



## Legislation Details (With Text)

**File #:** 1192-2023      **Version:** 1

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

**File created:** 4/13/2023      **In control:** Zoning Committee

**On agenda:** 5/1/2023      **Final action:** 5/3/2023

**Title:** To rezone 3873 GENDER RD. (43110), being 64.55± acres located on the west side of Gender Road and east side of Brice Road, 2,150± feet north of Shannon Road, From: R, Rural District, To: PUD-4, Planned Unit Development District (Rezoning #Z22-066).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1192-2023\_Attachments, 2. ORD1192-2023\_Labels

Date	Ver.	Action By	Action	Result
5/3/2023	1	ACTING CITY CLERK	Attest	
5/2/2023	1	MAYOR	Signed	
5/1/2023	1	COUNCIL PRESIDENT	Signed	
5/1/2023	1	Zoning Committee	Approved	Pass
4/24/2023	1	Columbus City Council	Read for the First Time	

### Rezoning Application: Z22-066

**APPLICANT:** Maronda Homes, LLC of Ohio; c/o Rebecca J. Mott, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on February 9, 2023.

**GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 64.55± acre site consists of two undeveloped parcels in the R, Rural District. The requested PUD-4, Planned Unit Development District will facilitate a single-unit residential development with a maximum of 177 lots (2.7 units per acre) and 32.8± acres of provided open space. The site is within the boundaries of the *South East Land Use Plan* (2018), which recommends “Low-Medium Density Residential (6-10 du/ac),” and “Low-Density Residential (4-6 du/ac)” land uses. The Plan also includes complete adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). The development text commits to a site plan and landscape plan, and includes supplemental development standards that address density and setback requirements, lot widths, site access, street network, traffic improvements, pedestrian connectivity, landscaping and screening, open space, exterior building materials and design, and graphics provisions. The requested PUD-4 is consistent with the Plan’s land use recommendations, and includes commitments for a monetary contribution towards future roadway infrastructure improvements, a parkland dedication of 27.0± acres, and connectivity to Metro Parks land located north of the site.

To rezone **3873 GENDER RD. (43110)**, being 64.55± acres located on the west side of Gender Road and east side of Brice Road, 2,150± feet north of Shannon Road, **From:** R, Rural District, **To:** PUD-4, Planned Unit Development District (Rezoning #Z22-066).

**WHEREAS**, application #Z22-066 is on file with the Department of Building and Zoning Services requesting rezoning of 64.55± acres from R, Rural District, to PUD-4, Planned Unit Development District; and

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

**WHEREAS**, the Greater South East Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested PUD-4, Planned Unit Development District will facilitate a single-unit residential development that is consistent with the land use recommendations of the *South East Land Use Plan*, and includes a monetary contribution to future roadway improvements, a 27.0± acre parkland dedication, and connection to Metro Parks land to the north; 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 # 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**3873 GENDER RD. (43110)**, being 64.55± acres located on the west side of Gender Road and east side of Brice Road, 2,150± feet north of Shannon Road, and being more particularly described as follows:

**TRACT ONE:**

Situate in the City of Columbus, Franklin County, Ohio. Being part of the southwest quarter of Section 1, Township 11 of the Buckingham Survey of Range 21. Also being all of the Second Parcel conveyed to Chester Hummell, Jr., John D. Hummell and Paul R. Hummell, recorded in Deed Volume 2712, Page 661 of the Franklin County Recorder's Office, being more particularly described as follows:

Commencing for reference at Franklin County Geodetic Survey Monument 9939 in centerline of Brice Road, said Point of Beginning being the southwest corner of Section 1 and the southeast corner of Section 2;

Thence South 85 degrees 22 minutes 58 seconds East along the south line of Section 1, the south line of a one acre tract conveyed to Kenneth M. and Mary Huston (Deed Volume 3654, Page 15) and the north line of Tract 1, Parcel 1 conveyed to Harold L. Schacht, et.al. (Official Record 34171 103) for a distance of 293.33 feet to a 3/4" iron pipe set at the southeast corner of said Huston one acre tract and being the TRUE POINT OF BEGINNING for the herein described tract:

Thence North 04 degrees 24 minutes 51 seconds East leaving said section line along the east line of the Huston one acre tract for a distance of 148.50 feet to a 3/4" iron pipe set at the northeast corner of said one acre;

Thence North 85 degrees 22 minutes 58 seconds West along the north line of said one acre (passing a 3/4" iron pipe set at 258.33 feet) for a distance of 293.33 feet to a point in centerline of Brice Road on the west line of Section 1, the northwest corner of the Huston one acre tract;

Thence North 04 degrees 24 minutes 51 seconds East along said centerline and section line for a distance of 1008.72 feet to the southwest corner of a 41.196 acre tract of land conveyed to Mabel Varner and Dorothy Evans (Official Record 02785 109, Tract II Parcel II) and the northwest corner of the Second Parcel of the Hummell tract;

Thence South 85 degrees 27 minutes 46 seconds East into Section 1, along the south line of said Varner and Evans tract,

the north line of the Hummell Second Parcel (passing a 3/4" iron pipe set at 35.00 feet) for a distance of 1379.97 feet to a 3/4" iron pipe set;

Thence South 04 degrees 25 minutes 36 seconds West along the east line of the Hummell Second Parcel, a west line of Parcel I of the Varner and Evans tract for a distance of 1159.14 feet to a 3/4" iron pipe set at the southeast corner of the Hummell Second Parcel, being on the south line of Section 1 and on the north line of Tract 1. Parcel 1 conveyed to Harold L. Schacht, et.al (Official Record 34171 103);

Thence North 85 degrees 22 minutes 58 seconds West along the south line of Section 1, the north line of Section 12 and the north line of the Schacht, et.al. tract for a distance of 1086.39 feet to the True Point of Beginning. Together with and subject to covenants, easements, and restrictions of record.

Said property contains 35.387 acres more or less. This description prepared by Ahlers, Moe and Associates, Inc. based on an actual survey in January, 1998. The basis of bearings for this survey and description being the east line of Section 2 as North 04 degrees 24 minutes 51 seconds East as determined from Franklin County Geodetic Survey Monuments 9918 and 9939.

Parcel No. 530-246911-00

**TRACT TWO:**

Situated in the State of Ohio, Franklin County, City of Columbus, Township 11, Range 21, Section 1, Buckingham's Survey of the Congress Land East of the Scioto River.

Being the remainder of the 143.42 acre tract (29.166 acres as surveyed), known as Tract II, Parcel I, described in a deed to Mabel Varner and Dorothy Evans recorded in Official Record Volume 2785, Page 109 and Official Record Volume 2070, Page 118, and being more fully described as follows:

Beginning for reference at Franklin County Geodetic Survey monument No. 9939 found in the centerline of Brice Road and at the southwest corner of Section 1;

Thence with the centerline of Brice Road and the west line of the southwest quarter of Section 1, North 04°24'51" East a distance of 1157.22 feet to a PK nail set at the northwest corner of a 35.387 acre tract described in a deed to Mabel M. Varner and Dorothy M. Evans recorded in Instrument #199810260272316, said nail being the *TRUE POINT OF BEGINNING*;

Thence continuing with the centerline of Brice Road, the west line of the southwest quarter of Section 1, North 04°24'51" East a distance of 37.31 feet to a PK nail set at the southwest corner of a 69.033 acre tract described in a deed to the Board of Park Commissioners of the Columbus and Franklin County Metropolitan Park District recorded in Instrument #200308140258735;

Thence South 85°02'54" East, passing a 5/8 inch rebar found at 36.13 feet, a total distance of 2367.90 feet to a 5/8 inch rebar found at the southeast corner of the aforementioned 69.033 acre tract, at a corner of the 7.650 acre tract known as Parcel 28 WL described in a deed to the City of Columbus recorded in Official Record Volume 10675, Page EO 1, and on the west right-of-way line of Gender Road (Gender-Wright-Brice Interconnector R/W Sheets 11-12 of 18);

Thence with the west right-of-way line of Gender Road South 03°56'42" West a distance of 129.14 feet to a 5/8 inch rebar set at a corner of the aforementioned 7.650 acre tract and being 70 feet left of Station 159+00;

Thence continuing with the west right of way line of Gender Road South 01°18'18" East a distance of 1057.21 feet to a 3/4" inch iron pipe found at a corner of the 7.650 acre tract and being a corner of the 7.550 acre tract known as 27 WL described in a deed to the City of Columbus recorded in Official Record Volume 10675, Page EO 1, and being 65 feet left

of Station 148+42.80, said pipe being the northeast corner of a 129.807 acre tract described in a deed to David L. Schacht and Lisa L. Schacht recorded in Official Record Volume 4098, Page G07, Official Record Volume 33736, Page D 1 1, Official Record Volume 34171, Page 103, Instrument #199903250074540, Instrument #199903250074542, Instrument #200201180017151, Instrument #200201180017152, Instrument #200612270255947, Instrument #201307170119309 and Instrument #2013071 70119310;

Thence North 85°22'58" West a distance of 1094.46 feet to a 3/4 inch iron pipe found at the southeast corner of the aforementioned 35.387 acre tract and on the north line of the aforementioned 129.807 acre tract;

Thence North 04°25'30" East a distance of 1 159.14 feet to a 3/4 inch iron pipe found at the northeast corner of the 35.387 acre tract;

Thence North 85°27'46" West, passing a nail found in a concrete filled post at 1344.97 feet, a total distance of 1379.97 feet to the *TRUE POINT OF BEGINNING*, containing 29.166 acres (0.030 acres in Brice Road right-of-way), and being subject to all legal easements, restrictions and rights-of-way of record.

Bearings are based on the south line of the 35.387 acre tract, being North 85°22'58" West, as surveyed by Ahlers, Moe & Associates, filed as Survey #9664. Rebars set are 5/8 inch by 30 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in August of 2014 by Tobin-McFarland Surveying, Inc., and was prepared by Thomas M. Tobin, Registered Professional Surveyor No. 7674.

Parcel No. 530-166397-00

**To Rezone From:** R, Rural District.

**To:** PUD-4, Planned Unit Development District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the PUD-4, Planned Unit Development 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 change on the said original zoning map and shall register a copy of the approved PUD-4, Planned Unit Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.09 of the Columbus City Codes; said plans being titled, "**SITE PLAN**," "**DETAILED SITE PLAN**," "**LANDSCAPE PLAN**," "**ENTRY ELARGMENTS**," and "**ILLUSTRATIVE SITE PLAN**," dated December 21, 2022, and "**STANDARD LANDSCAPE PACKAGE**," dated August 23, 2022, and text titled, "**PLANNED UNIT DEVELOPMENT TEXT**," dated February 9, 2023, all signed by Rebecca J. Mott, Attorney for the Applicant, and the text reading as follows:

#### **PLANNED UNIT DEVELOPMENT TEXT**

**PROPOSED DISTRICT:** PUD-4

**PROPERTY ADDRESS:** 3873 Gender Road (43110), being vacant land at Gender Road

**OWNER:** Thomas R. Lamp, Trustee, and Beth A. Lamp, Richard L. Lamp, and Barbara A. Lamp, as Trustees

**APPLICANT:** Maronda Homes, LLC of Ohio

**DATE OF TEXT:** February 9, 2023

**APPLICATION NUMBER:** Z22-066

**1. INTRODUCTION:** The applicant, Maronda Homes, LLC of Ohio is seeking to re-zone the Property containing approximately 64.553 +/- acres located at Gender Road and commonly known as Franklin County Auditor Tax Parcel Id.

No.'s.: 530-166397-00 and 530-246911-00 (collectively, the "Property"), from the R-Rural Zoning District to the PUD-4 Zoning District to permit a planned community of detached single-family dwelling units with a limitation of one hundred seventy-seven (177) lots (dwelling units), with a density of 2.7 dwelling units per acre.

## **PUD-4 - DETACHED SINGLE FAMILY**

### **2. PERMITTED USES:**

- A. Detached single-unit dwellings on platted lots, including model homes.
- B. A real estate sales office for the dwellings, which may be on the same parcels as the dwellings or on a separate parcel. Promptly after completion of the development and sales of the dwellings, the developer will remove the sales office from the Property.
- C. Open space on Reserves "A", "B", "C", "D", "E", and "F", detention/retention pond or ponds on Reserve "B", and a public park (to be dedicated) on Reserve "G", as depicted on the site plan dated December 21, 2022 (the "Site Plan").

**3. DEVELOPMENT STANDARDS:** Unless otherwise indicated, the applicable development standards are contained in Chapter 3332 of the Columbus City Code for the R-2F Residential District.

#### **A. Density, Height, Lot and/or Setback commitments.**

- 1. The maximum number of dwelling units will be 177.
- 2. The minimum side yard setbacks shall total a minimum of 12 feet (6 feet on each side). The maximum side yard setbacks shall total a maximum of 16 feet (8 feet on each side). The minimum separation between single-unit dwellings will comply with all applicable building codes.
- 3. The minimum building setback from public streets shall be 25 feet, subject to minor variations of up to 2 additional feet to allow a margin of error for field, surveying and construction conditions. Unenclosed porches may extend no more than 6 feet into the minimum building setback to encourage streetscape diversity.
- 4. Varying lot widths will be permitted, provided that no lot may have less than 40 feet of frontage on a public street. Lot depths shall be a minimum of 120 feet.
- 5. Rear yard setbacks shall be a minimum of 20 feet. Within the rear yard setback areas for each of the lots, projections, such as bay windows, chimneys, patios, decks, balconies, pools, sheds (if permitted by private deed restrictions), and utilities, and such structures protruding into the rear yard setback area shall not count towards measurement of minimum rear yard setbacks from the principal dwelling.

#### **B. Access, Loading, Parking and/or other Traffic related commitments.**

- 1. All streets within the development shall be public right-of-ways.
- 2. Vehicular access will be from one full curb cut access and one right-in, right-out curb cut access to and from the public right-of-way of Brice Road into the development, as shown on the Site Plan, with a landscaped entrance features and signage at the full curb cut access, except that additional access will be permitted for construction access during the development and initial construction on the Property, if necessary.
- 3. The street system will provide for a stub connection to the property to the immediate south, generally as shown on the Site Plan.
- 4. Minimum driveway width is 17 feet and maximum driveway width is 20 feet. Typical driveway length/depth is a

minimum of 25 feet.

5. Parallel parking will be permitted on all streets, except as follows:

a. Parking will be permitted on only one side of the street opposite the side that has fire hydrants.

b. Unless otherwise approved by the Department of Public Service, Division of Traffic Management, it is understood that the streets will be posted for no parking on one side.

6. The developer shall also install a concrete sidewalk adjacent to Brice Road, inside the future right-of-way area (to be dedicated).

7. The developer will dedicate lands along the frontage of the Property 50 feet from the centerline of Brice Road, and along the rear boundary line of the Property 80 feet from the centerline of Gender Road to the City of Columbus for public right-of-way, at the time of plat approval.

8. The developer will construct a 235' southbound left turn lane (including a 60' diverging taper) and a 225' northbound right turn lane (including a 50' diverging taper) at the entrance to the Property along Brice Road, as shown on the Site Plan, per the approved Traffic Access Study.

9. The developer shall make a monetary contribution to the City of Columbus, Department of Public Service, Traffic Management for future roadway infrastructure improvements (in connection with the Brice Road and Shannon Road intersection) in the amount of \$278,775.00 (total) pro-rated and based on the number of lots depicted under each subdivision plat application for each phase of the development, as submitted to the City of Columbus for the Property.

### **C. Buffering, Landscaping, Open space and/or Screening commitments.**

1. The developer shall install street trees throughout the proposed development at a rate of 1 street tree per lot, 2 street trees per corner lot, and 1 street tree per thirty feet (30') of roadway frontage adjacent to open space areas within the right-of-way with a minimum caliper of 2 ½", as shown on the overall landscape plan dated December 21, 2022 (the "Landscape Plan"). For this purpose, tree caliper will be measured 6" above ground level. All street trees will be species on the City Forester's list of approved street tree species.

2. Typical lot and building landscaping will generally conform to the "Landscape Plan for Maronda Homes - Blacklick Preserve Standard Landscape Package," dated August 23, 2022 (the "Lot Landscape Plan").

3. Open spaces will be provided substantially in the areas identified as Reserves "A", "B", "C", "D", "E" and "F" and shall total 32.8 +/- acres (50%), which far exceeds the open space requirements. A retention/detention pond or ponds shall be installed in the area consisting of 3.60 +/- acres, identified as Reserve "B", as shown on the Site Plan. Reserve "G" containing approximately 27.0 +/- acres shall be dedicated and used for a public park, as shown on Site Plan. No part of any of these Reserves may be used for dwelling units.

4. Pedestrian connectivity will be provided to the Property by the frontage sidewalk along Brice Road and shall connect to the sidewalks along the public right-of-ways within the development. An 8' wide asphalt multi-purpose path will be installed by developer within Reserves "A" and "F", as generally shown on the Site Plan, for connection for residents and guests within the development to the proposed 8' wide asphalt multi-purpose path within Reserve "G" (alignment to be determined) that shall be a future City-owned and installed multi-purpose path on the publicly dedicated parkland of Reserve "G", with connection to the Metro Park property to the north.

5. Additional landscaping and screening shall be installed, as follows:

a. The Developer will install a 6' high black aluminum fence (with black netting product) for screening on the north property line of Franklin County Auditor Tax Parcel Id. No.: 530-166409-00 (starting at the southwest corner (rear) of

any lot that shall be platted along that shared lot line with that portion of the Property consisting of Franklin County Auditor Tax Parcel Id. No.: 530-246911-00) that shall be maintained in perpetuity by the Homeowners' Association that is established for the development of the Property.

- b. Developer will also install a minimum 3' high (3:1 slope) landscaped mound with a mix of evergreen trees and deciduous trees along the east/rear property line (but inside) of Franklin County Auditor Tax Parcel Id. No.: 530-166409-00 (with said evergreens to be between 6'-7' high at planting and deciduous trees to be between 2" to 2.5" caliper at planting), where said mound and trees can be installed, if feasible, without damage to existing trees if those existing trees are located on the property consisting of Franklin County Auditor Tax Parcel Id. No.: 530-166409-00 (but, if any of the existing trees are located on that portion of the Property consisting of Franklin County Auditor Tax Parcel Id. No.: 530-246911-00, they may be removed to accommodate said landscaped mound as described hereunder). If any such evergreens or deciduous trees die or are diseased within one (1) year of installation, Developer or the Homeowners' Association, as applicable, shall replace said evergreens and/or deciduous trees for a like-for-like evergreen or tree.

**D. Building design and/or Interior-Exterior treatment commitments.**

1. Building materials shall consist of brick, brick veneer, stone veneer, wood, glass and vinyl. Manufactured materials are permitted as long as they are natural in appearance.
2. For those home designs with garages setback from the front single-unit dwelling façade, any detached garage shall be located either behind the house to which it is accessory or such that the front face of any attached garage is located at least 2 feet behind the front single-unit dwelling façade to which it is accessory. Single-unit dwelling façades with garage-forward designs may project a maximum of ten (10) feet forward of the single-unit dwelling building façade, so long as the garage has a minimum setback of 25 feet. Each single-unit dwelling with a garage-forward design shall have a minimum one hundred (100) square foot porch.
3. All exterior utility meters for each house shall be at the side or rear of that single-unit dwelling.

**E. Dumpsters, Lighting, Outdoor display areas and/or the environmental commitments.**

1. All utility lines shall be underground.
2. The 100-year floodplain on the Property will be adjusted by virtue of this development, based on fill, and none of the proposed lots will be constructed within the 100-year flood plain.

**F. Graphics and Signage commitments.**

The graphic requirements of the R-2F Residential District shall apply. Any variance from those requirements shall go to the Graphics Commission for approval.

**G. Miscellaneous.**

1. The Site Plan and Lot Landscape Plan, as well as the other plan sheets dated December 21, 2022, entitled, Detailed Site Plan, Landscape Plan, Entry Enlargement Plan, and Illustrative Plan may all be slightly adjusted to reflect engineering, topographical, or other site data developed at the time the development and engineering plans are completed. Any slight adjustment to the plans 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. Variations from the plans are also permitted to change the building types, provided that the replacement buildings conform to the requirements set forth in this Development Text.
2. The storm water detention/retention requirements for the development may be satisfied anywhere on the Property, except that storm water detention/retention ponds in Reserve "B" may be located only in that area, as generally

designated on the Site Plan.

3. Reserve "G" containing approximately 27.0 +/- acres will be conveyed to the City of Columbus as Applicant's parkland dedication requirement for this development pursuant to Chapter 3318, Columbus City Codes (which far exceeds the requirement for this development which is 2.33 acres total) with a credit provided to developer, the Applicant, in connection with other developments in the vicinity that Applicant is planning and future projects Applicant pursues within the City of Columbus, subject only to easements for construction, maintenance, repair, and replacement of utility lines; provided, however, that easements for utility lines in Reserve "G" will be limited to (i) easements parallel and adjacent to the aligned multi-purpose paths, (ii) easements for storm sewer lines for storm water drainage from the Property to the Blacklick Creek watershed located on the property to the north currently owned by The Columbus Board of Park Commission commonly known as Franklin County Auditor Tax Parcel Id. No.: 530-262682-00, and (iii) a 20' wide utility easement along the north side of Reserve "G".

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