

19/10/19/2009

STAFF REPORT DEVELOPMENT COMMISSION ZONING MEETING CITY OF COLUMBUS, OHIO OCTOBER 8, 2009

4. APPLICATION: Z09-018 (ACCELA # 09335-00000-00174)

Location: 3198 MILL RUN DRIVE (43026), being 15.9± acre

located on the north side of Mill Run Drive.

Existing Zoning: L-ARLD, Limited Apartment Residential District. **Request:** L-ARLD, Limited Apartment Residential District.

Proposed Use: Zoning text amendment.

Applicant(s): Edwards Communities Development Company; c/o

Jeffrey L. Brown, Attorney; 37 West Broad Street;

Columbus, OH 43215.

Property Owner(s): Upper Arlington Lutheran Church; 2300 Lytham Drive;

Columbus, Ohio 43220.

Planner: Dana Hitt, AICP; 645-2395; dahitt@columbus.gov

BACKGROUND:

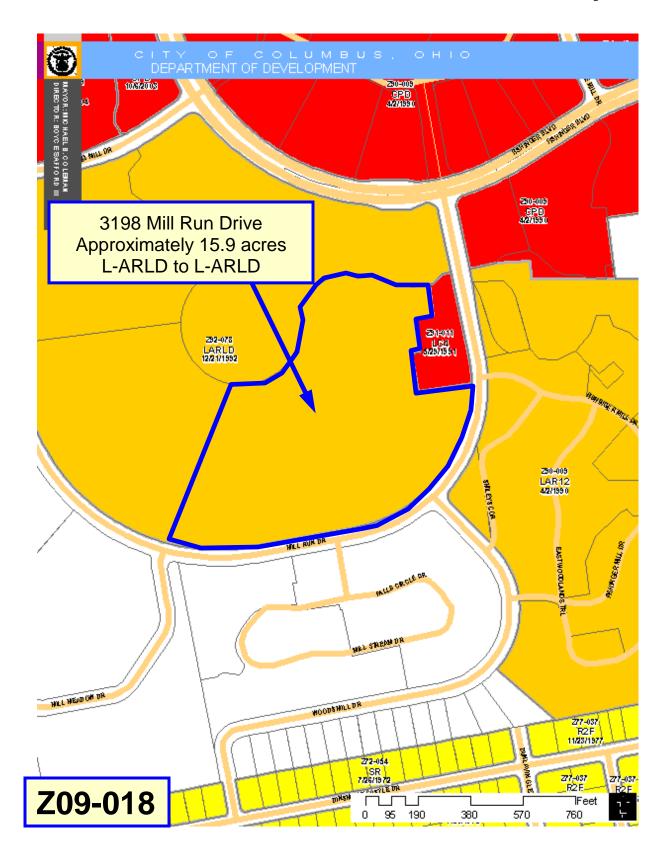
o This application is to modify the existing 1992 L-ARLD zoning (Z92-078) to increase the height district, allow a different light fixture and allow for vinyl siding at the site.

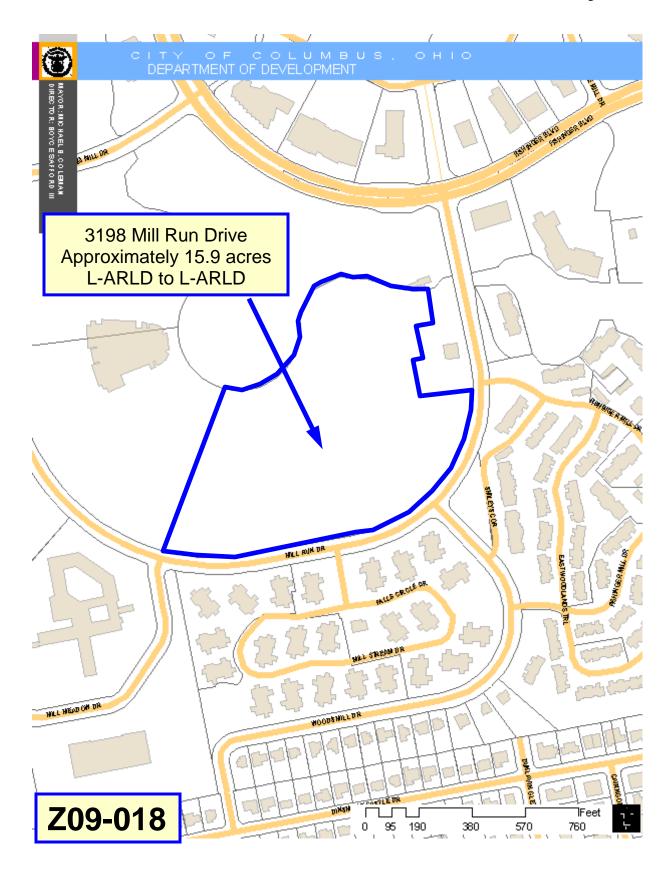
- o To the north is a 12± acre retention pond zoned in the L-ARLD, Limited Apartment Residential District. To the south are multi-family dwellings located in the City of Hilliard. To the east is a recreational facility zoned in the L-C-4, Limited Commercial District and Multi-family residential development zoned in the L-ARLD, Limited Apartment Residential District. To the west is a church zoned in the L-ARLD, Limited Apartment Residential District.
- The proposed L-ARLD text makes no changes to uses permitted under the existing L-ARLD zoning. Development standards are revised to increase the height district, allow a different light fixture and allow for vinyl siding. As part of the review, Staff found that the 1991 rezoning allowed the adjacent 12± acre retention pond to be counted towards density for this rezoning although the density was limited to 15 dwelling units per acre. Staff finds that rezoning was approved erroneously because that rezoning granted a variance allowing the offsite retention pond to be counted toward density. This is an error because variances are not permitted via limited rezonings. While Staff fully intends to honor the commitment agreed to in 1991 to allow the retention pond to count toward density, Staff has requested that the applicant file a concurrent Council variance to properly allow the pond to be counted toward the applicant's density.

<u>CITY DEPARTMENTS' RECOMMENDATION</u>: Approval.

Staff finds the revisions to the L-ARLD text to increase the height district, allow a different light fixture and allow for vinyl siding to be acceptable. The proposed rezoning would maintain the 15.0 dwelling unit per acre limit already in place. The applicant will

file a concurrent Council variance to properly allow the pond to be counted toward the applicant's density. With those considerations, Staff finds the proposed rezoning to be consistent with the zoning and development patterns of the area.





City of Columbus | Department of Development | Building Services Division | 757 Carolyn Avenue, Columbus, Ohio 43224

PROJECT DISCLOSURE STATEMENT



Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO COUNTY OF FRANKLIN	APPLICATION # 209-018/CV09-026
Being first duly cautioned and sworn (NAME) David Hodge / Smith & Hale LLC of (COMPLETE ADDRESS) 37 West Broad St., Suite 725, Columbus, OH 43215 deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format: Name of business or individual Business or individual Business or individual's address Address of corporate headquarters City, State, Zip Number of Columbus based employees Contact name and number If applicable, check here if listing additional parties on a separate page (REQUIRED)	
Edwards Communities Development Company 495 S. High St., Suite 150 Columbus, OH 43215	Upper Arlington Lutheran Church 2300 Lytham Dr. Columbus, OH 43220
7 Columbus based employees	20 Columbus based employees
Mill Run Owner's Association 3780 Fishinger Blvd. Hilliard, OH 43026	4.
Zero Columbus based employees	

My Commission Expires:

Subscribed to me in my presence and before me this $13^{1/2}$

This Project Disclosure Statement expires six months after date of to

Notary Seal Here

SIGNATURE OF AFFIANT

SIGNATURE OF NOTARY PUBLIC

AARON L. UNDERHILL
ATTORMEY AT LAW
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.