



Legislation Text

File #: 1800-2022, **Version:** 1

Rezoning Application: Z21-106

APPLICANT: Equity, Inc.; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Limited commercial uses.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on March 10, 2022.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned CPD, Commercial Planned Development District as part of Ordinance #1947-2015; Z15-017. The site has vehicular access by a shared driveway with 5420 North Hamilton Road (PID: 010-295573) and 5438 N. Hamilton Road (PID: 010-300426). Both 5420 and 5438 North Hamilton Road are zoned in CPD districts and are developed with a retail fuel center and commercial bank building, respectively. The proposed rezoning from the existing CPD district to a new CPD district is to replace the registered site plan referenced Z15-017 which shows this area to be developed with a single commercial building containing 13,400 square feet oriented parallel to the east property line. With this request, two buildings are proposed with Building 1 being 6,300± square feet parallel to the south property line, and Building 2 being 7,500± square feet oriented parallel to the east property line. The intended uses, office and preschool, are presently permitted by Z15-017. The CPD text proposes C-4, Commercial District uses, commits to a site plan, and includes development standards addressing setbacks, site access, landscaping, screening, and building materials. The text also includes code modifications for parking lot aisle and maneuvering. The site is within the planning area of the *Northland Plan Volume II* (2002), which recommends "Preserve District" for this location, calling for a mix of single and multi-unit residential development with some commercial uses. No specific land use guidelines apply to this site. Relevant commitments within the CPD Plan and text are carried over from the existing CPD district, and the request also remains consistent with the North Hamilton Road development pattern.

To rezone **5430 N. HAMILTON RD. (43054)**, being 1.55± acres located 360± feet east of North Hamilton Road and 800± feet north of Thompson Road, **From:** CPD, Commercial Planned Development District, **To:** CPD, Commercial Planned Development District (Rezoning #Z21-106).

WHEREAS, application #Z21-106 is on file with the Department of Building and Zoning Services requesting rezoning of 1.55± 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 City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District modifies the site plan committed to with the current CPD district to facilitate the construction of an office and educational facility, carrying over relevant commitments within the site plan and development text. The request also remains consistent with the North Hamilton Road development pattern; 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 #0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

5430 N. HAMILTON RD. (43054), being 1.55± acres, located 360± feet east of North Hamilton Road, 800± feet north of Thompson Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 2 North, Range 16 West, United States Military Lands and being 1.551 acres out of a 2.537 acre tract of land conveyed DS Hamilton LLC, by deed of record in Instrument 201601260009806, all references being to the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning, for reference, at Franklin County Monument No. 6666 found at an angle point in the centerline of N. Hamilton Road, said point also being the intersection of the centerline of N. Hamilton Road (variable width) with the centerline of Thompson Road;

thence N 03° 19' 31" E along the centerline of N. Hamilton Road a distance of 1.078.31 feet to a point at the northwest corner of a 0.392 acre tract of land conveyed, for N. Hamilton Road right-of-way purposes, to the City of Columbus, Ohio, by deed of record in Instrument No. 201412190168806 and at the southwest corner of a 0.194 acre tract of land conveyed, as Parcel No. 62-WD for N. Hamilton Road right-of-way purposes, to the City of Columbus, Ohio, by deed of record in Instrument No. 201812270174046, said point being S 03° 19' 31" W a distance of 508.26 feet from Franklin County Monument No. 8813 found at an angle point in the centerline of N. Hamilton Road;

thence S 86° 54' 29" E along the north line of said 0.392 acre tract, along the south line of said 0.194 acre tract, along a portion of the south line of an original 1.956 acre tract of land conveyed to Sara Zahra Rastegar, by deeds of record in Instrument No. 200410260246960 and Instrument No. 200810030148794 and along a portion of the north line of said 2.537 acre tract a distance of 365.45 feet to a 3/4" I.D. iron pipe set at the true place of beginning of the tract herein intended to be described (passing a 3/4" I.D. iron pipe found at the northeast corner of said 0.392 acre tract, at the southeast corner of said 0.194 acre tract and at the northwest corner of said 2.537 acre tract 60.00 feet);

thence S 86° 54' 29" E along a portion of the north line of said 2.537 acre tract and along a portion of the south line of said original 1.956 acre tract a distance of 238.11 feet to a 3/4" I.D. iron pipe found at the northeast corner of said 2.537 acre tract, at the southeast corner of said original 1.956 acre tract and in the west line of a 3 acre tract of land conveyed to Garry L. & Pamela S. Rowe, by deed of record in Instrument No. 200010270217905;

thence S 03° 25' 53" W along the east line of said 2.537 acre tract and along a portion of the west line of said 3 acre tract a distance of 284.48 feet to a 3/4" I.D. iron pipe found at the southeast corner of said 2.537 acre tract and at the northeast corner of a 1.507 acre tract of land conveyed to WOB Properties LLC, by deed of record in Instrument No. 201307100115084 (passing a 5/8" solid iron pin found at 140.26 feet);

thence N 86° 56' 27" W along a south line of said 2.537 acre tract, along the north line of said 1.507 acre tract and along a portion of the north line of an original 1.223 acre tract of land conveyed to TELHIO Credit Union, Inc., by deed of record in Instrument No. 200402260041572 a distance of 237.01 feet to a 3/4" I.D. iron pipe previously set at the southeast corner of a 1.013 acre tract of land conveyed to The Kroger Co., by deed of record in Instrument No. 201602240021801;

thence N 03° 19' 31" E along a west line of said 2.537 acre tract and along the east line of said 1.013 acre tract a distance of 144.22 feet to a 3/4" I.D. iron pipe previously set at a corner of said 2.537 acre tract and at the northeast corner of said 1.013 acre tract;

thence N 03° 05' 31" E crossing said 2.537 acre tract a distance of 140.40 feet to the true place of beginning;

containing 1.551 acre of land, more or less and being subject to all easements and restrictions of record. Of said 1.551 acres, 0.766 acre is within P.N. 010-295572 and 0.785 acre is within P.N. 010-295893.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc. Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under my supervision in June, 2015. Basis of bearings is the centerline of N. Hamilton Road, between FCGS Monument 6666 and FCGS Monument 8813 being N 03° 19' 31" E, as shown on the Centerline Survey Plat prepared by the Franklin County Engineers Office and dated February 08, 2012, all other bearings are based upon this meridian.

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, "**ZONING SITE PLAN - 5430 NORTH HAMILTON ROAD,**" and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT,**" dated June 13, 2022, both signed by David Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPERTY ADDRESS: 5430 Hamilton Road, Columbus, OH 43230

PID: 010-295572

AREA: 1.551 +/- ac., 67,561 SF +/-

EXISTING ZONING: CPD, Commercial Planned Development (Z15-017)

PROPOSED ZONING: CPD, Commercial Planned Development

APPLICANT: Equity, Inc. c/o Dave Perry, David Perry Company, Inc., 411 E Town Street, Floor 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, Ohio 43215

PROPERTY OWNER: EQ 5430 N Hamilton LLC, 4653 Trueman Boulevard, Suite 100, Hilliard, OH 43026

DATE OF TEXT: June 13, 2022

APPLICATION NUMBER: Z21-106

1. INTRODUCTION: The 1.551 +/- acre site was rezoned as part of Ordinance 1947-2015 (Z15-017) to CPD, Commercial Planned Development. The site is located on the east side Hamilton Road between Thompson Road and E Dublin Granville Road and located 295' +/- east of Hamilton Road with vehicular access by a shared driveway with 5420 N. Hamilton Road (PID: 010-295573) and 5438 N. Hamilton Road (PID: 010-300426). Both 5420 and 5438 N Hamilton Road are zoned CPD and developed with a retail fuel center and office building, respectively. Hamilton Road is a major north/south arterial and is presently being widened to four (4) lanes north of Morse Road, including the frontage of this site. Applicant proposes to rezone the property from CPD to CPD to change the registered site plan referenced in Ordinance 1947-2015 (Z15-017). The 2015 registered site plan shows this area to be developed with a single 13,400 SF commercial building oriented parallel to the east property line. By this rezoning and the proposed site plan, two (2) buildings are proposed with Building 1 being 6,300 SF +/- parallel to the south property line and Building 2 being 7,500 SF +/- oriented parallel to the east property line. This application is submitted to change the registered site plan, as the proposed uses of the two buildings: office and preschool academy are presently permitted by Ordinance 1947-2015 (Z15-017). The Site Plan titled "Zoning Site Plan - 5430 North Hamilton Road", hereafter "Site Plan", dated 06/13/2022 is submitted as the CPD plan.

The site does not front on N. Hamilton Road. Utility hotbox(s) shall be permitted in the N. Hamilton Road setback.

2. PERMITTED USES: Permitted uses, except as prohibited below shall be all uses of Section 3356.03. The following uses shall not be permitted: Amusement Arcade, Animal Shelter, Cabarets and Nightclubs (Bars are permitted), Check Cashing and Loans, Halfway House, Mission/Temporary Shelters, and Pawn Brokers.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the CPD Plan, or in this written text, the applicable development standards shall be those standards contained in Chapter 3356, C-4, Commercial District, of the Columbus City Code.

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

1. The minimum building setback from the north, east and south property lines shall be 25', except a dumpster box may be located 10' from the north property line, as depicted on the Site Plan.
2. The minimum parking setback from the north, east, and south property lines shall be 10', 25' and 20', respectively.

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

1. Vehicular access shall be from the existing off-site shared full-turning movement curbcut on Hamilton Road that also provides vehicular access to 5420 and 5438 North Hamilton Road. This access is owned to centerline of the driveway as part of the adjacent parcels (5420 N. Hamilton Road, PID: 010-295573, and 5438 N. Hamilton Road, PID: 010-300426). The full-turning movement driveway will be signalized.
2. Access and maneuvering for the west seven (7) parking spaces shall be provided by easement on 5438 N Hamilton Road (PID: 010-300426), as shown on the Site Plan.
3. The developer shall be responsible for all costs associated with the signalization of the access point for this site forming the east leg of the intersection of North Hamilton Road & Blendon Place Drive (private street). These costs shall include, but shall not be limited to: traffic signal infrastructure, pedestrian signal heads, pedestrian pushbuttons, intersection curb ramps, signage installations and modifications, and striping installations and modifications.
4. The property owner shall enter into a traffic control device contract with the City of Columbus for 100% of the ongoing maintenance costs associated with the proposed traffic signal at the access point for this site forming the east leg of the intersection of North Hamilton Road & Blendon Place Drive (private street).

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

Perimeter parking lot screening shall be provided along the north, east, and south property lines in the 10', 25', and 20' parking setback areas. Screening shall consist of a six (6) foot tall wood fence and three (3) foot tall shrubbery along the north and east property lines to achieve 75% (min) opacity, and three (3) foot tall shrubbery along the south property line.

D. Building design and/or Interior-Exterior treatment commitments.

The exterior elevation materials shall include brick veneer, stone, stucco and/or cementitious board and/or panel.

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

N/A.

F. Graphics and Signage commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-4, Commercial District, except ground sign(s) shall be monument-style. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration. No off-premise graphics shall be permitted on this site.

G. Other CPD Requirements.

1. Natural Environment: The site is located on the east side Hamilton Road between Thompson Road and E Dublin Granville Road and located 295' +/- east of Hamilton Road.
2. Existing Land Use: The site is undeveloped.
3. Circulation: Vehicular access shall be from the existing off-site shared full-turning movement curbcut on Hamilton Road that also provides vehicular access to 5420 and 5438 North Hamilton Road. The driveway is owned to centerline of the driveway as part of the adjacent parcels (5420 N. Hamilton Road, PID: 010-295573, and 5438 N. Hamilton Road, PID: 010-300426. The full-turning movement curbcut at North Hamilton Road, aligned with Blendon Place Drive (private), will be signalized.
4. Visual Form of the Environment: Hamilton Road is an arterial right of way. There is extensive commercial development in both directions.
5. Visibility: The site is visible from Hamilton Road.
6. Existing and Proposed Development: Existing commercial development between the site and Hamilton Road includes a retail gas station and office building. The site is proposed to be developed with two (2) commercial buildings.
7. Behavior Patterns: Behavior patterns are illustrated on the Site Plan.
8. Emissions: Development does and will conform to City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

H. Modification of Code Standards.

1. 3312.09, Aisle, to reduce aisle width from 20' to 0' for the west seven (7) parking spaces, subject to access to the parking spaces and maneuvering area for the parking spaces being provided by easement on 5438 N Hamilton Road (PID: 010-300426).
2. 3312.25, Maneuvering, to reduce maneuvering area from 20' to 0' for the west seven (7) parking spaces, subject to access to the parking spaces and maneuvering area for the parking spaces being provided by easement on 5438 N Hamilton Road (PID: 010-300426).

I. Miscellaneous commitments.

1. The site shall be developed in accordance with the Site Plan titled "Zoning Site Plan - 5430 North Hamilton Road", dated and signed 06/13/2022 by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final 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. If any future changes of use require more parking than provided on-site, the Columbus Board of Zoning Adjustment (BZA) may hear a variance application.

2. Applicant shall pay the applicable Parkland Dedication Ordinance (PDO) fee prior to issuance of an approved Site Compliance Plan.

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