



City of Columbus

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Legislation Text

File #: 1723-2016, **Version:** 1

Rezoning Application Z16-006

APPLICANT: SBA Towers IX, LLC; c/o Stephen V. Cheatham, Atty.; Buckley King; 600 Superior Avenue East; Suite 1400; Cleveland, OH 44114.

PROPOSED USE: Monopole telecommunications antenna.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on June 9, 2016.

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single undeveloped parcel zoned in the CPD, Commercial Planned Development District. The requested CPD, Commercial Planned Development District will allow the construction of a monopole telecommunications antenna that is not permitted by the existing CPD District. The proposed CPD text includes appropriate use restrictions and commitments for setbacks, site access, buffering and landscaping, site and elevation plans, and building materials. A variance to reduce the required setback of the antenna from the adjacent residentially-zoned property is included in the request. This variance is supported because the placement of the antenna almost anywhere on this property would require a setback variance, and the applicant worked with staff on finding a suitable location on the site that was least impactful to the adjacent residential developments. The site is located within the planning area of the *Brice-Tussing Area Plan* (1990), which recommends commercial and parks/open space land uses at this location. The requested CPD, Commercial Planned Development District is compatible with the commercial development pattern along Gender Road while allowing for the additional use of a monopole telecommunication antenna with appropriate development standards.

To rezone **3647 GENDER ROAD (43110)**, being 3.96± acres located on the west side of Gender Road, 202± feet south of Upperridge Drive, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District (Rezoning # Z16-006).

WHEREAS, application No. Z16-006 is on file with the Department of Building and Zoning Services requesting rezoning of 3.96± acres from CPD, Commercial Planned Development District, to CPD, Commercial Planned Development District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Greater South East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District is compatible with the commercial development pattern along Gender Road while allowing for the additional use of a monopole telecommunication antenna with appropriate development standards; 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:

3647 GENDER ROAD (43110), being 3.96± acres located on the west side of Gender Road, 202± feet south of Upperridge Drive and being more particularly described as follows:

Parcel 530-225024-00

Situate in the State of Ohio, County of Franklin, City of Columbus, being in the Northwest Quarter of Section 1, Township 11, Range 21, Congress Lands, and being part of the original 124.050 acre tract conveyed to Martha J. Lamp and Joan Kotz, by deed of record in O.R. 2893G19, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows;

Beginning for reference at an iron pin at the point of intersection of the westerly limited access right-of-way line of Gender Road (as established by a deed to the County of Franklin, of record in Deed Book 3206, page 1) with the southerly right-of-way line of Upperridge Drive;

Thence N 86° 09' 13" W, a distance of 150.00 feet along the southerly right-of-way line of Upperridge Drive to the point of true beginning;

Thence the following two (2) courses and distances across the said original 124.050 acre tract:

1. Thence S 31° 50' 47", a distance of 145.00 feet to a point;
2. Thence S 86° 09' 13" E, a distance of 150.00 feet to a point in the said westerly limited access right-of-way line at Gender Road;

Thence S 31° 50' 47", a distance of 249.00 feet, along the said westerly limited access right-of-way line of Gender Road to a point;

Thence the following four (4) courses and distances across the said original 124.050 acre tract:

1. Thence N 85° 30' 90" W, a distance of 200.00 feet, to a point;
2. Thence S 31° 50' 47" W, a distance of 44.97 feet, to a point;
3. Thence N 85° 30' 90" W, a distance of 315.17 feet to a point;
4. Thence N 41° 29' 51" E, a distance of 398.59 feet, to a point in the southerly right-of-way line of Upperridge Drive;

Thence the following two (2) courses and distances along the southerly right-of-way line of Upperridge Drive:

1. Thence along a curve to the right having a radius of 830.00 feet, a central angle of N 16° 45' 15" the chord to which bears N 85° 30' 47" E, a chord distance of 241.84 feet, to a point of tangency;
2. Thence S 86° 09' 13" E, a distance of 121.32 feet, to the point of true beginning containing 4.870 acres, more or less, and being subject to all easements, restrictions and right-of-ways of record.

The bearings for the above description were based on the bearing datum for Countryview Village Section 2, of record in Plat Book 67, page 89.

LESS AND EXCEPT a 0.910 acre tract being that portion of property conveyed to KeyBank National Association from T & R Development, Inc., an Ohio corporation by Warranty Deed by a Corporation dated January 30, 2006 and recorded February 7, 2006 in Instrument No.200302070024842, the remainder being 3.96 acres.

To Rezone From: CPD, Commercial Planned Development 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 plans being titled, “**LOCATION PLAN**,” “**ENLARGED SITE PLAN**,” “**FENCE DETAILS**,” and “**SITE ELEVATION**,” dated June 13, 2016, and signed by John J. Zimmerman, P.E., and text titled, “**COMMERCIAL PLANNED DEVELOPMENT TEXT**,” dated June 1, 2016, signed by Kevin M. Gallagher, Agent for Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

Proposed Zoning District: CPD, Commercial Planned Development District

Property Address: 3647 Gender Road (43110)

Property Owner: T&R Development, Inc.

Applicant: SBA Towers IX, LLC

Application Number: Z16-006

Date: June 1, 2016

INTRODUCTION: Applicant SBA Towers IX, LLC seeks to rezone 3647 Gender Road, Canal Winchester, for those uses permitted below. The proposed CPD text herein provides applicable limitations for 3647 Gender Road. The purpose of this rezoning and development is the construction of a wireless communications facility, as permitted in a CPD district and meeting a public necessity. Please see the Property Owner’s October 12, 2015, letter attached hereto as Exhibit 1, the content of which is incorporated herein. The Property Owner has contracted with Applicant SBA Towers IX, LLC to develop a cell phone tower on the property that is the subject of this Gender-Refugee Rezoning Application. The Property Owner owns the multifamily apartments adjacent to the site known as the Moors Apartments as well as the retail center directly east of Gender Road known as the Gender Towne Center. Both Applicant SBA Towers IX, LLC and the Property Owner believe the ideal location for the erection of a cell phone tower in the area is the southeast corner of the property as shown on Exhibit 2 referred to below. This location provides the least proximity impact to the residences. Moreover, the residential buildings closest in proximity to the site of this wireless communications facility are owned by a related entity to the Property Owner. Additionally, by locating this wireless communications facility where proposed herein, the free space available on the remaining balance of the site is maximized. Although the future use of the remaining balance of the site is undetermined at this point, the property is zoned for commercial use so any future use would not conflict with a cell phone tower.

1. **PERMITTED USES:** Those uses contained in Sections 3351, 3353, 3355, 3356, 3357 (a drive-thru carryout is the only C-5 use permitted under this Columbus City Code provision) and 3361 of the Columbus City Code, with the following prohibitions: Garage Repair; Poultry Shop; Facilities that utilize gasoline sales or pumps; Car Wash; Sale of Mobile Homes; Automobile Sales; Freestanding Fast Food; Sale, maintenance, and servicing of motor vehicles, off-premise graphics, and billboards.

2. **DEVELOPMENT STANDARDS:** Unless otherwise specified herein, the site shall be developed in accordance with Chapter 3356, C-4, Commercial District.

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

SETBACKS: Front setbacks shall be in accordance with the C-4 District. Side and rear setbacks, however, shall be ten feet (10’).

B. Access, Loading, Parking and/or Other Traffic-Related Commitment:

1. Access shall be as shown on the “Location Plan”. Any adjustments to site access shall be reviewed and may be approved by the Department of Public Service, Division of Traffic Management.

2. Further, in compliance with the Columbus City Code Section 4309.17, Applicant SBA Towers IX, LLC shall provide a right-of-way dedication of sixty feet (60') from centerline along Gender Road.

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

Applicant SBA Towers IX, LLC proposes that the entire site as shown on Exhibit 2, which is attached hereto as a "Location Plan," shall be landscaped in accordance with the following standards applicable:

1. A buffer on the west side of the property line will be maintained with arborvitae.
2. When any development occurs, except for the erection of a monopole telecommunications antenna, the west buffer shall be extended along the south property line.

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

Buildings shall be constructed with a combination of the following materials: glass and associated metal work, brick and brick paving, split-faced concrete block, wood siding, asphalt shingles, wood shingles, stone, asphalt parking lot, stucco, metal canopies, precast concrete, fabric awnings, concrete paving and curbs, ceramic tile and porcelain tile, as accent points.

The materials which are not approved and shall not be used in the construction of this development are as follows: concrete block (facing streets), aluminum siding, gravel parking lots and plywood on vertical surfaces.

E. Dumpster, Lighting, Outdoor Display Areas and/or Other Environmental Commitments:

N/A

F. Graphic and Signage Commitments:

All signage and graphics shall conform to Article 15 of the City of Columbus Graphics Code as it applies to C-4, Commercial District.

G. Miscellaneous:

1. The development of a wireless telecommunications facility shall be permitted, including a monopole tower of a height not to exceed 135 feet and associated support structures and facilities as depicted on Exhibit 3 attached hereto and titled "Location Plan," "Enlarged Site Plan," "Fence Details," and "Site Elevation." Collectively, the "Location Plan," "Enlarged Site Plan," "Fence Details," and "Site Elevation" are the Site Plan, and the distance of the base of the monopole tower will be approximately 140 feet from the boundary of the nearest residentially-zoned district.

The wireless telecommunications facility shall be developed in accordance with the Site Plan. The Site Plan may be slightly 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 Site Plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his or her designee upon submission of the appropriate data regarding the proposed adjustment. Applicant SBA Towers IX, LLC requests that a variance to the following apply to it:

2. Under City of Columbus Zoning Code 3353.05-C-2 (D)(4), "[t]he base of all monopole telecommunication antenna sites and associated support structures shall be set back 200 percent of the total height of the antenna from all residentially zoned districts. All support structures shall meet district setbacks." The sufficient ground for this request for a variance to the foregoing City of Columbus Zoning Code provision is that (i) the owner of the commercial property affected by the

erection of the cell tower is also the owner of the residential property located on the southwest side of the property line.

3. CPD CRITERIA:

A. Natural Environment:

The property is not flat (significant grade elevation changes currently exist) with no natural features and no vegetation other than grass in some areas. The Developer (previous Applicant) intended to regrade site so that grade elevation changes were minimized and the site became functional. That proposed development added landscaping in the form of trees and low shrubs to meet city standards and to improve the curb appeal of the property. The site disposed of rain through absorption into the soil and through runoff to the adjacent streets. Drainage was installed.

B. Existing Land Use:

The existing land use is presently zoned CPD, Commercial Planned Development. To the north is a single family residential development. To the west and to the southwest are AR-12 developments. The Developer (previous Applicant)/Owner is the developer for both the single family residential and the AR-12 developments, as well as the development immediately across the street at 3550 Gender Road.

C. Transportation and Circulation:

Curb cuts and the internal circulation patterns are shown on the Site Plan.

D. View and Visibility:

The development of the subject site and the location of the building and access point considerations will not adversely impact on the visibility and safety of the motorists and pedestrians.

E. Emissions:

No adverse effect from the proposed development.

F. Behavior Patterns:

The proposed development will enhance the commercial and residential development which already exists in this area.

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