



## Legislation Details (With Text)

**File #:** 1387-2020      **Version:** 2  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/9/2020      **In control:** Zoning Committee  
**On agenda:** 6/29/2020      **Final action:** 7/2/2020  
**Title:** To amend Ordinance #2563-2012, passed December 10, 2012 (Z12-040), for property located at 6127 HARLEM RD. (43054), by repealing Section 3 and replacing it with a new Section 3 thereby modifying the Limitation Text as it pertains to maximum number of beds, building area, and impervious surface area (Rezoning Amendment #Z12-040A) and to declare an emergency .

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1387-2020\_Attachments

Date	Ver.	Action By	Action	Result
7/2/2020	2	CITY CLERK	Attest	
7/1/2020	2	MAYOR	Signed	
6/29/2020	2	COUNCIL PRESIDENT	Signed	
6/29/2020	1	Zoning Committee	Amended to Emergency	Pass
6/29/2020	1	Zoning Committee	Approved	Pass

### Rezoning Amendment: Z12-040A

Ordinance #2563-2012, passed December 10, 2012 (Z12-040), rezoned 5.0± acres at 6127 Harlem Road, to the L-I, Limited Institutional District for an assisted living facility development. That rezoning established specific use prohibitions and development standards including maximum number of beds, building area, setbacks, access, landscaping, percentage of impervious surface, building design and height, and lighting controls. The requested amendment will accommodate an expansion of the facility from 50 to 60 beds with increases in allowable building area from 40,000 to 45,000 square feet, and of impervious surface area from 44% to 48% in order to serve a need in this part of the city and maintain operational viability. This ordinance amends those provisions in the Limitation Text established by Ordinance #2563-2012 (Z12-040). The requested amendment is considered to be minor, and review by the Rocky Fork Blacklick Accord Panel was not required by the Planning Division. A revised site plan and landscaping plans are incorporated into the amendment. All other aspects of Ordinance #2563-2012 remain in effect and are included in this amendment for clarity.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #2563-2012, passed December 10, 2012 (Z12-040), for property located at **6127 HARLEM RD. (43054)**, by repealing Section 3 and replacing it with a new Section 3 thereby modifying the Limitation Text as it pertains to maximum number of beds, building area, and impervious surface area (Rezoning Amendment #Z12-040A) **and to declare an emergency .**

**WHEREAS**, Ordinance #2563-2012, passed December 10, 2012 (Z12-040), rezoned 5.0± acres at **6127 HARLEM RD. (43054)**, from the PUD-4, Planned Unit Development District to the L-I, Limited Institutional District for an assisted living facility; and

**WHEREAS**, that rezoning established specific development standards addressing maximum number of beds, building area, setbacks, access, landscaping, percentage of impervious surface, building design and height, and lighting controls in the Limitation Text; and

**WHEREAS**, the Limitation Text included commitments for specific maximum number of beds, building area, and impervious surface area; and

**WHEREAS**, it is necessary to amend Section 3 of Ordinance #2563-2012, passed December 10, 2012 (Z12-040) to permit a minor expansion of this assisted living facility, and;

**WHEREAS**, all other aspects of Sections 1 and 2 contained in Ordinance #2563-2012 are unaffected by this amendment and remain in effect, and are repeated below for clarity;

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible 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:

**6127 HARLEM ROAD (43054)**, being 5.0± acres located on the west side of Harlem Road, 160± feet north of Warner Road, and being more particularly described as follows:

**Parcel Description ~ 5.0 Acres**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 2, Range 16, U.S.M.D., and being all the remainder of that 6.336 acre tract conveyed to LAMS United Properties LLC of record in Instrument Number 201012280176821 and described as follows:

Beginning at the current southwest corner of said 6.336 acre tract:

Thence N 03° 43' 12" E, along the west line of said 6.336 acre tract, 404.55 feet to the current northwest corner thereof;

Thence S 86° 36' 18" E, along the north line of said 6.336 acre tract, 506.54 feet to the current northeast corner thereof, in the east right-of-way line for Harlem Road;

Thence S 05° 46' 23" E, along an east line of said 6.336 acre tract, the same being said east right-of-way line, 73.47 feet;

Thence S 05° 46' 52" E, along an east line of said 6.336 acre tract, the same being said east right-of-way line, 210.47 feet;

Thence S 05° 08' 04" W, along an east line of said 6.336 acre tract, the same being said east right-of-way line, 128.91 feet to the current southeast corner of said 6.336 acre tract;

Thence N 86° 07' 25" W, with the south line of said 6.336 acre tract, 550.26 feet to the Point of Beginning, and containing 5.0 acres, more or less. This description was prepared July 7<sup>th</sup>, 2011 from existing records only and is not for transfer.

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio.

**To Rezone From:** L-I, Limited Institutional District,

**To:** L-I, Limited Institutional District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-I, Limited Institutional on this property.

**SECTION 3.** That Section 3 of Ordinance #2563-2012, passed December 10, 2012 (Z12-040), be hereby repealed and replaced with new Section 3 reading as follows:

**SECTION 3.** That the Director of the Building and Zoning Services be, and is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Department of Building and Zoning Services and shall register a copy of the approved L-I, Limited Institutional District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said text titled, "**FINAL LIMITATION TEXT**," signed by Jeff Kmet Applicant, dated May 22, 2020, and said plans titled, "**FINAL SITE COMPLIANCE PLAN - OTTERBEIN SKILLED NURSING & REHAB NEIGHBORHOOD**," signed by Gregory N. Feller, Professional Engineer, and "**LANDSCAPE PLAN - OTTERBEIN SKILLED NURSING & REHAB NEIGHBORHOOD SHEETS 5-7**," signed by Matthew A. Kowalski, Landscape Architect, all plans dated June 8, 2020, and the text reading as follows:

#### **FINAL LIMITATION TEXT**

PROPOSED DISTRICT: L-I, Limited Institutional District

PROPERTY ADDRESS: 6127 Harlem Rd.

OWNER: Otterbein New Albany Real Estate, LLC

APPLICANT: Otterbein Senior Life, Jeff Kmet

DATE OF TEXT: 5/22/2020

APPLICATION NUMBER: Z12-040A

**INTRODUCTION:** The proposed development represents an opportunity to provide an additional form of residential housing in the Rocky Fork - Blacklick area.

**PERMITTED USES:** Permitted uses shall be home for the aging, nursing home and/or rest home.

**DEVELOPMENT STANDARDS:** Unless otherwise indicated, the applicable development standards are contained in Chapter 3349 of the Columbus City Code.

1. Density, Lot, and/or Setback Commitments.
  - A. The side yard setback shall be 25'.
  - B. No impervious area shall be permitted in a rear or side yard setback. This includes buildings, sidewalks and parking. Fences are permitted in all setbacks.
  - C. The number of beds available to residents shall not exceed 60. The number of buildings shall not exceed 5.
  - D. The total building area shall not exceed 45,000 sq. ft.
2. Access, Loading, Parking, and/or Other Traffic Related Commitments.
  - A. A maximum of 52 parking spaces shall be provided.
  - B. The entrance drive shall line up with Ridge Rock Drive.
  - C. The minimum drive isle width shall be 25' for two way traffic and 16' for one way traffic.
3. Buffering, Landscaping, Open Space, and/or Screening Commitments.
  - A. The developer shall maintain the existing evergreen trees along the north property line.

- B. All existing trees that lie within the 50' rear yard setback shall be maintained.
  - C. Building landscaping shall consist of the following:
    - i. 38 bushes in the front.
    - ii. 15 ornamental grass type plantings in the front.
    - iii. 21 bushes in the rear patio area.
    - iv. 40 ornamental grass type plantings in the rear patio area.
    - v. 5 trees around each building.
  - D. There shall be no more than 2.4 Ac. (48%) of impervious surfaces on the site.
  - E. Street trees shall be provided along Harlem Rd. spaced 30' apart.
  - F. We will comply with Chapter 3318 of the zoning code for parkland dedication. A fee of \$400 per acre will be paid in lieu of land dedication.
4. Building Design and/or Interior-Exterior Treatment Commitments.
- A. Building materials shall consist of stone or brick on a portion of the front façade and vinyl siding throughout the rest of the building. The colors shall be earth tone type colors (i.e. white, light tan, dark tan, grey, green). The trim shall be white and the roof shall be black.
  - B. The building shall be one story and shall not exceed 35' in overall height.
5. Lighting, Outdoor Display Areas, and/or other Environmental Commitments.
- A. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturers' type to insure compatibility.
  - B. Site lighting (parking and/or drive lanes) shall not exceed 12 feet in height and shall use fixtures that are directed towards the ground and away from the neighboring properties.
6. Graphics and/or Signage Commitments.
- A. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the Institutional zoning classification and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.
7. Miscellaneous Commitments.
- A. The internal sidewalk system shall connect to the Harlem Road sidewalk.  
The Subject Site shall be developed in accordance with the approved site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of 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 / her designee 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.~~ 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.**