



## Legislation Details (With Text)

**File #:** 3305-2022      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/17/2022      **In control:** Zoning Committee

**On agenda:** 12/5/2022      **Final action:** 12/7/2022

**Title:** To rezone 5314 AVERY RD. (43016), being 2.7± acres located at the northeast corner of Avery Road and Avery Run Road, From: CPD, Commercial Planned Development District, To: L-AR-1, Limited Apartment Residential District (Rezoning #Z22-068).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3305-2022.Attachments, 2. ORD3305-2022.Labels

Date	Ver.	Action By	Action	Result
12/7/2022	1	CITY CLERK	Attest	
12/6/2022	1	MAYOR	Signed	
12/5/2022	1	COUNCIL PRESIDENT	Signed	
12/5/2022	1	Zoning Committee	Waive the 2nd Reading	Pass
12/5/2022	1	Zoning Committee	Approved	Pass

**Rezoning Application: Z22-068**

**APPLICANT:** Metro Development LLC; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on October 13, 2022

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 2.7± acre site is undeveloped in the CPD, Commercial Planned Development District. The requested L-AR-1, Limited Apartment Residential district will permit a multi-unit residential development, expanding the existing adjacent multi-unit residential development located to the east, with a maximum of 72 units (26.67 du/ac). A concurrent Council variance (Ordinance #3307-2022; CV22-092) has been submitted to modify the building lines, perimeter yard, and private garage height. The limitation text commits to developing the site in accordance with the submitted site plan and building elevations, and includes development standards addressing density, site access, and graphics provisions. The site is within the planning area of the *Interim Hayden Run Corridor Plan* (2004), which recommends "Office" land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). Although inconsistent with the Plan's land use recommendation, staff recognizes the surrounding neighborhood is predominantly residential in nature, and notes the proposed development is consistent with its neighboring development to the east. Planning Division staff are supportive of the proposed building elevations and site plan, noting a sidewalk and tree lawn on the Avery Road frontage with a pedestrian connection to the site, which are consistent with C2P2 Design Guidelines.

To rezone **5314 AVERY RD. (43016)**, being 2.7± acres located at the northeast corner of Avery Road and Avery Run Road, **From:** CPD, Commercial Planned Development District, **To:** L-AR-1, Limited Apartment Residential District (Rezoning #Z22-068).

**WHEREAS**, application #Z22-068 is on file with the Department of Building and Zoning Services requesting rezoning of 2.7± acres from CPD, Commercial Planned Development District, to L-AR-1, 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 because the proposed L-AR-1, Limited Apartment Residential District will allow a multi-unit residential development that is consistent with adjacent residential uses and with C2P2 Design Guidelines recommendations.

**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:

**5314 AVERY RD. (43016)**, being 2.7± acres located at the northeast corner of Avery Road and Avery Run Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3004, and being part of that 6.808 acre tract as described in deed to Bruce D. Bergmann, Trustee, of record in Official Record 21540 A20, and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee, of record in Official Record 21539 B17, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING FOR REFERENCE at Franklin County Monument 1934 at the centerline intersection on Avery Road and Rings Road;

Thence South 10 deg. 44' 47" West, with the centerline of Avery Road, a distance of 1538.45 feet, to a mag nail set at the westerly common corner of said 6.808 acre tract and that 6.057 acre tract as described in deed to the City of Dublin, of record in Instrument Number 200605190097737;

Thence South 79 deg. 29' 34" East, with the common line of said 6.808 acre tract and said 6.057 acre tract, a distance of 61.18 feet, passing a ¾" iron pipe found at 42.28 feet, to a ¾" iron pipe found at an angle point in aforesaid common line;

Thence North 85 deg. 47' 21" East, continuing with the common line of said 6.808 acre tract and said 6.057 acre tract, a distance of 19.48 feet, to an iron pin set, being the POINT OF TRUE BEGINNING;

Thence North 85 deg. 47' 21" East, with aforesaid common line, a distance of 343.61 feet, to an iron pin set;

Thence South 10 deg. 43' 41" West, though said 6.167 acre tract and said 6.808 acre tract, a distance of 352.97 feet, to an iron pin set in the common line of said 6.167 acre tract and that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04;

Thence South 84 deg. 40' 31" West, with aforesaid common line, a distance of 345.59 feet, to an iron pin set;

Thence North 10 deg. 44' 47" East, though said 6.167 acre tract and said 6.808 acre tract, a distance of 359.96 feet, to the POINT OF TRUE BEGINNING, and containing 2.717 acres, more or less.

Subject to all easements, restrictions and right of way of record.

All iron pins set are 5/8-inch rebar, 30 inches in length, with a cap bearing the name “CEC”.

The bearings shown above are based on the bearing of North 10 deg. 44’ 47” East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the survey.

**To Rezone From:** CPD, Commercial Planned Development District,

**To:** L-AR-1, Limited Apartment Residential District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-AR-1, 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 L-M, Limited Apartment Residential District and Application among the records of the Department of Building and Zoning Services as required by Sections 3370.03 of the Columbus City Codes; said site plan being titled, "**CONCEPT PLAN GAGE CROSSING II**," said elevations being titled, "**ARCHITECTURAL ELEVATIONS**," and said text being titled, "**LIMITATION TEXT**," all dated October 31, 2022, and signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

#### **LIMITATION TEXT**

**PROPOSED DISTRICT:** L-AR-1 Limited Apartment District

**PROPERTY ADDRESS:** 5314 Avery Road

**OWNER:** Gage Crossing II LLC

**APPLICANT:** Metro Development LLC

**DATE OF TEXT:** 10/31/22

**APPLICATION NUMBER:** Z22-068

**1. INTRODUCTION:** This site is located at the southeast corner of Avery Road and the future extension of Tuttle Crossing. It was part of Z16-015. This application will permit expansion of the existing multi-family development to the east.

**2. PERMITTED USES:** Those uses permitted in Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use of the Columbus City Code.

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated the applicable development standards are contained in Chapter 3333 of the Columbus City Code.

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

1. The maximum number of apartment units shall be 72.

2. Per concurrent CV22-092, the building setback will be reduced from 80 feet to 25 feet along the extension of Tuttle Crossing Blvd. and porches and balconies will be permitted to encroach into the 25 foot setback up to 6.5 feet.

3. Per concurrent CV22-092, the building setback will be reduced from 60 feet to 25 feet along Avery Road and porches and balconies will be permitted to encroach into the 25 foot setback up to 6.5 feet.

4. Per concurrent CV22-092, the perimeter yard along the south property line will be reduced from 25 to 10 feet for

buildings and parking and along the east property line from 25 to zero feet for building and parking.

5. Per concurrent CV22-092, the height of the garage will increase from 15 to 16 feet.

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

1. The site plan shows a shared access driveway between this site and the development to the east as permitted by Z16-015.

2. Per concurrent CV22-092, maneuvering across parcel lines will be permitted and driveway/ parking spaces may be divided by parcel lines.

3. A fee of \$13,000 shall be provided for continued maintenance of the reboundable posts along Avery Road at Avery Run Road to maintain the required right-in/right-out configuration at this intersection ahead of potential future public improvements.

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

N/A

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

The buildings shall be constructed in accordance with the submitted building elevations titled, “Architectural Elevations”. The building elevations may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development plan and when engineering and architectural drawings are completed. Any slight adjustments to the building elevations shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding proposed adjustment.

**E. Lighting, Outdoor Display Areas, and/or other Environmental Commitments.**

N/A

**F. Graphics and/or 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-1 zoning classification and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**G. Miscellaneous Commitments.**

1. Site Plan Revision Allowance. The Property shall be developed in accordance with the Site Plan titled, “Concept Plan Gage Crossing II;” however, the Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of the Department Building and Zoning Services or the Director’s designee may approve any slight adjustment to the Site Plan upon submission of the appropriate data regarding the proposed adjustment.

2. The applicant shall comply with the City’s PAWG dwelling unit fee at the time of filing for site plan compliance review.

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