



Legislation Details (With Text)

File #: 1420-2008 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/29/2008 **In control:** Zoning Committee

On agenda: 4/20/2009 **Final action:** 4/22/2009

Title: To rezone 5598 OLENTANGY RIVER ROAD (43235), being 4.51± acres located east of the intersection of Olentangy River Road and Meeklyn Drive, From: R , Rural, RR, Rural Residential, LRR, Limited Rural Residential, and R-1, Residential Districts, To: L-R-1, Limited Residential District (Rezoning # Z08-033).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1420-2008Attachments.pdf, 2. ORD1420-2008Labels.pdf, 3. ORD1420-2008DataSheet.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
4/22/2009	1	CITY CLERK	Attest	
4/21/2009	1	MAYOR	Signed	
4/20/2009	1	COUNCIL PRESIDENT	Signed	
4/20/2009	1	Zoning Committee	Approved	Pass
4/13/2009	1	Columbus City Council	Read for the First Time	
4/3/2009	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
3/31/2009	1	City Clerk's Office	Sent back for Clarification/Correction	
9/12/2008	1	Dev Zoning Reviewer	Reviewed and Approved	
9/12/2008	1	Dev Zoning Drafter	Sent for Approval	
9/12/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
9/12/2008	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
9/11/2008	1	Dev Zoning Drafter	Sent for Approval	

Rezoning Application Z08-033

APPLICANT: Connie J. Klema, Atty.; P.O. Box 991; Pataskala, OH 43062.

PROPOSED USE: Single-family residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on August 14, 2008.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-R-1, Limited Residential District will allow 10 single-family dwellings with two reserves totaling 1.06± acres. Reserve B located along the eastern boundary of the site includes a conservation easement to further protect the ravine and flood plain. The limitation text commits to a development plan and provides customary development standards such as minimum net floor area for living quarters, exterior building material commitments, street trees, landscaping, and a minimum two-car garage for each dwelling unit. The site is recognized as an infill development subarea of *The Northwest Plan* (2007), which recommends single-family residential development at a gross density of 2.5 units/acre. The

proposed development would equal a gross density of 2.22± units/acre. The proposal is consistent with the land use recommendations of *The Northwest Plan* (2007), and with the zoning and development patterns of the area.

To rezone **5598 OLENTANGY RIVER ROAD (43235)**, being 4.51± acres located east of the intersection of Olentangy River Road and Meeklyn Drive, **From:** R, Rural, RR, Rural Residential, LRR, Limited Rural Residential, and R-1, Residential Districts, **To:** L-R-1, Limited Residential District (Rezoning # Z08-033).

WHEREAS, application #Z08-033 is on file with the Building Services Division of the Department of Development requesting rezoning of 4.51± acres From: R, Rural, RR, Rural Residential, LRR, Limited Rural Residential, and R-1, Residential Districts, To: L-R-1, Limited 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 requested L-R-1, Limited Residential District will allow 10 single-family dwellings at a gross density of 2.22± units/acre which adheres to *The Northwest Plan* (2007) recommendation for gross density not to exceed 2.5 units/acre. The limitation text commits to a development plan, includes a conservation easement to further protect the ravine in Reserve B, and provides customary development standards such as minimum net floor area for living quarters, exterior building material commitments, street trees, landscaping, and a minimum two-car garage for each dwelling unit. The proposal is consistent with the land use recommendations of *The Northwest Plan* (2007), and with the zoning and development patterns of the area, 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:

5598 OLENTANGY RIVER ROAD (43235), being 4.51± acres located east of the intersection of Olentangy River Road and Meeklyn Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus and containing 4.508 acres of land, more or less, said 4.508 acre area of land being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Olentangy River Road and Meeklyn Drive, said reference point of beginning being located N00°29'00"E, as measured along the centerline of Olentangy River Road, a distance of 369.99 feet from Franklin County Monument No. 7731 and also being located S00°29'00"W, as measured along the centerline of said Olentangy River Road, a distance of 388.47 feet from Franklin County Monument No. 3010; thence S00°29'00"W, with the centerline of said Olentangy River Road, a distance of 21.18 feet to the true point of beginning;

Thence, from said true point of beginning, S88°14'00"E, a distance of 69.30 feet to a point;

Thence N86°00'00"E, a distance of 63.88 feet to a point;

Thence N71°37'00"E, a distance of 89.83 feet to a point;

Thence N82°50'00"E, a distance of 47.69 feet to a point;

Thence S78°51'00"E, a distance of 55.34 feet to a point;

Thence S68°40'00"E, a distance of 105.09 feet to a point;

Thence S73°16'00"E, a distance of 41.09 feet to a point;

Thence N86°13'00"E, a distance of 57.17 feet to a point;

Thence S45°44'32"E, a distance of 128.57 feet to a point;

Thence S86°21'21"E, a distance of 209.46 feet to a point in a westerly right-of-way line of State Route 315;

Thence S03°07'17"W, with a westerly right-of-way line of said State Route 315, a distance of 228.16 feet to a point;

Thence S89°51'41"W, a distance of 452.97 feet to a point;

Thence N00°29'00"E, a distance of 166.33 feet to a point;

Thence S89°38'00"W, a distance of 368.31 feet to a point in the centerline of said Olentangy River Road;

Thence N00°29'00"E, with the centerline of said Olentangy River Road, a distance of 183.83 feet to the true point of beginning and containing 4.508 acres of land, more or less.

The bearings given in the foregoing description are based on the bearing of N00°29'00"E as given for the centerline of Olentangy River Road in the deed to The Bigler Company, Ltd., of record in Instrument No. 200504120067881, Recorder's Office, Franklin County, Ohio.

To Rezone From: R, Rural, RR, Rural Residential, LRR, Limited Rural Residential, and R-1, Residential Districts.

To: L-R-1, Limited Residential District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-R-1, Limited Residential District on this property.

SECTION 3. That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved L-R-1, Limited Commercial District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes; said plan being titled, "**MONTGOMERY BLUFFS**," and said text being titled, "**LIMITATION TEXT**," both signed by Connie J. Klema, Attorney for the Applicant, dated August 7, 2008, and the text reading as follows:

LIMITATION TEXT
L-R-1

4.508 ACRES
OLENTANGY RIVER ROAD

OWNER: Savko Bros. Properties IV, LLC

APPLICANT: Connie J. Klema, Attorney
P.O. Box 991
Pataskala, Ohio 43062
(740) 927-1482
cklema@rrohio.com <<mailto:cklema@rrohio.com>>

DATE OF TEXT: August 7, 2008

APPLICATION NUMBER: Z08-033

INTRODUCTION: The subject property is 4.508 acres and is located between Olentangy River Road and State Route 315. It is bordered on the north and south by single family homes and a church. The property is vacant. The property is presently zoned R, RR, R-1, and LRR. The Applicant proposes development of a single family neighborhood that can be accommodated in an R-1 zoning with the addition of text to secure strict development requirements resulting in a request for a L-R-1 zoning.

The ten lot single family proposal is consistent with the surrounding uses and recommendations of The Northwest Plan. The proposed development "Plan" is submitted and incorporated by reference in this Limitation Text as the preliminary development plan for the site subject to adjustment with final engineering.

1. PERMITTED USES: Detached single family dwellings on platted lots as permitted in Section 3332.03, R-1, Residential District Use, along with customary accessory uses incidental to a single family dwelling, as permitted at Chapter 3332, Residential Districts.
2. DEVELOPMENT STANDARDS
 - A. Density, Height, Lot and/or Setback Commitments:
 1. A maximum of ten (10) detached single family dwellings on separate platted lots;
 2. Height District is H-35;
 3. Lot: Lot location and size shall generally be as depicted on the Plan, subject to adjustment with final engineering and platting. The minimum lot size shall be 9,500 square feet;
 4. Setback: Setbacks shall be as designated on the Plan;
 - a. Rear yards on Lots 1-5 will be measured from the southern boundary of the 20' Tree Preservation area, as depicted on the Plan. Rear yards on Lots 6-10 will be measured from rear lot lines.
 - b. Lot 10, as numbered on the Plan, shall have a minimum 10 foot west side yard where delineated on the Plan.
 - B. Access, Loading, Parking and/or Traffic Related Commitments:
 1. Lots shall be accessed from Olentangy River Road on the new internal public street and cul de sac as delineated on the Plan, subject to adjustment with final engineering and platting;
 2. Sidewalks shall be provided along the internal public street and Olentangy as delineated on the Plan;
 3. One (1) driveway shall be permitted across Reserve A for parcel 010-151380 for the existing house for vehicular access to the new internal public street, if desired by the owner of parcel 010-151380. If parcel 010-151380 is redeveloped for single family residential use, driveway access for new houses across Reserve A for access to the new internal public street shall be permitted only with written approval of the Developer or its successor or assign, unless other access is approved by the Division of Transportation. Access for non-residential uses shall not be permitted across Reserve A. Reserve A may be split and combined with parcel(s) to the south to form parcels fronting upon and having vehicular access to the new internal public street depicted on the Plan.
 4. Lots 1-10 shall not be permitted vehicular access to or from the Private Drive contiguous to and north of the property.
 - C. Buffering, Landscaping, Open Space, and/or Screening Commitments:
 1. Street trees shall be provided along both sides of the new internal public street and Olentangy River Road at the rate of one (1) street tree per 50 +/- lineal feet. Spacing may be adjusted based on locations of driveways and sight distance requirements. Street trees shall be selected from tree species approved by the City Forester;
 2. The 20' Tree Preservation area along the north line of Lots 1-5, inclusive, and that part of the north line of Lot 6, as depicted on the Plan, is for the purpose of preserving existing trees of 6 inch caliper or greater within the preservation area;
 3. Within the 20' Tree Preservation Area along the north line of Lots 1-5, inclusive, and that part of the north line of Lot 6, as depicted on the Plan, a minimum of one (1) deciduous street tree and one (1) evergreen tree, such as Spruce, shall be planted per lot (Lots 1-5, inclusive, and within that part of Lot 6 within the 20' Tree Preservation Area);
 4. Within Reserve A, evergreen plant material shall be planted. Within this area, evergreen plant material that is a minimum of three (3) feet tall at planting shall be planted to provide screening of 75% opacity. The plant material required in this section may be modified to provide driveway access from parcel 010-151380 to the new internal public street if requested by the owner of parcel 010-151380 and as may be approved by the City of Columbus, and the plant material required by this section may be removed entirely if parcel 010-151380 is redeveloped and driveway cut(s) are provided to the new internal public street;
 5. Within the ten (10) foot west side yard of Lot 10, as numbered on the Plan, columnar evergreen plant material, such as Arborvitae, shall be planted from a point corresponding to the front setback line of Lot 10 (25 foot

setback line) to a point corresponding to the rear (south) wall of any house built on Lot 10. This plant material shall be required as long as the existing abutting house to the west on parcel 010-151380, known as 5594 Olentangy River Road, remains;

6. The minimum size of plant material in Reserve areas, as depicted on the Plan, other than as noted, at the time of planting shall be as follows: Deciduous---2 ½ inch caliper, Ornamental---1 ½ caliper, Evergreen---5-6 feet tall.

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

1. Exterior building materials shall consist of stone, stucco, cultured stone, brick, and Monsanto vinyl for vinyl soffit overhangs. Dimensional shingles shall be used for roofing;
2. Minimum Dwelling Unit Size: The minimum net floor area for living quarters, as defined in Section 3303.13, Letter M. of the Columbus Zoning Code, shall be 2,200 square feet per dwelling unit for 1 ½ story or 2 story houses. The primary area of all houses shall either be 1 ½ or 2 story, but single story portions shall be permitted;
3. Garages: Every dwelling shall have not less than a two (2) car front load attached garage;
4. Fencing will be placed in Reserve B if required by applicable government agency for storm water design.

E. Environmental Commitments:

All new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.

F. Graphics and Signage Commitments:

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the R-1 District. Any variance to the applicable sign requirements of the R-1 District shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous:

1. The developer shall comply with applicable requirements of Chapter 3318, Parkland Dedication, Columbus City Code;
2. Reserve A, as depicted on the Plan, is reserved for open space and landscaping, except as noted for Reserve A regarding vehicular access (Text: 2(B)(3)), and Reserve B, as depicted on the Plan, for storm water, tree preservation and wetland protection, as noted on the Plan. The developer shall own and maintain Reserve A until at least 65% of the lots are sold and the homeowners' association has been formed, at which times Reserve A shall be transferred to, owned and maintained by the subdivision homeowners' association. The storm water requirement shall be met in Reserve B with the exclusion of the area from the existing easement east. This eastern area of Reserve B shall remain treed and undisturbed and the wetland area shall be protected. Trees that are not dead or diseased of 6 inch caliper or greater removed for construction of storm water detention shall be replaced in accordance with Text C(6);
3. The Plan titled "Montgomery Bluffs", August 7, 2008, and signed August 7, 2008 by Connie J. Klema, Attorney, Applicant, is submitted with this application and incorporated by reference in this limitation Text as the preliminary development plan for the site, subject to adjustment with final engineering and platting, Any modification or adjustment is subject to review and approval by the Development Director or designee, upon submission of appropriate data regarding the proposed adjustment.

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