

### **Attachment 3**

<b>EXISTING DISTRICTS:</b>	L-AR-12, Limited Apartment Residential District and ARLD, Apartment Residential District
<b>PROPOSED DISTRICTS:</b>	CPD, Commercial Planned District, and L-AR-12, Limited Apartment Residential District
<b>OWNERS:</b>	Gabriel's Landing Condominium Association and The Laurels of West Columbus Real Estate, LLC
<b>APPLICANT:</b>	The Laurels of West Columbus Real Estate, LLC c/o Donald Plank, Plank Law Firm, LPA
<b>DATE OF TEXT:</b>	August 15, 2017
<b>APPLICATION NUMBER:</b>	Z16-069

#### **I. INTRODUCTION:**

The Land, the subject of this zoning application, consists of property totaling 16.295 +/- acres located on the south side of Sullivant Avenue, approximately 520 feet west of Norton Avenue. There are two (2) Sub-Areas: Sub-area A is 12.75 +/- acres and Sub-Area B is 3.48 +/- acres. Sub-Area A will be used for a skilled nursing home facility. Sub-Area B is developed with condominiums and is included in this rezoning to modify the area of the L-AR-12 District to insure compliance with the Columbus Zoning Code. The site plan titled Zoning Exhibit, hereafter referred to as the "Site Plan", dated August 15, 2017, is submitted as the Sub-Area plan and site development plan for the site.

#### **II. SUB-AREA A** (12.75 +/- Acres)

##### **CPD, Commercial Planned District**

**1. PERMITTED USES:** Home for the aging, nursing home, rest home, as permitted in Columbus City Code Chapter 3349, I, Institutional District.

**2. DEVELOPMENT STANDARDS:** The applicable development standards shall be as specified in Columbus City Code Chapter 3349, I, Institutional District, Chapter 3312, Off-Street Parking and Loading, and Chapter 3321, General Site Development Standards, except as specifically set forth herein.

##### **A. Density, Height, Lot and/or Setback Commitments**

1. All setbacks established shall be minimum requirements:
  - (a) 50' parking and building setback from Norton Road street right-of-way
  - (b) Side Yard: 20' parking and building setback
  - (c) Rear Yard: 25' parking and building setback

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

1. Vehicular access to/from Sub-Area A shall be as depicted on the Site Plan. The Site Plan depicts a full turning movement curbcut on Norton Road and a full turning movement curbcut on Sullivant Avenue through Sub-Area B.
2. Right of way totaling 50 feet from centerline and 100 feet total on Norton Road presently exists, in accordance with the Columbus Thoroughfare Plan.

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

1. The Postle Cemetery is located adjacent to Sub-Area A and is denoted on the Site Plan as “Postle Cemetery.” The following commitments are made in relation to the Postle Cemetery:
  - a. Public access shall be provided across and through Sub-Area A and maintained in perpetuity for access to the Cemetery. The public access shall include the entrance road from Norton Road to three (3) parking spaces as depicted on the Site Plan on the north side of the Norton Road entrance drive and to the south of the Cemetery. The public access shall include non-exclusive use of three (3) parking spaces. A sign will be posted adjacent to the three (3) parking spaces that they are available for the use of Cemetery visitors.
  - b. Any disturbed grave sites or bodies located outside the Cemetery boundaries will be handled and processed in accordance with State and Federal Law.
  - c. The storm water plans submitted as a part of the development of Sub-Area A shall permit no storm water runoff into the Cemetery and be designed to protect the Cemetery from soil erosion. The Applicant agrees to install appropriate construction and/or silt fencing to protect the Cemetery during excavation and construction.
  - d. A three (3) foot wide (min.) concrete walk shall be installed from the three (3) parking spaces to the Cemetery.
2. Perimeter buffer areas and tree preservation areas are as shown on the Site Plan. Utility crossings shall be permitted, if needed, to cross these areas.

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

N/A

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

All new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.

### **F. Graphics and Signage Commitments**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the I, Institutional District.

### **G. Code Modifications**

1. A modification from Section 3349.04(c) that a minimum rear yard area shall be 50 feet.
2. A modification from Section 3349.04 that requires minimum setbacks from lot lines.

### **H. CPD Requirements**

1. Natural Environment. The existing site is vacant with some trees.
2. Circulation. Access to and from Sub-Area A are from Sullivant Avenue and Norton Road.

3. Visual Form. The area surrounding Sub-Area A is mostly apartments and condominiums with single family residential to the west.
4. Visibility. The Property has excellent visibility from both Sullivant Avenue and Norton Road. The existing use is defined both physically and visually, with no large signs or other environmentally distracting materials. Views into the site are primarily clear and unobstructed.
5. Proposed Development. Sub-Area A shall be developed into a skilled nursing home facility. The size, type, and character of the proposed development will meet the zoning, land use and standards set forth in this development text.
6. Behavior Patterns. It is anticipated that most traffic will access Sub-Area A from Norton Road.
7. Emissions. Sub-Area A and the use thereof will not emit light, sounds, smells and/or dust adverse to the surrounding area.

### **III. SUB-AREA B** (3.48 +/- Acres)

#### **L-AR-12, Limited Apartment Residential District**

**1. PERMITTED USES:** Attached dwelling units (condominiums) as permitted in Section 3333.02, AR-12, Apartment Residential Districts, along with customary accessory uses and structures incidental to dwelling units (condominiums), as permitted in Chapter 3333, Apartment Residential Districts.

**2. DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards of Chapter 3333, Apartment Residential Districts, of the Columbus City Code shall apply.

#### **A. Density, Height, Lot and/or Setback Commitments**

1. There are twenty-eight (28) attached dwelling units in Sub-Area B.
2. A minimum perimeter yard of 25 feet shall be provided from all perimeter property lines, except where adjacent to the four parcels (570-215152, 570-219362, 570-219361, and 570-219360) fronting on Wild Stallion Drive where the building setback line shall be 45 feet. Patios, decks, porches, including screened porches may be located within the 45-foot building setback. CV17-047 has been filed to reduce the perimeter yard along the east property line.

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

1. Vehicular access to/from Sub-Area B is as depicted on the Site Plan. The Site Plan depicts a full turning movement curbcut for Sub-Area B on Sullivant Avenue.
2. Right of way totaling 30 feet from centerline and 60 feet total on Sullivant Avenue presently exists, in accordance with the Columbus Thoroughfare Plan.
3. All on-site streets will be private and the private streets shall be designed with a minimum pavement width of 22 feet.
4. Parking restrictions shall be controlled by appropriate signage displayed within the development and shall include that parking shall be limited to one side of the street and that no parking shall be permitted

on either side of any street within 25' of street intersections. Fire hydrants shall be located on the side of the street where no parking is permitted. Enforcement by the condominium association shall be established by the rules and regulations of the association.

5. Parking is not allowed anywhere but in garages, as designated on the site plan, on streets as set forth in note "4" above, and driveways where applicable. In conjunction with note "4" above, the owner, developer, their successors and assigns (including the condominium association) must provide and maintain adequate and proper signage to designate all no parking zones.

6. The owner, developer and or association of homeowners must establish and maintain an agreement(s) with private towing company(s), which agreement(s) authorize the private towing company(s) to remove/tow any vehicles parking in restricted areas. There may be one or more such agreements with one or more towing company(s) for any times/lengths, terms, etc., as the association determines, so long as at least one such agreement shall always be in force for the purposes of enforcement/removal/towing as required above.

7. Towing agreements shall be filed with the Division of Fire, Fire Prevention Bureau upon execution of the contract.

8. The owner, developer, the association of homeowners or condominium association, as applicable, shall designate the City of Columbus as an authorized agent for the sole and specific purposes of enforcement of parking restrictions and the issuance of citations and/or removal of vehicles parked in violation of posted parking restrictions on private streets or alleys.

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

1. Street trees shall be planted along Sullivant Avenue at the rate of approximately one (1) tree per 40 lineal feet. Street trees shall be placed at a uniform setback either within the Sullivant Avenue right of way, subject to approval of the City Forester, or at a uniform setback adjacent to the Sullivant Avenue right of way if located in the Sullivant Avenue landscaped parking setback. The type of street tree shall be selected from trees approved by the City Forester.

2. Headlight screening in the form of earth mounding, landscaping and/or low walls or fencing shall be provided within the Sullivant Avenue parking setback to a height of 36 inches. Height shall be measured from the nearest section of the adjacent internal private street.

3. Street, ornamental or evergreen trees shall be planted along the internal private streets at the rate of not less than one (1) per condominium unit.

4. Within the west perimeter 45 foot building setback, where adjacent to parcels 570-215152, 570-219362, 570-219361, 570-219360, said parcels fronting on Wild Stallion Drive, 25 feet adjacent to the perimeter site property line shall be left undisturbed in its current vegetative state except that obnoxious plant species, invasive vines or undesirable plant material may be removed at developer's discretion.

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

1. The building style shall consist of four (4) and six (6) dwelling unit buildings. All dwelling units shall be two (2) story but shall not exceed 2 ½ stories above grade.

2. The Minimum Net Floor Area for Living Quarters, as defined in Section 3303.13, Letter M, of the Columbus Zoning Code, shall be 1,100 square feet per dwelling unit.

3. Every dwelling unit shall have not less than a one (1) car attached garage.
4. The primary building roof shall be gabled or hip and shall have a minimum pitch of 8:12.

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

1. All new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.
2. Subject to approval of a Dumpster Waiver, refuse collection shall be provided by private hauler. All residents shall have a private refuse container(s). If a dumpster waiver is not granted or if revoked by the City of Columbus or if the condominium association requests refuse service by the City of Columbus, dumpsters will be provided in accordance with applicable city code.
3. Site lighting shall utilize fully shielded, cut-off light fixtures or decorative style light fixtures, not exceeding sixteen (16) feet in height. All external building mounted light fixtures shall be the same or similar for consistency in appearance and style. All lighting along the private streets and any common area lighting shall be the same or similar for consistency in appearance and style.

**F. Graphics and Signage Commitments**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the AR-12, Apartment Residential District. All signage shall be monument style, shall be incorporated into an entrance feature wall and/or shall be mounted on a single pole with cross arm and hanging sign copy. Sign illumination, if any, shall only be in the form of low level ground mounted lighting projecting directly at the sign face. The low level ground mounted lighting shall be screened with landscaping or other material to prevent glare visible from the public right of way. Any variance to the applicable sign requirements of the AR-12 District shall be submitted to the Columbus Graphics Commission.

**IV. MISCELLANEOUS FOR SUB-AREA A AND SUB-AREA B:**

1. The developer has complied with applicable requirements of Chapter 3318, Parkland Dedication, Columbus City Code.
2. The site shall be developed in general conformance with the submitted Site Plan. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment