

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
MAY 10, 2007**

- 9. APPLICATION: Z07-013**
- Location:** **4001 SOUTH HAMILTON ROAD (43232)**, being 32.1± acres located on the west side of Hamilton Road, 320± south of Winchester Pike. (530-156578).
- Existing Zoning:** L-C-4, Limited Commercial District.
- Request:** L-C-4, Limited Commercial and CPD, Commercial Planned Development Districts.
- Proposed Use:** Commercial, fuel sales and car wash.
- Applicant(s):** Plaza-GRB- Hamilton Road LLC c/o Jackson B. Reynolds III, Atty., Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.
- Property Owner(s):** Plaza-GRB- Hamilton Road LLC; 3016 Maryland Avenue; Columbus, OH 43209.
- Planner:** Dana Hitt, AICP, 645-2395, dahitt@columbus.gov

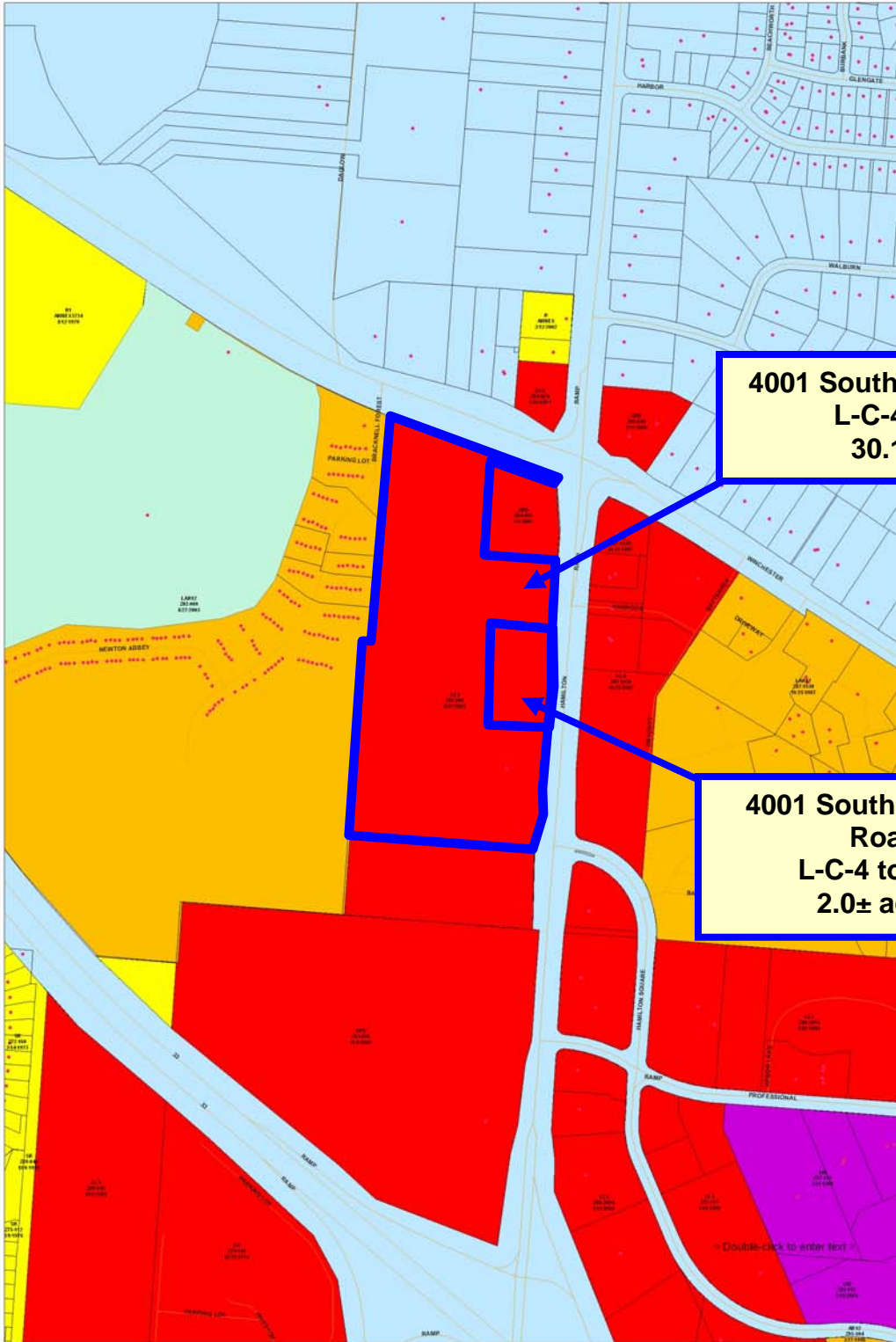
BACKGROUND:

- This rezoning is to amend the original site plan approved under the previous rezoning (Z02-009) since the layout of the shopping center has changed since that time. In addition, a portion of the original L-C-4 District established with Z02-009 is proposed to be rezoned to the CPD, Commercial Planned Development District for a convenience store, fuel sales and car wash.
- To the north across Winchester Pike are a single-family dwelling and three businesses located in Madison Township and an abandoned gas station zoned in L-C-4, Limited Commercial District. To the east across Hamilton Road are a Convenience store with gasoline sales zoned in the Commercial Planned Development District, several restaurants, a retail store and a hotel all zoned in the L-C-4, Limited Commercial District. To the south across U.S. 33 is an auto dealership zoned in the C-4, Commercial and L-C-4, Limited Commercial Districts. To the west are multi-family dwellings zoned in the L-AR-12, Limited Apartment Residential Districts.
- The L-C-4 text carries forth the 2002 limitations and commitments although it does delete prohibited uses that the Code no longer permits in the C-4, Commercial District. The new CPD, Commercial Planned Development District allows gas stations and car washes as well as all C-4 uses except those C-4 uses prohibited in the adjacent L-C-4, Limited Commercial District.
- The *Columbus Thoroughfare Plan* identifies Winchester Pike as a 4-2 arterial requiring a

minimum of 50 feet of right-of-way from centerline; Hamilton Road as 4-2D arterial requiring a minimum of 60 feet of right-of-way from centerline and U.S. Route 33 as a Class F arterial with variable right-of-way requirements

CITY DEPARTMENTS' RECOMMENDATION: Approval.

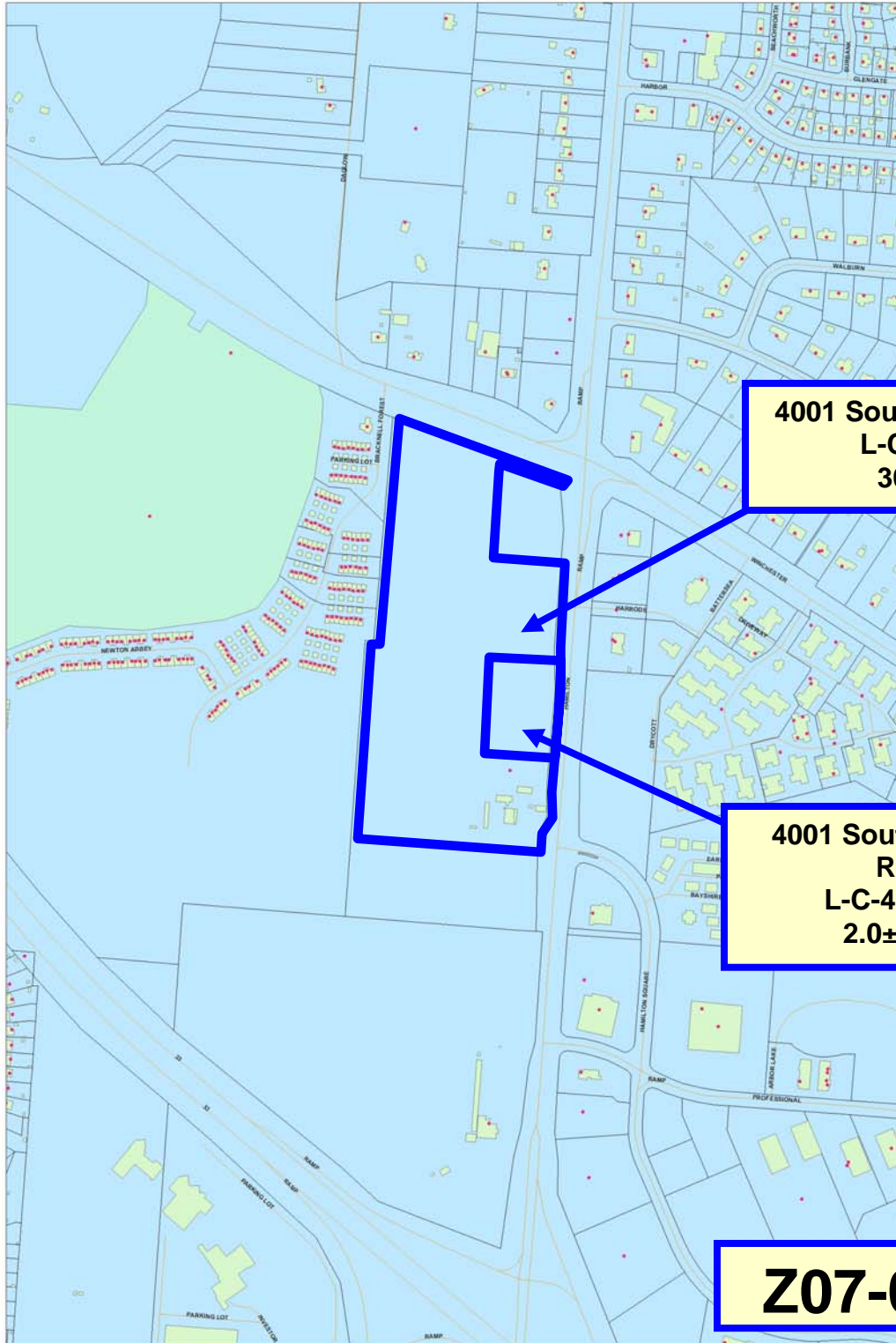
The L-C-4 text carries forth the 2002 limitations and commitments although it does delete prohibited uses that the Code no longer permits in the C-4, Commercial District as such prohibitions are unnecessary. The new CPD, Commercial Planned Development District allows gas stations and car washes as well as all C-4 uses except those C-4 uses prohibited in the adjacent L-C-4, Limited Commercial District. The proposed CPD reflects the development standards of the adjacent L-C-4, Limited Commercial District. Due to these factors, Staff finds the requested CPD, Commercial Planned Development and L-C-4, Limited Commercial Districts are consistent with the development and zoning patterns of the area.



**4001 South Hamilton Road
L-C-4 to L-C-4
30.1± acres**

**4001 South Hamilton
Road
L-C-4 to CPD
2.0± acres**

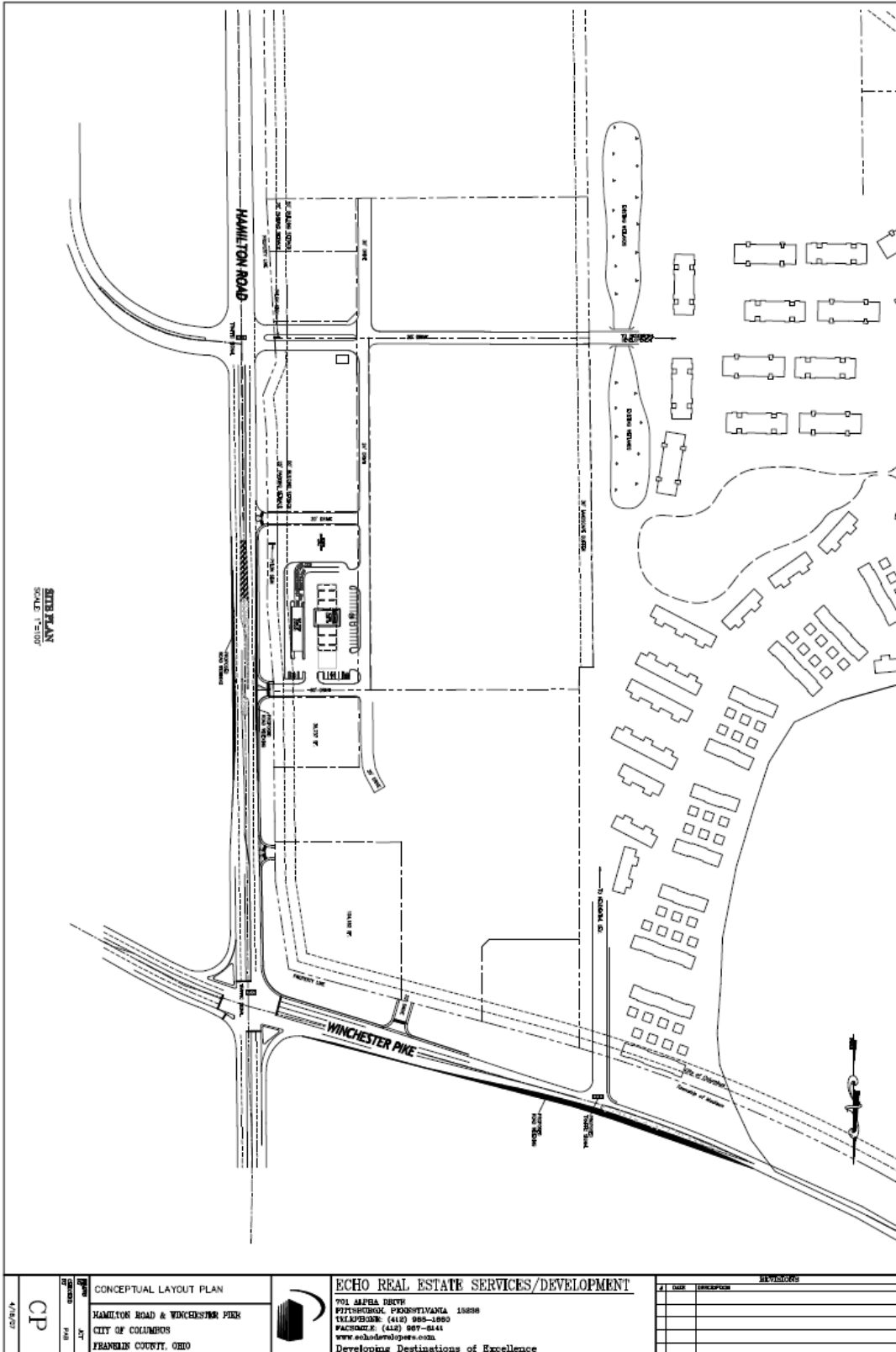
Z07-013



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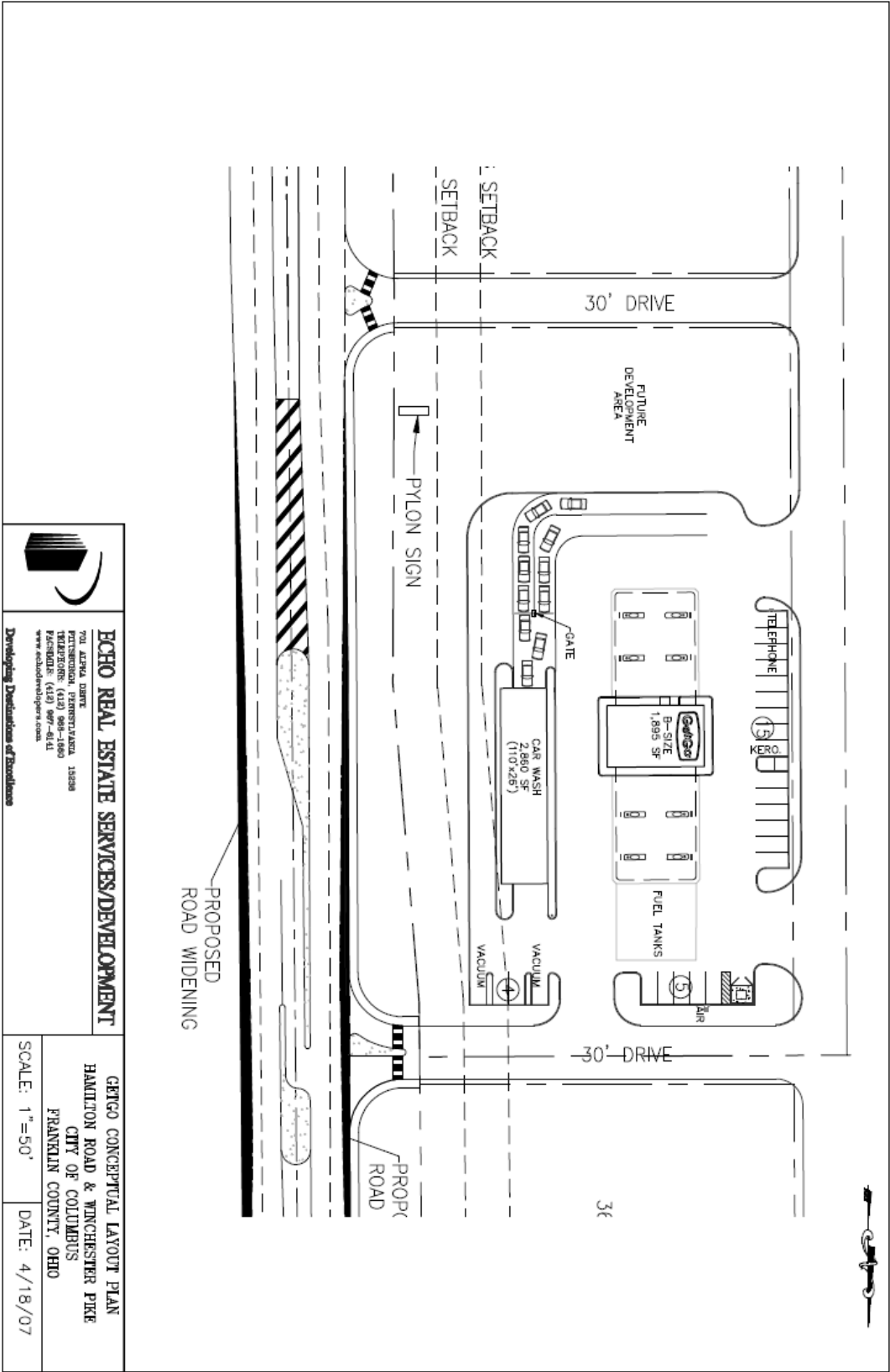
CP	DATE	BY	APP'D

CONCEPTUAL LAYOUT PLAN
 HAMILTON ROAD & WINCHESTER PIKE
 CITY OF COLUMBUS
 FRANKLIN COUNTY, OHIO



ECHO REAL ESTATE SERVICES/DEVELOPMENT
 701 ALFA DRIVE
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GENCO CONCEPTUAL LAYOUT PLAN

HAMILTON ROAD & WINCHESTER PIKE
 CITY OF COLUMBUS
 FRANKLIN COUNTY, OHIO

SCALE: 1" = 50'

DATE: 4/18/07

**COMMERCIAL PLANNED DISTRICT AND
LIMITED REGIONAL SCALE COMMERCIAL DISTRICT TEXT**

PROPOSED DISTRICT: CPD - Commercial Planned District

PROPERTY ADDRESS: 4001 South Hamilton Road

OWNER: Plaza - GRB - Hamilton Road LLC

APPLICANT: Plaza - GRB - Hamilton Road LLC

DATE OF TEXT: 4/10/07

APPLICATION NUMBER: Z07-013

1. INTRODUCTION: The site was originally zoned in 2003 and included 130.84 acres and included an L-AR-12 component and an L-C-4 component. The request is to modify portions of the 35.59 acres found in the L-C-4 zoned component. The original zoning included a site plan that no longer reflects the proposed layout of the shopping center development and there are setback modifications requested due to the irregular right-of-way dedications and a CPD component is being added within the outlot area to allow for a convenient store, gasoline sales and a car wash. The text and site plan will identify the areas of change and the new development standards for the site.

Subarea 1 (CPD District)

1. INTRODUCTION: The site consists of approximately 32.26 \surd acres of a 35.59 acre tract that was zoned L-C-4 under Z02-009 in 2003. This rezoning is to provide for one outlot within the 32.26 \surd acre to be used for a gasoline sales location,, convenient store and a carwash.

2. PERMITTED USES: The area included in this CPD district consists of 2.0 \surd acres and shall allow gasoline sales and carwashes and all C-4 uses permitted under Section 3356 of the Columbus Zoning Code, except as provided herein after. The following shall not be permitted on the Property: motor bus terminal, new and used automobile sales, drive-in theater, funeral home, pawn shop, billboards, crematory, motorcycle, boat and other motor vehicle dealers, recreational vehicle dealers, auto body shops, farm equipment and supply stores.

3. DEVELOPMENT STANDARDS:

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

N/A

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

1. The site was approved as a part of the rezoning of the shopping center that was approved in Z02-009. The curb cuts were approved by the Transportation Division and no curb cuts shall be provided on to Winchester Pike for this parcel.

A traffic signal has previously been installed at the full service curb cut from the Property onto Hamilton Road. The warrants for said signal were met prior to the development of the Property. Applicant will pay on an on-going basis,

twenty-five percent (25%) of the maintenance costs relative to said signal, and Applicant shall pay one hundred percent (100%) of the costs incurred to install new control cabinets on the west side of Hamilton Road, to accommodate signalization changes necessitated by the development of the Property.

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

1. Street trees shall be planted evenly spaced along Hamilton Road and Winchester Pike at a ration of not less than one tree per thirty-five (35) feet of frontage.
2. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.
3. All trees shall meet the following minimum size at the time of planting: Shade trees - 2 ½ " caliper; Ornamental trees - 1 ½ " caliper; Evergreen trees - 5 feet in height. Tree caliper is measured six inches (6") from the ground.

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

1. Rooftop Mechanicals Screening. Any mechanical equipment or utility hardware on the roof of a building shall be screened from view to prevent the equipment from being visible from the property line of the parcel. Ground mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping or any fence or wall utilizing comparable and compatible materials as the building materials.
2. Building Height. Buildings constructed on the Property shall not exceed thirty-five feet (35') in height as measured from finish grade at the base of the building, excluding parapets or other roof or wall extensions the purpose of which are to add architectural detail or screening of rooftop mechanical equipment.
3. Sidewalks. Applicant agrees to construct sidewalks as required by the Columbus City Code.
4. Building Materials. Buildings shall be constructed of a combination of glass, brick, synthetic stucco, and standing seam roofs. Awnings at entries are permitted.

E. Lighting, Outdoor Display Areas, and/or other Environmental Commitments.

1. Light standard shall not exceed thirty-five feet (35') in height.
2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
3. For aesthetic compatibility, lights shall be from the same or similar type and color.
4. Use shall be subject to the following standards:

Display areas are limited to in front of the building along the sidewalk, four feet in depth and twelve feet in width with a 4'X4' area at the ends of the pump islands.

The maximum height for any outside storage area shall be three feet.

The outdoor display area shall contain only those items normally and customarily sold by a convenience store and other seasonal items and products, including but not limited to, firewood, mulch, flowers, Christmas wreaths.

F. Graphics and/or Signage Commitments.

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. Site Plan Revisions Allowance. The property shall be developed in general conformance with the Site Plan however, the Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of the Department of Development or the Director's designee may approve any slight adjustment to the Site Plan and Landscape Plan upon submission of the appropriate data regarding the proposed adjustment.

2. The following shall apply if the gasoline station is abandoned in the future. An abandoned service station is defined as a station which has ceased operations or is closed to the public for at least six (6) months in any twelve (12) month period. The owner or lessee shall within seven (7) days of the closure period referred to herein:

a. Install wheel blocks, firmly attached, across the driveway entrance to the service station to prohibit unauthorized vehicle parking or abandonment of motor vehicles;

b. Shall remove all signs and pumps;

c. Shall board up all windows, garage doors and entrances to prevent the breakage of glass and the unauthorized entrance therein;

d. Take appropriate action as required by the City of Columbus Fire Code to treat abandoned underground tanks; and

e. Shall during the closure period cut all grass, remove all rubbish and weeds and continue such maintenance as may be necessary to prevent the building or structure from deteriorating into a state of disrepair.

1. CPD Criteria

A. NATURAL ENVIRONMENT: The site is currently vacant.

B. EXISTING LAND USES: The property is surrounded by the larger tract zoned L-C-4 north is zoned L-C-4 and to the east is L-C-4.

C. TRANSPORTATION AND CIRCULATION: Access points shall remain the same as they are located on the shopping center site to serve the 2.0^v acre site as approved by the City Transportation Department.

D. VISUAL FORM OF THE ENVIRONMENT: The design of the buildings for this site have not been submitted.

E. VIEW AND VISIBILITY: In the development of the subject property and in the location of the buildings and access points, consideration will be given to the visibility and safety of the motorist and pedestrian.

F. PROPOSED DEVELOPMENT: Convenience store with gas and a car wash.

G. EMISSIONS: No adverse affects from emissions shall result from the proposed development.

H. BEHAVIOR PATTERNS: The proposed development should not change the behavior patterns other than to attract customers to purchase gasoline, convenient store products or get their cars cleaned.

2. Variances

N/A

Subarea 2 (L-C-4 District)

1. INTRODUCTION: The proposal is to amend the original site plan approved under Z02-009 as the layout the shopping center has changed since that time and a need to alter the parking setback along South Hamilton Road due to the irregular right-of-way created by various roadway dedications. The proposed uses within the site nor the access points will change as a result of the rezoning request. A new site plan is submitted with the associated text to detail the various development elements created for the property. Areas of the shopping center are being left blank as the development pattern of those areas are not known at this time and those areas will be developed with the standards found in the C-4 district and those included in the limitation text.

2. PERMITTED USES: Within Subarea 1, the permitted uses shall consist of all C-4 uses permitted under Section 3356 of the Columbus Zoning Code, except as provided herein after. The following uses shall not be permitted on the Property: new and used automobile sales, drive-in theater, funeral home, pawn shop, storage garage and billboards, crematory, motorcycle, boat and other motor vehicle dealers, recreational vehicle dealers, auto body shops, farm equipment and supply stores. An existing monopole telecommunication antenna shall remain on site, the landscaping around which shall be upgraded to meet the current code requirement of five foot (5') tall screening to achieve 75% opacity.

3. DEVELOPMENT STANDARDS:

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

N/A

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

1. Access to the Property from Hamilton Road is proposed to be by means of not more than (1) full service curb cut, located toward the south end of the Property's Hamilton Road frontage, a left-in, right-in, and right-out curb cut, and by not more than one (1) right-in-right-out curb cuts along said frontage. Access from Winchester Pike is proposed to be by means of one (1) full service curb cut and by not more than one (1) right-in-right-out curb cut, which is to be located not less than three hundred feet (300') from the Hamilton Road Winchester Pike intersection, and not less than three hundred feet (300') from the full service curb cut. The full service curb cut located along Winchester Pike shall be shared with the multi-family component which abuts the site to the west for ingress and egress to the commercial site. All streets to be constructed on the Property, and all parking areas and drive aisles on the Property, shall be privately owned, and shall be maintained by the owner(s) of the parcels on which located, or by an association of owners formed for such purpose.

2. Applicant has submitted a traffic study analyzing whether improvements to Hamilton Road and/or Winchester Pike are necessitated by this proposed development, and has met with development staff. Based on the report and meetings with staff, applicant has agreed to construct a southbound right turn lane on Hamilton Road at the main (full movement) entrance to the development; and all improvements associated with the left-in, right-in and right-out curb cut; and to construct a 270' westbound left turn lane and a 175' eastbound right turn lane on Winchester Pike at the full movement entry located along the boundary between the residential and commercial uses on the Property and will be paid for by the respective residential and commercial developers. Additionally, applicant has agreed to pay for the restriping of the westbound lanes of traffic on Winchester Pike at Hamilton Road, to result in two left turn lanes, one through traffic lane, and a right turn lane. Applicant (either together or alone the residential or commercial developers) acknowledges that it will be responsible, one relevant warrants are met, for the installation of a traffic signal at the full service curb cut on Winchester Pike. The commercial developer shall be responsible for those improvements along the Winchester Pike (excluding the intersection of Winchester Pike and Hamilton Road) for those items committed to above at the time of development of the property which abuts the right of way. All circulation, curb cuts and access points shall be subject to the approvals of the City of Columbus Transportation Division in consultation with the Franklin County Engineer's Office.

3. A traffic signal has previously been installed at the full service curb cut from the Property onto Hamilton Road. The warrants for said signal were met prior to the development of the Property. Applicant will pay on an on-going

basis, twenty-five percent (25%) of the maintenance costs relative to the said signal, and applicant shall pay one hundred percent (100%) of the costs incurred to install new control cabinets on the west side of Hamilton Road, to accommodate the signalization changes necessitated by the development of the Property.

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

1. Street trees shall be planted evenly spaced along Hamilton Road and Winchester Pike at a ratio of not less than one tree per thirty-five (35) feet of frontage.
2. Applicant shall provide treed landscape buffering with an opacity of not less than 90% between the Commercial Property and the Residential Property. The planting may be done on the Commercial Property, on the Residential Property, or on a combination of the two. Cross-easements shall be granted to the owners of the Commercial and Residential Properties along the common property line, allowing for the current and future owners of the Properties to install and maintain the landscape buffer. Relative to the City, and any zoning compliance issues that may arise, the owner(s) of the Commercial Property shall have the ultimate responsibility for the installation and maintenance of the landscaped buffer. Nothing contained herein is intended, nor shall it act, as a bar to the right of the Commercial Property owner(s) to enforce, civilly, any cost-sharing agreement entered into with the owner(s) of the Residential Property. The trees comprising the landscape buffer shall be the following species: Shade trees shall be Autumn Applause White Ash, Green Mountain Sugar Maple and/or Green Spire Linden; Ornamental trees shall be Ohio Pioneer Hawthorn (thornless) or any of the various varieties of Crabapple; and Evergreen trees shall be Colorado Blue Spruce or Norway Spruce.
3. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.
4. All trees shall meet the following minimum size at the time of planting: Shade trees - 2 1/2" caliper; Ornamental trees - 1 1/2" caliper; Evergreen trees - 5 feet in height. Tree caliper is measured six inches (6") from the ground.

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

1. Rooftop Mechanicals Screening. Any mechanical equipment or utility hardware on the roof of a building shall be screened from view to prevent the equipment from being visible from the property line of the parcel. Ground mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping or any fence or wall utilizing comparable materials as the building materials.
2. Building Height. Buildings constructed on the Property shall not exceed thirty-five feet (35') in height as measured from finish grade at the base of the building, excluding parapets or other roof or wall extensions the purpose of which are to add architectural detail or screening of rooftop mechanical equipment.
3. Sidewalks. Applicant agrees to construct sidewalks as required by the Columbus City Code and shown on the submitted Sidewalk Plan, including but not limited to an east-west oriented sidewalk extending from Hamilton Road, across and through the L-C-4 Property, providing pedestrian access to the L-AR-12 Property. Sidewalks constructed through paved parking areas of the L-C-4 Property shall meet Columbus sidewalk construction standards, and shall not be mere striped or painted sections of the parking pavement. At any commercial location where outdoor displays are to be permitted, the same shall only be permitted on a sidewalk area if that sidewalk has a minimum depth of nine feet (9'). Applicant has contacted the City of Columbus Transportation Department and is processing an application to secure waivers, as necessary to allow the sidewalk configuration shown on the Sidewalk Plan, in lieu of the requirement of sidewalk construction within the right-of-way along Winchester Pike and part of Hamilton Road.
4. Building Materials. Buildings shall be constructed of a combination of glass, brick, synthetic stucco, and standing seam roofs. Awnings at entries are permitted.

E. Lighting, Outdoor Display Areas, and/or other Environmental Commitments.

1. Light standards shall not exceed thirty-five feet (35') in height except lights located within 100 feet of a residentially used or zoned property shall not exceed eighteen feet (18') in height.
2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
3. For aesthetic compatibility, lights shall be from the same or similar type and color.
4. Lighting shall not exceed 0.1 foot-candle, measured horizontally, along the property line of a residentially used or zoned property.
5. Outdoor merchandising is permitted along the fronts of buildings on the Property, provided a minimum unobstructed strip for pedestrian traffic of not less than five feet (5') is maintained.

F. Graphics and/or Signage Commitments.

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.

Site Plan Revisions Allowance. The property shall be developed in general conformance with the Site Plan and Landscape Plan; however, the Site Plan and Landscape Plan may be slightly adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of the Department of Development or the Director's designee may approve any slight adjustment to the Site Plan and Landscape Plan upon submission of the appropriate data regarding the proposed adjustment.

The undersigned, being the owner of the subject property together with the applicant in the subject application, or other authorized representatives do hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by above restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that he fully understand and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Code.

SIGNATURE:

DATE: