



Legislation Text

File #: 1358-2017, **Version:** 1

Rezoning Application Z16-002

APPLICANT: Akidel Investment Company, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

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

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel zoned C-2, Commercial District, and L-C-3, Limited Commercial District, and is developed with a shared driveway for an adjacent commercial use. The applicant is requesting the L-AR-12, Limited Apartment Residential District to permit a multi-unit residential development, consisting of two subareas. Subarea A will contain a maximum of 18 units while Subarea B will be exclusively open space. The site lies within the boundaries of *The Far North Area Plan* (2014), which recommends community commercial uses for this location. While the proposed use is not consistent with the Plan's land use recommendation, Staff recognizes site constraints make commercial development at this location unlikely, and supports deviation noting that the site directly abuts multi-unit residential development. Given the commitment to permit only open space in Subarea B, thus maintaining the integrity of the stream corridor protection zone and allowing for significant preservation of the natural resources on the site, Staff can support the proposed development. A concurrent Council Variance (Ordinance # 1359-2017; CV16-002) has been filed to allow vehicular access for commercial uses and a reduced perimeter yard along the south and west property lines.

To rezone **8240 SANCUS BOULEVARD (43081)**, being 3.49± acres located on the east side of Sancus Boulevard, 520± feet south of Lazelle Road, **From:** C-2, Commercial District and L-C-3, Limited Commercial District, **To:** L-AR-12, Limited Apartment Residential District (Rezoning # Z16-002).

WHEREAS, application # Z16-002 is on file with the Department of Building and Zoning Services requesting rezoning of 3.49± acres from C-2, Commercial District and L-C-3, Limited Commercial District, to the L-AR-12, Limited Apartment Residential District; and

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

WHEREAS, the City Departments recommend approval of said zoning change given the site's constraints that make commercial development unlikely, the adjacent multi-unit residential development, and the commitment to permit only open space in Subarea B. The proposal allows for significant preservation of the natural resources on site, while also maintaining the stream corridor protection zone; 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:

8240 SANCUS BOULEVARD (43081), being 3.49± acres located on the east side of Sancus Boulevard, 520± feet south of Lazelle Road, and being more particularly described as follows:

SUBAREA “A”:

Description of a 1.560 Acre Tract

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Farm Lot 10, Quarter Township 1, Township 2, Range 18, United States Military Lands, being 1.560 acres out of Farm Lot 10, being a 1.560 acre tract of land out of a 3.487 acre tract of land described in a deed to Lazelle Columbus Partners LP of record in Instrument Number 201605240065206, and being more particularly described as follows:

COMMENCING for reference at Franklin County Geodetic Survey Monument 1435 at the intersection of the centerline of Sancus Boulevard of record in Plat Book 70, Page 55 and the centerline of Lazelle Road of the same record;

Thence South 86°36'57" East, a distance of 250.00 feet with the centerline of said Lazelle Road, to a point;

Thence South 03°23'03" West, a distance of 50.00 feet crossing said Lazelle Road, to the south right-of-way line of said Lazelle Road, being at the northwest corner of a 3.873 acre tract of land described in a deed to 2WDLZ, LLC of record in Instrument Number 201605240065205, being at the northeast corner of a 1.368 acre tract of land described in a deed to Chuang Properties, LLC of record in Instrument Number 200405260121639;

Thence South 03°23'03" West, a distance of 300.00 feet with the west line of said 3.873 acre tract and with the east line of said 1.368 acre tract, to the southwest corner of said 3.873 acre tract, being at the southeast corner of said 1.368 acre tract, and being on the north line of a 0.832 acre tract of land described in a deed to Sancus Enterprises, LLC of record in Instrument Number 201303250049100;

Thence South 86°36'57" East, a distance of 39.94 feet with the south line of said 3.873 acre tract and with the north line of said 0.832 acre tract, to the northeast corner of said 0.832 acre tract, being at the northwest corner of said 3.487 acre tract, and being the TRUE POINT OF BEGINNING of the tract to be described;

Thence South 88°00'33" East, a distance of 89.85 feet with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to a point;

Thence crossing said 3.487 acre tract with the following three (3) courses and distances:

- 1) South 31°25'46" East, a distance of 162.48 feet, to a point;
- 2) South 23°42'49" East, a distance of 111.76 feet, to a point;
- 3) South 01°14'23" East, a distance of 40.13 feet, to the south line of said 3.487 acre tract and being on the north line of Worthington Glen North Condominium of record in Condominium Plat Book 46, Page 40;

Thence North 88°23'58" West, a distance of 382.56 feet with the south line of said 3.487 acre tract and with the north line of said Worthington Glen North Condominium, to the southwest corner of said 3.487 acre tract, being at the southeast corner of a 0.068 acre tract of land described in a deed to the City of Columbus of record in Official Record 28998, Page G20, and being on the east right-of-way line of said Sancus Boulevard;

Thence with the west line of said 3.487 acre tract, with the east line of said 0.068 acre tract, with the east right-of-way line of said Sancus Boulevard, and with the arc of a curve to the right having a radius of 950.00 feet, a central angle of 7° 26'02", a chord bearing of North 18°38'31" West, a chord distance of 123.17 feet, and an arc length of 123.26 feet, to a

northwest corner of said 3.487 acre tract and being at the southwest corner of said 0.832 acre tract;

Thence South 86°36'57" East, a distance of 194.00 feet with a north line of said 3.487 acre tract and with the south line of said 0.832 acre tract, to the southeast corner of said 0.832 acre tract;

Thence North 02°39'01" East, a distance of 168.45 feet with a west line of said 3.487 acre tract and with the east line of said 0.832 acre tract, to the TRUE POINT OF BEGINNING containing 1.560 acres of land, more or less.

Basis of Bearings: Bearings are based on data acquired by GPS observations as per NAD 83 (2011) - Ohio State Plane Coordinate System - South Zone from the Franklin County Geodetic Control Monumentation.

The above description is based on and referenced to an exhibit titled "Zoning Exhibit of a 1.560 Acre Tract" prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Franklin County, Ohio

SUBAREA "B":

Description of a 1.927 Acre Tract

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Farm Lot 10, Quarter Township 1, Township 2, Range 18, United States Military Lands, being 1.927 acres out of Farm Lot 10, being a 1.927 acre tract of land out of a 3.487 acre tract of land described in a deed to Lazelle Columbus Partners LP of record in Instrument Number 201605240065206, and being more particularly described as follows:

COMMENCING for reference at Franklin County Geodetic Survey Monument 1435 at the intersection of the centerline of Sancus Boulevard of record in Plat Book 70, Page 55 and the centerline of Lazelle Road of the same record;

Thence South 86°36'57" East, a distance of 250.00 feet with the centerline of said Lazelle Road, to a point;

Thence South 03°23'03" West, a distance of 50.00 feet crossing said Lazelle Road, to the south right-of-way line of said Lazelle Road, being at the northwest corner of a 3.873 acre tract of land described in a deed to 2WDLZ, LLC of record in Instrument Number 201605240065205, being at the northeast corner of a 1.368 acre tract of land described in a deed to Chuang Properties, LLC of record in Instrument Number 200405260121639;

Thence South 03°23'03" West, a distance of 300.00 feet with the west line of said 3.873 acre tract and with the east line of said 1.368 acre tract, to the southwest corner of said 3.873 acre tract, being at the southeast corner of said 1.368 acre tract, and being on the north line of a 0.832 acre tract of land described in a deed to Sancus Enterprises, LLC of record in Instrument Number 201303250049100;

Thence South 86°36'57" East, a distance of 39.94 feet with the south line of said 3.873 acre tract and with the north line of said 0.832 acre tract, to the northeast corner of said 0.832 acre tract and being at the northwest corner of said 3.487 acre tract;

Thence South 88°00'33" East, a distance of 89.85 feet with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to the TRUE POINT OF BEGINNING of the tract to be described;

Thence South 88°00'33" East, a distance of 65.77 feet continuing with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to a point;

Thence South 86°40'52" East, a distance of 273.13 feet continuing with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to the northeast corner of said 3.487 acre tract;

Thence South 03°48'48" West, a distance of 35.00 feet with a west line of said 3.873 acre tract and with an east line of said 3.487 acre tract, to a point;

Thence South 43°26'09" East, a distance of 107.92 feet with a southwest line of said 3.873 acre tract and with a northeast line of said 3.487 acre tract, to the southeast corner of said 3.873 acre tract, being at a northeast corner of said 3.487 acre tract, and being on the west line of a 5.00 acre tract of land described in a deed to Mark R. Ciminello and Joseph A. Ciminello of record in Official Record 7544, Page G09;

Thence South 03°48'48" West, a distance of 157.58 feet with the east line of said 3.487 acre tract and with the west line of said 5.00 acre tract, to the southeast corner of said 3.487 acre tract and being at the northeast corner of the Seventh Amendment to Worthington Glen North Condominium of record in Condominium Plat Book 49, Page 132;

Thence North 88°23'58" West, a distance of 269.36 feet with the south line of said 3.487 acre tract, with the north line of said Seventh Amendment to Worthington Glen North Condominium and with the north line of Worthington Glen North Condominium of record in Condominium Plat Book 46, Page 40, to a point;

Thence crossing said 3.487 acre tract with the following three (3) courses and distances:

- 1) North 01°14'23" West, a distance of 40.13 feet, to a point;
- 2) North 23°42'49" West, a distance of 111.76 feet, to a point;
- 3) North 31°25'46" West, a distance of 162.48 feet, to the TRUE POINT OF BEGINNING containing 1.927 acres of land, more or less.

Basis of Bearings: Bearings are based on data acquired by GPS observations as per NAD 83 (2011) - Ohio State Plane Coordinate System - South Zone from the Franklin County Geodetic Control Monumentation.

The above description is based on and referenced to an exhibit titled "Zoning Exhibit of a 1.927 Acre Tract" prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Franklin County, Ohio.

Property Parcel: 610-218056

Property Address: 8240 Sancus Boulevard, Columbus, OH 43081.

To Rezone From: C-2, Commercial District and L-C-3, Limited Commercial District

To: L-AR-12, Limited Apartment Residential District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-AR-12, Limited Apartment Residential 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 L-AR-12, Limited Apartment Residential 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 plan being titled, "**8240 SANCUS BOULEVARD - SUBAREA PLAN,**" and text titled, "**LIMITATION TEXT: L-AR-12,**" both signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, dated May 1, 2017, and the text reading as follows:

LIMITATION TEXT: L-AR-12

PROPERTY ADDRESS: 8240 Sancus Boulevard, Columbus, OH 43081

PID: 610-218056

AREA: 3.487 +/- ac

EXISTING ZONING: C-2 and L-C-3 commercial

PROPOSED ZONING: L-AR-12, Limited Apartment Residential

APPLICANT: Akidel Investment Company, LLC, c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, LPA, 411 E. Town Street, FL 2, Columbus, Ohio 43215

PROPERTY OWNER: Yaw and Delali Agyekum, c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, LPA, 423 E. Town Street, FL 2, Columbus, Ohio 43215

DATE OF TEXT: May 1, 2017

APPLICATION NUMBER: Z16-002

INTRODUCTION: The 3.487 +/- acre site is located on the east side of Sancus Boulevard, 480 +/- feet south of Lazelle Road. Two (2) subareas are proposed: 1) Subarea A, 1.560 acres to be developed with 18 dwelling units and 2) Subarea B, 1.927 +/- acres to remain undeveloped as open space. Subarea A and B may be split to create separate parcels, subject to Subarea B being combined with an abutting parcel. Subarea B shall remain open space, but the area of Subarea B may be used for calculation of permitted density. A site plan titled "Subarea Plan" is submitted with this application and referenced in Section H. This application is also subject to pending Council Variance application CV16-002.

SUBAREA A:

1. PERMITTED USES: The permitted use for Subarea A shall be all uses of Section 3333.02, AR-12, ARLD and AR-1 Apartment Residential District Use.

2. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Site Plan, or in this written text, the applicable development standards shall be those standards contained in Chapter 3333, Apartment Districts, of the Columbus City Code.

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

1. There shall be a maximum of eighteen (18) dwelling units in Subarea A.
2. See also CV16-002 for variance to reduce Perimeter Yard.

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

1. Vehicular access shall be from a single full-turning movement curbcut on Sancus Boulevard.
2. An access study (Sancus Boulevard Development Traffic Access Study) was approved by the City of Columbus June 22, 2016. The northbound left turn lane at Sancus Boulevard and Lazelle Road shall be shortened by approximately 50' with a 60' diverging taper retained, at developer's expense.

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

N/A

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

The apartment buildings shall be two (2) story with gable or hip roofs. Building materials shall include vinyl siding and

brick and/or stone watercourses (front only), and may include cementitious board (Hardi-plank or comparable).

E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

N/A

F. Graphics and Signage commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the AR-12, Apartment Residential District, except a ground sign shall be monument-style. Any variance to applicable sign standards shall be submitted to the Columbus Graphics Commission for consideration. No off-premise graphics shall be permitted on this site.

G. Miscellaneous commitments.

1. Applicant shall pay applicable Parkland Dedication Ordinance (PDO) fees prior to approval of a final Site Compliance Plan.

2. See also CV16-002.

2. The plan titled "8240 Sancus Boulevard - Subarea Plan", dated May 1, 2017 and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, depicts Subareas A and B established by this rezoning. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final 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 designee upon submission of the appropriate data regarding the proposed adjustment.

SUBAREA B:

1. **PERMITTED USES:** The only permitted use of Subarea B shall be open space. Subarea B shall remain undeveloped, except for passive recreational uses, such as a walking path, or underground placement of utilities, as may be required for utility service to Subarea A or to extend utilities to abutting parcel(s).

2. **DEVELOPMENT STANDARDS:** Unless otherwise indicated on the Site Plan, or in this written text, the applicable development standards shall be those standards contained in Chapter 3333, Apartment Residential District.

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

The subarea is 1.927 acres. Subarea B shall remain open space, but the area of Subarea B may be used for calculation of permitted density if Subarea B is split and combined with an adjacent parcel.

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

N/A

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

The Subarea shall be open space.

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

N/A

E. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

N/A

F. Graphics and Signage commitments.

N/A

G. Miscellaneous commitments.

1. Subarea B may be split from Subarea A, subject to Subarea B being combined with an abutting parcel.
2. The plan titled “8240 Sancus Boulevard - Subarea Plan”, dated May 1, 2017 and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant, depicts Subareas A and B established by this rezoning. The subarea plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final 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 designee upon submission of the appropriate data regarding the proposed adjustment.
2. There shall be no Parkland Dedication Ordinance (PDO) fee applicable to Subarea B. If the density permitted by area of Subarea B under AR-12 zoning is built off-site of Subarea B, the applicable PDO fee shall be assessed to the density on the abutting parcel where the density attributed to Subarea B is built.

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