



## Legislation Details (With Text)

**File #:** 1253-2013      **Version:** 2

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

**File created:** 5/15/2013      **In control:** Zoning Committee

**On agenda:** 7/22/2013      **Final action:** 7/25/2013

**Title:** To rezone 9440 SOUTH OLD STATE ROAD (43035), being 4.09± acres located on the west side of South Old State Road, 392± feet south of Erin Drive, From: R, Rural District, To: L-AR-12, Limited Apartment Residential District (Rezoning # Z13-001).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1253-2013AttachmentsAmended, 2. ORD1253-2013Attachments, 3. Notice Of Public Hearing - Council Mtg20130624, 4. Notice Of Public Hearing - Council Mtg20130722

Date	Ver.	Action By	Action	Result
7/25/2013	2	ACTING CITY CLERK	Attest	
7/24/2013	2	ACTING MAYOR	Signed	
7/22/2013	2	COUNCIL PRESIDENT	Signed	
7/22/2013	1	Zoning Committee	Taken from the Table	Pass
7/22/2013	1	Zoning Committee	Amended as submitted to the Clerk	Pass
7/22/2013	1	Zoning Committee	Approved as Amended	Pass
6/24/2013	1	Zoning Committee	Tabled Indefinitely	Pass
6/17/2013	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z13-001

**APPLICANT:** Tom Bell Properties; c/o Michael T. Shannon, Atty.; Crabbe, Brown & James, LLP; 500 South Front Street, Suite 1200; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Disapproval (1-4) on April 11, 2013.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested L-AR-12, Limited Apartment Residential District will allow a 41 ~~38~~ unit apartment complex. The plan and limitation text include development standards in consideration of the adjacent residential development. The site is located within Subarea J5 of *The Far North Plan* (1994), which is currently undergoing update. Current recommendations include supporting a mixture of single- and multi-unit residential development as the most appropriate land use for the subarea. Additional provisions include preserving the wooded land that is located in the subarea, and projects fitting the scale of the community. The Planning Division supports the use and proposed density of the project, but does not feel that enough emphasis has been given to the tree stand in the western portion of the site. The Zoning Staff believes that the 0.8-acre perimeter yard area dedicated to tree preservation is sufficient, and will also aid in buffering and screening the adjacent single-unit residential development to the north. Staff has determined that this proposal complies with the recommendations of *The Far North Plan*.

To rezone **9440 SOUTH OLD STATE ROAD (43035)**, being 4.09± acres located on the west side of South Old State Road, 392± feet south of Erin Drive, **From:** R, Rural District, **To:** L-AR-12, Limited Apartment Residential District (Rezoning # Z13-001).

**WHEREAS**, application #Z13-001 is on file with the Building Services Division of the Department of Development requesting rezoning of 4.09± acres from R, Rural District, to L-AR-12, Limited Apartment Residential District; and

**WHEREAS**, the Columbus Public Health Healthy Places program reviews applications for active living features, and recognizes that this development will contain safe pedestrian means (texturized pavement, stripping, and/or signage) provided at key points within the development where pedestrians encounter cars; and

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

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested L-AR-12, Limited Apartment Residential District commits to a site plan and limitation text that include development standards in consideration of the adjacent residential development, and incorporates tree preservation. Staff has determined that this proposal complies with the recommendations of *The Far North Plan*; 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 No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**9440 SOUTH OLD STATE ROAD (43035)**, being 4.09± acres located on the west side of South Old State Road, 392± feet south of Erin Drive, and being more particularly described as follows:

DESCRIPTION OF A 4.089 ACRE TRACT  
LYING WEST OF SOUTH OLD STATE ROAD  
AND SOUTH OF SANVILLE DRIVE

Situated in the State of Ohio, County of Delaware City of Columbus, lying in Farm Lot 2, Quarter Township 3, Township 3, Range 18, United States Military Lands, and being part of the original 4.257 acre tract of land (Parcel Number 31834402001000) conveyed as Parcel One to Karen E. Helmlinger, of record in Deed Book 490, Page 599 and Official Record 4, Page 478, and part of the original 1.243 acre tract of land (Parcel Number 31834402002000) conveyed as Parcel Two to Karen E. Helmlinger, of record in Deed Book 490, Page 599 and Official Record 4, Page 478, records of the Recorder's Office, Delaware County, Ohio and being bounded and more particularly described as follows:

Beginning for reference at an iron pin set at the common corner of said original 4.257 acre tract and Lot 4 of WYNSTONE VILLAGE, of record in Plat Cabinet 3, Page 235 and in the easterly line of the tract of land conveyed to New York Central Lines of record in Deed Book 671, Page 206, said iron pin set being referenced by a ½ inch iron pin found North 89° 58' 23" West, a distance of 0.95';

Thence South 89° 58' 23" East, a distance of 395.79 feet, along the line common to said 4.257 acre tract and WYNSTONE VILLAGE, to an iron pin set at the POINT OF TRUE BEGINNING;

Thence South 89° 58' 23" East, a distance of 1296.14 feet, passing a 3/4inch iron pin found at a distance of 1285.86 feet, along the line common to said 4.257 acre tract and WYNSTONE VILLAGE, to an iron pin set at the southwesterly corner of the 0.282 acre tract as conveyed to City of Columbus, Ohio, of record in Official Record 89, Page 1418 and the

northwesterly corner of 0.134 acre tract as conveyed to City of Columbus, Ohio, of record in Official Record 109, Page 1974 and being in the westerly right-of-way line of South Old State Road (right-of-way varies);

Thence south 13° 30' 00" West, a distance of 94.65 feet, along the line common to the remainder of said original 4.257 acre and 0.134 acre tracts and the westerly right-of-way line of said South Old State Road, 40 feet westerly from, as measured perpendicular, to the centerline of said South Old State Road, to an iron pin set;

Thence South 26° 26' 30" West, a distance of 49.53 feet along the line common to the remainder of said original 4.257 acre and 1.243 acre tracts and said 0.134 acre tract and the westerly right-of-way line of said South Old State Road, to an iron pin set at the common corner of said original 1.243 acre and 0.134 acre tracts and the northwesterly corner of the 0.142 acre tract as conveyed to City of Columbus, Ohio, of record in Official Record 432, Page 586, and in the northerly line of the original 10.511 acre tract conveyed to Korean Presbyterian Church of Columbus, of record in Official Record 1049, Page 504;

Thence South 89° 45' 00" West, a distance of 1252.07 feet, along the line common to said 1.243 and 10.511 acre tracts, to an iron pin set;

Thence North 00° 01' 37" East, a distance of 142.46 feet, across said 1.243 acre and 4.257 acre tracts, to the POINT OF TRUE BEGINNING, containing 4.089 acres, more or less, of which 3.163 acres lie in Parcel Number 31834402001000 and 0.926 acres lie in Parcel Number 31834402002000 and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the bearing of South 89° 58' 23" East for the Northerly line of a 4.257 acre tract, of record in Official Record 4, Page 478, Recorder's Office, Delaware County, Ohio;

All iron pins set are 3/4inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description is based on an actual field survey performed in November of 2011.

LANDMARK SURVEY GROUP, INC.  
Scott D. Grundej, P.S.  
Registered Surveyor No. 8047

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

**To:** L-AR12, Limited Apartment Residential District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-AR-12, 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 copy of the approved L-AR-12, Limited Apartment Residential District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said plans being titled, "**EXHIBIT A - S. OLD STATE MULTI-FAMILY,**" "**EXHIBIT B - SITE PLAN,**" **dated July 11, 2013,** and text being titled, "**LIMITATION TEXT,**" ~~both dated April 10~~ **dated July 17, 2013,** and signed by Michael T. Shannon, Attorney for the Applicant.

#### **LIMITATION TEXT**

**Property Address: 9440 South Old State Road, Columbus, Ohio 43035**  
**Property Size: 4.089 ± Acres**

**Current Zoning District: Residential, R-1**

**Proposed Zoning District: L-AR-12**

**Current Owner: Karen Helmlinger; 9440 South Old State Road; Columbus, Ohio 43035**

**Applicant: Bell Properties, Ltd., c/o CRABBE, BROWN & JAMES, LLP, Michael T. Shannon, Esq.; 500 South Front Street, Suite 1200; Columbus, Ohio 43215; mshannon@cbjlawyers.com**

**Date of text: ~~April 10, 2013~~ July 16, 2013**

**Application Number: Z13-001**

## **1. INTRODUCTION**

The subject property site ("Site") is located in north Columbus, Ohio, near the intersection of South Old State Road and Polaris Parkway. The Site's address is 9440 South Old State Road, Columbus, Ohio 43035, located on the west side of South Old State Road. The Site is a single parcel and measures 4.089 ± acres in size. The Parcel ID Number is 31834402001000.

The Site is situated within the City of Columbus boundaries by means of annexation. The Site is within the Orange Township-Columbus City-Olentangy Local School District Tax District [46] and the Olentangy Local School District [2104].

The Site is currently zoned Annex-Residential-R. The Site is bordered on the east (across South Old State Road) by L-M parcels, on the north by R-2 parcels (Wynstone subdivision), on the south by one Annex-Residential-R parcel (Korean Presbyterian Church of Columbus), and on the west by one Annex-Residential-R parcel (telecommunications tower).

The Site is currently contains a single family residence with an outlying structure. The remainder of the Site is covered with grass and some trees.

The Site is not subject to a Commercial Overlay, Graphic Commission, Area Commission, or Planning Overlay. The Site is located within the Far North Columbus Communities Coalition civic group and subject to the Far North Area Plan. The Far North Area Plan classification for the Site is Low-Medium Density.

Applicant proposes rezoning the Site from Annex-Residential-R to L-AR-12 for multi-family residential dwelling development. The multi-family development will contain a maximum of ~~44~~ **38** total units with private streets, private water service, and public sanitary sewers. Each unit will have a one or two car garage. The units will not exceed a maximum height of 35 feet and will stand two stories tall.

Permanent access to the Site will remain South Old State Road. Garrett Street shall not be used for permanent access to the site by residents of the apartment complex.

Unless otherwise specified herein, the Site will be developed in accordance with the AR-12 district standards of Chapter 3333 of the Columbus City Code.

## **2. PERMITTED USES - C.C. § 3333.02**

- i. The Site shall permit all AR-12 uses.

## **3. DEVELOPMENT STANDARDS - C.C. § 3333.01, et seq.**

- i. Unless otherwise indicated herein, the development standards of C.C. § 3312 (Off-Street Parking and Loading), § 3321 (General Site Development), and § 3333 (Apartment Districts) shall apply.

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

- i. The Site is currently designated H-35 and the buildings shall be a maximum of two (2) stories in height.
- ii. The Site shall provide a perimeter yard setback of 25 feet on the north and west and 15 feet on the south.
- iv. The multi-family development will contain a maximum of ~~41~~ **38** total units.

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

- i. South Old State Road provides access to the Site. The access point will be located as far to the north as possible to ensure there is adequate space available to the existing two way left turn lane on S. Old State to serve north bound left turning vehicles entering the site. Garrett Street shall not be used for permanent access to the site by residents of the apartment complex. However, any and all traffic-related commitments, including access, shall be designated and located to the specifications of the City of Columbus, Department of Public Services.
- ii. The Applicant shall provide emergency access to Garrett Street on the southwest perimeter of the site, as requested by the Department of Public Safety Division of Fire, and as shown on the attached site plan. **Knock down bollards or other devices approved by the Division of Fire shall be used for emergency access.**

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

- i. The Northern perimeter of the site will contain a 25 ft. greenspace buffer which will include a 22 ft. tree preservation area measured from the Northern property line as shown on the site plan. Additional trees shall be planted to fill in areas where trees are thin or non-existent.
- ii. On the southern perimeter a board on board privacy fence shall be extended from the eastern property line approximately 425 ft. to the west to provide adequate buffering for the Church parking lot as shown on the site plan. **On the northern property line, the existing wood privacy fence shall be extended from the eastern property line.**
- iii. On the Western perimeter, Applicant agrees to a tree preservation area of approximately 9,500 sq. ft., **and an additional +/- .20 acres of green space** as shown on the site plan (**Exhibit B**).
- iv. Within the perimeter yards on the North and West, all existing trees shall be preserved other than for utility crossings. Trees deemed to be unhealthy by the Urban Forestry Division of the Columbus Recreation and Parks Department may be removed.

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

- i. **The apartment buildings shall be constructed in accordance with the submitted building elevations (Exhibit A). The building elevations may be slightly adjusted to reflect architectural, engineering, topographical or other site data developed at the time that development and architectural plans are completed. Any slight adjustment to the building elevations shall be reviewed and may be approved by the Director of Building and Zoning Services or a designee upon submission of the appropriate data regarding the proposed development.**
- ~~i.~~ **ii.** Each unit will have a one or two car garage.
- ~~ii.~~ **iii.** Exterior building materials shall be either Hardy-Plank or an equivalent siding, brick, stucco, stone, stucco stone, cast stone, **vinyl imitation wood lap or Dutch lap vinyl imitation wood shakes, vinyl imitation vertical baton or vinyl lap** siding upgrade ~~0.042~~ **0.0042**gauge or greater, or glass. Asphalt shingles shall be dimensional.
- iv. **All external lighting shall not exceed 14 feet in height, and shall be fully shielded or fully cut-off fixtures that are from the same or similar manufacturers' type to insure compatibility. Ground-mounted lighting**

(parking and/or drive lanes) shall be post-top style decorative fixtures, and will not be placed within the northern perimeter 22-foot tree preservation area.

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

- i. It is Applicant's intention to obtain a Dumpster Waiver. Subject to approval of a Dumpster Waiver, refuse collection shall be provided by a private hauler. All residents shall have a private refuse container(s). If a Dumpster Waiver is not granted or if revoked by the City of Columbus or if the owner requests refuse service by the City of Columbus, dumpsters will be provided in accordance with applicable city code.

**F. Graphics and Signage Commitments.**

- i. N/A

**G. Miscellaneous Commitments.**

- i. Applicant shall comply with the City's Parkland Dedication Ordinance.
- ii. To ensure pedestrian safety, textured pavement, striping, and/or signage will be provided for the access point on South Old State Road, as approved by the Department of Public Service.
- iii. The Site shall be developed in accordance with the site plan labeled as ~~Attachment A~~ **Exhibit B**. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.
- iv. Applicant shall provide a sidewalk along S. Old State Road, **and shall provide an internal sidewalk in accordance with the submitted site plan (Exhibit B).**

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