



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0494-2017, **Version:** 1

Rezoning Application Z16-062

APPLICANT: 301 Obetz Road Real Estate, LLC; and Scioto Community Real Estate, LLC; c/o Ryan P. Aiello, Atty.; Dinsmore & Shohl, LLP; 191 West Nationwide Boulevard, Suite 300; Columbus, OH 43215.

PROPOSED USE: Housing for the elderly.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on December 8, 2016.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of three undeveloped parcels zoned in the RRR, Restricted Rural Residential, and I, Institutional districts. The requested CPD, Commercial Planned Development District permits the development of an 80-unit elderly housing/assisted living facility. The CPD text includes commitments to building and parking setbacks, building height, pedestrian access to public sidewalks, along with traffic access from Obetz Road and adjacent properties to the east. Variances to reduce the front, rear and side yards, the parking setbacks, a reduction of eight required parking spaces (120 to 112), and to allow for maneuvering and parking spaces to cross parcel lines are included in the request. The site lies within the planning area of the *Scioto Southland Plan* (2007), which recommends single-unit residential and institutional land uses for this location. The proposed CPD district is compatible with existing adjacent institutional uses along Obetz Road and matches the recommended land use for the majority of the site per the *Scioto Southland Plan*.

To rezone **343 OBETZ ROAD (43207)**, being 6.96± acres located on the south side of Obetz Road, 880± feet west of Parsons Avenue, From: RRR, Restricted Rural Residential District and I, Institutional District, To: CPD, Commercial Planned Development District (Rezoning # Z16-062).

WHEREAS, application # Z16-062 is on file with the Department of Building and Zoning Services requesting rezoning of 6.96± acres from RRR, Restricted Rural Residential District and I, Institutional District, to CPD, Commercial Planned Development District; and

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

WHEREAS, the Far South Columbus 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 will permit an 80-unit elderly housing/assisted living facility which is compatible with adjacent development along Obetz Road, and is consistent with the *Scioto Southland Plan's* land use recommendation for the majority of the site.

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:

343 OBETZ ROAD (43207), being 6.96± acres located on the south side of Obetz Road, 880± feet west of Parsons Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Section 16, Township-41, Range-22, Congress Lands and being 6.061 acres of part of the land conveyed to Eastway Corporation 26.5 acres as recorded in Instrument Number 201512230180104 (all references refer to records in the Franklin County Recorder's Office, Ohio) and more fully described as follows:

Beginning for reference at Franklin County Monument Box 1143 at the centerline intersection of Parsons Avenue and Obetz Road;

Thence North 86°53'58" West a distance of 1032.86 feet, along the centerline of said Obetz Road, to a PK Nail set at a northwesterly property corner of Columbus Health Services of Dayton Real Estate, Inc. (IN 201301100005073) 10.465 acre tract, being the Point of Beginning;

Thence South 3°54'29" West a distance of 392.23 feet, along a westerly line of said 10.465 acre tract, to an existing ¾" ID pipe at a southwesterly corner of said 10.465 acre tract;

Thence South 87°01'55" East a distance of 100.06 feet, along a southerly line of said 10.465 acre tract, to an existing ¾" ID pipe;

Thence South 3°47'41" West a distance of 542.63 feet, along a westerly line of said 10.465 acre tract, to an existing ¾" ID pipe on a northerly property line of MHP Holdings-Shenandoah, Ltd. (IN 200602230035087) 50.368 acre tract;

Thence North 86°15'59" West a distance of 127.88 feet, along a northerly line of said 50.368 acre tract, to an existing ¾" ID pipe at a northwesterly property corner of 50.368 acre tract;

Thence South 3°54'49" West a distance of 267.58 feet, along a westerly line of said 50.368 acre tract, to an existing ¾" ID pipe;

Thence North 86°03'14" West a distance of 153.80 feet, along a northerly line of said 50.368 acre, to an existing ¾" ID pipe;

Thence North 3°54'29" East a distance of 1198.54 feet through said Eastway Corporation 26.5+/- acre tract to an existing PK nail;

Thence South 86°53'58" East a distance of 180.61 feet, along the centerline of said Obetz Road, to the Point of Beginning containing 6.061 acres more or less, 0.122 acres within the Right-of-way of Obetz Road (PID 010-111600, 5.117 Ac. (0.122 acre in ROW), PID 510-104517, 0.945 acre), according to an actual field survey made by Hockaden and Associates, Inc. in November of 2015 and January of 2016.

An assumed bearing of North 86°53'58" West was used on a portion of the centerline of Obetz Road and all other bearings derived from this meridian.

Known as Parcels 010-111600 & 510-104517

AND

Real property situated in the City of Columbus, County of Franklin, State of Ohio, and is described as follows:

Being situated in the State of Ohio, County of Franklin, City of Columbus, Section 16, Township 4, Range 22, Congress Lands, part of Lot 4 of the partition of lands in the case of E. Johnston vs W. Johnston's Heirs, etal, in Complete Record 27, Page 395, Court of Common Pleas, Franklin County, Ohio, and being part of a 6 acre tract deeded the trustees of the Full Gospel Apostolic Church in Deed Book 3420, Page 852, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing at a found spike at the intersection of the centerline of Parsons Avenue with the centerline of Obetz Road at the Northeasterly corner of the C. Burton, et al, 2 acre tract (Deed Book 3436, Page 402);

Thence along the centerline of said Obetz Road, passing found spikes on line at 316.0 feet and 840.3 feet, North 85° 55' West, a total distance of 933.6 feet to a found iron pin at the Northwestern corner of the R. and L. Endicott 2 acre tract (Deed Book 2507, Page 241), and the TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

Thence along the Westerly line of said 2 acre tract (Easterly line of said 6 acre tract) passing an iron pin on line at 25.0 feet, South 4° 45' 30" West, a total distance of 392.04 feet, to an iron pin;

Thence, North 85° 55' West parallel with the North line of said 6 acre tract, and the centerline of said Obetz Road, 100.00 feet, to an iron pin;

Thence, North 4° 45' 30" East (parallel with the East line of said 6 acre tract, passing an iron pin on line at 367.04 feet a total distance of 392.04 feet, to a spike set in the North line of said 6 acre tract, and centerline of said Obetz Road;

Thence South 85° 55' East (along the North line of said 6 acre tract, and centerline of Obetz Road) 100.00 feet, to the point of beginning, containing 0.900 of an acre, subject to all legal highways and easements, restrictions, leases and agreements of record.

Known as Parcel 010-018937-00

To Rezone From: RRR, Restricted Rural Residential District, and I, Institutional 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, "**ZONING PLAN**," and text titled, "**COMMERCIAL PLANNED DEVELOPMENT TEXT**," both dated February 15, 2017, and signed by Ryan P. Aiello, Attorney for the Applicant, and the text reading as follows:

COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICT: COMMERCIAL PLANNED DEVELOPMENT DISTRICT

PROPERTY ADDRESS: 343 Obetz Road

OWNER: 301 Obetz Road Real Estate LLC; Scioto Community Real Estate LLC

APPLICANT: 301 Obetz Road Real Estate LLC; Scioto Community Real Estate LLC

DATE OF TEXT: 2/15/2017

APPLICATION NUMBER: Z16-062

1. INTRODUCTION: The subject site contains approximately 6.961 acres, consisting of three (3) separate parcels

located on the south side of Obetz Road. The applicant is proposing to construct an 80 unit senior apartment building, which is being constructed to assisted living standards and may be converted to assisted living in the future, in the CPD Commercial Planned Development District. One (1) of the parcels cannot be combined with the other two (2) due to the different taxing districts in which the parcels are located. The parcels are currently zoned RRR, Residential District, and I, Institutional District. A Zoning Site Plan is attached.

2. PERMITTED USES: Senior apartments and assisted living as permitted in Section 3349.03 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 attached Zoning Site Plan.

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

1. The minimum building setback from the street property line is eighty-five (85) feet from Obetz Road. The minimum parking setback from the street property line is fifteen (15) feet from Obetz Road and five (5) feet from the side and rear exterior property lines. Thirty (30) feet of additional right-of-way for Obetz Road is being dedicated, per City of Columbus request.
2. The minimum building setback from the rear property line and western side property line is twenty-five (25) feet. The minimum building setback from the eastern side property line is fifteen (15) feet.
3. No building 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 one overall site.
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.
5. The height of buildings shall not exceed thirty-five (35) feet.

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

1. Access to and from the site shall be provided via Obetz Road as shown on the Zoning Site Plan. Access shall be approved by the City of Columbus, Department of Public Service.
2. The owner will construct a five (5) foot wide sidewalk from the front parking lot to the public sidewalk fronting Obetz Road.
3. The owner will obtain a cross-access and cross-parking easement from the owner of the adjacent senior living facility, which is under common control with owner.

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

N/A

D. Building Design and Exterior Treatment Commitments.

N/A

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

N/A

F. Graphics and/or Signage Commitments.

Any 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: Reduce the minimum twenty-five (25) foot perimeter yard building setback to zero (0) feet along the interior lot lines (CC 3361.04(a)).
2. Variance: Reduce the minimum twenty-five (25) foot perimeter yard building setback to fifteen (15) feet along the eastern lot line (CC 3361.04(a)).
3. Variance: Allow maneuvering and parking spaces to cross parcel lines (CC 3312.25).
4. Variance: Reduce the number of required parking spaces from one hundred twenty (120) to one hundred twelve (112) (CC 3312.49(c)).
5. Variance: Reduce the minimum parking setback from the street property line from twenty-five (25) to fifteen (15) feet from Obetz Road (CC 3312.27(2)).
6. The Subject Site shall be developed in accordance with the attached Zoning Plan. The Zoning Plan may be adjusted to reflect engineering, topographical or other site data developed at the time of development or when engineering plans are completed. Any adjustment to the Zoning Site Plan shall be reviewed and may be approved by the Director of the Department of Building & Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.
7. The developer shall pay the applicable parkland dedication ordinance fee at the time of Site Compliance Review.
8. Interior driveways, sidewalks and patios are to be determined.

4. COMMERCIAL PLANNED DEVELOPMENT CRITERIA:

A. Natural Environment: The project will maintain the natural character of the area by planting trees, possibly constructing a pond as part of its storm drainage system, and creating walkways conducive to appropriate pedestrian movement throughout the site.

B. Existing Land Use: The property is zoned RRR and I and is currently undeveloped.

C. Transportation and Circulation: All drives and roadways will be reviewed and approved by the City of Columbus, Department of Public Service.

D. Visual Form of the Environment: The existing uses/zoning of the surrounding properties are as follows:

North: Across Obetz Road is a community recreation facility in the RRR, Residential District, and a senior apartment building, AR-12, Residential Districts.

East: Senior living facility in common control with the owners of the subject property, in the CPD, Commercial Planned Development District.

West: Youth behavioral health facility, in the I, Institutional District.

South: Manufactured housing community in the MHP, Mobile Home Park 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 a senior apartment building, which is being constructed to assisted living standards and may be converted to assisted living in the future, as illustrated on the attached Zoning Site Plan.

G. Behavior Patterns: The proposed use will serve the elderly population. 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.