



Legislation Details (With Text)

File #: 0599-2010 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/12/2010 **In control:** Zoning Committee

On agenda: 4/19/2010 **Final action:** 4/22/2010

Title: To amend Ordinance #1069-2008, passed July 21, 2008, for property located at 4815 Leppert Road, by repealing Section 3 in its entirety and replacing it with a new Section 3 and modified development plan to allow alternative dwelling types (Rezoning Z05-056B).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0599-2010Attachments.pdf, 2. City Council Data Form_Z05-056B.pdf

Date	Ver.	Action By	Action	Result
4/22/2010	1	CITY CLERK	Attest	
4/20/2010	1	ACTING MAYOR	Signed	
4/19/2010	1	Zoning Committee	Waive the 2nd Reading	Pass
4/19/2010	1	Zoning Committee	Approved	Pass
4/19/2010	1	COUNCIL PRESIDENT	Signed	
4/15/2010	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
4/14/2010	1	Dev Zoning Reviewer	Reviewed and Approved	
4/14/2010	1	Dev Zoning Drafter	Sent for Approval	
4/14/2010	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
4/12/2010	1	Dev Zoning Drafter	Sent for Approval	

Rezoning Application Z05-056B

Ordinance #0479-2006, passed May 22, 2006, for property located at 4815 Leppert Road, rezoned 30.4± acres from the R, Rural District to the TC, Town Center, and PUD-4, Planned Unit Development District. The original PUD-4 district consists of 28.1± acres and permitted the development of 26 four-unit dwellings for a total of 104 units and a density of 3.7 units per acre. Ordinance #1069-2008 amended Ordinance #0479-2006, and allowed the applicant to construct up to twenty (20) detached single-family dwelling units or ten (10) two-family dwelling units, or a combination of both single and two-family dwelling types for a maximum of 20 dwelling units. That configuration was substituted in place of the twenty-four (24) dwelling units in six (6) four-family buildings in the same area. The applicant constructed the previously mentioned 20 dwelling units and now via this Ordinance wishes to amend Ordinance #1069-2008 to construct either a maximum of nineteen (19) more single-family dwellings or a maximum of ten (10) more two-family dwelling units; or a maximum of five (5) four-family dwelling units or a combination of either single-family, two-family or four-family dwelling units in an expanded area. No matter what combination of dwelling units is ultimately built, the total number of dwelling units for entire site shall not exceed 104 dwelling units as was originally agreed to. This amendment does not increase density, reduce open space, or otherwise alter any other requirements established by Ordinance #0479-2006.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To amend Ordinance #1069-2008, passed July 21, 2008, for property located at 4815 Leppert Road, by repealing Section 3 in its entirety and replacing it with a new Section 3 and modified development plan to allow alternative dwelling types (Rezoning Z05-056B).

WHEREAS, Ordinance #1069-2008, passed July 21, 2008, for property located at 4815 Leppert Road, rezoned 30.4± acres from the R, Rural District to the TC, Town Center, and PUD-4, Planned Unit Development District; and

WHEREAS, the PUD-4 district consists of 28.1± acres and permits the development of a total of 104 units and a density of 3.7 units per acre; and

WHEREAS, the development is nearly complete and the applicant desires to develop the remaining site with either a maximum of nineteen (19) more single-family dwellings or a maximum of ten (10) more two-family dwelling units; or a maximum of five (5) four-family dwelling units or a combination of either single-family, two-family or four-family dwelling units; and

WHEREAS, this legislation will amend Ordinance #1069-2008, passed July 21, 2008, to establish a revised PUD-4 plan that allows an alternative design with the proposed single-family dwelling types; and

WHEREAS, this amendment does not increase density, reduce open space, or otherwise alter any other requirements established by Ordinance #1069-2008, now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That existing Section 3 of Ordinance #1069-2008, passed July 21, 2008, (Z05-056A), be amended by repealing said Section 3 in its entirety and that a new Section 3 is adopted and reading as follows:

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 and TC, Town Center Districts and Application among the records of the Building Services Division as required by Sections 3311.09 and 3320.13, respectively, of the Columbus City Codes, said PUD-4 plan being titled, "**AMENDED DEVELOPMENT PLAN FOR: WOODS AT HAYDEN RUN CONDOMINIUMS**," signed on April 5, 2010 by Thomas L. Hart, attorney for the Applicant and said TC plans being titled "**ZONING DISTRICTS**," "**NATURAL FEATURES PLAN**," "**CIVIC SPACES**," "**THOROUGHFARE PLAN**," "**REGIONAL MAP**," and TND statement of principles titled, "**Z05-056, 4815 LEPPERT ROAD, Statement Addressing TND Principles**," all signed on February 2, 2006 by Jeffrey L. Brown, attorney for the Applicant, and the PUD-4 text reading as follows:

PUD-4 NOTES:

1. ORDINANCE 1069-2008 ALLOWED THE DEVELOPER TO CONSTRUCT UP TO TWENTY (20) DETACHED SINGLE-FAMILY DWELLING UNITS OR TEN (10) TWO-FAMILY UNITS, OR SOME COMBINATION OF BOTH DWELLING TYPES, NOT TO EXCEED A TOTAL OF TWENTY (20) DWELLING UNITS, WHETHER DETACHED SINGLE-FAMILY, TWO-FAMILY, OR A COMBINATION THEREOF, TO BE SUBSTITUTED FOR THE TWENTY-FOUR (24) DWELLING UNITS, IN SIX (6) FOUR-FAMILY BUILDINGS THAT WERE PREVIOUSLY APPROVED FOR THE COMMUNITY IN THE SHADED AREA DEPICTED ON THE DEVELOPMENT PLAN ATTACHED TO APPLICATION Z05-056(A).

IN ADDITION TO THE ABOVE PARAGRAPH, THE DEVELOPER MAY CONSTRUCT EITHER UP TO NINETEEN (19) ADDITIONAL SINGLE-FAMILY UNITS; UP TO TEN (10) TWO-FAMILY UNITS; OR UP TO FIVE (5) FOUR-FAMILY BUILDINGS IN THE SHADED AREA OR SOME COMBINATION OF APPROVED UNIT TYPES, HOWEVER THE TOTAL NUMBER OF DWELLING UNITS SHALL NOT EXCEED 104 FOR THE ENTIRE SITE.

2. THE BUILDING FOOTPRINTS AND THE STREET ALIGNMENTS SHALL BE DEVELOPED AS SHOWN ON THIS PLAN, HOWEVER THEY ARE SUBJECT TO REFINEMENT AND MAY BE ADJUSTED TO REFLECT ENGINEERING, TOPOGRAPHICAL, MARKET DEMAND OR OTHER SITE DATA ESTABLISHED AT THE TIME OF DEVELOPMENT AND ENGINEERING PLANS ARE COMPLETED. THE DIRECTOR OF THE DEPARTMENT OF DEVELOPMENT OR THE DIRECTOR'S DESIGNEE MAY APPROVE ADJUSTMENTS TO THE STREET ALIGNMENT UPON SUBMISSION OF THE APPROPRIATE DATA REGARDING THE PROPOSED ADJUSTMENT.
3. HOMES MAY BE USED AS MODEL HOMES FOR THE PURPOSE OF MARKETING AND SALES. A MANUFACTURED MODULAR BUILDING OR A MODEL HOME MAY BE USED AS A SALES OFFICE DURING THE DEVELOPMENT OF THE PROJECT AND THE CONSTRUCTION OF HOMES THEREIN.
4. THE DEVELOPER SHALL INSTALL TWO TREES PER DWELLING UNIT. STREET TREES SHALL BE INSTALLED AT REGULAR INTERVALS. STREET TREES SHALL BE 2.5" CALIPER MINIMUM AND SPECIES SHALL NOT BE MIXED ON INDIVIDUAL STREETS.
5. DEVELOPER SHALL INSTALL DECORATIVE STREET LAMPS AT REGULAR INTERVALS SIMILAR TO CITY OF COLUMBUS STANDARD SPACING.
6. MINIMUM SEPARATION BETWEEN BUILDINGS SHALL BE AT LEAST 10 FEET UNLESS VARIED PURSUANT TO NOTE 7 BELOW.
7. THOSE AREAS ALONG HAYDEN RUN AND LEPPERT ROADS SHALL HAVE A LANDSCAPE BUFFER INSTALLED BY THE DEVELOPER WITH A MINIMUM OF ONE DECIDUOUS SHADE TREE, TWO ORNAMENTAL TREES AND FOUR EVERGREEN TREES PER ONE HUNDRED LINEAL FEET.
8. ALL DWELLING UNITS HAVE ATTACHED TWO CAR GARAGES.
9. FIVE FOOT WIDE SIDEWALKS SHALL BE INSTALLED ALONG THE SOUTH SIDE OF HAYDEN RUN ROAD AND THE WEST SIDE OF LEPPERT ROAD.
10. THE DEVELOPER AGREES TO PROVIDE ADDITIONAL RIGHT-OF-WAY, BEYOND THE CURRENT THOROUGHFARE PLAN REQUIREMENTS, FOR HAYDEN RUN ROAD AND LEPPERT ROAD, IF DEEMED NECESSARY BY THE TRANSPORTATION DIVISION, AS A RESULT OF THE ON GOING TRAFFIC STUDIES.
11. STACKED PARKING WITHIN THE DRIVEWAYS OF THE DWELLING UNITS, IN FRONT OF THE GARAGE OF EACH UNIT, IS PERMITTED, SUBJECT TO THE GARAGE DOOR BEING NO LESS THAN EIGHTEEN (18) FEET FROM THE ROADWAY EDGE.
12. PARKING:
 - A. PARKING SHALL BE CONTROLLED BY APPROPRIATE SIGNAGE DISPLAYED WITHIN THE DEVELOPMENT. PARKING SHALL BE LIMITED TO ONE SIDE OF THE STREET IF SAID STREET IS LESS THAN 26 FEET IN WIDTH OR BOTH SIDES OF THE STREET IF SAID STREET IS 26 FEET OR WIDER. NO PARKING SHALL BE PERMITTED ON EITHER SIDE OF ANY STREET WITHIN 25 FEET OF STREET INTERSECTIONS. FIRE HYDRANTS SHALL BE LOCATED ON THE SIDE OF THE STREET WHERE NO PARKING IS PERMITTED. ENFORCEMENT BY THE CONDOMINIUM/ HOMEOWNER ASSOCIATION SHALL BE ESTABLISHED BY THE RULES AND REGULATIONS OF THE CONDOMINIUM/ HOMEOWNER ASSOCIATION. THE FINAL DESIGN/LAYOUT OF ALL ONSITE PARKING IS SUBJECT TO REVIEW AND APPROVAL OF THE TRANSPORTATION DIVISION.
 - B. THE OWNER, DEVELOPER AND OR THE CONDOMINIUM/HOMEOWNER ASSOCIATION MUST ESTABLISH AND MAINTAIN AN AGREEMENT(S) WITH PRIVATE TOWING COMPANY(S), WHICH AGREEMENTS AUTHORIZE THE PRIVATE TOWING COMPANY(S) TO REMOVE/TOW ANY VEHICLES PARKING 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 ASSOCIATION DETERMINES, SO LONG AS AT LEAST ONE SUCH AGREEMENT SHALL ALWAYS AT ALL TIMES BE IN FORCE FOR THE PURPOSES OF ENFORCEMENT/ REMOVAL/ TOWING, AS REQUIRED ABOVE. TOWING AGREEMENTS SHALL BE FILED

WITH THE CITY OF COLUMBUS DIVISION OF FIRE, FIRE PREVENTION BUREAU, UPON EXECUTION OF SAID AGREEMENT(S).

C. PARKING IS NOT TO BE ALLOWED ANYWHERE BUT IN GARAGES, ON STREETS AS SET FORTH IN NOTES 12.A, ABOVE, AND IN DRIVEWAYS WHERE APPLICABLE. IN CONJUNCTION WITH NOTE 12.A, ABOVE, THE OWNER, DEVELOPER, THEIR SUCCESSORS AND ASSIGNS (INCLUDING THE CONDOMINIUM/HOMEOWNER ASSOCIATION) MUST PROVIDE AND MAINTAIN ADEQUATE AND PROPER SIGNAGE TO DESIGNATE ALL NO-PARKING ZONES.

D. SIGNAGE REGULATING PARKING SHALL BE INSTALLED CONSISTENT WITH CITY SIGNAGE REQUIREMENTS FOR PRIVATE STREETS, AND PARKING REQUIREMENTS SHALL BE ENFORCED THROUGH AN AGREEMENT BETWEEN THE CONDOMINIUM/HOMEOWNER ASSOCIATION AND A PRIVATE TOWING COMPANY. SUCH AGREEMENT, TOGETHER WITH THE ASSOCIATION'S GOVERNING DOCUMENTS, SHALL BE FILED WITH THE CITY CONSISTENT WITH COLUMBUS CITY CODE §3320.15(A) (6).

E. THE OWNER, DEVELOPER, OR THE CONDOMINIUM/HOMEOWNER ASSOCIATION, AS APPLICABLE, 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 OR ALLEYS.

F. INTERSECTION DETAILS CONCERNING TURNING RADII, PARKING RESTRICTIONS AND INTERSECTION CONFIGURATIONS SHALL CONFORM TO THE FIRE VEHICLE ACCESS PLAN.

13. ANCILLARY GRADING WITHIN THE PROPOSED 4.5± ACRE OPEN SPACE FOR THE RESIDENTIAL UNITS AND UTILITIES SHALL BE PERMITTED ONLY AT BUILDINGS X, Y & Z. ALL NECESSARY STORM SEWER OUTLETS SHALL BE PERMITTED WITHIN THE 4.5± ACRE OPEN SPACE. THE GRADING WILL BE LIMITED TO THE GREATEST EXTENT POSSIBLE IN FULFILLING THE INTENT OF THIS DEVELOPMENT PLAN AND SHALL BE APPROVED BY THE CITY OF COLUMBUS WITH AN APPROVED RESTORATION PLAN PRIOR TO DISTURBANCE.

14. THE 150' OPEN SPACE BUFFER WILL BE DEDICATED TO THE CITY OF COLUMBUS FOR PARKLAND ALONG HAYDEN RUN. PROPERTY MARKERS WILL BE LOCATED EVERY 100' OR AT CHANGES OF DIRECTION.

15. ELECTRIC SERVICE WITHIN THE DEVELOPMENT WILL BE UNDERGROUND EXCEPT FOR TRANSFORMERS OR ANY OTHER STRUCTURES NECESSARY TO SERVICE THE DEVELOPMENT.

16. RETENTION POND(S) ARE ALLOWABLE WITHIN THE 150' OPEN SPACE BUFFER FOR HAYDEN RUN AS SHOWN HEREON. SAID POND(S) SHALL BE SUBJECT TO LANDSCAPING AROUND THE PERIMETER OF THE POND(S) SUBJECT TO REVIEW AND APPROVAL FROM CITY OF COLUMBUS RECREATION AND PARKS. ONE 1-1/2" CALIPER (MIN.) TREE PER 900 SQ. FT. OF DISTURBANCE AND A WILDFLOWER MIX SHALL BE INCLUDED IN THE LANDSCAPING AROUND THE POND(S).

SECTION 2. That existing Section 3 of Ordinance #1069-2008 (Z05-056A), passed on July 21, 2008, be and is hereby repealed.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.