



## Legislation Text

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**File #:** 3311-2016, **Version:** 2

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### **Rezoning Application Z16-052**

**APPLICANT:** Polaris Retirement Living Properties, LP; c/o Stephen Lenker, Agent; ELTI, LLC; 8195 Avery Road; Dublin, OH 43017.

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

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single undeveloped parcel, zoned L-C-4, Limited Commercial District. The requested CPD, Commercial Planned Development District will permit a 133-unit elderly housing development. The site is within the planning area of *The Far North Area Plan* (2014), which recommends "Medium-High Density" for this location, which is defined as residential development at 10-16 dwelling units per acre. The CPD text proposes I, Institutional District uses, and includes development standards addressing setbacks, landscaping and screening, exterior building material commitments and elevations, and lighting controls. Variances to allow increased density from 17.4 to 22.29 units/acre and a reduction from 200 required to 102 provided parking spaces are incorporated into the request. Additionally, the proposal commits to development in accordance with the submitted plans. While the proposed density is higher than the *Far North Area Plan*'s recommendation for residential development, the proposal is near a primary corridor and proximate to the Polaris Shopping Center. Also, this request is compatible with the surrounding land uses and will maintain the character of the area by use of pedestrian walkways, landscaping and screening.

To rezone **8917 ANTARES AVENUE (43240)**, being 5.86± acres located on the south side of Antares Avenue, 387± feet east of Polaris Parkway, **From:** L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development District (Rezoning # Z16-052) **and to declare an emergency.**

**WHEREAS**, application # Z16-052 is on file with the Department of Building and Zoning Services requesting rezoning of 5.86± 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 requested CPD, Commercial Planned Development District will permit a 133-unit elderly housing development with appropriate development standards. While the proposed density is higher than the *Far North Area Plan*'s recommendation for residential development, the proposal is near a primary corridor and proximate to the Polaris Shopping Center. Also, this request is compatible with the surrounding land uses and will maintain the character of the area by use of pedestrian walkways, landscaping and screening;

**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:

**8917 ANTARES AVENUE (43240)**, being 5.86± acres located on the south side of Antares Avenue, 387± feet east of Polaris Parkway, and being more particularly described as follows:

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lot 14, Quarter Township 4, Township 3, Range 18, United States Military Lands, being 5.862 acres out of Farm Lot 14, being a 5.862 acre tract of land out of a 36.115 acre tract of land described in a deed to N.P. Limited Partnership of record in Official Record Volume 268, Page 2248, and being more particularly described as follows:

**COMMENCING** for reference at the intersection of the centerline of Gemini Place (Ordinance Number 1867-2004) formerly known as Fashion Mall Parkway of record in Plat Cabinet 2, Slide 670 and the centerline of Polaris Parkway of record in Plat Book 24, Page 137;

Thence North 19°28'31" West, a distance of 511.99 feet with the centerline of said Polaris Parkway, to a point;

Thence North 70°31'29" East, a distance of 82.00 feet crossing said Polaris Parkway, to a 5/8" iron pin found with a Floyd Browne Group cap on the east right-of-way line of said Polaris Parkway, being at the southwest corner of a 3.180 acre tract of land described in a deed to 2150 Investment Co. of record in Official Record Volume 1065, Page 2474, and being at the northwest corner of a 6.638 acre tract of land described in a deed to JPMorgan Chase Bank, N.A. of record in Official Record Volume 1106, Page 170;

Thence North 70°31'29" East, a distance of 387.59 feet with the south line of said 3.180 acre tract and with the north line of said 6.638 acre tract, to a 5/8" iron pin found with a Floyd Browne Group cap at the southeast corner of said 3.180 acre tract and being the **TRUE POINT OF BEGINNING** of the tract to be described;

Thence North 28°16'21" West, a distance of 393.53 feet with the east line of said 3.180 acre tract, to a Mag nail found at the northeast corner of said 3.180 acre tract and being on the south right-of-way line of Antares Avenue of record in Official Record Volume 727, Page 996;

Thence North 61°38'00" East, a distance of 92.20 feet with the south right-of-way line of said Antares Avenue, to an iron pin set on the south right-of-way line of Antares Avenue Part 2 of record in Official Record Volume 1136, Page 2227;

Thence with the south right-of-way line of said Antares Avenue Part 2 the following two (2) courses and distances:

- 1) With the arc of a curve to the right having a radius of 1170.00 feet, a central angle of 27°28'29", a chord bearing of North 75°22'14" East, a chord distance of 555.68 feet, and an arc length of 561.04 feet, to an iron pin set;
- 2) With the arc of a curve to the right having a radius of 345.00 feet, a central angle of 15°53'54", a chord bearing of South 82°56'34" East, a chord distance of 95.42 feet, and an arc length of 95.73 feet, to an iron pin set on the east line of said 36.115 acre tract and being on the west line of a 10.783 acre tract of land described in a deed to N.P. Limited Partnership of record in Official Record Volume 513, Page 2179;

Thence South 03°07'25" West, a distance of 269.36 feet with the east line of said 36.115 acre tract and with the west line of said 10.783 acre tract, to a 1" iron pipe found with an EDG cap at the southwest corner of said 10.783 acre tract and being at the northwest corner of a 9.949 acre tract of land described in a deed to N.P. Limited Partnership of record in Official Record Volume 268, Page 2261;

Thence South 03°22'27" West, a distance of 70.43 feet with the east line of said 36.115 acre tract and with the west line of said 9.949 acre tract, to a 5/8" iron pin found with a Floyd Browne Group cap at the southeast corner of said 36.115 acre tract and being at the northeast corner of said 6.638 acre tract;

Thence South 70°31'29" West, a distance of 539.12 feet with the north line of said 6.638 acre tract and with the south line of said 36.115 acre tract, to the **TRUE POINT OF BEGINNING** containing 5.862 acres of land, more or less.

**Basis of Bearings:** Bearings are based on data acquired by GPS observations as per NAD 83 (1986) - Ohio State Plane Coordinate System - North Zone from the Delaware County Geodetic Control Monumentation.

All iron pins set are 5/8" solid iron pins 30" in length with a yellow plastic cap stamped "CT Consultants".

The above description is based on and referenced to an exhibit titled "Plat of Survey of a 5.862 Acre Tract" prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Delaware County, Ohio.

**To Rezone From:** L-C-4, Limited Commercial District,

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

**SECTION 2.** That a Height District of sixty (60) 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, "**EXHIBIT A**," "**EXHIBIT B**," "**EXHIBIT C**," and "**EXHIBIT D**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," all dated December 4, 2016, and signed by Stephen Lenker, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

**COMMERCIAL PLANNED DEVELOPMENT TEXT**

**PROPOSED DISTRICT:** COMMERCIAL PLANNED DEVELOPMENT DISTRICT

**PROPERTY ADDRESS:** 8917 Antares Avenue, Columbus, Ohio, 43240

**PARCEL ADDRESS:** 31843201016000

**OWNER:** Polaris GC, LLC and NP Limited Partnership

**APPLICANT:** POLARIS Retirement Living Properties, LP

**DATE OF TEXT:** 12/04/2016

APPLICATION NUMBER: Z16-052

**1. INTRODUCTION:** The subject site contains approximately 5.862 acres, exclusive of the existing road right-of-way, consisting of one parcel located 380 +/- feet east of Polaris Parkway along Antares Avenue. It is intended that the parcel be split from the parent parcel containing 15.15 acres, more or less along Polaris Parkway. The applicant is proposing to construct a 133 unit independent congregate living facility for the elderly in the CPD, Commercial Planned Development District. The parcel is currently zoned L-C-4, Limited Overlay Commercial District (Z91-018C). Zoning Site and Landscaping plans and elevation drawings are attached. This proposed development will comply with the POLARIS Centers of Commerce ® Design Review Guidelines, the POLARIS Centers of Commerce ® Declaration of Protective

Covenants recorded on August 28, 1992, in the Delaware County, Ohio Deed of Records in Deed Book Volume 0548, Page 720 (the "POLARIS Declaration of Covenants"), and the Declaration of Restrictions and Private Storm Sewer Easement dated May 18, 2012, by N.P. Limited Partnership and recorded on May 23, 2012, in the Delaware County, Ohio Deed of Records in Deed Book Volume 1123, Pages 144-153, as will be amended (the "Declaration of Restrictions and Private Storm Sewer Easement").

2. **PERMITTED USES:** Section 3349.03 (Institutional) of the Columbus City Code.

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in the CPD Text, the applicable development standards are contained in Chapter 3361 of the Columbus City Code, and as shown on the Zoning Site Plan attached as Exhibit "A", Zoning Landscaping Plan attached as Exhibit "B" and Zoning Elevations Plans attached as Exhibit "C".

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

1. The minimum building setback from the street property line is fifty (50) feet from Antares Avenue.
2. A side-yard setback along the easterly and westerly property line shall be as shown on the Zoning Site Plan attached as Exhibit "A" with a minimum setback of ten (10) feet from property line.
3. A rear yard setback along the southerly property line shall be as shown on the Zoning Site Plan attached as Exhibit "A" with a minimum setback of ten (10) feet from property line.
4. No parking or maneuvering setback shall be required from any property line that is created within and internal to the total site and the property created by this rezoning request will continue to function as part of the overall site.

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

1. Access to and from the site shall be provided via Antares Avenue as shown on the Zoning Site Plan attached as Exhibit "A". Access shall be approved by the City of Columbus, Department of Public Service.
2. The subject site shall provide 102 parking spaces including 6 ADA parking spaces, 1 van parking space and 11 bicycle parking spaces.

**C. Buffering, Landscaping, Open Space, Screening and Parkland Dedication Commitments.**

1. Landscaping and mounding shall be provided as shown on the attached Zoning Landscaping Plan attached as Exhibit "B" and has been designed in accordance with the landscaping requirements set forth in the POLARIS Centers of Commerce ® Design Review Guidelines.

**D. Building Design and Exterior Treatment Commitments.**

1. The architectural "look" of the initial construction shall be consistent with the attached Zoning Elevations Plan attached as Exhibit "C" and Rendering attached as Exhibit "D" furnished to the City of Columbus.
2. All four (4) building exterior sides shall include brick veneer around the entire building with a mix of vertical ACM panels and the balance Hardie Plank board siding. The mansard mechanical equipment screen will be fiberglass shingles.

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

1. Light poles shall be cut-off fixture types. All light poles, signs, frames and/or supports shall be either black or dark bronze in color. No pole shall exceed fifteen (15) feet in height on a three (3) foot concrete base.

2. Main entry features shall be landscaped and lit with concealed uplights.
3. Refuse collection will be privately managed.

**F. Graphics and/or Signage Commitments.**

1. The Project will have a ground mounted monument sign at the main Antares Avenue entry point, and other graphics subject to compliance with the following Paragraph F.2.
2. The aforementioned signage and any other signage and graphics shall conform to the City of Columbus Graphic Code as it applies to the CPD District. Any variance of the sign requirements will be submitted to the City of Columbus Graphics Commission.

**G. Miscellaneous:**

1. Variance to 3349.03 (W): Increase the allowable density for elderly housing from 1 unit per 2500 square feet to allow 133 senior apartment units, a site total of 133 units on the CPD net site of approximately 5.862 acres (which would be approximately but need not be exactly 1 unit per 1920± square feet for 133 units).
2. Variance: Applicant requests a variance to 3312.49 under Table 1 titled "4 or more Dwelling Units" from the required 1.5 parking spaces per unit or 200 parking spaces to .77 parking spaces per unit or 102 total parking spaces.
3. The Subject Site shall be developed in accordance with the submitted plans. The plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development or when engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of the  
South: Office use in the L-C-4 District  
West: Retail use in the L-C-4 District.

**E. View and Visibility:** The applicant believes the proposed project use and improvements will enhance the area. The applicant believes that the proposed use will in no way diminish the surrounding neighborhood.

**F. Proposed Development:** The development will be an elderly living housing facility project as illustrated on the Zoning Site Plan attached as Exhibit "A" and Zoning Elevation Plans attached as Exhibit "C".

**G. Behavior Patterns:** The proposed use will serve the senior and elderly population still able to function without medical care or supervision. Service to this population is beneficial to society, and therefore this Project should be beneficial with respect to behavior patterns.

**H. Emissions:** Emissions generated from the use of this site will not affect the environment or alter the use and enjoyment of the surrounding neighborhood.

**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.**