



## Legislation Details (With Text)

**File #:** 1274-2005      **Version:** 2

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

**File created:** 7/1/2005      **In control:** Zoning Committee

**On agenda:** 7/25/2005      **Final action:** 7/27/2005

**Title:** To rezone 3558 WEST HENDERSON ROAD (43228), being 2.72± acres located on the north side of West Henderson Road, 165± feet east of Brynwood Drive, From: R, Rural District, To: PUD-4, Planned Unit Development District and to declare an emergency.(Rezoning # Z05-019) (AMENDED BY ORD. 1532-2006 PASSED 9/11/2006); (AMENDED BY ORD. 1019-2014 PASSED 5/19/2014)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1274-2005site.pdf, 2. ORD1274-2005sitedata.pdf, 3. ORD1274-2005rpt.pdf, 4. ORD1274-2005zon.pdf, 5. ORD1274-2005gis.pdf, 6. ORD1274-2005NWCA.pdf, 7. ORD1274-2005PrjDscI.pdf, 8. ORD1274-2005Ibls.pdf, 9. City Council Data FormZ05-019.pdf

Date	Ver.	Action By	Action	Result
7/27/2005	2	MAYOR	Signed	
7/27/2005	2	CITY CLERK	Attest	
7/25/2005	2	Zoning Committee	Amended to Emergency	Pass
7/25/2005	2	COUNCIL PRESIDENT	Signed	
7/25/2005	1	Zoning Committee	Approved as Amended	Pass
7/18/2005	1	Columbus City Council	Read for the First Time	
7/13/2005	1	City Clerk's Office	Sent back for Clarification/Correction	
7/13/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
7/7/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
7/6/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
7/6/2005	1	Dev Zoning Drafter	Sent for Approval	
7/6/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
7/1/2005	1	Dev Zoning Drafter	Sent for Approval	

**REZONING APPLICATION:** Z05-019

**APPLICANT:** Programmed Building Services of Ohio; c/o David Perry, Agent; The David Perry Company; 145 East Rich Street; Columbus, OH 43215; and Donald T. Plank, Atty.; Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on June 9, 2005.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The Applicant is requesting the PUD-4, Planned Unit Development District to develop a maximum of 10 detached single-family dwellings on private streets with a proposed net density of 3.67 dwelling units per acre which is consistent with the development patterns of the area.

To rezone **3558 WEST HENDERSON ROAD (43228)**, being 2.72± acres located on the north side of West Henderson Road, 165± feet east of Brynwood Drive, **From:** R, Rural District, **To:** PUD-4, Planned Unit Development District **and to declare an emergency.**(Rezoning # Z05-019) **(AMENDED BY ORD. 1532-2006 PASSED 9/11/2006); (AMENDED BY ORD. 1019-2014 PASSED 5/19/2014)**

**WHEREAS**, application #Z05-019 is on file with the Building Services Division of the Department of Development requesting rezoning of 2.72± 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**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance as the applicant has to close on the property within thirty days for the immediate preservation of the public peace, property, health and safety; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the Applicant is requesting the PUD-4, Planned Unit Development District to develop a maximum of 10 detached single-family dwellings on private streets with a proposed net density of 3.67 dwelling units per acre which is consistent with the 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:

**3558 WEST HENDERSON ROAD (43228)**, being 2.72± acres located on the north side of West Henderson Road, 165± feet east of Brynwood Drive, and being more particularly described as follows:

**DESCRIPTION OF A 2.724 ACRE PARCEL OF LAND**

Situated in the Township of Perry, County of Franklin, State of Ohio, and being a 2.724 acre parcel of land consisting of all of parcel number 590-234519 (0.68 acre), all of parcel number 590-234517 (1.32 acre), and 0.724 acres out of parcel number 590-234516 (1.000 acre), all owned by Donald E. Davis of record in Instrument Number 200407210169343 (all references to records being on file in the Office of the Recorder, Franklin County, Ohio) said 2.724 acre parcel being more fully described herein;

Beginning in the centerline of Henderson Road and at the southeast corner of Brynwood Subdivision of record in Plat Book 60, Page 51, and the southwest corner of said 1.000 acre parcel;

Thence North 07° 07' 00" East with the east line of said Brynwood and the west line of said 1.000 acre parcel, said 1.32 acre parcel and said 0.68 parcel, a distance of 666.93 feet to a point at the northwest corner of said 0.68 acre parcel and on the east line of a 0.110 acre parcel of land owned by Michael Graves of record in Instrument Number 200308200263580 and being the southwest corner of Lot 9A of the Re-subdivision of Lots 6-7, 9-10 and 13-18 Brynwood Subdivision of record in Plat Book 62, Page 38;

Thence South 82° 53' 00" East with the south line of said Lot 9A and the north line of said 0.68 acre parcel, a distance of 200.68 feet to a point at the northeast corner of said 0.68 acre parcel and being on the west line of Lot 17 of the C.B. Shoemaker Subdivision of record in Plat Book 23, Page 41;

Thence South 02° 42' 00" West with the west line of said Shoemaker Subdivision, a distance of 136.90 feet to a point;

Thence South 15° 35' 59" West with the west line of said Shoemaker Subdivision, a distance of 340.61 feet to a point;

Thence South 18° 06' 05" East with a west line of said Shoemaker Subdivision, a distance of 213.94 feet to a point in the centerline of Henderson Road;

Thence North 82° 53' 00" West with the centerline of Henderson Road, a distance of 252.13 feet to the Point of Beginning. Containing 3.000 acres, 2.724 acres net after the following exception.

**EXCEPTING THE FOLLOWING 0.276 ACRE TRACT OF LAND**

Situated in the Township of Perry, County of Franklin, State of Ohio, and being a 0.276 acre parcel of land all out of parcel number 590-234516 (1.000 acre), owned by Donald E. Davis of record in Instrument Number 200407210169343 (all references to records being on file in the Office of the Recorder, Franklin County, Ohio) said 0.276 acre parcel being more fully described herein;

Beginning in the centerline of Henderson Road and the southeast corner of Brynwood Subdivision of record in Plat Book 60, Page 51, and the southwest corner of said 1.000 acre parcel;

Thence North 07° 07' 00" East with the east line of said Brynwood and the west line of said 1.000 acre parcel, a distance of 50.00 feet to a point;

Thence South 82° 53' 00" East across said 0.68 acre parcel and parallel with the centerline of Henderson Road, a distance of 228.58 feet to a point on the east line of said 0.68 acre parcel and on the west of Lot 25 of the C.B. Shoemaker Subdivision of record in the Plat Book 23, Page 41;

Thence South 18° 06' 05" East with the east line of said 0.68 acre parcel and the west line of said Shoemaker Subdivision, a distance of 55.27 feet to a point at the southeast corner of said 0.68 acre parcel and the southwest corner of said Shoemaker Subdivision;

Thence North 82° 53' 00" West with the centerline of Henderson Road, a distance of 252.13 feet to the True Point of Beginning. Containing 0.276 acres.

For the purpose of this description a bearing of North 82° 53' 00" West was held on the centerline of Henderson Road.

This description was prepared for zoning purposes and is based on documents of record on file in the Office of Recorder, Franklin County, Ohio. This description is not based upon an actual field survey.

**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 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 PUD -4, Planned Unit Development District and Application among the records of the Building Services Division as required by Section 3311.09 of the Columbus City Codes; said plan being titled, "**SLATEY HALLOW SINGLE FAMILY CONDOMINIUMS**" signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, dated June 13, 2005.

**PUD NOTES**

**3558 West Henderson Road  
Z05-019**

1) Permitted Uses and Development Standards shall be as established in Chapter 3332, Residential Districts, as applicable to the R-2, Residential District, except as noted in these PUD Notes, the Site Data Table and as depicted on the PUD Plan drawings. The site will be developed with a maximum of ten (10) detached single-family dwellings without lots as condominium dwelling units offered for sale. The condominium units will not be on separate lots and no lots shall be required. All dwelling unit owners shall be required to participate in a condominium association for the development. All on-site streets shall be private streets. Vehicular access to the site shall be provided from West Henderson Road.

2) The development depicted on the PUD drawing is illustrative of the planned development and is subject to adjustment and

modification with final engineering and final design. Specific building footprints are illustrative, but all buildings will be detached single-family dwellings and all dwellings shall have side-load garages, generally as depicted on the land plan. All condominium units are permitted patios, porches (open or enclosed) and/ or decks.

- 3) Minimum perimeter building and pavement setbacks shall be: Building Lines - West Henderson Road - 75 feet, Parking/Vehicular Pavement setback from West Henderson Road - 75 feet, Building setback from the present perimeter property lines - min. 15 feet. The perimeter building setback lines shall also establish and satisfy all rear yard requirements. Pavement setback shall not apply to the Henderson Road sidewalk or internal walks. The building setback from the internal private street shall be twenty (20) feet, except as noted on the PUD Plan.
- 4) Open Space shall be provided as depicted on this PUD plan. Open Space Area A shall be planted with annual Rye grass following completion of grading. Planting in Open Space Area A shall consist of a minimum of five (5) hardwood trees (Maple, Oak, for example), five (5) Redbud trees and ten (10) Viburnum shrubs. Plant material shall be randomly placed to simulate a naturalized area and the area shall be maintained as a naturalized area. Developer shall preserve trees of 6" caliper or greater in the west and north setback areas and Open Space A, as indicated on the Plan. Other trees may be preserved subject to actual house footprint, placement and grading requirements. Orange construction fencing shall be placed to delineate the boundary(s) of tree preservation areas prior to starting site grading.
- 5) Stack parking in the driveway of a condominium unit shall be permitted, subject to no parked vehicle blocking or in any way obstructing the sidewalk parallel to the internal private street.
- 6) Street or ornamental trees shall be planted along the internal private street at the rate of not less than two (2) per condominium unit. The trees shall be planted on both sides of the private street at approximately 40 feet on center and may be aligned on opposite sides of the street, or off-set. Trees shall meet the following minimum requirements at time of planting, except where trees are noted as being a larger size at planting: Street trees - minimum 2 ½" caliper, Ornamental trees - 1 ½" caliper, Evergreen Trees - 5 - 6 height. Weather permitting, dead or diseased plant material required by this text shall be replaced within 6 months.
- 7) Street trees shall be planted along West Henderson Road at the rate of approximately one (1) tree per 40 lineal feet. Street tree planting shall be incorporated into the ten (10) foot wide public easement or within the right of way, if permitted.
- 8) The "Minimum Net Floor Area for Living Quarters", as defined in Section 3303.13, Letter M, Columbus Zoning Code, shall be 1,500 square feet per condominium unit. Each condominium unit shall include not less than a 2 car attached garage.
- 9) The development shall comply with the Parkland Dedication Ordinance (PDO), as applicable.
- 10) Utility crossing(s) may be required across perimeter setback/open space/buffer areas and shall be permitted for provision of utilities to the site.
- 11) All residents shall have a private refuse container(s).
- 12) Site lighting shall utilize fully shielded, cut-off light fixtures or decorative luminaire-style fixtures. Building mounted lighting shall be provided by wall mounted fixtures, such as coach lights, attached to the condominium units. All external building mounted light fixtures shall be the same or similar for consistency in appearance and style. All lighting along the private streets and any common area lighting shall be the same or similar for consistency in appearance and style.
- 13) All new utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.
- 14) An Entrance feature consisting of low walls and/or fencing and additional landscaping shall be permitted in Open Space Area A and/or on the west side of the private street, subject to a minimum setback from West Henderson Road of twenty (20) feet. A gazebo, bench(s), building of less than 100 sq. ft. or similar decorative features may be included in an entrance feature design, but shall only be located on the west side of the private street in Open Space reserve B. If lighting is provided on the entrance feature, it shall be for the purpose of accent lighting only and the lighting shall consist of low ground mounted fixtures that are fully shielded from view with landscaping or other materials.
- 15) The private streets shall be designed with a minimum pavement width of 22 feet. The private street shall have curb on both sides of the pavement.

a. Parking restrictions shall be installed per current City policy on signage for private streets and alleys/lanes. They shall include that parking be limited to one side of the street where street widths are less than 26 ft., no parking shall be permitted on either side of any

street within 61 ft. of the midpoint of street intersections, and that there will be no parking on alleys/lanes. Fire hydrants shall be located on the side of the street where no parking is permitted.

b. The owner, developer, and/or the Homeowners Association must establish and maintain an agreement(s) with a private towing company(s), which authorizes the private towing company(s) to remove/tow any vehicles parked in restricted areas. There may be one or more such agreements with one or more towing company(s) for any times/lengths, terms, etc. as the owner, developer, and/or Homeowners Association determines, so long as at least one such agreement shall always, at all times be in force for the purposes of enforcements/removal/towing as required above. Towing agreements shall be filed annually with the Columbus Division of Fire, Fire Prevention Bureau, Plans Review Office, upon execution of contract."

c. The owners, developer, and/or Homeowners Association shall designate the City of Columbus as an authorized agent for the sole and specific purposes of enforcement of parking restrictions and the issuance of citations and/or removal of vehicles parked in violation of posted parking restrictions on private streets and alley/lanes.

d. Intersection details concerning turning radii, parking restrictions, and intersection configurations shall conform with the Fire Vehicle Access Plan.

16) A temporary sales office shall be permitted prior to the development of a model condominium unit(s).

17) Graphics shall comply with the Columbus Graphics Code, Title 33, Article 15, of the Columbus City Code in accordance with R-2, Residential district standards. Any variance to the applicable requirement(s) of the Graphics Code shall be submitted to the Columbus Graphics Commission.

18) The Columbus Board of Zoning Adjustment shall be the body to hear requests for variances, except as a variance may pertain to graphics, to development standards established by this PUD Plan or to applicable standards of the R-2, Residential District.

19) Sidewalks shall be provided in the West Henderson Road right of way or within a public easement on the property, as directed by the Division of Transportation, unless waived in whole or part by the Public Service Department. The internal private street shall have a four (4) foot wide sidewalk on one side of the private street.

20) This PUD is located in flood hazard Zone X, as shown on the Federal Emergency Management Agency Insurance Rate Map Number 39049C0137G, effective August 2, 1995.

21) Building materials shall be all natural materials and may include, for example, wood, stone (natural or synthetic), brick, stucco or comparable materials. Hardi-plank, if used, shall only be used as an accent material.

22) A total of twenty (20) 8 - 10 foot tall evergreen trees shall be planted in or adjacent to the west setback, with particular emphasis on tree planting in the area adjacent to Lots 1 - 4, inclusive, of the Brynwood Subdivision to the west, as illustrated on the Plan.

23) A six (6) foot wood opaque fence will be installed parallel to the west property line adjacent to Lots 1 - 3, inclusive, of the Brynwood Subdivision, abutting the site to the west. The fence shall be installed within the 15 foot setback area, generally at or near the property line, subject to actual field location at the time of construction.

24) A storm water catch basin shall be located near the west property line of the site in the area adjacent to Lots 1 or 2 of Brynwood Subdivision, located abutting the site to the west. This storm water catch basin will be included in the design of the storm water system for the development and installed at the time of construction of the storm water system. The exact location of this storm water catch basin shall be determined with final engineering and shall be depicted on the site plan submitted for a Certificate of Zoning Clearance.

25) A minimum of 16 evergreen trees (5'-6' tall at planting) shall be planted along the east side of the internal street as depicted.

June 13, 2005

**SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.~~**