



## Legislation Details (With Text)

**File #:** 0142-2006      **Version:** 1

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

**File created:** 1/17/2006      **In control:** Zoning Committee

**On agenda:** 6/12/2006      **Final action:** 6/14/2006

**Title:** To rezone 5500 BROADVIEW ROAD (43230), being 5.5± acres located on the north side of Broadview Road, 120± feet east of Woodville Drive, From: R, Rural District, To: PUD-6, Planned Unit Development District. (Rezoning # Z05-076)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0142-2006attachments.pdf, 2. ORD0142-2006lbs.pdf, 3. City Council Data Form\_Z05-076.pdf

Date	Ver.	Action By	Action	Result
6/14/2006	1	MAYOR	Signed	
6/14/2006	1	CITY CLERK	Attest	
6/12/2006	1	Zoning Committee	Taken from the Table	Pass
6/12/2006	1	Zoning Committee	Approved	Pass
6/12/2006	1	COUNCIL PRESIDENT	Signed	
6/5/2006	1	Zoning Committee	Waive the 2nd Reading	Pass
6/5/2006	1	Zoning Committee	Tabled to Certain Date	Pass
5/19/2006	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
5/18/2006	1	Dev Zoning Reviewer	Reviewed and Approved	
5/18/2006	1	Dev Zoning Drafter	Sent for Approval	
5/18/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
1/17/2006	1	Dev Zoning Drafter	Sent for Approval	

**REZONING APPLICATION:** Z05-076

**APPLICANT:** Mike Smith; c/o Jill Tangeman, Atty.; Vorys, Sater, Seymour and Pease; 52 East Gay Street; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on December 8, 2005.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested PUD-6, Planned Unit Development District would allow development of a maximum of 21 detached single-family dwellings on private streets with a proposed net density of 4.1 units per acre. This proposal is consistent with the zoning and development patterns of the area. The commitment to the preservation of existing trees and internal sidewalk are consistent with the policies included in the *Northland Plan Volume II* (2002).

To rezone **5500 BROADVIEW ROAD (43230)**, being 5.5± acres located on the north side of Broadview Road, 120± feet east of Woodville Drive, **From:** R, Rural District, **To:** PUD-6, Planned Unit Development District. (Rezoning # Z05-076)

**WHEREAS**, application #Z05-076 is on file with the Building Services Division of the Department of Development requesting rezoning of 5.5± acres from R, Rural District, to PUD-6, Planned Unit Development 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 PUD-6, Planned Unit Development District would allow development of a maximum of 21 detached single-family dwellings on private streets with a proposed net density of 4.1 units per acre. This proposal is consistent with the zoning and development patterns of the area. The commitment to the preservation of existing trees and internal sidewalk are consistent with the policies included in the *Northland Plan Volume II* (2002), 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:

**5500 BROADVIEW ROAD (43230)**, being 5.5± acres located on the north side of Broadview Road, 120± feet east of Woodville Drive, and being more particularly described as follows:

**DESCRIPTION OF A 5.500 ACRE TRACT OF LAND**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 4, Township 2, Range 17, United States Military Lands and being all of Parcels 1 and 2 as conveyed to Michael D. and Sarah D. Smith by deed of record in Instrument Number 200512070258038, and all of that 2.0 acre tract as conveyed to Continental Investments, Limited by deed of record in Instrument Number 200304230118565, said 5.500 acres being more particularly bounded and described as follows:

**Beginning**, for reference, at the centerline intersection of Broadview Road and Woodville Drive, as shown on that subdivision entitled "Blendon Estates" of record in Plat Book 67, Pages 8 and 9;

Thence **S 86° 18' 35" E**, with the centerline of said Broadview Road, a distance of **145.09 feet** to a P.K. set at southeasterly corner of said "Blendon Estates", being the northwesterly corner of that 0.144 acre tract as conveyed to the City of Columbus by deed of record in Deed Book 3627, Page 418, and being the **True Point of Beginning**;

Thence **N 01° 41' 49" E**, with the easterly line of said "Blendon Estates", (passing a ¾" iron pin found at 28.57 feet, 1.35 feet left of line) a distance of **435.86 feet** to a ¾" iron pin found at the southwesterly corner of Reserve "B" of said "Blendon Estates";

Thence **S 86° 18' 35" E**, with a southerly line of said "Blendon Estates", (passing a ¾" iron pin found at 200.16 feet) a distances of **550.07 feet** to an iron pin set at a southeasterly corner of said "Blendon Estates", being a southwesterly corner of Lot 15 of that subdivision entitled "Broadview Commons" of record in Plat Book 73, Page 45, and being the northwesterly corner of Parcel 1 (1.0 acre) as conveyed to Denise E. Silva by deed of record in Instrument Number 200302050036325;

Thence **S 01° 42' 25" W**, with the westerly line of said Parcel 1 (1.0 acre), (passing a ¾" iron pin found at 406.20 feet) a distance of **435.86 feet** to a railroad spike found in the centerline of said Broadview Road;

Thence **N 86° 18' 35" W**, with the centerline of said Broadview Road, (passing a railroad spike found at 341.13 and 491.16 feet) a distance of **550.00 feet** to the **True Point of Beginning**, and containing **5.500 acres** of land, more or less, as calculated by the above courses. Subject, however, to all legal highways, easements, and restrictions of record. The above description was prepared by Clark E. White, P.S. #7868 on March 22, 2006.

All iron pins set are ¾" diameter, 30" long with plastic cap inscribed "Advanced 7661".

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio. The **Basis of**

**Bearings** used in this description was transferred from a GPS survey of **Franklin County Monuments "FCGS 6666" and "FCGS 8813"** performed by the Franklin County Engineer's Office, and is based upon the NAD83 Ohio State Plane Coordinate System, South Zone, 1986 adjustment, and determines the bearing between said monuments as **N 03° 19' 23" E**.

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

**To:** PUD-6, Planned Unit Development District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the PUD-6, 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 -6, 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, "**CONCEPT FOR BROADVIEW ROAD TRACT**" signed by Jill Tangeman, Attorney for the Applicant, dated April 21, 2006 and said notes Application No. "**Z05-076 PUD PLAN NOTES**" dated April 27, 2006.

**Application No.: Z05-076**

**Applicants: Mike Smith**

**Property: 5500 Broadview Road**

**Date: April 27, 2006**

**PUD PLAN NOTES:**

**Summary:**

- 1) The subject site is 5.5 acres located on Broadview Road, west of Hamilton Road. The subject PUD plan is for an owner-occupied condominium development with a total of twenty-one (21) units. All buildings will be single-family, detached structures with two car garages, and optional basements. External construction materials will include a mixture of cultured stone, brick or stucco and hardiplank or vinyl. Roofing shingles will be of architectural design, laminated fiberglass material, and weathered wood.

**General:**

- 1) The site shall be developed with a maximum of twenty-one (21) detached single-family dwellings without lots as condominium dwelling units offered for sale. The units will not be on separate lots and no lots shall be required. No other buildings shall be permitted other than the twenty-one (21) single-family detached dwellings, a gatehouse, water meter, U.S. mail building.
- 2) The development depicted on the PUD drawing is illustrative and is subject to adjustment and modification with final engineering and final design. Specific buildings footprints are illustrative, but all buildings will be detached single-family dwellings with two car garages with a minimum net floor area for living quarters of 1,500 square feet. All units are permitted patios and/or porches.
- 3) The street alignments shall be developed as shown on the plan and will be private. However, they are subject to refinement with final engineering and may be adjusted to reflect engineering, topographical or other site data established at the time of development and engineering plans are completed. The Director of Public Service or the Director's designee may approve adjustments to the street alignments upon submission of the appropriate data regarding the proposed adjustment.
- 4) Access shall be in accordance with the review and approval of the City of Columbus Division of Transportation. The plan identifies one full access drive onto Broadview Road with one emergency only access onto Broadview Road that will utilize grass pavers or an appropriate rock base course covered with top soil and grass. The emergency access will be clearly marked with signage.
- 5) Private streets shall be at least twenty-two (22) feet in width. The private street shall have concrete curbs on both sides of the pavement. Intersection details, including turning radii, will comply with the City of Columbus standards for 22' wide streets.
- 6) 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.

- 7) Parking restrictions shall be controlled by appropriate signage displayed within the development and shall include that parking shall be limited to one side of the street and that no parking shall be permitted on either side of any street within 61' of the street intersections. Fire hydrants shall be located on the side of the street where no parking is permitted. Enforcement by the condominium association shall be established by the rules and regulations of the condominium association.
- 8) Signage regulating parking shall be installed consistent with city signage requirements for public or private streets, as applicable. Parking requirements shall be enforced through an agreement between the condominium association and a private towing company. Such agreement, together with the association governing documents, shall be filed with the city consistent with Columbus City Code 3320.15(A) (10). There may be one or more such agreements with one or more towing companies for various lengths of time as the association determines, so long as at least one such agreement shall always be in force. All agreements shall be filed with the Division of Fire, Fire Prevention Bureau, upon execution. The City of Columbus shall be designated as an authorized agent under all contracts for the sole and specific purpose of enforcement of parking restrictions and the issuance of citations and/or removal of vehicles parked in violation of posted parking restrictions.
- 9) The applicant is applying for a sidewalk waiver to ask that the requirement to build a sidewalk in the Broadview Rd. right of way be waived in lieu of the sidewalk plan indicated on the plan. If the waiver is rejected, a four (4) foot wide sidewalk shall be installed along Broadview Road per city requirements.
- 10) Two parking spaces in a garage will be provided for each residential unit.
- 11) A retention pond shall be installed in accordance with existing drainage as identified on the plan. Construction shall be per city engineering specifications. The pond shall be landscaped with a combination of shade trees, bushes and/or ornamental grasses. Maintenance of the pond will be the responsibility of the condominium association and completed sufficient to avoid excess pond stagnation or excess algae growth. The pond will include a fountain.
- 12) 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.
- 13) The developer shall comply with the City of Columbus parkland dedication ordinance.
- 14) The minimum front yard building setback shall be twenty (20) feet measured from the edge of pavement. Minimum side yard building setback on corner lots shall be ten (10) feet measured from the edge of pavement.
- 15) The minimum rear yard building setback as measured from the north, east and west property lines shall be twenty-five (25) feet.
- 16) The minimum side yard separation between buildings shall be fifteen (15) feet. The minimum rear yard separation between buildings shall be forty (40) feet.
- 17) Minimum net floor area for living quarters shall be 1,500 square feet. Each unit shall have a two-car garage.
- 18) Numerous shrubs, bushes, etc. will be removed from the east property line so as to allow the existing hedge row to flourish and the existing fence on the east property line shall remain. A minimum of 55 evergreens shall be planted, a minimum of 6-8 ft apart, in a single row across the west property line. A minimum of 75 evergreens shall be planted, a minimum of 6-8 ft apart, in a single row across the north property line. The north evergreens shall be planted prior to commencing construction of dwelling units except in the case where the early planting shall negatively impacts the construction of units and/or the final grading of the common area adjacent to said units. As well, an attempt will be made to preserve existing trees along Broadview Rd. and those internal to the development. Trees that are to be preserved will be surrounded by a construction fence.
- 19) In addition, a black-green four-rail fence shall be installed along the north property line prior to the installation of the evergreen trees.
- 20) Landscaping to be installed according to this text shall be a mixture of evergreen, shade, ornamental and deciduous trees and

shrubs as identified on the site plan. The developer shall install one street tree per dwelling unit and two street trees per corner dwelling unit. Street trees shall also be planted along Broadview Road and shall be at least ten (10) feet from the right-of-way at the rate of approximately one tree per forty (40) lineal feet. All trees shall meet the following minimum size at the time of planting: 3" caliper for Frontage trees, 2 1/2" caliper for shade trees; 1 1/2" caliper for ornamental trees; 5 feet in height for evergreen trees. Tree caliper is measured six (6) inches from the ground. All trees and landscaping shall be well maintained. Dead items shall be replaced by the condominium association within six months or at the next planting season, whichever occurs first.

- 21) Refuse collection shall be by private hauler subject to approved City of Columbus Dumpster Waiver. Each unit will have individual refuse containers. No dumpsters will be permitted.
- 22) Utility crossings may be required across perimeter setback/open space/buffer areas and shall be permitted for provision of utilities to the site. All new utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.
- 23) Site lighting shall utilize full 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 units. All external building mounted light fixtures shall be the same or similar for consistency in appearance and style. Street and common area lighting will not exceed fourteen (14) feet in height or have an output of greater than 4,000 lumens. All lighting along the private streets and any common area lighting shall be the same or similar for consistency in appearance and style.
- 24) An entrance feature consisting of walls, fencing or gatehouse shall be permitted at the site entrance on Broadview Rd. 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.

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