

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
MAY 12, 2016**

- 6. APPLICATION: Z16-006**
Location: **3647 GENDER ROAD (43110)**, being 3.96± acres located on the west side of Gender Road, 202± feet south of Upperridge Drive (530-225024; Greater South East Area Commission).
Existing Zoning: CPD, Commercial Planner Development District.
Request: CPD, Commercial Planner Development District.
Proposed Use: Monopole telecommunications antenna.
Applicant(s): SBA Towers IX, LLC; c/o Stephen V. Cheatham, Atty.; Buckley King; 600 Superior Avenue East; Suite 1400; Cleveland, OH 44114.
Property Owner(s): T&R Development, Inc.; 3895 Stoneridge Lane; Dublin, OH 43017.
Planner: Tim Dietrich; 614-645-6665; tedietrich@columbus.gov
Shannon Pine; 614-645-2208; spine@columbus.gov

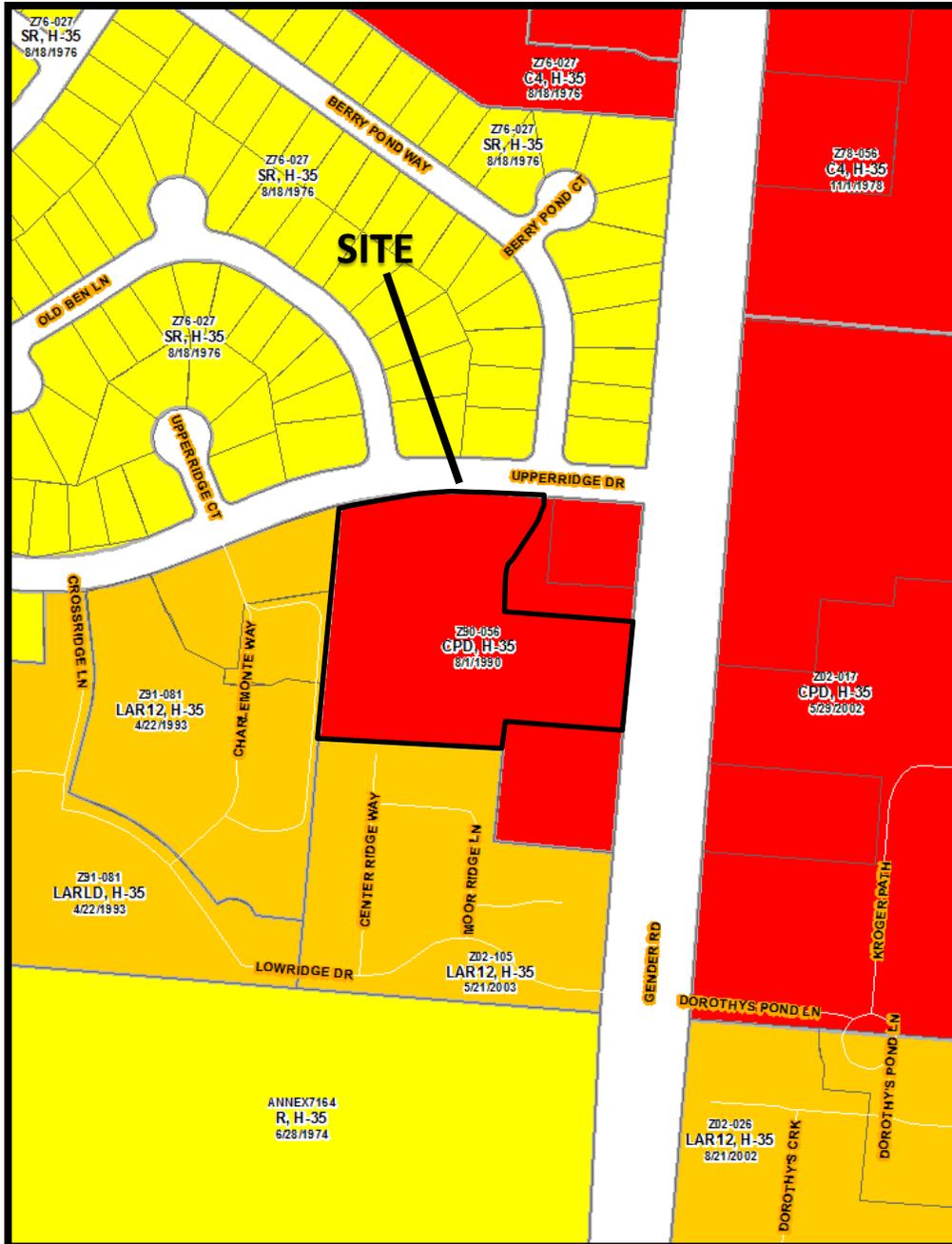
BACKGROUND:

- The 3.96± acre site consists of a single undeveloped parcel zoned CPD, Commercial Planned Development District. The requested CPD, Commercial Planned Development District will permit the applicant to construct a monopole telecommunications antenna that is not shown on the current CPD site plan.
- North of the site is a bank zoned in the CPD, Commercial Planned Development District, and a single-unit subdivision zoned in the SR, Suburban Residential District across Upperridge Drive. To the south and west are apartment buildings zoned in the L-AR-12, Apartment Residential District, and a fire station zoned in the CPD, Commercial Planned Development District. To the east across Gender Road is a commercial shopping center zoned in the CPD, Commercial Planned Development District.
- The site is located within the planning area of the *Brice-Tussing Area Plan (1990)*, which recommends commercial and parks/open space land uses at this location. The requested land use is compatible to the Plan's commercial land use recommendation.
- The CPD text includes permitted uses in Chapters 3356, 3357, and 3361 of the Zoning Code with prohibited uses that are remaining from the current CPD district. The site plan depicts the proposed antenna location and landscaping. A variance to reduce the setback requirements for the proposed monopole telecommunications antenna is included in the request.
- The site is located within the boundaries of the Greater South East Area Commission whose recommendation is for approval of the requested zoning district.

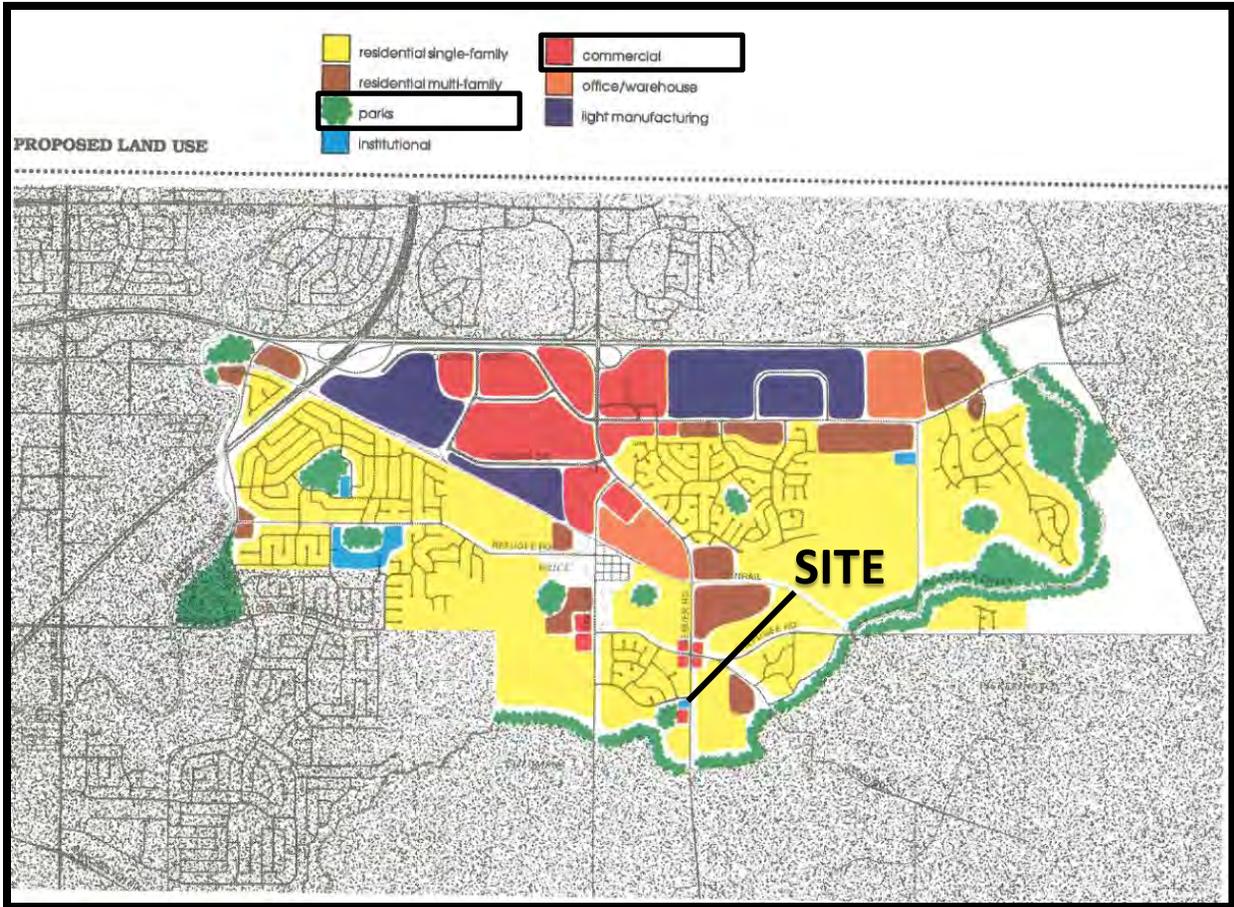
- The *Columbus Thoroughfare Plan* identifies Gender Road as a 4-2D arterial requiring a minimum of 60 feet of right-of-way from centerline.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval.

The requested CPD, Commercial Planned Development District will permit the construction of a monopole telecommunications antenna. While the proposed use is supported by Staff, the location of the antenna as reflected on the site plan is not supported. Staff is sympathetic to the possibilities of future commercial development at this site, and also recognizes that placement of the antenna almost anywhere on this property will require a setback variance, but believes that a location to the north of the fire station may provide a more reasonable variance setback reduction. Staff recognizes the efforts shown by the applicant in finding a suitable site for the proposed antenna to better service local residents, however, the extreme reduction in the setback requirement from 270 feet to 0 feet from the adjacent residential district to the south is not supported.



Z16-006
 3647 Gender Road
 Approximately 3.96 acres
 CPD to CPD



Z16-006
 3647 Gender Road
 Approximately 3.96 acres
 CPD to CPD



Z16-006
3647 Gender Road
Approximately 3.96 acres
CPD to CPD

COMMERCIAL PLANNED DEVELOPMENT TEXT

Proposed Zoning District: CPD, Commercial Planned Development District
Property Address: 3647 Gender Road (43110)
Property Owner: T&R Development, Inc.
Applicant: SBA Towers IX, LLC
Application Number: Z16-006
Date:

INTRODUCTION: Applicant SBA Towers IX, LLC seeks to rezone 3647 Gender Road, Canal Winchester, for those uses permitted below. The proposed CPD text herein provides applicable limitations for 3647 Gender Road. The purpose of this rezoning and development is the construction of a wireless communications facility, as permitted in a CPD district and meeting a public necessity. Please see the Property Owner's October 12, 2015, letter attached hereto as Exhibit 1, the content of which is incorporated herein. The Property Owner has contracted with Applicant SBA Towers IX, LLC to develop a cell phone tower on the property that is the subject of this Gender-Refugee Rezoning Application. The Property Owner owns the multifamily apartments adjacent to the site known as the Moors Apartments as well as the retail center directly east of Gender Road known as the Gender Towne Center. Both Applicant SBA Towers IX, LLC and the Property Owner believe the ideal location for the erection of a cell phone tower in the area is the southeast corner of the property as shown on Exhibit 2 referred to below. This location provides the least amount of visual impact to the community by partially concealing the cell tower in a corner of the property behind a fire station. Moreover, the residential buildings located directly to the south are owned by a related entity to the Property Owner. Additionally, by locating the cell tower in the corner of the property, the free space available on the remaining balance of the site is maximized. Although the future use of the remaining balance of the site is undetermined at this point, the property is zoned for commercial use so any future use would not conflict with a cell phone tower.

PERMITTED USES: Those uses contained in Sections 3351, 3353, 3355, 3357 (a drive-thru carryout is the only C-5 use permitted under this Columbus City Code provision) and 3361 of the Columbus City Code, with the following prohibitions: Garage Repair; Poultry Shop; Facilities that utilize gasoline sales or pumps; Car Wash; Sale of Mobile Homes; Automobile Sales; Freestanding Fast Food; Sale, maintenance, and servicing of motor vehicles, off-premise graphics, and billboards.

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

SETBACKS: Front setbacks shall be in accordance with the C-4 District. Side and rear setbacks, however, shall be ten feet (10').

B. Access, Loading, Parking and/or Other Traffic-Related Commitment: Applicant SBA Towers IX, LLC shall maintain for this site one full-service access point to Gender Road which is a right-in/right-out access point.

Further, in compliance with the Columbus City Code Section 4309.17, Applicant SBA Towers IX, LLC shall maintain a right-of-way dedication of sixty feet (60') from centerline along Gender Road.

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

Applicant SBA Towers IX, LLC proposes that the entire site as shown on Exhibit 2, which is attached hereto as a Preliminary Land Space Survey, shall be landscaped in accordance with the following standards applicable:

1. A buffer on the west side of the property line will be maintained with evergreen trees.
2. When any development occurs, except for the erection of a monopole telecommunications antenna, the west buffer shall be extended along the south property line.

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

Buildings shall be constructed with a combination of the following materials: glass and associated metal work, brick and brick paving, split-faced concrete block, wood siding, asphalt shingles, wood shingles, stone, asphalt parking lot, stucco, metal canopies, precast concrete, fabric awnings, concrete paving and curbs, ceramic tile and porcelain tile, as accent points.

The materials which are not approved and shall not be used in the construction of this development are as follows: concrete block (facing streets), aluminum siding, gravel parking lots and plywood on vertical surfaces.

E. Dumpster, Lighting, Outdoor Display Areas and/or Other Environmental Commitments:

N/A

F. Graphic and Signage Commitments:

All signage and graphics shall conform to Article 15 of the City of Columbus Graphics Code as it applies to C-4, Commercial District.

G. Miscellaneous:

The development of a wireless telecommunications facility shall be permitted, including a monopole tower of a height not to exceed 135 feet and associated support structures and facilities as depicted on Exhibit 3 attached hereto and titled "Location Plan," "Enlarged Site Plan," "Fence Details," and "Site Elevation." Collectively, the "Location Plan," "Enlarged Site Plan," "Fence Details," and "Site Elevation" are the Site Plan.

The wireless telecommunications facility shall be developed in accordance with the Site Plan. 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 Site 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. Applicant SBA Towers IX, LLC requests that variances to the following apply to it:

1. Under City of Columbus Zoning Code 3353.05-C-2 (D)(2), "[t]he base of all monopole telecommunication antenna sites and associated support structures shall be screened and buffered and may be enclosed by a security fence. The buffer shall contain hedges or other plants that provide a five-foot high, 75 percent opaque screen. Existing vegetation and topography can be used as part of this screening."
2. Under City of Columbus Zoning Code 3353.05-C-2 (D)(4), "[t]he base of all monopole telecommunication antenna sites and associated support structures shall be set back 200 percent of the total height of the antenna from all residentially zoned districts. All support structures shall meet district setbacks."

Sufficient grounds for this request for variances to the foregoing City of Columbus Zoning Code provisions are that (i) the owner of the commercial property affected by the erection of the cell tower is also the owner of the residential property located on the southside of the property line and (ii) Applicant SBA Towers IX, LLC will use a fence which meets landscaping requirements and there are already existing trees located on the southside of the property line where residences exist.

3. CPD CRITERIA:

1. Natural Environment:

The property is not flat (significant grade elevation changes currently exist) with no natural features and no vegetation other than grass in some areas. The Developer (previous Applicant) intended to regrade site so that grade elevation changes were minimized and the site became functional. That proposed development added landscaping in the form of trees and low shrubs to meet city standards and to improve the curb

appeal of the property. The site disposed of rain through absorption into the soil and through runoff to the adjacent streets. Drainage was installed.

2. Existing Land Use:

The existing land use is presently zoned CPD, Commercial Planned Development. To the north is a single family residential development. To the west and to the south are AR-12 developments. The Developer (previous Applicant)/Owner is the developer for both the single family residential and the AR-12 developments, as well as the development immediately across the street at 3550 Gender Road.

3. Transportation and Circulation:

Curb cuts and the internal circulation patterns are shown on the Site Plan.

4. View and Visibility:

The development of the subject site and the location of the building and access point considerations will not adversely impact on the visibility and safety of the motorists and pedestrians.

5. Emissions:

No adverse effect from the proposed development.

6. Behavior Patterns:

The proposed development will enhance the commercial and residential development which already exists in this area.

7. Fencing:

Applicant SBA Towers IX, LLC intends to use an eight foot (8') chain link fence to enclose the monopole telecommunications antenna with a one foot (1') barbed wire top.

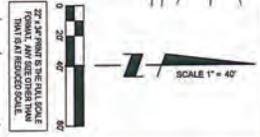
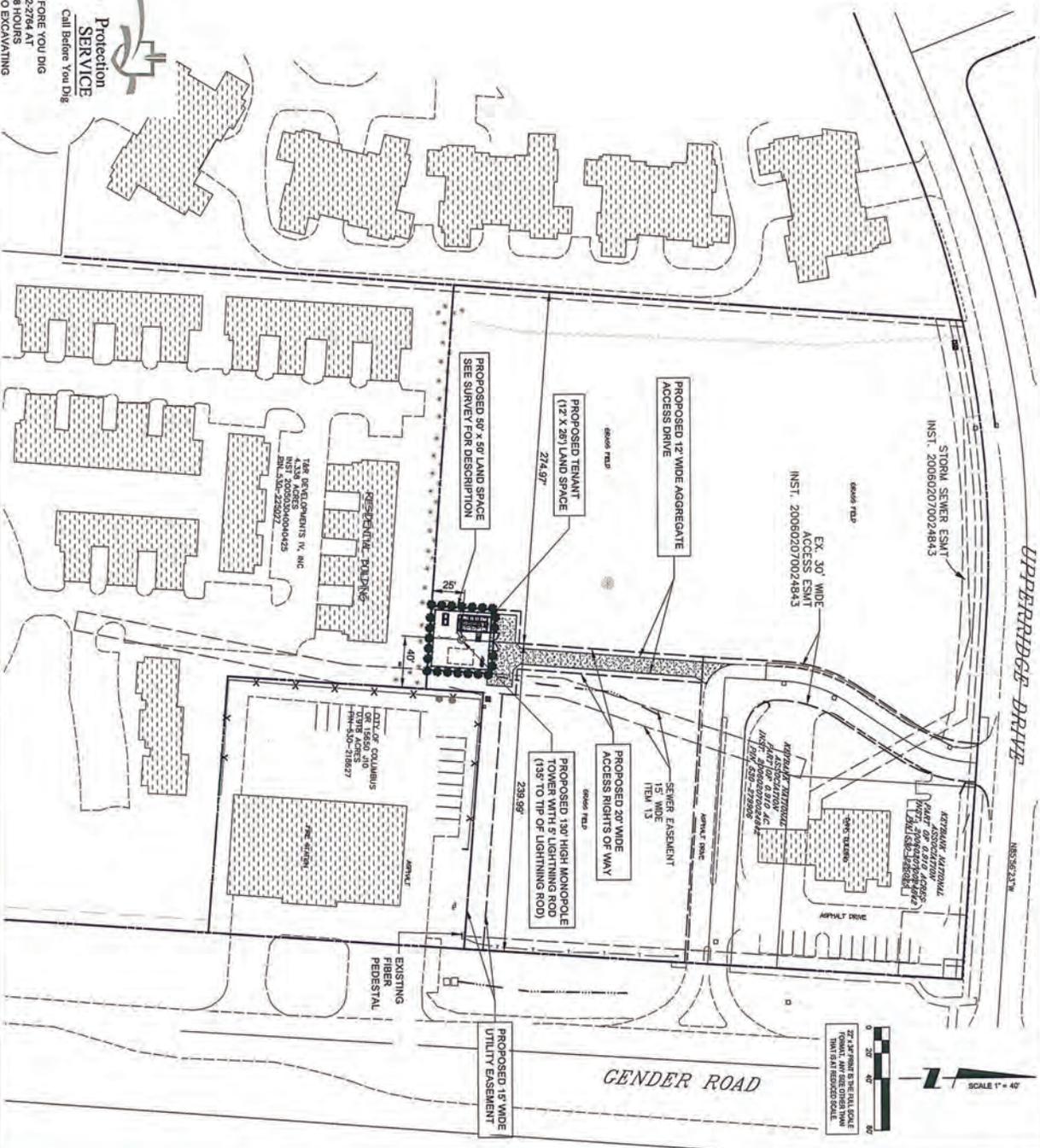
Applicant SBA Towers IX, LLC agrees for itself, successors, and assigns to abide by the above restrictions, conditions, and commitments regarding the development of the subject property and for such purpose states that it fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provisions of the Columbus City Code.

SBA Towers IX, LLC

By: Kevin Gallagher
Kevin Gallagher
Title: VP New Tower Development
Date: 2/28/16

SURVEY PREPARED BY
PRECISION SURVEYING SERVICES, LLC.
 9055 S.R. 56 S.E.
 MT. STERLING, OH 43143
 OFFICE: (740) 845-1412

OHIO
 Utilities
Protection
 SERVICE
 Call Before You Dig
 1-800-882-2764
 1-800-882-2764
 PRIOR TO EXCAVATING



OH-16-258
GENDER
REFUGEE

GENDER ROAD
 CANTON, WINCHESTER, OH 43011

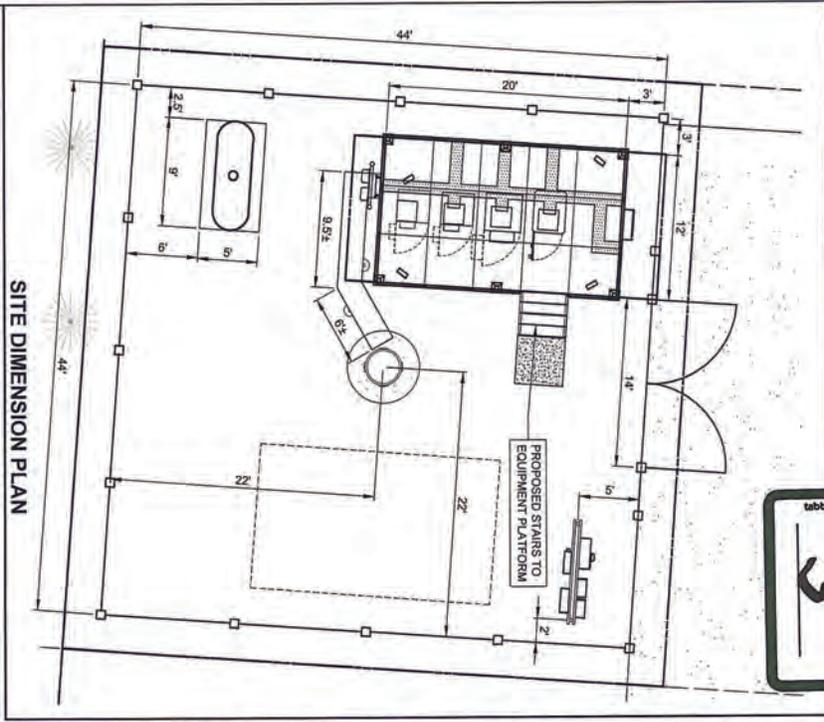
DATE	BY	DESCRIPTION
11/24/15	JAY	ISSUED FOR REVIEW/UPDATE TO CABINET DESIGN
11/25/15	JAY	CLIENT COMMENTS
12/11/15	JAY	ISSUED FOR FINAL
1/22/16	JAY	UPDATE LANGUAGE
4/18/16	JAY	RELOCATE TOWER & EQUIPMENT

NO.	DESCRIPTION	DATE	BY
-	ISSUED FOR REVIEW/UPDATE TO CABINET DESIGN	11/24/15	JAY
1.	CLIENT COMMENTS	11/25/15	JAY
2.	ISSUED FOR FINAL	12/11/15	JAY
3.	UPDATE LANGUAGE	1/22/16	JAY
4.	RELOCATE TOWER & EQUIPMENT	4/18/16	JAY

TERRA
 SURVEYING & CONSULTING, LLC
 1500 WEST THIRD AVE, SUITE 226
 COLUMBUS, OH 43212
 PH: (614)-764-9166

SBA

SBA TOWERS IX, LLC
 8051 CONGRESS AVE
 BOCA RATON, FL 33497
 PHONE: 1-800-487-7463



PAVEMENT MATERIAL

ACCESS ROAD (HATCHED)

300 S.Y.
6" COMPACTED AGGREGATE BASE COURSE, 2000 GRADE
SUBGRADE GEOTEXTILE FABRIC OR APPROVED EQUAL, 6"
THICK MIN. OF SUB-GRADE AGGREGATE, 4"-6" STONE SIZE

LEASE SITE

215 S.Y.
3" THICK (MIN.) #57 WASHED STONE, 5" THICK (MIN.) AGGREGATE
BASE COURSE STONE, 6 MIL. MPMAT 500 WEED CONTROL, OR
APPROVED EQUAL.

THE CONTRACTOR SHALL INCLUDE AS PART OF THE BID, THE COST
OF REMOVAL OF ANY SURFACE VEGETATION AND ORGANIC SOILS OR
OTHER DELETERIOUS MATERIALS AND THE REPLACEMENT WITH
ENGINEERED BACKFILL FOR THE AGGREGATE ACCESS DRIVE AND
LEASE SITE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE
GEOTECHNICAL REPORT.

OHIO
Utilities
Protection
SERVICE

CALL BEFORE YOU DIG
1-800-365-2744 AT
LEAST 48 HOURS
PRIOR TO EXCAVATING

CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING PAVEMENT.
CONTRACTOR SHALL PHOTOGRAPH AND VIDEOGRAPH EXISTING PAVEMENT PRIOR
TO CONSTRUCTION. ANY DAMAGE CAUSED DURING CONSTRUCTION SHALL BE
REPLACED TO EXISTING OR BETTER CONDITION AT NO ADDITIONAL COST.

PROPOSED 12' WIDE
AGGREGATE ACCESS DRIVE

PROPOSED 8' HIGH
ARBORVITAE @ 8'
O.C., 1" P. OF 23.

PROPOSED TENANT
(12' X 20') LAND SPACE

PROPOSED TENANT
200A, L.C. MOUNTED TO
PLATFORM RAILING

PROPOSED TENANT
(20'0" X 12'-0") STEEL
EQUIPMENT PLATFORM

PROPOSED TENANT
RIGHTS OF
PLATFORM RAILING

PROPOSED 50' X 50' LAND SPACE
SEE SURVEY FOR DESCRIPTION

PROPOSED 6' HIGH
BOARD ON BOARD FENCE

PROPOSED TENANT 6' X 4'
CONCRETE SLAB FOR 600 GALLON
LP TANK (SEE C7 SHEET)

PROPOSED 20' WIDE
ACCESS RIGHTS OF WAY

PROPOSED 14' WIDE
DRIVE WITH SECURITY LATCH

PROPOSED TRANSFORMER

PROPOSED MULTI-GANG METER
AND TELCO
H-FRAME, MINIMUM
5' CLEARANCE TO
FENCE

PROPOSED TENANT
BOX MOUNTED TO
H-FRAME

PROPOSED 130' HIGH
MONOPOLE TOWER
WITH 5' LIGHTNING ROD
(135' TO TIP OR
LIGHTNING ROD)

FUTURE CARRIER
LAND SPACE

PROPOSED WAVE
GUIDE & ICE BRIDGE
FROM PLATFORM TO
ANTENNA TOWER

PROPOSED 15'
WIDE UTILITY
EASEMENT

10' CLEAR ZONE TO
POSSIBLE IGNITION SOURCE

10' SETBACK

THE CONTRACTOR WILL, UPON BECOMING AWARE OF SUBSURFACE OR LATENT
PHYSICAL CONDITIONS DIFFERING FROM THOSE DISCLOSED BY THE ORIGINAL SOIL
INVESTIGATION WORK, PROMPTLY NOTIFY THE OWNER VERBALLY AND IN WRITING.
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS
FOR ANY CONDITIONS DIFFERING FROM THOSE ANTICIPATED IN THE PLANS AND
SPECIFICATIONS AND DISCLOSED BY THE SOIL STUDIES WILL BE ALLOWED UNLESS
THE CONTRACTOR HAS SO NOTICED THE OWNER, VERBALLY AND IN WRITING, AS
REQUIRED ABOVE, OF SUCH DIFFERING SUBSURFACE CONDITIONS.

CONTRACTOR TO PROVIDE APPROXIMATE STAGING
AREA AND TEMPORARY ROAD. CONTRACTOR SHALL
ING AND TEMPORARY ROAD THAT IS ACCEPTABLE TO THE
OWNER. STAGING AREA AND TEMPORARY ROAD SHALL BE
RESTORED TO EXISTING CONDITIONS AS NECESSARY UPON
COMPLETION OF THE PROJECT.

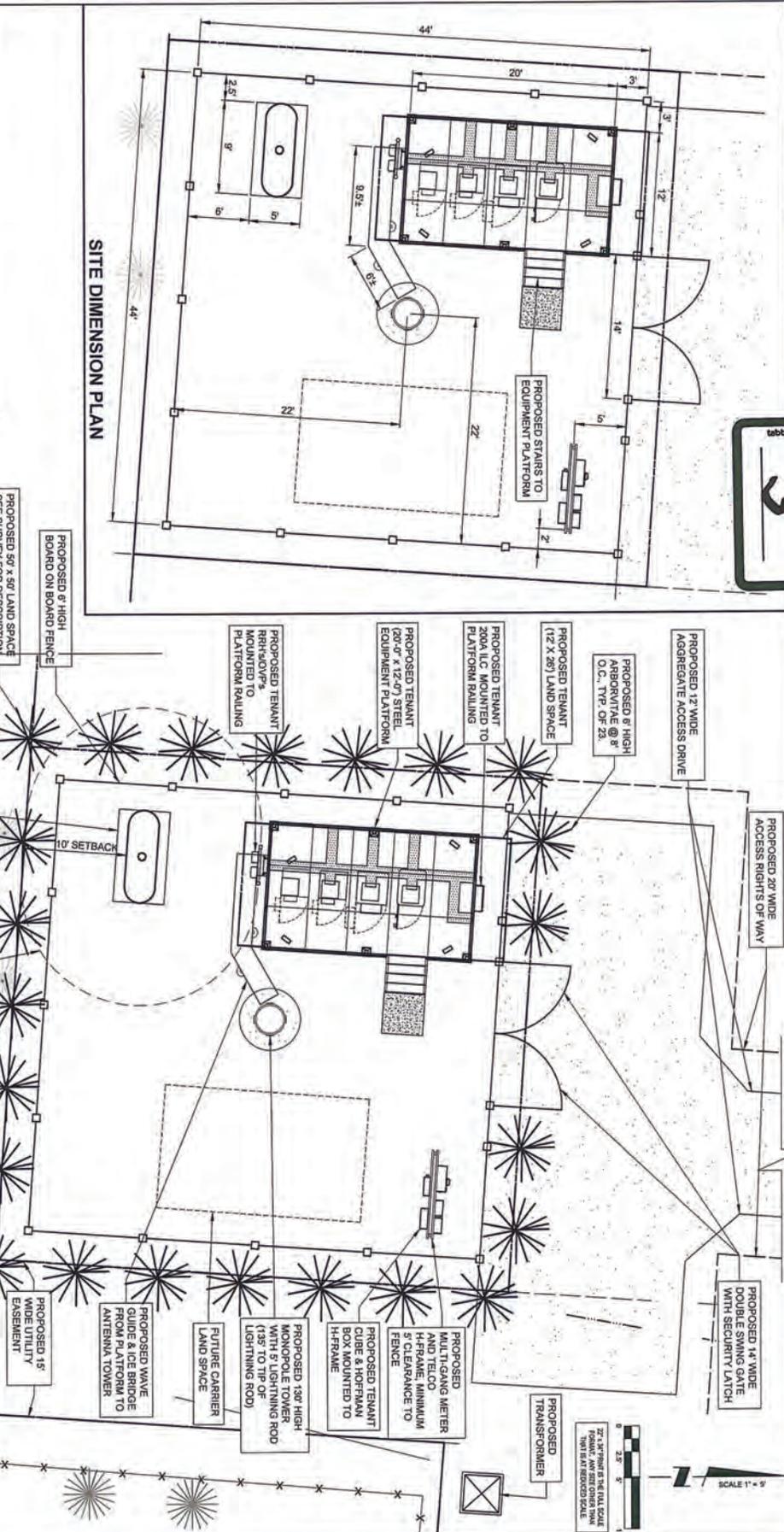
OH-16-258
GENDER
REFUGEE

GENDER ROAD
CANAL WINCHESTER, OH 43071

DRAWN BY: JAY
CHECKED BY: TAZ
DATE: 2014
PROJECT #: 733

SHEET TITLE
ENLARGED SITE PLAN

C-1



NO.	DESCRIPTION	DATE	BY
1.	ISSUED FOR REVIEW/UPDATE TO CABINET DESIGN	11/24/15	JAY
2.	CLIENT COMMENTS	11/23/15	JAY
3.	ISSUED FOR FINAL	12/11/15	JAY
4.	UPDATE LANGUAGE	1/22/16	JAY
5.	RELOCATE TOWER & EQUIPMENT	4/19/16	JAY



THE GREATER SOUTHEAST AREA COMMISSION

ZONING RECOMMENDATION AND VOTE

Application # 216-004

Address 3647 Jendew Rd. Canal Winchester

Description

Zoning Committee Recommendation

APPROVE DISAPPROVE

Commission vote

Commissioner Johnson	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
Commissioner Brown	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
Commissioner Bunting	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
Commissioner Chambers	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
Commissioner Harris	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
Commissioner E. Kempner <i>absent</i>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
Commissioner M.M. Kempner <i>absent</i>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
Commissioner Palmer	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
Commissioner Schacht	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
<i>10</i> Chris Andrews	<input checked="" type="checkbox"/>		
" <i>Jamie Allen</i>	<input checked="" type="checkbox"/>		
" <i>Carl Chastain</i>	<input checked="" type="checkbox"/>		
GSEAC Chair <i>Alan Johnson</i>			Date <u>4/26/16</u>
GSEAC Secretary <i>Marian Harris</i>			Date <u>4/26/16</u>