



Legislation Text

File #: 1782-2017, **Version:** 1

Rezoning Application Z16-090

APPLICANT: Vertical Bridge Development II, LLC; c/o Mike Daubenmire, Agent; Fortune Wireless, Inc.; 6402 Corporate Drive; Indianapolis, IN 46278.

PROPOSED USE: Monopole telecommunications antenna and limited commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on April 13, 2017.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two parcels developed with a non-conforming bar/restaurant known as the "Garden Inn." It is a portion of a larger CPD, Commercial Planned Development District, Z94-048, now obsolete due to portions being zoned out of it and multiple ownerships. The existing CPD district permitted C-2, Commercial District uses as well as a restaurant and machine sales/servicing on designated portions of the site. The applicant proposes a monopole telecommunications antenna on a portion of the site and limited C-4, Commercial District uses on the rest of the site. The limitation text includes permitted uses, height, access, screening, buffering, landscaping, and site plan commitments. The "Garden Inn" will not be affected by the exclusion of bar, cabaret, and night club uses as it will remain on the site as a nonconforming use. The site is located within the boundaries of the *Northland I Area Plan* (2014), which recommends "Community Mixed Use" at this site. The permitted uses are compatible with the land use recommendation of the Plan and the development also preserves and improves landscaping across the site. Existing tree coverage is being preserved and landscaping is provided around the proposed antenna enclosure and along the Cleveland Avenue frontage.

To rezone **6091 CLEVELAND AVENUE (43231)**, being 4.47± acres located on the west side of Cleveland Avenue, 133± feet north of Deewood Drive, From: CPD, Commercial Planned Development District, To: L-C-4, Limited Commercial District (Rezoning # Z16-090).

WHEREAS, application # Z16-090 is on file with the Department of Building and Zoning Services requesting rezoning of 4.47± acres from CPD, Commercial Planned Development District, to L-C-4, Limited Commercial 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 L-C-4, Limited Commercial District is consistent with the land use recommendations of the *Northland I Area Plan* for community mixed-use development as it does not introduce incompatible uses, and the development also preserves and improves landscaping across the site. Existing tree coverage is being preserved and landscaping is provided around the proposed antenna enclosure and along the Cleveland Avenue frontage; 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 # 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

6091 CLEVELAND AVENUE (43231), being 4.47± acres located on the west side of Cleveland Avenue, 133± feet north of Deewood Drive, and being more particularly described as follows:

THE FOLLOWING REAL ESTATE SITUATED IN THE COUNTY OF FRANKLIN IN THE STATE OF OHIO AND IN TOWNSHIP OF SHARON AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEING IN QUARTER TOWNSHIP NO. 1, TOWNSHIP NO. 2, RANGE NO. 18, U.S.M. LANDS, AND BEING PARTS OF THE SOUTH HALF OF LOT NO. 6 AS SHOWN ON A PLAT OF A SUBDIVISION OF A PART OF SAID QUARTER TOWNSHIP OF RECORD IN DEED BOOK 3, PAGE 11, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

TRACT I

COMMENCING AT THE NORTHEAST CORNER OF QUARTER TOWNSHIP NO. 4, TOWNSHIP 2, RANGE 18, UNITED STATES MILITARY LANDS IN THE CENTER OF CLEVELAND AVENUE; THENCE SOUTH WITH THE TOWNSHIP LINE IN THE CENTER OF SAID ROAD 66.00 FEET TO A POINT; THENCE WESTERLY ALONG THE NORTHERNMOST LINE OF DEERFIELD VILLAGE 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF CLEVELAND AVENUE AND THE TRUE PLACE OF BEGINNING ; THENCE WEST 620 FEET AND BEING NORTH 86 DEGREES 17 MINUTES 41 SECONDS WEST 619.46 FEET (MEASURED) TO AN IRON PIN FOUND; THENCE NORTH 66.00 FEET AND BEING NORTH 03 DEGREES 55 MINUTES 33 SECONDS EAST 66.00 FEET (MEASURED) TO A POINT ON THE QUARTER TOWNSHIP LINE; THENCE EAST 620.00 FEET AND BEING SOUTH 86 DEGREES 17 MINUTES 41 SECONDS EAST 619.78 FEET (MEASURED) TO THE WESTERLY RIGHT OF WAY LINE OF SAID ROADWAY; THENCE SOUTH 04 DEGREES 12 MINUTES 19 SECONDS WEST 66.00 FEET (MEASURED) TO THE TRUE PLACE OF BEGINNING AND CONTAINING IN ALL, INCLUDING RIGHT OF WAY 1.00 ACRES, MORE OR LESS.

TRACT II

(MAJORIE L. SEBRING, TRUSTEE FOR GEORGE G. SEBRING PARCEL) -AFTER THE EXCEPTION IN WARRANTY DEED DATED APRIL 12, 1995 AND RECORDED APRIL 18, 1995 IN DEED BOOK 28873, PAGE D15).

COMMENCING AT THE SOUTHEAST CORNER OF QUARTER TOWNSHIP 1 (THE SAME BEING THE NORTHEAST CORNER OF QUARTER TOWNSHIP 4 IN TOWNSHIP NO. 2, RANGE 18, UNITED STATES MILITARY LANDS; THENCE WESTERLY ALONG THE QUARTER SECTION LINE 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF CLEVELAND AVENUE AND BEING THE TRUE PLACE OF BEGINNING; THENCE NORTH 86 DEGREES 17 MINUTES 41 SECONDS WEST (BASIS OF BEARINGS THIS DESCRIPTION) ALONG THE QUARTER TOWNSHIP LINE A DISTANCE OF 619.78 FEET TO A POINT; THENCE NORTH 03 DEGREES 29 MINUTES 53 SECONDS EAST (DEED) AND BEING NORTH 03 DEGREES 55 MINUTES 33 SECONDS EAST (MEASURED) 392.50 FEET TO A POINT; THENCE SOUTH 86 DEGREES 25 MINUTES 57 SECONDS EAST 330.00 FEET (DEED) AND BEING SOUTH 86 DEGREES 57 MINUTES 48 SECONDS EAST 333.48 FEET (MEASURED) TO AN IRON PIN FOUND; THENCE SOUTH 03 DEGREES 25 MINUTES 56 SECONDS WEST (DEED) AND BEING SOUTH 04 DEGREES 05 MINUTES 44 SECONDS WEST (MEASURED) 131.95 FEET TO AN IRON PIN FOUND; THENCE NORTH 86 DEGREES 43 MINUTES 30 SECONDS WEST (DEED) AND BEING NORTH 85 DEGREES 08 MINUTES 45 SECONDS WEST (MEASURED) 40.09 FEET TO A POINT; THENCE SOUTH 03 DEGREES 34 MINUTES 03 SECONDS WEST (DEED) AND BEING SOUTH 05 DEGREES 21 MINUTES 38 SECONDS (MEASURED) 187.15 FEET TO AN IRON PIPE FOUND; THENCE ON AND ALONG A CURVE TO THE LEFT WITH A CHORD BEARING OF SOUTH 83 DEGREES 46 MINUTES 25 SECONDS EAST (DEED) AND BEING SOUTH 83 DEGREES 47 MINUTES 26 SECONDS EAST (MEASURED) 10.21 FEET AND HAVING A RADIUS OF 110.00 FEET A DISTANCE ALONG THE ARC OF 10.21 FEET; THENCE SOUTH 86 DEGREES 25 MINUTES 57 SECONDS EAST (DEED) AND BEING SOUTH 86 DEGREES 25 MINUTES 20 SECONDS EAST (MEASURED) 300.13 FEET TO A POINT; THENCE ON AND ALONG A CURVE TO THE LEFT A CHORD BEARING OF NORTH 48 DEGREES 34 MINUTES 03 SECONDS EAST (DEED) AND BEING NORTH 54 DEGREES 09 MINUTES 10 SECONDS EAST (MEASURED) 28.28 FEET AND HAVING A RADIUS OF 20.00 FEET

A DISTANCE ALONG THE ARC OF 31.26 TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CLEVELAND AVENUE; THENCE ALONG SAID RIGHT OF WAY SOUTH 04 DEGREES 12 MINUTES 19 SECONDS WEST 100.66 FEET TO THE TRUE PLACE OF BEGINNING AND CONTAINING IN ALL, INCLUDING RIGHT OF WAY 3.47 ACRES, MORE OR LESS.

Property Description for Parcels 010-218942 and 010-104546

To Rezone From: CPD, Commercial Planned Development District

To: L-C-4, Limited Commercial District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-C-4, Limited Commercial 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-C-4, Limited Commercial District and Application among the records of the Department of Building and Zoning Services as required by 3370.03 of the Columbus City Codes; said plans being titled, “**OVERALL SITE PLAN**,” “**ENLARGED SITE PLAN**,” “**ANTENNA & TOWER ELEVATION DETAIL**,” “**LANDSCAPE PLAN & DETAILS (L-1)**,” and “**LANDSCAPE PLAN & DETAILS (L-2)**,” all signed by David E. Kasper, Engineer for the Applicant, and dated June 20, 2017, and text titled, “**LIMITATION TEXT**,” dated May 30, 2017, and signed by Marjorie L. Sebring, Property Owner, and John E. Cooper, Jr., Applicant, and reading as follows:

LIMITATION TEXT

Proposed Zoning District: L-C-4 (Limited Commercial District)

Property Address: 6091 Cleveland Avenue

Property Owner: Marjorie L. Sebring

Applicant: Vertical Bridge Development II, LLC

Date of Text: May 30, 2017

Application No: Z16-090

1. Introduction: Applicant Vertical Bridge seeks to rezone the total 4.47-acre parcels located at 6091 Cleveland Avenue for those uses permitted under Chapter 3356 C-4 (Commercial), of the Columbus City Code. The Limitation Text below provides applicable limitations for the parcels located at 6091 Cleveland Avenue. The purpose of this rezoning and development is the construction of a wireless communications facility, as permitted in a C-4 District, and meeting a public necessity.

The development of the parcels fall under the development standards of the Northland Plan (Area 13) that recommends upgrading development quality through limited zoning and appropriate development standards.

2. Permitted Uses: Those uses permitted by Chapter 3356 C-4 (Commercial), of the Columbus City Code, excluding the following uses:

- Bars, Cabarets, and Night Clubs;
- Automotive accessories, parts, and tire sales;
- Pawn Brokers;
- Motor bus terminals;
- Check cashing and loan businesses
- Missions/temporary shelters;
- Parking lots and garages allowed in Chapter 3356.05 of the Columbus City Code;
- Hotels and motels, except for those hotels greater than one story and with three or fewer main access points for hotel guests;
- Extended stay hotels;
- Limousine and taxi services;
- Motorcycle and boat dealers;

- Truck, utility trailer, and recreational vehicle sales, rental and leasing;
- Automotive maintenance and repair, except as associated with an automotive sales operation;
- Employment Services and Placement Agencies;
- Blood and Organ Banks; and
- Halfway Houses

In the case of automotive sales, leasing, and rental, used automobiles may be sold only in connection with new automobiles.

In the case of Bars, Cabarets, Night Clubs, the exclusion would not affect the existing bar known as the Garden Inn currently operating on the parcel at 6091 Cleveland Avenue as a non-conforming use.

3. Development Standards: Unless otherwise indicated, the applicable development standards are contained in Chapter 3356 C-4 (Commercial), of the Columbus City Code.

A. Density, Height, Lot, and/or Setback Commitments: Standards are per the underlying zoning classification contained in Chapter 3356 C-4 (commercial), of the Columbus City Code per the limitations set forth below:

- i. For wireless communication facilities, the maximum height shall be 65 feet.
- ii. If redevelopment would occur on this site that includes the demolition of the building, a right-of-way of 60' from the centerline along the Cleveland Avenue frontage shall be dedicated to the City of Columbus as required per C.C.C. 4309.17.

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

Primary access to the property will be from Cleveland Avenue. If redevelopment of the property were to occur, the location and configuration of the access point to Cleveland Avenue will need to be modified.

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

- i. The northern property line shall have a twenty-five foot setback, and the existing vegetation shall be preserved within said twenty-five foot setback area.
- ii. The western property line shall have a fifty foot setback, and the existing vegetation shall be preserved within said fifty foot setback area.
- iii. Landscaping in the frontage of Cleveland Avenue with three foot tall hedges shall be required, and as shown on the site plan.
- iv. Landscape screening will be required around the north, east, west, and south security fencing perimeter of the wireless telecommunications facility with 8' tall arborvitae shrubs, and only the corners of the southern perimeter require screening. The screening shall consist of the approved arborvitae shrubs including Emerald Green, Green Giant, or American with required spacing of 3' on-center.

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

N/A

E. Lighting, Outdoor Display Area, and/or Environmental Commitments.

N/A

F. Graphics and Signage Commitments.

- i. All graphics shall conform to Article XV of the Columbus City Code, as it applies to the C-4 Commercial District. Any variance to the applicable requirements of the C-4 district shall be submitted to the Columbus Graphics Commission.
- ii. All future graphics must be monument style ground signage, except for incidental directional signs. This provision shall not preclude incorporation of wall signage onto the building.

G. Miscellaneous.

- i. The development of a wireless telecommunications facility shall be permitted, including a monopole tower of a height not to exceed 65' and associated support structures and facilities, as depicted on the site plan attached hereto as Exhibit "A" and made part hereof, on the southern part of parcel 010-218942-00 more particularly described in Exhibit "A" attached hereto and made a part hereof.
- ii. The Wireless telecommunications facility shall be developed in accordance with the overall site plan(s), enlarged site plan, tower elevation drawing, and landscaping plan(s) collectively referred to as (Exhibit A). 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 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.

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