



## Legislation Details (With Text)

**File #:** 3310-2016      **Version:** 1

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

**File created:** 12/14/2016      **In control:** Zoning Committee

**On agenda:** 1/9/2017      **Final action:** 1/12/2017

**Title:** To rezone 5747 MENEREY LANE (43230), being 2.0± acres located at the southeastern terminus of Menerey Lane, 900± feet west of North Hamilton Road, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z16-050).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3310-2016 Attachments

Date	Ver.	Action By	Action	Result
1/12/2017	1	CITY CLERK	Attest	
1/10/2017	1	MAYOR	Signed	
1/9/2017	1	COUNCIL PRESIDENT	Signed	
1/9/2017	1	Zoning Committee	Approved	Pass

### Rezoning Application Z16-050

**APPLICANT:** Stock Development Company, LLC; c/o Jackson B. Reynolds, III, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Housing for the elderly.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on November 10, 2016.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested CPD, Commercial Planned Development District allows the applicant flexibility to develop the site with a maximum of 43 units of housing for the elderly or a limited number of commercial uses. The site is located within the Blendon District of *The Northland Plan Volume II* (2002), which encourages infill development that is compatible with surrounding development. The CPD text includes setbacks, use restrictions, landscaping and screening, and exterior building material and design. If the site is developed with commercial uses, the proposal contains appropriate setbacks, screening and landscaping in consideration of the surrounding residential uses. Variances to reduce the minimum number of required parking spaces from 65 to 45 and to increase the allowable density are included in this request. If developed with housing for the elderly, the proposal contains amenities that encourage an active living lifestyle with walking trails and pedestrian access points. The request is consistent with the land use recommendations of *The Northland Plan Volume II*, and the zoning and development patterns of the area.

To rezone **5747 MENEREY LANE (43230)**, being 2.0± acres located at the southeastern terminus of Menerey Lane, 900± feet west of North Hamilton Road, From: L-C-4, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z16-050).

**WHEREAS**, application # Z16-050 is on file with the Department of Building and Zoning Services requesting rezoning of 2.0± acres from L-C-4, Limited Commercial 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 existing L-C-4, Limited Commercial District, already permits limited commercial development, while the requested CPD, Commercial Planned Development District, will also allow a maximum of 43 units of housing for the elderly and gives the owner the flexibility to develop the site either residentially or commercially. The request is consistent with the land use recommendations of the *Northland Plan - Volume II*, and the zoning and development patterns in the area; 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:

**5747 MENEREY LANE (43230)**, being 2.0± acres located at the southeastern terminus of Menerey Lane, 900± feet west of North Hamilton Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Lot 17 Quarter Township 4, Township 2, Range 17, United States Military Lands and being 1.996 acres out of a 2.867 acre tract as conveyed to One Springboro Company, LLC as recorded in Instrument Number 200604210074969, Franklin County Recorder's Office, said 1.996 acre tract being further described as follows:

Beginning for reference at a found Franklin County Engineer's Monument Number 8813 in the centerline of Hamilton Road (C.R. 103, width variable), said monument being referenced by a found Franklin County Engineer's Monument 6666, located at the intersection of the centerlines of said Hamilton Road and Thompson Road, being S 03 deg. 19' 23" W 1584.62 feet, along the centerline of said Hamilton Road;

Thence N 03 deg. 07' 54" E 48.43 feet, along the centerline of said Hamilton Road, to a point;

Thence N 86 deg. 52' 06" W 540.00 feet, (passing a found Mag Nail at 60.00 feet), along the South line of a 2.696 acre tract as conveyed to Aldi, Inc. as recorded in Instrument Number 200604270079332, and being the North line of a 10.648 acre tract as conveyed to Suburban Improvement of Columbus, Inc. as recorded in Instrument Number 201010070133765, to a found Mag Nail, said Mag Nail being the Southwest corner of said 2.696 acre tract and being the Southeast corner of said 2.867 acre tract, said Mag Nail being the True Place of beginning for the herein described 1.996 acre tract;

Thence N 86 deg. 52' 06" W 158.10 feet, along the South line of said 2.867 acre tract, being the North line of said 10.648 acre tract, to a Mag Nail set, said Mag Nail being the Southwest corner of said 2.867 acre tract, and being the Southeast corner of a 1.250 acre tract as conveyed to JT Hamilton, LLC as recorded in Instrument Number 200501130008744;

Thence N 04 deg. 36' 27" E 330.00 feet, along a West line of said 2.867 acre tract, being the East line of said 1.250 acre tract, to an iron pin set;

Thence N 86 deg. 52' 06" W 165.05 feet, along a South line of said 2.867 acre tract, being the North line of said 1.250 acre tract, to an iron pin set in a East line of said 10.648 acre tract;

Thence N 04 deg. 36' 27" E 20.40 feet, along the West line of said 2.867 acre tract, being an East line of said 10.648 acre tract, to an iron pin set, said iron pin being the Southeast corner of a 0.006 acre tract as conveyed to City of Columbus as recorded in Instrument Number 200511090237472 and being the Southwest corner of a 0.088 acre tract as conveyed to City of Columbus, Ohio as recorded in Instrument Number 200511090237471;

Thence S 85 deg. 23' 32" E 5.00 feet, along the South line of said 0.088 acre tract, to an iron pin set;

Thence along a curve to the left being the East line of said 0.088 acre tract, having a radius of 50.00 feet, a Delta Angle of 138 deg. 35' 05", an arc length of 120.94 feet, a chord bearing and distance of N 25 deg. 18' 24" E 93.54 feet, to an iron pin set;

Thence along a curve to the right continuing along the West line of said 0.088 acre tract, having a radius of 50.00 feet, a delta angle of 45 deg. 08' 14", an arc length of 39.39 feet, a chord bearing and distance of N 21 deg. 24' 31" W 38.38 feet, to an iron pin set;

Thence S 86 deg. 58' 26" E 263.54 feet, in the South line of Lot 5, PB 3, Pg. 102, crossing said 2.867 acre tract, along a new division line, being the South line of Lot 5 of the Heirs of Dedan Carter Subdivision, as recorded in Plat Book 3, Page 102, to an iron pin set, said iron pin being in the East line of said 2.867 acre tract and being in the West line of a 6.390 acre tract as conveyed to Cedar-Gahanna, LLC as recorded in Instrument Number 200610260214909;

Thence S 18 deg. 21' 14" E 71.57 feet, along a West line of said 6.390 acre tract, being an East line of said 2.867 acre tract, to an iron pin set;

Thence S 03 deg. 07' 54" W 405.57 feet, along the East line of said 2.867 acre tract, being the West line of said 6.390 acre tract and the West line of said 2.686 acre tract, to the True Place of Beginning, containing 86,946 square feet or 1.996 acre, more or less.

Iron pins set are 5/8" rebar, 30" long, with yellow plastic cap stamped "J & J Surveying". This description is based on an actual field survey performed by J & J Surveying under the direction of John W. Wetherill in April 2012. Bearings are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 adjustment). Control for the bearings was from coordinates from Franklin County Monument Numbers 8813 and 8814, having a bearing of N 03 deg. 07' 54" E, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

**To Rezone From:** L-C-4, Limited Commercial 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 plan being titled, "**SUNSET DEVELOPMENT NORTH HAMILTON SENIOR HOUSING II**," dated November 15, 2016, and text titled, "**COMMERCIAL PLANNED DISTRICT TEXT**," dated October 27, 2016, both signed by Jackson B. Reynolds III, Attorney for the Applicant, and the text reading as follows:

COMMERCIAL PLANNED DISTRICT TEXT

PROPOSED DISTRICT: COMMERCIAL PLANNED DISTRICT

PROPERTY ADDRESS: 5747 Menerey Lane

OWNER: Menerey LLC

APPLICANT: Stock Development Co. LLC

DATE OF TEXT: 10/27/16

APPLICATION NUMBER: Z16-050

1. **INTRODUCTION:** The subject property was part of the Rocky Fork Area West Plan which was zoned in 1991. That zoning case Z90-166 involved nearly 1700 acres for a mixture of residential, office and commercial uses. This site is on the west side of Hamilton Road between SR 161 and the proposed extension of Thompson Road. Most of the property to the south and west of this site was zoned for development in 1993. A modification to the L-C-4 district was made in 2006 under case Z94-120C and now the request is to rezone to the CPD district to allow for an Institutional use in Subarea 4A. Property directly south was zoned CPD in 2011 for additional senior housing as an Institutional Use. The request is for the CPD district to add another senior apartment building in the area.

2. **PERMITTED USES:** Section 3349.03(Institutional) and Section 3356.03(C-4) of the Columbus City Code with the following exceptions:

Bars/cabarets and night clubs  
Billboards/off-premise graphics  
Bus or truck terminal  
Electric substation  
Gas Regulator Station  
Greenhouse and nursery  
Hospitals  
Limousine and Taxi Service  
Motel  
Newspaper printing  
Animal Shelter  
Blood and Organ Banks  
Check Cashing and Loans  
Halfway House  
Missions/Temporary Shelters  
Monopole Telecommunications Antennas  
Motorcycle, Boat, and Other Motor Vehicle Dealers (not including new car dealers)  
Pawn Brokers  
Truck, Utility Trailer, and RV (Recreational Vehicle) Sales, Rental and Leasing  
Used Automobile Sales, unless associated with a new automobile dealership

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in the limitation text the applicable development standards are contained in Chapter 3356 (C-4) of the Columbus City Code.

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

1. A perimeter setback around the subject site shall be 20 feet for buildings and 5 feet for parking/maneuvering, except for a 0' parking/maneuvering setback along the western property line shared with parcel #010-274393. However, if the site is developed for commercial purposes and not institutional housing, then all setbacks on the east side of the 1.996 acre site will not apply in order to allow for a seamless commercial development with the L-C-4 District to the east.

2. There shall be no more than 43 residential units constructed if the property is developed for Institutional purposes.

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

1. The view of all loading docks shall be fully screened from any adjacent public street, off-site building, or parking lot. Such screening shall achieve 90% opacity to a minimum height of seven (7) feet from finished grade.

2. A pedestrian sidewalk will be provided from the interior areas out to Menerey Lane or another acceptable public access point if the site develops with a residential institutional use. Additionally an interior sidewalk, path or trail system will be provided to connect the residential institutional buildings and provide outdoor recreation areas.

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

1. Street tree planting shall be required within the setback along Menerey Lane. Such trees shall be those specified in the Columbus Street Program guidelines from the City of Columbus Forester Code and a minimum spacing of 35 feet on center and located 1 foot from edge of right-of-way.
2. All entries shall be developed by utilizing landscaping material and an entry feature that includes a sign to identify activities within the site that is in compliance with the City Graphics Code.
3. At least 50% of required tree planting shall be integrated within parking or service areas. Existing trees of 3 inch caliper or greater may offset 2/3 of this requirement. Maximum possible green space shall be provided to minimize extensive unbroken hard surface area.
4. If landscaping is used to screen service area containing dumpsters, 90% opacity is required for all non-servicing sides and must be protected from service vehicles. Screening shall be 1 foot above height of structure to be screened but not less than seven (7) feet above finish grade.

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

1. A residential appearing roof shall be required and structures that appear to have flat roofs shall specifically be prohibited. A residential appearing roof shall be defined as a roof structure with a minimum pitch of 6:12 and a maximum roof pitch of 12:12. The height of the roof element shall not be less than 40% of the overall height of the building as measured from finished floor to top of roof. Once the roof element has reached the 40% level, then the roof may be flattened or depressed so long as to the flattened or depressed portion of the roof is not visible from adjacent parking, service areas or roadways. The sloped roof noted above shall be finished with one of the following materials: dimensional asphalt shingles, wood shakes, slate, composite slate, tile, standing metal seam, or copper.
2. A maximum of three (3) building material types shall be utilized for the exterior of any building excluding roof materials. Minor accenting of structures through the use of a fourth building material shall be permitted.
3. No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside the permitted structure except for shopping cart corrals. No outdoor sales/display areas shall be permitted.
4. Building illumination shall be permitted; provided such light source is concealed. No colored light shall be used to light the exterior of any building.
5. Blank facades on rear of buildings will not be permitted; therefore, articulating such facades with recesses, fenestrations, fences or pilasters is required. Such articulation shall be evenly spaced along the building elevation at a distance no greater than 20 feet, 0 inches.
6. All buildings shall be finished utilizing the same materials on all sides of the exterior. The front façade of any building shall be predominately brick and the brick shall wrap around the end elevations so that the first 25% in area of the end elevations shall be brick; the rest shall be other materials used on the front façade to finish the rear façade and the balance of the end elevations.

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

1. N/A

F. Graphics and Signage commitments.

1. All signage and graphics shall conform to Article 15 of the Columbus City Graphics Code as it applies to the

appropriate zoning district. Any variance to the sign requirements other than those sign requirements listed below shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous**

**1. Variances**

a. 3312.49(c)- To reduce the number of required parking spaces, if the site is to be developed with housing for the elderly containing a maximum of 43-units, from 65 to 45.

b. 3349.03(W)- To reduce the allowable density from 1 unit per 2500 sq. ft. to 1 unit per 2000 sq. ft. (a reduction of 500 sq. ft. per unit).

2. The Subject Site shall be developed in accordance with the site plan titled, Sunset Development North Hamilton Senior Housing II- 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 Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

3. The developer shall install a sidewalk along Menerey Lane right of way and the private drive to the south.

**4. CPD Criteria**

(a) Natural Environment: The site is vacant and located at the cul-de-sac end of Menerey Lane.

(b) Existing Land Use: Undeveloped.

(c) Circulation: Access to the site shall be from Menerey Lane or an internal private drive that has access to Hamilton Road.

(d) Visual from the Environment: Conceptual elevations of the building have been submitted.

(e) View and Visibility: Consideration has been given to the visibility and safety of the motorists and pedestrian in the layout of the site.

(f) Proposed Development: Institutional/Senior Housing.

(g) Behavior Patterns: Existing development in the area has established the behavior pattern for the motorist in the area.

(h) Emissions: No adverse effect from emissions should result from the proposed development.

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