



## Legislation Text

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**File #:** 2235-2017, **Version:** 1

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### **Rezoning Application: Z16-069**

**APPLICANT:** The Laurels of West Columbus Real Estate, LLC; c/o Donald Plank, Atty.; Plank Law Firm; 423 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Nursing home and multi-unit residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on August 10, 2017.

**WESTLAND AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested CPD, Commercial Planned Development District will allow a nursing home on 12.75± acres, and the requested L-AR-12, Limited Apartment Residential District will conform the development standards of an existing multi-unit residential development on the balance of the site. The CPD text commits to a site plan and provides commitments for building and parking setbacks, vehicular access, parking restrictions, right-of-way dedication, landscaping and buffering, graphics, building materials, and lighting. Variances to reduce the required rear yard and minimum setbacks in the proposed CPD district are included in this request. The site is located within the boundaries of the *Westland Area Plan* (1994), which recommends "Residential (3-5 du/AC)" and "Open Space / Park / Buffer" land uses for this location. Despite the Plan's land use recommendation, the proposed uses are compatible with the existing zoning, and the surrounding area is mostly comprised of multi-unit residential development and medium-density single-unit residential development. A concurrent Council variance (Ordinance # 2234-2017; CV17-047) has been filed to vary perimeter setback requirements along the east property line for the existing multi-unit residential development and to permit maneuvering across property lines for parking spaces.

To rezone **471 NORTON ROAD (43119)**, being 16.24± acres located on the west side of Norton Road, 465± feet south of Sullivant Avenue **From:** L-AR-12, Limited Apartment Residential District, ARLD, Apartment Residential District, and C-4, Commercial District, **To:** CPD, Commercial Planned Development District and L-AR-12, Limited Apartment Residential District (Rezoning # Z16-069).

**WHEREAS**, application # Z16-069 is on file with the Department of Building and Zoning Services requesting rezoning of 16.24± acres from L-AR-12, Limited Apartment Residential District, ARLD, Apartment Residential District, and C-4, Commercial District, to CPD, Commercial Planned Development District and L-AR-12, Limited Apartment Residential District; and

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

**WHEREAS**, the Westland Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the proposed CPD, Commercial Planned Development, and L-AR-12, Limited Apartment Residential districts will allow a nursing home and multi-unit residential development that are compatible with the density and development standards of adjacent residential developments; 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:

**471 NORTON ROAD (43119)**, being 16.24± acres located on the west side of Norton Road, 465± feet south of Sullivant Avenue, and being more particularly described as follows:

**SUBAREA A - CPD**

**Parcel 1:**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of the 16.618 acre Parcel 1 conveyed to the Eagle Crest Management Group LLC, by deed of record in Instrument Number 200110110235451, all references being to records in the Franklin County, Ohio, Recorder's Office, which is bounded and described as follows:

Beginning at a found iron pin in the northwest corner of said Parcel 1, said iron pin also being the southwest corner of a 12.933 Acre Tract conveyed to the Forest Park Group by Deed of record in Official Record Volume 01264, Page A04, and a point in the east line of the Greene Countries Subdivision platted in part in Plat Book 66, Page 39, Plat Book 68, Page 48 and Plat Book 71, Page 7;

Thence North 76° 26' 00" East, a distance of 86.77 feet to a point;

Thence South 13° 34' 00" East, a distance of 193.54 feet to a point;

Thence South 79° 14' 10" East, a distance of 151.78 feet to a point;

Thence North 10° 45' 50" East, a distance of 65.00 feet to a point;

Thence South 79° 14' 10" East, a distance of 230.00 feet to a point;

Thence South 10° 45' 50" West, a distance of 84.00 feet to a point;

Thence South 08° 18' 35" East, a distance of 245.16 feet to a point passing a found iron pin at the northwest corner of a 5.000 Acre Tract conveyed to Jepe Inc., by deed of record in Instrument Number 199803230065206 at a distance of 102.13 feet;

Thence South 81° 41' 25" West, a distance of 269.90 feet to a point;

Thence North 79° 40' 53" West, a distance of 361.86 feet to a point being in the west line of said Parcel 1 and the east line of said subdivision, Thence North 10° 19' 07" East, a distance of 482.33 feet to the point of beginning, containing 5.106 acres, more or less.

**Parcel 2:**

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey Number 1474, being part of the 12.836 Acre Tract conveyed to Portrait Homes-Gabriel's Landing LLC by deed of record in Instrument Number 200506150116502, and part of the 4.910 Acre Tract conveyed to Portrait Homes-Gabriel's Landing LLC by deed of record in Instrument Number 200506150116504, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 7715 found at the intersection of the old northerly right-of-way line of Sullivant Avenue with the centerline of Norton Road, being the northeasterly corner of the 3.496 Acre Tract conveyed to the City of Columbus, by deed of record in Deed Book 3095, Page 365;

Thence South 13° 29' 39" West, with the centerline of said Norton Road, and the easterly line of said 3.496 Acre Tract, a distance of 540.59 feet to a point;

Thence North 76° 30' 21" West, across the right-of-way of Norton Road and that 0.095 Acre Tract conveyed to the City of Columbus by deed of record in Instrument Number 200312310406754, a distance of 50.00 feet to an iron pin set on the westerly line of said 0.095 Acre Tract and said westerly right-of-way line, being the true point of beginning;

Thence South 13° 29' 39" West, with the easterly line of said 12.836 and 4.910 Acre Tracts, a distance of 120.00 feet to an iron pin set;

Thence across said 4.910 Acre Tract, the following courses and distances:

North 31° 23' 18" West, a distance of 35.43 feet to an iron pin set;

North 76° 16' 15" West, a distance of 223.00 feet to an iron pin set;

South 13° 43' 45" West, a distance of 85.00 feet to an iron pin set;

South 76° 16' 15" East, a distance of 50.00 feet to an iron pin set;

South 13° 43' 45" West, a distance of 288.11 feet to an iron pin set in the line common to said 4.910 Acre Tract and the remainder of the original 16.618 Acre Tract conveyed to Eagle Crest Management Group LLC by deed of record in Instrument Number 200110110235451;

Thence with the lines common to said 4.910 Acre Tract and the remainder of said original 16.618 Acre Tract, the following courses and distances:

North 76° 35' 23" West, a distance of 99.06 feet to a 5/8-inch iron rebar found;

South 13° 24' 37" West, a distance of 84.25 feet to an iron pin set; With the arc of a curve to the left, having a central angle of 89° 59' 52", a radius of 85.51 feet, an arc length of 134.41 feet, and a chord which bears North 31 ° 35' 22" West, a chord distance of 120.92 feet, to a 3/4" iron pipe found;

North 76° 35' 23" West, a distance of 105.80 feet, to a 5/8-inch iron rebar found;

Thence North 05° 15' 39" West, with the westerly lines of said 4.910 and 12.836 Acre Tracts, and the easterly lines of the remainder of said original 16.618 Acre Tract and the 5.106 Acre Tract conveyed to Zuro Properties LLC by deed of record in Instrument Number 200311190370661, a distance of 505.16 feet to an iron pin set;

Thence with the lines common to said 12.836 and 5.106 Acre Tracts, the following courses and distances:

North 13° 48' 46" East, a distance of 84.00 feet to an iron point set;

North 76° 11' 14" West, a distance of 203.69 feet to an iron pin set in the southeasterly corner of Gabriel's Landing Condominium First Amendment of record in Condominium Plat Book 189, Page 94;

Thence North 13° 48' 46" East, with a westerly line of said 12.836 Acre Tract, the easterly line of said Gabriel's Landing Condominium First Amendment and Gabriel's Landing Condominium Second Amendment Part 2 of record in

Condominium Plat Book 199, Page 60, a distance of 224.83 feet to an iron pin set;

Thence North 76° 18' 49" West, with the line common to said 12.836 Acre Tract and said Gabriel's Landing Condominium Second Amendment Part 2, a distance of 123.34 feet to an iron pin set at the northwesterly corner of said Gabriel's Landing Condominium Second Amendment Part 2, being the westerly line of Gabriel's Landing Condominium of record in Condominium Plat Book 176, Page 83;

Thence with the lines common to said 12.836 Acre Tract and said Gabriel's Landing Condominium, the following courses and distances:

North 13° 52' 49" East, a distance of 105.56 feet to an iron pin set;

South 76° 07' 11" East, a distance of 158.99 feet to an iron pin set;

North 14° 07' 54" East, a distance of 59.95 feet to an iron pin set on the line common to said 12.836 and 3.496 Acre Tracts, being in the southerly right-of-way line of said Sullivant Avenue;

Thence South 76° 06' 12" East, with said line common to said 12.836 and 3.496 Acre Tracts and said southerly right-of-way lines, a distance of 288.37 feet to an iron pin set at the common corner of said 12.836 Acre Tract and that 2.472 Acre Tract as conveyed to Bank Street Partners by deed of record in Instrument Number 200609150184425;

Thence with the line common to said 12.836 and 2.472 Acre Tracts, the following courses and distances:

South 13° 41' 11" West, a distance of 243.51 feet to an iron pin set;

South 31° 53' 09" East, a distance of 141.49 feet to an iron pin set;

South 76° 16' 15" East, a distance of 181.97 feet, to an iron pin on the westerly line of that 2,017 Acre Tract as conveyed to Bank Street Partners by deed of record in Instrument Number 200609150184425;

Thence with the line common to said 12.836 and 2.017 Acre Tracts, the following courses and distances:

South 13° 43' 45" West, a distance of 165.00 feet to an iron pin set;

South 76° 16' 15" East, a distance of 222.71 feet to an iron pin set;

North 58° 36' 42" East, a distance of 35.28 feet to the true point of beginning, containing 8.669 acres of land, more or less.

EXCEPTING THEREFROM the following 0.321 Acre Tract as conveyed by Portrait Home-Gabriel's Landing, LLC to Norton Road Cemetery Inc. by Instrument No. 200509300205228 and more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey Number 1474, being part of the 12.836 Acre Tract conveyed to Portrait Homes-Gabriel's Landing LLC by deed of record in Instrument Number 200506150116502, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 7715 found at the intersection of the old northerly right-of-way line of Sullivant Avenue with the centerline of Norton Road, being the northeasterly corner of the 3.496 Acre Tract conveyed to the City of Columbus by deed of record in Deed Book 3095, Page 365;

Thence South 13° 29' 39" West, a distance of 208.92 feet, with the centerline of said Norton Road, and the easterly line of

said 3.496 Acre Tract, to a point;

Thence North 76° 30' 21" West, a distance of 50.00 feet, to an iron pin set at a common corner of said 12.836 Acre Tract, the remainder of the Original 0.504 Acre Tract conveyed to Jerry L. and Ruth H. Billman by deed of record in Official Record 25815E02, and the 0.028 Acre Tract conveyed to the City of Columbus by deed of record in Instrument Number 200311250376773, and the 0.095 Acre Tract conveyed to the City of Columbus by deed of record in Instrument Number 200312310406754, being in the westerly right-of-way line of said Norton Road;

Thence South 13° 29' 39" West, a distance of 194.39 feet, with the easterly line of said 12.836 Acre Tract, and said westerly right-of-way line to a point;

Thence North 76° 30' 21" West, a distance of 298.34 feet, across said 12.836 Acre Tract, to a 3/4-inch iron pipe found at the true place of beginning; The following courses and distances continuing across said 12.836 Acre Tract:

South 13° 26' 37" West, a distance of 140.01 feet, to a 3/4-inch iron pipe found;

North 76° 31' 37" West, a distance of 100.00 feet, to a 3/4-inch iron pipe found;

North 13° 26' 28" East, a distance of 139.98 feet, to a 3/4-inch iron pipe found;

South 76° 32' 39" East, a distance of 100.01 feet, to the true point of beginning, containing 0.321 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System, NAD83 (1986 adjustment), Control for bearings was from coordinates of monuments Bolton & Bolton Azimuth, having a bearing between them of South 56° 33' 19" East, as established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

ALSO EXCEPTING THEREFROM the following 0.298 Acre Tract as described in the Third Amendment to Declaration of Condominium of Gabriel's Landing Condominium by Instrument No. 200908140119428 and more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey Number 1474, being part of the 8.348 Acre Tract conveyed to Louisville Realty Corporation by deed of record in Instrument Number 200903190038702, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at the northwesterly corner of "Gabriel's Landing Condominium Second Amendment Part 2" of record in Condominium Plat Book 199, Page 60, an easterly line of "Gabriel's Landing Condominium" of record in Condominium Plat Book 176, Page 83;

Thence North 13° 52' 49" East, with the easterly line of said "Gabriel's Landing Condominium", a distance of 105.56 feet to a point;

Thence South 76° 07' 11" East, with a southerly line of said "Gabriel's Landing Condominium", a distance of 123.21 feet to a point;

Thence South 13° 48' 46" West, across said 8.348 Acre Tract, a distance of 105.14 feet to a point; North 76 °18' 49" West,

with the northerly line of said "Gabriel's Landing Condominium Second Amendment Part 2", a distance of 123.32 feet to the point of beginning, and containing 0.298 acre of land, more or less, and being out of Auditor's Parcel Number 570-110624. Subject, however, to all legal rights-of-way and/or easements, if any, of previous record, Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC. Bearings are based on the Ohio State Plane Coordinate System, NAD83 (1986 adjustment). Control for bearings was from coordinates of monuments Bolton & Bolton Azimuth, having a bearing between them of South 56° 33' 19" East, as established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

ALSO EXCEPTING THEREFROM the following 0.397 Acre Tract as described in the Third Amendment to Declaration of Condominium of Gabriel's Landing Condominium by Instrument No. 200908140119428 and more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey Number 1474, being part of the 8.348 Acre Tract conveyed to Louisville Realty Corporation by deed of record in Instrument Number 200903190038702, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning at a northwesterly corner of said 8.348, Acre Tract, at a northeasterly corner of "Gabriel's Landing Condominium" of record in Condominium Plat Book 176, Page 83, a southerly line of that 3.496 Acre Tract conveyed to the City of Columbus by deed of record in Deed Book 3095, Page 365, being the southerly right-of-way line of Sullivant Avenue (width varies);

Thence South 76° 06' 12" East, with the southerly line of said 3.496 Acre Tract, the southerly right-of-way line of said Sullivant Avenue, a distance of 288.36 feet to an iron pin set at a northwesterly corner of that 2.472 Acre Tract conveyed to Bank Street Partners by deed of record in Instrument Number 200609150184425;

Thence South 13° 41' 11" West, with the westerly line of said 2.472 Acre Tract, a distance of 59.87 feet to an iron pin set;

Thence North 76° 07' 11" West, across said 8.348 Acre Tract, a distance of 288.83 feet to a southeasterly corner of said "Gabriel's Landing Condominium";

Thence North 14° 07' 54" East, with an easterly line of said "Gabriel's Landing Condominium", a distance of 59.95 feet to the point of beginning, and containing 0.397 acre of land, more or less, and being out of Auditor's Parcel Number 570-110624. Subject, however, to all legal rights-of-way and/or easements, if any, of previous record. Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC. Bearings are based on the Ohio State Plane Coordinate System, NAD83 (1986 adjustment). Control for bearings was from coordinates of monuments Bolton & Bolton Azimuth, having a bearing between them of South 56° 33' 19" East, as established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

**To Rezone From:** L-AR-12, Limited Apartment Residential District, ARLD, Apartment Residential District, and C-4, Commercial District.

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

### **SUBAREA B - L-AR-12**

Situated in the City of Columbus, County of Franklin, State of Ohio; and part of Virginia Military Survey No. 1474; being all of Part 1, a 0.560 acre tract and Part 2, a 0.299 acre tract as conveyed to Gabriel's Landing Condominium Second Amendment as recorded in Condo Plat Book 199, Page 60 in the Franklin County, Ohio Recorder's Office; being all of a 0.834 acre tract as delineated in Gabriel's Landing Condominium First Amendment as recorded in Condo Plat Book 189,

Page 94; being all of Part 1, a 0.298 acre tract as delineated in, Gabriel's Landing Condominium Third Amendment as recorded in Condo Plat Book 211, Page 81; being all of a 1.100 acre tract as delineated in Gabriel's Landing Condominium as recorded in Condo Plat Book 176, Page 83 and all of a 0.397 acre tract as conveyed to Gabriel's Landing Condominium Third Amendment Part two as recorded in Condo Plat Book 211, Page 81; and being more particularly described as follows:

Commencing at a mag nail set at the intersection of the centerlines of Wild Stallion Drive (50' right of way) and Sullivant Avenue (60' right of way) as dedicated in Deed Book 3095, Page 365; said commencing point being North 76°41'00" West, a distance of 1389.18' from FCGS 1962;

Thence along the centerline of said Sullivant Avenue South 76°04'02" East for a distance of 145.17' to a point;

Thence leaving said centerline, South 13°55'58" West for a distance of 30.00' to a point at the northwest corner of said 0.560 acre tract and on the southerly right-of-way line of said Sullivant Avenue, said point also being the northeast corner of a 0.2362 acre tract as conveyed to Kevin M. Scott as described in Instrument Number 201004190046972; witness a 1" iron pipe found South 72°21'56" West, a distance of 1.07' therefrom; said point also being the TRUE POINT OF BEGINNING of the tract herein described;

Thence along the northerly line of said 0.560 acre tract and said southerly right of way line of Sullivant Avenue and the northerly line of said 1.100 acre tract and along the northerly line of said 0.397 acre tract, South 76° 04' 02" East for a distance of 663.79' to an iron pin set at the northeast corner of said 0.397 acre tract and at the northwest corner of a 2.472 acre tract as conveyed to Bank Street Partners as described in Instrument Number 200609150184425;

Thence along the east line of said 0.397 acre tract and along the west line of said 2.472 acre tract, South 13° 43' 15" West for a distance of 59.87' to an iron pin set at the northeasterly corner of a 7.653 acre residual tract as conveyed to The Laurels of West Columbus Real Estate, LLC as recorded in Instrument Number 201701260013035;

Thence along the northerly line of said 7.653 acre residual tract, along the southerly line of said 0.397 acre tract and a southeasterly line of said 1.100 acre tract, North 76° 05' 01" West for a distance of 324.62' to a mag nail set at the northwesterly corner of said 7.653 acre residual tract and at the northeasterly corner of said 0.298 acre tract;

Thence along the easterly line of said 0.298 acre tract, the easterly line of said 0.299 acre tract, the easterly line of said 0.834 acre tract and along the westerly line of said 7.653 acre residual tract, South 13° 50' 44" West for a distance of 329.97' to an iron pin set on the northerly line of a 5.106 acre tract as conveyed to The Laurels of West Columbus Real Estate, LLC as recorded in Instrument Number 201701260013035 and at a southeasterly corner of said 0.834 acre tract;

Thence along said northerly line of said 5.106 acre tract and along the southerly line of said 0.834 acre tract, the following four (4) courses and distances;

- 1) Thence North 76° 09' 04" West for a distance of 26.31' to a point, witness a bent 1" iron pipe found South 0°14'04" West, a distance of 0.92' therefrom;
- 2) Thence South 13° 50' 56" West for a distance of 65.00' to a point, witness a 1" iron pipe with "Vance" cap found South 26°53'33" East, a distance of 0.42' therefrom;
- 3) Thence North 76° 09' 04" West for a distance of 151.78' to a point, witness a 1" iron pipe found South 48° 22' 16" East, a distance of 0.50' therefrom;
- 4) Thence North 10° 28' 54" West for a distance of 193.54' to a 1" iron pipe found at a southerly corner of said 1.100 acre tract;

Thence along said southerly line of said 3.488 acre tract and continuing along said northerly line of said 5.106 acre tract,

South 79° 30' 56" West for a distance of 86.75' to an iron pin set at a northwesterly corner of said 5.106 acre tract and on the easterly line of Green Countrie Section Three Part Five Subdivision as recorded in Plat Book 74, Page 15;

Thence along said easterly line of said Green Countrie Section Three Part Five Subdivision and along an easterly line of aforesaid 0.236 acre tract, North 13° 24' 13" East for a distance of 314.83' to the true point of beginning, containing 3.487 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by The Kleingers Group in January 2017.

Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007) with a portion of the southerly right-of-way line of Sullivant Avenue being South 76° 04' 02" East as determined by a GPS survey utilizing CORS Station "COLB" and monument "FRANK39".

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "The Kleingers Group".

Subject to any easements, restrictions, covenants, ordinances or agreements of record.

**To Rezone From:** L-AR-12, Limited Apartment Residential 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 CPD, Commercial Planned Development District and 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 changes on the said original zoning map and shall register a copies of the approved CPD, Commercial Planned Development District and L-AR-12, Limited Apartment Residential District and Application among the records of the Department of Building and Zoning Services as required by Sections 3311.12 and 3370.03 of the Columbus City Codes; said plans being titled, "**ZONING EXHIBIT**," and said text being titled, "**ATTACHMENT 3**," both dated August 15, 2017, and signed by Donald Plank, Attorney for the Applicant, and the text reading as follows:

(SEE ATTACHMENT FILE TITLED, "**ORD2235-2017\_CPD\_TEXT**".)

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