



## Legislation Details (With Text)

**File #:** 1945-2004      **Version:** 2

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

**File created:** 10/26/2004      **In control:** Zoning Committee

**On agenda:** 12/6/2004      **Final action:** 12/9/2004

**Title:** To rezone 2180 EAKIN ROAD (43223), being 20.88± acres located on the north side of Eakin Road, 120± feet east of Whitethorne Avenue, From: M, Manufacturing, and R, Rural Districts, To: PUD-6, Planned Unit Development District and to declare an emergency. (Rezoning # Z04-062)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1945-2004Report&Maps.pdf, 2. ORD1945-2004Labels.pdf, 3. ORD1945-2004DataSheet.pdf

Date	Ver.	Action By	Action	Result
12/9/2004	2	CITY CLERK	Attest	
12/7/2004	2	MAYOR	Signed	
12/6/2004	1	Zoning Committee	Amended to Emergency	Pass
12/6/2004	2	Zoning Committee	Approved	Pass
12/6/2004	2	COUNCIL PRESIDENT	Signed	
11/29/2004	1	Columbus City Council	Read for the First Time	
11/16/2004	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/16/2004	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
11/15/2004	1	Dev Zoning Drafter	Sent for Approval	
11/15/2004	1	Dev Zoning Reviewer	Reviewed and Approved	
11/15/2004	1	Dev Zoning Drafter	Sent for Approval	

**Rezoning Application Z04-062**

**APPLICANT:** Columbus/Franklin County Affordable Housing Trust c/o John P. Kennedy, Atty. and Michael T. Shannon, Atty.; 500 South Front Street, Suite 1200; Columbus, Ohio 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0-1) on September 9, 2004.

**GREATER HILLTOP AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested PUD-6, Planned Unit Development District would permit 68 single-family dwellings and 28 multi-family residential units at a net density of 5.34 units/acre with 3.23 acres of open space, and includes street trees, landscaping, and screening. The request is consistent with the zoning and development patterns in the area.

To rezone **2180 EAKIN ROAD (43223)**, being 20.88± acres located on the north side of Eakin Road, 120± feet east of Whitethorne Avenue, **From:** M, Manufacturing, and R, Rural Districts, **To:** PUD-6, Planned Unit Development District **and to declare an emergency.** (Rezoning # Z04-062)

**WHEREAS**, application #Z04-062 is on file with the Building Services Division of the Department of Development requesting rezoning of 20.88± acres from M, Manufacturing, and R, Rural Districts, to the PUD-6, Planned Development District; and

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

**WHEREAS**, the Greater Hilltop Area Commission recommends disapproval 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 due to the terms of the purchase contract for this property, the applicant will suffer a substantial financial hardship without emergency passage of this legislation 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 requested PUD-6, Planned Unit Development District would permit 68 single-family dwellings and 28 multi-family residential units at a net density of 5.34 units/acre with 3.23 acres of open space, and includes street trees, landscaping, and screening. The request is consistent with the zoning and development patterns in 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:

**2180 EAKIN ROAD (43223)**, being 20.88± acres located on the north side of Eakin Road, 120± feet east of Whitethorne Avenue, and being more particularly described as follows:

**DESCRIPTION OF 20.88± ACRES**

Situated in the City of Columbus, County of Franklin, and State of Ohio; also being a portion of those lands as conveyed to Wyandotte Eakin Road LLC in Instrument Number 20020222004816, Parcel 2 and Parcel 3, and those lands as conveyed to Jeffrey A. and Kristan Hatfield as described in Instrument Number 20020412093884; being more particularly described as follows:

Commencing at a point along the centerline of Eakin Road, said point being the southwesterly corner of those lands as conveyed to Wyandotte Eakin Road LLC in Instrument Number 20020222004816, Parcel 2; thence along the westerly line of said Parcel 2 North 13° 45' 00" East, 30.00' to a point along the proposed new northerly right-of-way of Eakin Road, said point being the TRUE POINT OF BEGINNING, and from said beginning point running thence,

North 13° 45' 00" East, one thousand five hundred eighty-three and ninety-five one-hundredths feet (1,583.95'); thence,

South 76° 46' 31" East, ten and zero one-hundredths feet (10.00'); thence,

North 13° 45' 00" East, one hundred seventy-seven and thirty-six one-hundredths feet (177.36'); thence,

South 76° 06' 37" East, one hundred fifty-seven and sixty-four one-hundredths feet (157.64'); thence,

South 13° 45' 00" West, one hundred seventy-five and fifty-three one-hundredths feet (175.53'); thence,

South 76° 46' 31" East, six hundred forty and ninety-five one-hundredths feet (640.95'); thence,

South 13° 15' 28" West, four hundred thirty and twenty one-hundredths feet (430.20'); thence,

South 46° 38' 44" West, one hundred fifty-seven and thirty-three one-hundredths feet (157.33'); thence,

Along a curve to the left having a radius of 11,529.91'; a central angle of 5° 53' 46"; an arc length of 1,186.50'; and a chord bearing South 43° 41' 51" West for a distance of 1,185.94'

North 76 52 48 West, one hundred thirty-four and seventy-nine one-hundredths feet (134.79') to the point of beginning containing a total area of 20.795 acres, more or less, as calculated by Michael L. Keller, Professional Surveyor, Ohio License Number 7978.

This description is solely prepared for the purpose of zoning considerations. The above-described parcel is based on record information only, and not an actual field survey.

**To Rezone From:** M, Manufacturing, and R, Rural Districts,

**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 "**DEVELOPMENT PLAN FOR COLUMBUS/FRANKLIN COUNTY HOUSING TRUST,**" and text titled "**DEVELOPMENT TEXT**" both signed by Michael T. Shannon, Attorney for the Applicant, and dated September 9, 2004 and the text reading as follows:

**DEVELOPMENT TEXT**

**PUD-6, Planned Unit Development**

**20.88± Acres**

Existing District: M, Manufacturing and R, Residential

Proposed District: PUD-6

Property Address: 2180 Eakin Road, Columbus, Ohio

Owner: Wyandotte Eakin Road, LLC, c/o CRABBE, BROWN & JAMES, LLP, John P. Kennedy, Esq. & Michael T. Shannon, Esq., 500 S. Front St., Ste. 1200, Columbus, Ohio 43215, [jkennedy@cbjlawyers.com](mailto:jkennedy@cbjlawyers.com); [mshannon@cbjlawyers.com](mailto:mshannon@cbjlawyers.com)

Applicant: Columbus/Franklin County Affordable Housing Trust Corporation, c/o CRABBE, BROWN & JAMES, LLP, John P. Kennedy, Esq. & Michael T. Shannon, Esq., 500 S. Front St., Ste. 1200, Columbus, Ohio 43215, [jkennedy@cbjlawyers.com](mailto:jkennedy@cbjlawyers.com); [mshannon@cbjlawyers.com](mailto:mshannon@cbjlawyers.com)

Application No.: Z04-062

Date of Text: September 9, 2004

1. Introduction

The Columbus/Franklin County Affordable Housing Trust was established as an initiative by the City of Columbus and Franklin County to address the broad spectrum of affordable housing needs in our community.

The subject property ("Site") is an irregularly-shaped 20.88±-acre lot (3 parcels), located on the north side of Eakin Road and west of Harrisburg Road. Two of the subject parcels are currently zoned M, and the third parcel abutting Whitehead Road is zoned R. Single-family homes, zoned in the R2 residential district, are located immediately west of Site. Eakin Road borders the Site to the south, with property zoned M south, across Eakin Road. To the north is Whitehead Road and the Rea & Son Addition subdivision situated in Franklin Township.

The proposed Planned Unit Development consists of 6 sub-areas:

<u>Sub-Area:</u>	<u>Land Use:</u>	<u>Acreage:</u>	<u>Total Units :</u>
Sub-Area A	Single-Family	13.95	65 units

Sub-Area B	Condominium/Townhomes	3.06	28 units
Sub-Area C	Open Space	0.20	-0-
Sub-Area D	Open Space	2.91	-0-
Sub-Area E	Open Space	0.12	-0-
Sub-Area F	Single-Family	0.52	3 units

**2. Traffic Commitments:**

- (a) Any curb cuts, access points or other traffic-related commitments will be in accordance with the requirements and specifications of the City of Columbus Transportation Division.
- (b) Applicant shall dedicate an additional fifteen (15) feet of right-of-way (for a total of 40 feet of right-of-way) along Eakin Road, to Franklin County.

**3. Development Standards/PUD Plan Notes**

Site Data:

- Gross Area - 20.88+ acres
- Gross density - 4.60 units/acre
- Right-of-Way - 2.91+ acres
- Net Area - 17.35+ acres
- Net Density - 5.53 units/acre
- Open Space Required - 1.65+ acres
- Open Space Provided - 3.23+ acres
- Maximum number of units - 96
- Total single family units - 68
- Total condominiums/townhouses for sale - 28

**3A. Sub-Area A (11.21+ acres; 5.8 net u/a)**

This sub-area will be developed with 65 single-family homes, with the R-2 standards, with the following exceptions:

- (a) Minimum lot width shall be 45 feet at the building line, and 26 feet at the right-of-way line;
- (b) Minimum lot square footage shall be 5,400 sq. ft.
- (c) Minimum net floor area of living quarters for these houses shall be 1,000 sq. ft.
- (d) Each single family home shall have an attached garage.

**3B. Sub-Area B (3.13+ net acres; 8.95 net u/a)**

This sub-area will be developed with a maximum 28 condominiums/townhouses, in conformance with the development standards application to C.C.C. Chapter 3333 for Multi-Family Residential Development, except as follows:

- (a) Minimum side yard shall be 5 feet.
- (b) Minimum net floor area of living quarters for the condominiums/townhouses shall be 850 sq. ft.
- (c) Each townhouse shall have an attached garage.

**3C. Sub-Area C (0.20+ acres)**

This sub-area consists of 0.20+ acres, which shall be preserved as open space, and may be dedicated to the City of Columbus to be counted toward the Parkland Dedication Ordinance requirement.

**3D. Sub-Area D (2.96+ acres)**

This sub-area consists of 2.91± acres, which shall be preserved as open space, and may be dedicated to the City of Columbus to be counted toward the Parkland Dedication Ordinance requirement.

**3E. Sub-Area E (0.12+ acres)**

This sub-area consists of 0.12± acres, which shall be preserved as open space, and may be dedicated to the City of Columbus to be counted toward the Parkland Dedication Ordinance requirement.

**3F. Sub-Area F (0.46+ net acres; 6.52 net units/acre)**

This sub-area will be developed with 3 single-family homes, and developed with the R2, Residential District standards, with the following exceptions:

- (a) Minimum lot width shall be 45 feet (at the building line);
- (b) Minimum lot square footage shall be 5,400 sq. ft.
- (c) The minimum net floor area of living quarters for these houses shall be 1,000 sq. ft.

**3G. Landscaping Requirements**

In addition to miscellaneous landscape commitments contained in Section 5(b) and (c), Applicant agrees to the following:

- (a) Applicant shall provide street tree planting in the subdivision, and on Eakin Road will provide additional landscaping in addition to street trees. One (1) street tree shall be installed on every lot at a uniform setback and approximately even spacing. Two (2) street trees shall be installed on corner lots, with one street tree on each street frontage. Street trees shall be installed along the Site's Eakin Road frontage at an interval of 40 feet on center. Street trees shall be a minimum 2 ½" caliper at time of planting, and the type of tree shall be approved by the City Forester for street tree use.
- (b) Applicant shall provide a landscaped mound between Sub-Areas A and B, with pine trees installed at 10-foot intervals. The minimum size of these trees at the time of installation shall be five (5) feet.
- (c) Minimum size of all trees at installation shall be 2-1/2 inch caliper for deciduous, five (5) feet in height for evergreen, and 1-1/2 inch caliper for ornamental. Additional landscape trees shall be a minimum of 1.5-inch caliper at the time of installation.
- (d) All landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced with like material within six (6) months or the next available planting season, whichever occurs first. The size of the new material shall equal the size of the original material when it was installed.

**4. Parkland Commitments:**

- (a). The Applicant shall comply with the requirements of the City of Columbus Parkland Dedication Ordinance. The open space offered within Sub-Areas C, D and E, 0.20± acres, 2.91± acres and 0.12± acres respectively, may be offered to the City of Columbus as preserved open space in fulfillment of the Parkland Dedication Ordinance requirements.

**5. Miscellaneous Commitments**

- (a) The Site shall be developed in substantial accordance with the site plans submitted herewith. The site plans may be adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering plans are completed. Any such adjustment to the site plans is subject to review and approval by the director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.
- (b) The Site abuts the B&O Railroad line along the southeast property line. Currently, there exists a significant tree line/buffer. The Applicant shall establish a 50-foot setback from the railroad line and shall maintain the existing tree line. Trees and/or underbrush which interfere with the installation of utilities and/or walking path(s) may be removed, subject to any removal being the minimum necessary.
- (c) With regard to tree preservation, generally, Applicant commits to preserve as many existing trees as possible on site, and

especially along the property lines. Trees and/or underbrush which interfere with the installation of utilities and/or walking path(s) may be removed, subject to any removal being the minimum necessary.

(d) Pedestrian access paths shall be provided as depicted on site plan to Open Space in Sub-Area D.

**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.**