

PROPOSED DISTRICT: CPD

OWNER: Hilliard Medical Center

APPLICANT: Northstar Realty c/o

ATTORNEY: David Hodge, Underhill & Hodge, LLC

DATE: August 8, 2020

I. INTRODUCTION: Ordinance #640-90, passed March 1990, rezoned 107.97 +/- acres to certain residential and commercial districts. Subarea C of that legislation rezoned 16.07 +/- acres to CPD, commercial planned development. Subarea C was subsequently amended by Ordinance #177-2010, passed January 2010, to remove certain building and parking setback requirements, including the 10-foot parking setback from Hilliard Rome Road.

The subject property (“Site”) is a 1.28 +/- acre outparcel within Subarea C of Ordinance #640-90. It is located west of Hilliard Rome Road and north of Westchester Woods Boulevard. It is currently zoned CPD pursuant to Ordinance #640-90. The Site is bordered on all sides by property zoned CPD. The Site is currently developed with an approximate 6,420 square foot former restaurant.

The Site is situated within the boundary of the Far West Side Area Commission. The Site is also situated within the boundary of Trabue/Roberts Area Plan which recommends commercial use for the Site. The Site is not situated within a commercial overlay or planning overlay.

The development proposes subareas in anticipation of future lot split. The Applicant proposes partial rehabilitation and partial redevelopment of the Site with two subareas. Subarea A will see partial demolition of the exiting building and development of a new freestanding 3,593 square foot restaurant and patio with drive thru service. Subarea B will rehabilitate the remaining 4,962 square foot structure with a restaurant and patio without drive thru service and a restaurant and patio with drive thru.

Below are the limitation and development standards proposed by the Applicant to accommodate the proposed

development and ensure that it is appropriate for the area.

II. PERMITTED USES: The permitted uses of shall be those uses contained in Section 3356.03, C-4, Permitted Uses of the Columbus City Code.

III. DEVELOPMENT STANDARDS: Unless otherwise indicated in this Text or on the submitted development plan (“CPD Site Plan”), the applicable development standards are contained in Chapter 3356 C-4 Commercial District of the Columbus City Code shall apply.

SUBAREA A:

A. Density, Height, Lot and/or Setback Requirements:

1. The minimum building setback from Hilliard Rome Road shall be 60 feet.
2. The minimum parking setback from Hilliard Rome Road shall be the existing condition of 10 feet.

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

1. Access shall be as shown on the CPD Plan.
2. The minimum number of required parking spaces for Subarea A is 19.
3. Parking spaces are permitted to maneuver across parcel lines between Subarea A and Subarea B.
4. Internal circulation is one-way.

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

1. Parking lot perimeter trees and screening shall be planted and maintained as depicted on the CPD Plan.
2. One street tree shall be planted as depicted on the CPD Plan.

D. Building, Design and/or Interior-Exterior Treatment Commitments: N/A

E. Dumpsters, Lighting, Outdoor Areas and/or other Environmental Commitments: N/A

F. Graphic and Signage Commitments: All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as applicable to the C-4, Commercial District. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

SUBAREA B:

A. Density, Height, Lot and/or Setback Requirements:

1. The minimum building setback from Hilliard Rome Road shall be 60 feet.
2. The minimum parking setback from Hilliard Rome Road shall be the existing condition of 10 feet.

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

1. Access shall be as shown on the CPD Plan.

2. The minimum number of required parking spaces is 41.
3. Parking spaces are permitted to maneuver across parcel lines between Subarea A and Subarea B.
4. Parking space maneuverability is permitted to be impeded by drive-up stacking spaces.
5. The minimum number of required drive-up stacking spaces is 7.

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

1. The minimum number of required interior parking lot trees is 2.
2. Parking lot perimeter trees and screening shall be planted and maintained as depicted on the CPD Plan.
3. Existing street trees shall be maintained as depicted on the CPD Plan.

D. Building, Design and/or Interior-Exterior Treatment Commitments: N/A

E. Dumpsters, Lighting, Outdoor Areas and/or other Environmental Commitments: N/A

F. Graphic and Signage Commitments: All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as applicable to the C4, Commercial District. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

IV. MODIFICATIONS TO CODE STANDARDS FOR BOTH SUBAREAS:

1. 3312.11 - Drive-up stacking area. Under this section drive thru sections require 8 drive up stacking spaces and shall include at least one exclusive by-pass lane with a minimum width of 10 feet to allow vehicles to by-pass the stacking area. This section shall be modified to allow Subarea B to operate a drive thru restaurant with 7 drive up stacking spaces.
2. 3312.21 - Landscaping and screening. Under this section interior landscaping trees shall be planted on islands or peninsulas containing a minimum soil area of 145 square feet per tree. This section shall be modified to reduce the minimum required interior parking lot trees in Subarea B from 5 to 2. Additional shade trees are to be planted on the perimeter of the parking lot as depicted in the CPD Plan.
3. 3312.25 - Maneuvering. Under this section every parking and loading space shall have sufficient access and maneuvering area. The maneuvering area for a parking space may occur anywhere on a lot except in the area between the street right-of-way line and the parking setback line. This section shall be modified to allow parking space maneuverability across parcel lines between Subareas A and B and for parking spaces in Subarea B to be impeded by drive-thru stacking spaces.
4. 3312.27(2) - Parking setback line. Under this section where a required building setback line is 25 feet or greater, the parking setback line shall be 25 feet from the street right-of-way line. This section shall be modified to reduce the minimum required parking setback line in Subareas A and B from 25 feet to 10 feet. This is an existing condition.
5. 3312.49 - Minimum number of parking spaces. The development reduces the minimum required number of parking spaces in Subarea A from 23 to 19 and in Subarea B from 47 to 41.

V. MISCELLANEOUS COMMITMENTS FOR BOTH SUBAREAS: A development plan titled “CPD Site Plan” showing lot lines, setbacks, and access is submitted for the development of the Site. The CPD Site Plan may be adjusted to reflect engineering, topographical or other site data and changes developed at the time of development and engineering

plans for all or a portion of the Site affected by said development. Any such adjustment may be reviewed and approved by the Director of the Department of Building and Zoning Services or his/her designee upon submission of the appropriate information regarding the adjustment.

VI. CPD CRITERIA FOR BOTH SUBAREAS:

1. Natural Environment. The Site is a 1.28 +/- acre outparcel within Subarea C of Ordinance #640-90. It is located west of Hilliard Rome Road and north of Westchester Woods Boulevard.

2. Existing Land Use. The Site is currently zoned CPD pursuant to Ordinance #640-90. It is currently a vacant former restaurant with drive thru service.

3. Transportation and Circulation. The Site is accessed via private streets within Subarea C of Ordinance #640-90. Those streets are accessed via Hilliard Rome Road. The site employs a one-way circulation pattern.

4. Visual Form of the Environment. The immediate area is a commercial hub which is bisected by Hilliard Rome Road. The visual form of the environment is overwhelmingly restaurant and retail development.

5. View and Visibility. The Site is visible from Hilliard Rome Road.

6. Proposed Development. The Applicant proposes partial rehabilitation and partial redevelopment of the Site with two subareas. Subarea A will see partial demolition of the exiting building and development of a new freestanding 3,593 square foot restaurant and patio with drive thru service. Subarea B will rehabilitate the remaining 4,962 square foot structure with a restaurant and patio without drive thru service and a restaurant and patio with drive thru.

7. Behavior Patterns. The development pattern of the immediate area is commercial development for predominantly restaurant and retail use.

8. Emission. No adverse effect from emissions shall result from the proposed development.

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.