

**DEVELOPMENT TEXT**

**Application:** Z14-010  
**Address:** 4956 Avery Road  
**Owner(s):** Tim White, White Family Farm Ltd.  
**Applicant:** DCR Commercial Development LLC  
c/o Laura MacGregor Comek, Esq.  
300 E. Broad St., Ste. 450, Cols. Ohio 43215  
**Zoning Districts:** CPD and L-AR-1  
**Date of Text:** October 16, 2015

**Introduction:** This application is intended to rezone 101.77 +/- acres (the Site) located along Avery and Hayden Run Roads, of which 14.7 +/- acres was recently annexed to the City of Columbus. The current zoning for the entire area to be rezoned is R, Rural. This Site will include a significant regional improvement with the extension of proposed Hayden's Crossing Boulevard from Avery Road, through the Site and connecting with Riggins Road in the City of Hilliard. This road will be renamed Riggins Road and referred to as such throughout this text. The Site will also include a parkland dedication that preserves the Hayden Run Creek corridor and notable tree stand, as well as a 2 acre (minimum) neighborhood green focal point within Subarea 2. The application incorporates a Site/CPD Plan and street/internal sections committed to herein. There is also a companion Council Variance (CV15-061) for the 6.32 +/- acres that were annexed to the City with the Site, but are not being rezoned at this time.

**Subarea 1: (CPD)**

**1. Introduction:** The applicant seeks to rezone the 44.37 +/- acres in Subarea 1 for a concentration of commercial uses along the key corridor of proposed Riggins Road.

**2. Permitted Uses:** a. The permitted uses for Subarea 1 shall be all uses allowed in Chapter 3356 (C-4) and 3357.01 (C-5) of the Columbus City Code excepting therefrom:

Automobile and Light Truck Dealers  
Automotive Sales, Leasing and Rental  
Community Food Pantry  
Missions/Temporary Shelters  
Motor Vehicle, Boat and Other Motor Vehicle Dealers  
Outdoor Power Equipment Stores  
Pawn Brokers  
Recreational Vehicle Dealers  
Truck, Utility Trailer, and RV Sales, Rental and Leasing  
Drive In Motion Picture Theatres  
Farm Equipment and Supply Stores  
Halfway House

b. No billboards shall be permitted.

**3. Development Standards:** Except as otherwise noted herein or on the attached plan titled "Zoning Plan" known hereinafter as the "Site Plan," the applicable development standards of Chapter 3372.800 through 3372.809 shall apply, or if not addressed therein, the standards of Chapter 3356 (C-4) shall apply to this site.

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

1. Chapter 3372.804 shall apply generally to building and parking setbacks.

2. The building and parking setbacks shall be minimum twenty-five (25) feet from any residentially-zoned property.
3. Notwithstanding the foregoing paragraphs, no building or parking setback shall be required from any property line that is created within and internal to the total site such that the parcel created continues to function as part of the overall site.
4. Maximum height of buildings shall be 35 feet.
5. There shall be a maximum, aggregate commercial building square footage of 340,000 for this subarea.

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

1. Access shall be as depicted on the attached Site Plan.
2. The exact location of access points as shown on the Site Plan may be modified subject to the review and approval of the City's Department of Public Service without the need for rezoning.
3. Internal drive aisles may be developed without regard to interior parcel lines, such that the parcels function seamlessly as part of the overall site. Cross-access easements will be provided.
4. The entrance road to this subarea from Riggins Road, depicted as Site Access G on the CPD Plan, will pass through Subarea 1 and connect to the main road/access in Subarea 2 and eventually Avery Road at Site Access A. This road shall be planted with street trees on both sides of the street, per the internal street section shown on page 2 of the Site Plan.

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

1. Any loading area located within twenty five (25) feet of a residentially-zoned property used for residential purposes shall be screened from such residential property by buildings or view-obscuring treatment such as landscaped mounds, a wall or fence, dense planting strips of trees or shrubs, or a combination thereof so as to achieve a minimum height of 6' and an opacity of not less than seventy five percent (75%). All such view-obscuring measures shall be maintained in good condition and appearance at all times.
2. All open areas on each developed parcel not occupied by buildings, structures, outside display areas, parking areas, street right-of-way paved areas, driveways, signs, walkways and off-street loading areas shall be landscaped with lawns, grasses, seasonal plantings, mulch, trees or shrubs.
3. The frontage along Avery Road shall include street trees spaced one per 40 feet. In addition, there shall be a minimum 2-foot high earth mound, which may undulate, and shall include additional plantings of 3 ornamental trees and 2 deciduous trees for every 100 feet of frontage, which trees may be evenly spaced or grouped, consistent with the Avery Road typical section on Page 2 of the Site Plan. Vehicular access points along Avery Road, Site Access A and B, shall include shrubs and seasonal plantings.
4. The frontage along Riggins Road shall be landscaped with one street tree spaced per 40 feet of frontage and 2 deciduous and 2 ornamental trees per 100 feet of frontage.
5. Within the 25-foot setback described in Section 3.A(3) above as relates to abutting residentially-zoned and used property, there shall be a 6 foot high board on board fence installed at 20 feet from the property line. Landscaping

shall be planted outside the fence, within the setback area. Landscaping shall include evergreen trees 40 feet on center. The remaining setback area shall be mulched or grass seeded.

6. Chapter 3372.807 shall apply to landscaping and screening where not otherwise addressed herein or the Site Plan.

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

1. The appearance and architecture of the main commercial shopping center and any multi-tenant buildings greater than 10,000 square feet (not including outlot buildings) shall be consistent and compatible throughout. Building materials for all buildings shall be primarily of brick, brick veneer, stone or stucco stone, metal, stucco, synthetic stucco (EIFS), wood, and glass. No exposed or painted concrete block shall be permitted. Commercial decorative finish to block may be used for the sides and rear of buildings, not fronting to streets.
2. The exterior appearance of the main commercial shopping center and any multi-tenant buildings greater than 10,000 square feet (not including outlot buildings) within the sub-area shall have the same or a similar, compatible architectural appearance. Signature architectural features shall be designed and thereafter be carried through and into the design of buildings and structures within this subarea.
3. The commitments made in Section D(1) and D(2) above shall apply separately to the commercial developments north and south of Riggins Road, such that the appearances for all buildings north of Riggins Road shall have the same or a similar, compatible architectural appearance, and the buildings south of Riggins Road, shall have the same or a similar, compatible architectural appearance, although north and south do not necessarily match each other.

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

1. Light poles and lights shall be black, dark brown or bronze in color and coordinated with the overall architectural scheme for the subarea.
2. Light poles shall have a maximum height of 28 feet. Light poles within 50 feet of a residentially-zoned property shall be limited to 14 feet in height.

**F. Graphics and/or Signage Commitments.**

1. The Developer may submit a graphics plan for part or all of this development. If no graphics plan is submitted, all signage and graphics shall conform to Chapter 3372.806 of the Columbus City Code, Chapter 3373 as pertains to the C4 commercial district, and the design standards set forth in this text. Any variance to the standards of this text or Columbus City Code shall be submitted to the Columbus Graphics Commission.
2. In lieu of the standards set forth in 3372.806(G)(4), the exterior appearance of monument signage bases and / or framing shall be compatible with the architecture of the buildings and structures within the subarea to create a cohesive appearance throughout the subarea. All ground signs shall be monument style with masonry bases constructed of stone, stone veneer, brick, brick veneer, stucco, or stucco stone, or otherwise match the architectural material of the buildings on the same lot.
3. Three monument ground signs (2 along Riggins Road, 1 for Avery Road) shall be permitted for the main commercial shopping center south of Hayden's Crossing Boulevard. Outparcels and commercial development north of Riggins Road may have code permitted signage consistent with the standards set forth herein.

4. Any illuminated signs shall be internally illuminated or may be externally illuminated if focused only on the sign. Ground mounted external illumination, if used, shall be screened with landscaping.
5. No pole signs shall be permitted.

**G. Miscellaneous Commitments.**

1. There shall be multiple points of pedestrian connectivity to/among other subareas and to the adjacent streets and sidewalks. There shall be an interconnected system of paths and sidewalks throughout the development. Where provided, such pedestrian connections shall be a minimum of 5 feet in width. Sidewalks and/or multi-use paths shall be provided on both sides of all streets (not alleys or drive aisles), and also be a minimum of 5 feet in width. Where pedestrian paths and sidewalks cross internal drive aisles or streets, striped cross walks shall be provided. Final locations of all aisles, paths, sidewalks and roads/alleys, etc., to be determined at the time of final engineering.
2. Vehicular connectivity shall be provided between Subarea 1, south of Riggins Road, and the adjacent Subarea 2, as shown on the Site Plan.
3. The developer shall comply with the parkland dedication ordinance.
4. All new wiring shall be underground.
5. The proposed development shall be developed in general conformance with the submitted Site Plan. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Streets are schematic and subject to change. Any adjustment to the Site Plan shall be reviewed and may be approved by the Director of the Department of Building & Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

**H. Other CPD Requirements**

1. Natural Environment: The property is located along Avery Road (the Site's west boundary) and north of Hayden Run Road.
2. Existing Land Use: The property currently is agricultural.
3. Circulation: All access for the Site will be approved by the City of Columbus, Public Service Department.
4. Visibility: Consideration has been given to the visibility and safety of the motorists and pedestrians as both on and off the subject property in the development of this site.
5. Proposed Development: Commercial development.
6. Behavior Patterns: Significant residential development in the area has brought about the need for commercial uses to service the existing residential population.
7. Emissions: No adverse effect from emissions should result from the proposed development.

**I. Variances Requested:**

The following variances are requested:

Variance from C.C.C. §3312.25 to allow internal drive aisles to be developed without regard to interior parcel lines.

Additional variances may be requested from the City of Columbus Board of Zoning Adjustment.

**Subarea 2: (57.4 +/- ac L-AR-1)**

**1. Introduction:** The applicant is proposing multi-family development that includes many traditional neighborhood design elements, and a significant parkland dedication area that preserves the natural features of the land.

**2. Permitted Uses:** Those uses permitted in Section 3333.02 (1), (2), (3), (4), (5), (9) and (10), AR1, Apartment Residential, of the Columbus City Code. There shall be a maximum of 915 residential units within this subarea. Consistent with traditional planning principles, there is a distribution of densities as reflected on the attached Site plan.

**3. Development Standards:** Unless otherwise indicated, the applicable development standards are contained in Chapter 3333 (Apartment Districts) of the Columbus City Code. Variances may be obtained to vary the style or type of housing proposed for future development.

**A. Density, Height, Lot and/or Setback Requirements.**

1. There shall be no parking spaces in front of the building setbacks along Avery Road, or the main private street system as shown on the CPD Plan.
2. The building height shall be limited to 50 feet
3. In Subarea 2B, buildings shall be limited to 3 stories in height within 200' of the south property line.
4. In Subarea 2C, density will not exceed 12 units/acre and building height is limited to 3 stories within 200 feet of the east and south property line. The north boundary line of Subarea 2C will be no less than 450' from the south property line.
5. In Subarea 2D, building height shall be limited to 3 stories within 200' of the east property line.
6. All Buildings shall have a front or side façade oriented to the private street system shown on the Site Plan and to the parks within the subarea. The rear of a building shall not face a main street. Parking for the residential units will be located to the side and rear of buildings, not including on-street parking.
7. All buildings adjacent to the two (2) acre neighborhood green shall front the street surrounding the green.
8. For attached garages, the total width of the garage door opening(s) facing a frontage shall not exceed 40 percent of the total width of the building facade (including the garage).

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

Access shall be as shown on the Site Plan. The exact location access points may be modified subject to the review and approval of the City's Department of Public Service without the need for rezoning.

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

1. The frontage along Avery Road shall include street trees spaced one per 40 feet. In addition, there shall be a minimum 2-foot high earth mound, which may undulate, and shall include additional plantings of 3 ornamental trees and 2 deciduous trees for every 100 feet of frontage, which trees may be evenly spaced or grouped, consistent with the Avery Road typical section on Page 2 of the Site Plan. Vehicular access points (Site Access A and B) along Avery Road shall include shrubs and seasonal plantings.

2. The entrance road to this subarea is from Avery Road, and shown as Site Access A. This entrance road shall connect to the access to Subarea 1 and Riggins Road at Site Access E, as depicted on the Site Plan. This road shall be planted with street trees on both sides of the street, 1 per 40 feet, consistent with the internal street section shown on Page 2 of the Site Plan and shall include sidewalks and multi-use paths shown thereon. Tree species shall be determined with input from the City Forester.

3. There shall be a centrally located civic space (currently depicted as a neighborhood green) at the terminus of the entry road for the subarea. Final design and location are subject to final engineering and traffic approval, but in no event shall the park be less than 2 acres. In addition to the commitment above in Section C(2), there shall be street trees planted along the park side of the street that is planned to surround the 2 acre neighborhood green, consistent with the internal street section shown on Page 2 of the Site Plan.

4. The existing tree stand located in the south east corner of Sub area 2C shall be dedicated to the City of Columbus Recreation and Parks Department and combined with the Parkland Dedication area as shown on the Site Plan.

5. No more than 25% storm water shall be retained within the park areas shown on the Site Plan, unless otherwise agreed to by the City of Columbus Recreations and Parks Department.

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

1. Building materials shall be primarily of brick, brick veneer, stone or stucco stone, metal, glass, stucco, synthetic stucco (EIFS), wood, and vinyl siding. No exposed or painted concrete block shall be permitted.

2. Detached garages shall have a pitched roof (minimum pitch 3/12).

3. Buildings will be oriented to front (or have front-like facades) toward Avery Road, the main private street system, the neighborhood green and the parkland dedication area to the south.

4. Building roof pitch shall be minimum 7:12 for gables on the primary elevation facing the street; all other building roof pitches shall be minimum 5:12. The development shall use dimensional shingles (where shingles are utilized) or wood, slate, synthetic slate, or metal roofing materials.

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

1. Maximum height of light poles shall be fourteen feet.

2. All external lighting (parking and wall-mounted) shall be cut-off fixtures (down lighting) and shall be designed to prevent offsite spillage.

3. Lights shall be decorative and of the same or similar type and color, within each separate residential development /complex.

**F. Graphics and Signage Commitments: N/A**

**G. Miscellaneous Commitments.**

1. The site may have gated interior access points, subject to the review of the Department of Public Service, at the time of site compliance review.

2. All new sidewalks shall be a minimum of five feet in width.

3. The applicant shall meet the City's Parkland Dedication ordinance.
4. Connectivity between land uses and subareas is emphasized with an interconnected system of pedestrian paths, bike paths and/or sidewalks that allow for pedestrian or bicycle access to the sub area to the north, the parkland dedication area shown on the Site Plan and stubs for future connectivity to undeveloped property to the east. Where provided, such pedestrian connections shall be a minimum of 5 feet in width. Sidewalks shall be provided on both sides of all streets (not alleys or drive aisles), and shall be a minimum of 5 feet in width. Where pedestrian paths and sidewalks cross internal drive aisles or streets, striped cross walks shall be provided if warranted, as approved by the Department of Public Service. Final locations of all aisles, paths, sidewalks and roads/alleys, etc., to be determined at the time of final engineering.
5. As depicted on the attached Site Plan, there shall be a main road that runs between Site Access A from Avery Road and Site Access G along new Riggins Rd. The paths, sidewalks and street trees along this road (including the 2 acre neighborhood green) shall be as shown on the internal street section shown on Page 2 of the Site Plan.
6. All new wiring shall be underground.
7. There shall be at least one club house/amenity building for the development located within Subarea 2.
8. The proposed development shall be developed in general conformance with the submitted Site Plan. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Streets are schematic and subject to change. Any adjustment to the Site Plan shall be reviewed and may be approved by the Director of the Department of Building & Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment

**Development Traffic Commitments Applicable to both Subareas:**

The Applicant has submitted and the City has reviewed a traffic impact study (TIS) for the proposed development. As a result of that TIS, the following commitments are hereby incorporated in the development:

1. For the proposed full access point to Avery Road, Site Access A, the City of Columbus, Department of Public Service will not permit a signal installation at this location. If conditions would develop such that a signal may be warranted or delays for the westbound left turn movement would become unreasonably excessive, the property owner agrees that the only means to mitigate either of these conditions would be to restrict the westbound left turn movement.
2. For Site Access F and Site Access G on Riggins Road, the current plan is for Site Access F to be a right-in/right-out access point and Site Access G to be a right-in/left-in/right-out access point. If however, in the future, the developer or his/her designee provides a sight distance exhibit that verifies adequate sight distance would be available to the east to permit the southbound left turn movement, these access points will be permitted to operate as full access driveways. In the event that Site Access points F and G are permitted to operate as full access driveways, the City reserves the right to restrict the northbound left turn movement, southbound left turn movement, and/or the eastbound left turn movement if a documented accident pattern of safety issue were to occur due to any such left turning movements at this intersection. The adjacent property owners would not be entitled to compensation for the limitations described in the previous sentence. In addition, the City will not support a future signal installation at Site Access F and Site Access G.
3. The developer will provide a public stub street to be constructed north of the signalized access point, Site Access D, from Riggins Road to the northern boundary of Subarea 1 to connect to a potential future public street connection through the property to the north of Subarea 1.

4. Since the specific layout for development of Subarea 2 is undefined at this time, the developer commits to providing all areas of Subarea 2 with cross access easements, such that all areas of development will have access to both Riggins Road and Avery Road.
5. The property owner will enter into a traffic control devices contract with the City of Columbus for the proposed signal installation on Riggins Road at Site Access D and E.
6. A cross access easement shall be granted to provide access from Site Access G to future development to the east in the City of Hilliard. The exact location of this cross access easement shall be reviewed and approved by the City of Columbus, Department of Public Service, and the City of Hilliard, and shall be provided at the time of submittal of a final site compliance plan.
7. At the proposed full access point to Avery Road, Site Access A, the developer shall install a southbound left turn lane with a length of 275' (includes diverging taper) and a northbound right turn lane with a length of 175' (includes diverging taper).
8. At the proposed right-in/right-out access to Avery Road, Site Access B, the developer shall install a northbound right turn lane with a length of 225' (includes diverging taper).
9. At the proposed full access points along Riggins Road, Site Access D and E, the developer shall install an eastbound left turn lane with a length of 375' (includes diverging taper) and a westbound left turn lane with a length of 475' (includes diverging taper). If these turn lanes will be built as part of Franklin County's road construction project, the developer need only restripe these turn lanes.
10. Upon development of approximately 90,000 sq. ft. of a supermarket use, approximately 70,000 sq. ft. of shopping center uses, or a reasonable combination of the supermarket and shopping center uses, the developer shall be responsible for the installation of a traffic signal at the proposed full access point to Riggins Road, labeled as Site Access D and E. If 90,000 sq. ft. of a supermarket use or approximately 70,000 sq. ft. of shopping center uses or a reasonable combination of these uses are built and occupied, and the required traffic signal described above has not been installed and put into operation, no additional site compliance plan shall be approved by the Department of Public Service within Subarea 1.
11. At the proposed right-in/right-out access point to Riggins Road, Site Access C, the developer shall install an eastbound right turn lane with a length of 290' (includes diverging taper) If these turn lanes will be built as part of Franklin County's road construction project, the developer need only restripe these turn lanes.
12. At the proposed right-in/left-in/right-out access point to Riggins Road, Site Access G the developer shall install an eastbound right turn lane with a length of 225' (includes diverging taper) and a westbound left turn lane with a length of 265' (includes diverging taper). If these turn lanes will be built as part of Franklin County's road construction project, the developer need only restripe these turn lanes.
13. If a road construction project would be initiated that would include the turn lane installations (including striping) described in Items 7 and 8, a fee in lieu of construction or waiver of these requirements may be approved by the Department of Public Service.
14. The traffic commitments described above may be adjusted or modified, as approved by the Department of Public Service.
15. The developer shall enter into an MOU with the City of Columbus, Department of Public Service that contains agreed-upon contributions for regional roadway improvements.



The undersigned, being the agent for the owner of the subject property together with the applicant in the subject application, does hereby agree on behalf of the owner and the applicant, singularly and collectively for themselves, their successors and assigns, to abide by above restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that he 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 provision of the Columbus City Code.

Respectfully Submitted,

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Laura MacGregor Comek, Esq.