



## Legislation Details (With Text)

**File #:** 2895-2021      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/29/2021      **In control:** Zoning Committee

**On agenda:** 11/15/2021      **Final action:** 11/17/2021

**Title:** To amend Ordinance #2252-2021, passed September 20, 2021 (Z21-048) for property located at 1599 ALUM CREEK DR. (43209), by repealing Section 2 and replacing it with a new Section 2 to correct the height district for the CPD, Commercial Planned Development District (Rezoning Amendment #Z21-048A).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2895-2021\_Attachments

Date	Ver.	Action By	Action	Result
11/17/2021	1	ACTING CITY CLERK	Attest	
11/16/2021	1	MAYOR	Signed	
11/15/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
11/15/2021	1	Zoning Committee	Approved	Pass
11/15/2021	1	COUNCIL PRESIDENT	Signed	

### Rezoning Amendment: Z21-048A

Ordinance #2252-2021, passed September 20, 2021 (Z21-048), rezoned 12.94± acres located on the west side of Alum Creek Drive, 240± feet north of Frebis Avenue to CPD, Commercial Planned Development District. Section 2 of that ordinance contained an incorrect reference to a 35-foot height district. This ordinance corrects that section to reflect the intended height district of 110 feet for this CPD, Commercial Planned Development District. All other aspects of Ordinance #2252-2021 remain in effect, and are included in this amendment.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #2252-2021, passed September 20, 2021 (Z21-048) for property located at **1599 ALUM CREEK DR. (43209)**, by repealing Section 2 and replacing it with a new Section 2 to correct the height district for the CPD, Commercial Planned Development District (Rezoning Amendment #Z21-048A).

**WHEREAS**, Ordinance #2252-2021, passed September 20, 2021 (Z21-048), rezoned 12.94± acres at **1599 ALUM CREEK DR. (43209)**, from the CPD, Commercial Planned Development District to the CPD, Commercial Planned Development District for a behavioral hospital; and

**WHEREAS**, that rezoning incorrectly established a height district of thirty-five feet in Section 2, rather than the intended height district of one hundred-ten feet; and

**WHEREAS**, it is necessary to amend Ordinance #2252-2021 to correct the height district reference in Section 2; and

**WHEREAS**, all other aspects of Ordinance #2252-2021 are unaffected by this amendment and remain in effect, and are repeated below for clarity and consistency; 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:

**1599 ALUM CREEK DR. (43209)**, being 12.94± acres located on the west side of Alum Creek Drive, 240± feet north of Frebis Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio, being located in Half Section 34, Section 24, Township 5 North, Range 22 West, Refugee Lands, and being a part of the Franklin County Board of Commissioners 99.16 acre tract conveyed to the Grantor by Deed of record in Deed Book 150, page 112, of the Recorder's Office, Franklin County, Ohio, and being more particularly bound and described as follows: Beginning at the centerline intersection of Alum Creek Drive and the South line of Section 24, said point also being at the original centerline intersection of Alum Creek Drive and Frebis Avenue; thence along the centerline of Alum Creek Drive North 04 degrees 23 minutes 34 seconds West, 331.23 feet to a point therein; thence South 85 degrees 36 minutes 26 seconds West, 70.00 feet to an iron pin found in the Westerly line of Alum Creek Drive and the PRINCIPAL PLACE OF BEGINNING of the premises herein to be described:

Thence South 85 degrees 36 minutes 26 seconds West, 360.00 feet to a p.k. nail set;

Thence North 82 degrees 40 minutes 31 seconds West, 476.86 feet to a point in the Easterly line of a 3.891 acre tract conveyed to the Norfolk and Western Railway by Deed of record in Deed Book 206, page 96, Recorder's Office, Franklin County, Ohio and the Westerly line of Half Section 34, and Section 24 as witnessed by an iron pin and cap found 0.03 feet North, and 0.06 feet East therefrom;

Thence North 00 degrees 28 minutes 49 seconds East, 632.42 feet along said Easterly line to the Southwest corner of a 20.597 acre tract conveyed to Sun Acquisition Corp., by Deed of record in Official Record 08025C07, Recorder's Office, Franklin County Ohio as witnessed by an iron pin and cap found 0.30 feet South;

Thence North 85 degrees 01 minute 57 seconds East, 765.45 feet along the Southerly line of said Sun Acquisition Corp. 20.597 acre tract to a point in the Westerly line of Alum Creek Drive as witnessed by an iron pin and cap found 0.05 feet East; Thence South 06 degrees 11 minutes 50 seconds East, 247.45 feet along said Alum Creek Drive Westerly line to a 5/8 inch iron pin set, with cap marked Rolling Hovevar;

Thence South 04 degrees 23 minutes 34 seconds East, 487.33 feet along said Alum Creek Drive Westerly line to the Principal Place of Beginning and containing 12.9397 acres of land, more or less.

Being the same property conveyed to Ventas Realty, Limited Partnership by Limited Warranty Deed as shown of record as Instrument No. 200407080158037, recorded on July 8, 2004 in the official records of the Franklin County, Ohio Recorder.

**To Rezone From:** CPD, Commercial Planned Development District,

**To:** CPD, Commercial Planned Development District.

**SECTION 2.** That Section 2 of Ordinance #2252-2021, passed September 20, 2021 (Z21-048), be hereby repealed and replaced with new Section 2 reading as follows:

**SECTION 2.** That a Height District of one hundred-ten (110) 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 plans being titled, “**TITLE SHEET**,” and “**SITE PLAN**,” dated August 16, 2021, and signed by Eric Walsh, P.E., and text titled, “**CPD TEXT**,” dated July 13, 2021, and signed by Robert A. Zimmerman, Attorney for the Owner, and the text reading as follows:

### **CPD Text**

**EXISTING ZONING:** CPD, Commercial Planned Development District

**PROPOSED ZONING:** CPD, Commercial Planned Development District

**PROPERTY ADDRESS:** 1599 Alum Creek Drive

**ACREAGE:** +/- 12.934

**PARCEL:** 010-221413-00

**APPLICANT:** Brandilyn Fry, AIA, FCSI on behalf of New Vista Healthcare, an affiliate of the CommuniCare Family of Companies

**OWNER:** Regency Master LS CO., LLC

**DATE OF TEXT:** July 13, 2021

**APPLICATION NUMBER:** Z21-048

## **I. INTRODUCTION**

The subject property consists of 12.939 acres +/- of real property (“Property”) which is located on the northwest corner of Alum Creek Drive and Frebis Avenue. The Property, along with another adjacent parcel of +/- 18 acres of real property, were rezoned from R-1, Residential District to CPD, Commercial Planned Development District, pursuant to Ordinance No. 955-91, Rezoning Application Z90-088. At the time of the rezoning, Franklin County operated the Alum Crest Nursing Home on the Property. The Property and the structures upon it were sold to affiliates of the CommuniCare Family of Companies in February, 2016. This included a three (3) story building from which CommuniCare, through an affiliated company, New Vista Healthcare, now operates the River Vista Behavioral Hospital. The River Vista Behavioral Hospital provides mental health services to senior and adult patients in a contemporary healing environment. The Property itself is owned by an affiliate of CommuniCare, Regency Master LS CO., LLC. Also located on the Property is part of the former nursing home facility commonly known as the “Cottages.” The Cottages were abandoned around 2016 due to a failing mechanical system. Applicant intends to renovate and reoccupy the Cottages into a substance use disorder facility and to build an addition for a new patient intake entrance and activity space for patients in the entire facility. There are currently eighty (80) licensed beds at the River Vista Behavioral Hospital. The renovation and occupancy of the Cottages would add another one-hundred thirty (130) beds, making the total number of beds in the entire facility two-hundred ten (210). As set forth herein, the addition of these beds would result in non-compliance with the parking requirements set forth in the CPD Text applicable to the Property and the currently applicable Code Sections. It is the intent of this CPD Text to reflect current and planned usage of the Property and to modify the applicable parking requirements consistent with planned usage and site conditions.

## **II. PERMITTED USES**

Section 3349.03 permitted uses within the Institutional Use District, and Section 3353.03 permitted uses within the C-2 Office Commercial District, Offices and/or Clinics for Health Care and Social Assistance. Those existing uses not currently permitted will be classified as legal nonconforming uses.

## **III. DEVELOPMENT STANDARDS**

Unless otherwise stated in the CPD Text, the applicable development standards are contained in Chapter 3361 of the

Columbus City Code.

**A. Density, Height, Lot and/or Setbacks Commitments**

Height--all structures within the District excluding signs shall not exceed seventy-five (75) feet in height. Signs will not exceed 20 feet in height.

Area Coverage--The maximum lot coverage shall be no greater than 75% of the lot areas.

Setback--The minimum building setback shall be fifty (50) feet from the street right-of-way. The minimum side yard area shall be twenty (20) feet on each side of a structure. The minimum rear yard areas shall be fifty (50) feet. A minimum 25' greenbelt of landscaping or grass shall be maintained between all future parking areas and exterior road rights-of-way.

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

The currently applicable parking requirements are set forth in Section 3312.49, Table 2, Hospital Use, which is 2.5 spaces per bed. Applicant will be unable to meet that requirement as a result of the additional beds to be added. A minimum of one-hundred fifty (150) parking spaces shall be provided. Applicant will meet the loading space requirements set forth in Section 3312.53.

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

Applicant will preserve existing conditions to the maximum extent possible. The landscaping includes grass, trees, bushes, flowers, and other plantings. All will be properly maintained and replaced as circumstances warrant.

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

**E. Lighting, Outdoor Areas and/or Other Environmental Commitments**

Improved pole lighting in the parking area and ground lighting at the entrance will be installed in compliance with Section 3321.03, Lighting, unless a variance is sought from the Board of Zoning Adjustment.

**F. Graphic and Signage Commitments**

Graphics on the Property will comply with the Graphics Code applicable to the CPD Commercial Planned Development District. Variances to sign requirements, if necessary, shall be submitted to the Columbus Graphics Commission or master graphic plan for the Property may be submitted to the Columbus Graphics Commission for consideration.

**G. CPD Design Considerations**

**1. Natural Environment**

The Property has a three-story structure upon it along with ancillary buildings, including the Cottages, plus parking. The setting is campus-like with large grassy areas and trees surrounding the buildings. There is visibility at all access points and there is no hazard to motorists or pedestrians. The planned renovations should have no effect upon the surrounding environment, habitats and watercourses.

**2. Activities**

The Property will continue with its current use as a behavioral health facility with increased drug addiction services at the Cottages. Thus there will be no change to current activities and the proposed renovation will enhance important community needs.

**3. Behavior Patterns**

The proposed renovations will not change existing behavior patterns.

**4. Circulation**

The proposed renovations will not change existing circulation.

**5. Form of Environment**

The proposed renovations will not change the existing environment.

**6. Views and Visibility**

The proposed renovations will not change currently existing views and visibility.

**7. Emission**

The proposed renovations will not increase emission of light, sound, smell and dust.

**H. Miscellaneous.**

1. Variance: 3312.49 Minimum numbers of parking spaces required. Reduce from 2.5 parking spaces per bed to a minimum of one-hundred fifty spaces which is the appropriate commitment for the Property. This is because of the nature of the facility, daily visitors are not permitted and parking is mostly used by staff. The renovated Cottages will not have daily visitors and residents cannot have their own vehicles on site. Visitation is discouraged. A total staff count is one-hundred thirty (130) for all shifts, with a maximum count of eighty (80) on the first shift, with twenty-five (25) staff members on both second and third shifts. In addition, if the Code-required number of parking spaces were added to the site it would have a negative impact on storm water management and the scenic nature of the site.

2. The Property shall be developed in accordance with the submitted Title Sheet and Site Plan; however, the plans 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 Building and Zoning Services or the Director's designee may approve any slight adjustment to the Site Plan 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.