



## Legislation Details (With Text)

**File #:** 3021-2018      **Version:** 2

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

**File created:** 10/26/2018      **In control:** Zoning Committee

**On agenda:** 11/19/2018      **Final action:** 11/21/2018

**Title:** To rezone 7488 LEE ROAD (43081), being 81.92± acres located on the west side of Lee Road, 1,260± feet south of East Walnut Street, From: R, Rural District, To: PUD-4, Planned Unit Development District (Rezoning #Z18-005).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3021-2018.Attachments, 2. ORD3021-2018.Labels

Date	Ver.	Action By	Action	Result
11/21/2018	2	ACTING CITY CLERK	Attest	
11/20/2018	2	MAYOR	Signed	
11/19/2018	2	COUNCIL PRESIDENT	Signed	
11/19/2018	1	Zoning Committee	Amended to Emergency	Pass
11/19/2018	1	Zoning Committee	Approved	Pass

**Rezoning Application: Z18-005**

**APPLICANT:** M/I Homes of Central Ohio LLC; c/o David Hodge, Atty.; Underhill & Hodge, LLC; 800 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Single-unit residential subdivision.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-1) on September 13, 2018.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped and used for agricultural purposes. The requested PUD-4, Planned Unit Development District will allow construction of a single-unit residential subdivision comprised of 245 lots (3.43 units per acre) with 26.6± acres of provided open space. A small portion of this site is located within the boundaries of the *Rocky Fork-Blacklick Accord Plan* (2003), which recommends "Rural Residential" land uses for this location. This portion is also located within the boundaries of the Rocky Fork-Blacklick Accord Implementation Panel. However, Planning Division Staff did not require this application to go before the Panel, so a recommendation was not rendered. The majority of the site is not within a planning area, but is adjacent to the planning areas of the *Rocky Fork-Blacklick Accord Plan* and the *Northland Plan Volume II* (2002). Planning Division staff utilized these plans in formulating their recommendation. The development text commits to a site plan, and includes density and setback requirements, site access provisions, landscaping, exterior building material commitments, and graphics controls. The proposed development is compatible with adjacent residential developments, provides buffering from streets and adjacent lots, and provides future connectivity through the use of street stubs. The site also preserves a significant amount of open space and tree stands, and the open space effectively functions as an organizational element, as recommended by the *Rocky Fork-Blacklick Accord Plan* and the *Northland Plan Volume II*.

To rezone **7488 LEE ROAD (43081)**, being 81.92± acres located on the west side of Lee Road, 1,260± feet south of East Walnut Street, **From:** R, Rural District, **To:** PUD-4, Planned Unit Development District (Rezoning #Z18-005).

**WHEREAS**, application #Z18-005 is on file with the Department of Building and Zoning Services requesting rezoning of 81.92± 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**, the City Departments recommend approval of said zoning change because the requested PUD-4, Planned Unit Development District will allow a residential development that is compatible with adjacent residential developments, provides buffering from streets and adjacent lots, and provides future connectivity through the use of street stubs. The site also preserves a significant amount of open space and tree stands, and the open space effectively functions as an organizational element, as recommended by the *Rocky Fork-Blacklick Accord Plan* and the *Northland Plan Volume II*;

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance for the expansion of the City of Columbus, economic development, road improvements, and the provision of utilities and service, the subject property required annexation to the City of Columbus from Blendon Township in two separate phases under the statutory framework and obligatory waiting periods. To foster this growth, and to meet underlying contractual obligations to the property owner, emergency legislation is necessary to provide for the imminent transfer of the real estate; 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 # 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**7488 LEE ROAD (43081)**, being 81.92± acres located on the west side of Lee Road, 1,260± feet south of East Walnut Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Townships of Blendon and Plain, in Quarter Township 1, Township 2, Range 17, and Section 6, Township 2, Range 16, United States Military Lands, being comprised of all of the remainder of that 51.957 acre tract of land conveyed as Parcel No. 1 to Daryl J. Vesner and Teresa A. Vesner by deed of record in Official Record 6234B13, and all of the remainder of those tracts of land conveyed to Phillip J. Gardner, Trustee by deed of record in Instrument Number 201004090042903, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the northeasterly corner of Lot 7 of the subdivision entitled "Cautela Subdivision", of record in Plat Book 60, Page 99;

Thence North 86° 56' 25" West, with the northerly line of said "Cautela Subdivision", the northerly line of the subdivision entitled "Resubdivision of Lot 1 Cautela Subdivision & Additional 4.000 Acres", of record in Plat Book 113, Page 21, and the northerly line of that 22.454 acre tract conveyed to Keith R. Thatcher and Brenda Thatcher by deed of record in Instrument Number 201604270051857, a distance of 2203.00 feet to a point in the easterly line of that 30.657 acre tract conveyed to Earl T. Yeager and Stephanie Yeager by deed of record in Official Record 2553J05;

Thence North 03° 07' 35" East, with said easterly line, a distance of 254.49 feet to a point in the southerly line of that 9.094 acre tract conveyed to Walter N. Morrow and Loretta M. Morrow by deed of record in Instrument Number 201401020000300;

Thence North 88° 10' 01" East, with said southerly line, a distance of 21.64 feet to the southeasterly corner thereof;

Thence North 03° 22' 46" East, with the easterly line of said Morrow tract, a distance of 414.00 feet to a point in the southerly line of that 25.285 acre tract conveyed to Delena Ciamacco by deed of record in Instrument Number 200106150135401;

Thence South 86° 40' 46" East, with said southerly line, a distance of 699.60 feet to the southeasterly corner thereof;

Thence North 01° 03' 53" East, with the easterly of said 25.285 acre tract, the easterly line of that 6.144 acre tract conveyed to Robert S. Urban and Pamela M. Urban by deed of record in Instrument Number 201005070056472, and the easterly lines of those tracts conveyed to Mark A. Patchen, Trustee by deed of record in Instrument Number 201607050085793, a distance of 1894.38 feet to a point in the southerly right of way line of Walnut Street;

Thence South 86° 22' 04" East, with said southerly right of way line, a distance of 657.25 feet to a point;

Thence South 45° 02' 32" East, with said southerly right of way line, a distance of 304.24 feet to a point in the westerly line of that 2.500 acre tract conveyed to Daniel J. McNulty and Amber L. McNulty by deed of record in Instrument Number 201707120094985;

Thence South 40° 23' 20" West, with said westerly line, a distance of 434.29 feet to the southwesterly corner thereof;

Thence South 86° 17' 13" East, with the southerly line of said McNulty tract, a distance of 458.60 feet to a point in the westerly line of that 15.011 acre tract conveyed to Jon E. Reichle and Tamara L. Smith by deed of record in Instrument Number 201211070169642;

Thence with the boundary of said 15.011 acre tract the following courses and distances:

South 03° 42' 47" West, a distance of 1337.55 feet to a point;

South 86° 40' 46" East, a distance of 486.00 feet to a point; and

North 03° 42' 12" East, a distance of 445.70 feet to the southwesterly corner of that 9.1424 acre tract conveyed to Mark S. Cain and Adriana C. Cain by deed of record in Instrument Number 201102040018510;

Thence South 55° 02' 48" East, with the southerly line of said 9.1424 acre tract, distance of 50.00 feet to the northwesterly corner of that 1.447 acre tract conveyed to George E. Greenlee by deed of record in Instrument Number 201312130204901;

Thence South 03° 42' 12" West, with the westerly line of said 1.447 acre tract, a distance of 116.91 feet to the southwesterly corner thereof;

Thence South 55° 02' 48" East, with the southerly line of said 1.447 acre tract, a distance of 570.40 feet to a point in the westerly right of way line of Lee Road;

Thence South 34° 58' 20" West, with said westerly right of way line, a distance of 1012.25 feet to a point;

Thence North 03° 07' 30" East, partly with said westerly right of way line and partly with the easterly line of said "Cautela Subdivision", a distance of 197.89 feet to the POINT OF BEGINNING, containing 81.924 acres of land, more or less.

**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 Building and Zoning Services be, and is hereby authorized and directed to make the said change on the said original zoning map and shall register a copy of the approved PUD-4, Planned Unit Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.09 of the Columbus City Codes; said plans being titled, “**DEVELOPMENT PLAN FOR HOOVER FARMS EXHIBITS 1/11, 4/11, 5/11, & 6/11)**,” and text titled, “**PUD-4 DEVELOPMENT TEXT**,” all dated October 17, 2018, and signed by David Hodge, Attorney for the Applicant, and the text reading as follows:

**PUD-4 Development Text**

**PROPOSED DISTRICT: PUD-4 Planned Unit Development District**

**PROPERTY ADDRESS: 7488 Lee Road**

**PROPERTY OWNERS: Daryl Vesner, Teresa Vesner, and Philip J. Gardner, Trustee**

**APPLICANT: M/I Homes of Central Ohio, LLC**

**DATE OF TEXT: October 17, 2018**

**APPLICATION: Z18-005**

1. **INTRODUCTION:** The subject property consists of 81.9+/- acres located on the west side of Lee Road in Plain Township, and on the south side of Walnut Street in Blendon Township. At the time this request is considered by Columbus City Council the property will have recently been annexed to the City of Columbus. The property is presently used predominately for agricultural purposes. Surrounding development consists of agricultural and single-family residential uses.

2. **PERMITTED USES:** Single-family homes, open space and parkland as permitted under Section 3332.033 R-2, Residential District of the Columbus City Code.

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in the text or submitted drawings, the applicable development standards are contained in Chapter 3332 Residential District of the Columbus City Code.

A. Density, Height, Lot and/or Setback Requirements.

1. The maximum number of dwelling units is 245 for a gross density of 2.9 dwelling units per acre.
2. Side yards shall be no less than 5 feet.
3. Rear yards shall be a minimum of 25 feet.

B. Access, Loading, Parking and/or Traffic Related Commitments.

1. Access to the property shall be from both Lee Road on the east, and Walnut Street on the north. Access will be in accordance with the review and approval of the City of Columbus Department of Public Service, Traffic Management Division.
2. If required by the applicable thoroughfare plan, the applicant shall dedicate right-of-way along Walnut Street and Lee Road.
3. No greater than a total of 50 lots shall be platted until northbound and southbound left turn lanes at the intersection of Central College Road and Lee Road are constructed and open to traffic, unless otherwise approved by the Department of Public Service in consideration of the current schedule for the anticipated improvements at the intersection of Central College Road and Lee Road at that time. If the Department of Public Service does not approve greater than a total of 50 cumulative lots to be platted at that time within the area subject to this rezoning application, the developer may update the traffic impact study for this rezoning application to reflect current traffic volumes and any other relevant information that

may be available to determine if the anticipated improvements would still be needed to accommodate development traffic.

4. At the access point to Lee Road a northbound left turn lane with a length of 245 feet shall be constructed.
5. The Developer shall be responsible for improvements to Walnut Street along the frontage of the property to a travel land width of 12 feet with a paved shoulder width of 4 feet. These roadway improvements shall be constructed or bonded prior to the Developer receiving an access permit through the Franklin County Engineer's Office.

C. Buffering, Landscaping, Open Space and/or Screening Commitments.

1. The frontage along both Lee Road and Walnut Street shall be landscaped with four trees per 100 lineal feet, these trees may be grouped or planted in a natural hedge row manner.
2. Street trees shall be planted on both sides of new public streets at a ratio of one tree per 40 feet.
3. Perimeter buffering and landscaping shall be installed, as depicted on Overall Landscape Plan-1, and Overall Landscape Plan-2, attached hereto as follows:

- a. Along the northwestern perimeter in the rear yards of Lots 1 through 12, 24 new trees - 2 trees per Lot - shall be planted to augment existing vegetation being preserved, and to provide additional screening to adjacent western properties. This landscaping shall be located within a 20 foot no build zone.
- b. Along the southern perimeter in the rear yards of Lots 102 through 109 a tree buffer shall be installed consisting of 19 newly installed trees - spaced 15 feet apart - to provide buffering to property owners to the south.
- c. Along the eastern perimeter behind Lots 195 through 211 and 134 through 143, 81 new trees - equivalent to 3 per Lot - shall be planted in Reserve D and Reserve E, to provide buffering to the property owner to the east.
- d. Along the northern perimeter in the rear yard of Lots 213 through 216, a tree buffer shall be installed consisting of 12 new trees, which shall be located within a 20 foot no build zone to serve as buffering to the property owner to the north.

3. As shown on the accompanying PUD Site Plans, existing tree stands along the west and south perimeters of the property shall be maintained and preserved in a platted no-build zone, except where utility connections and crossings are necessary, and for storm water drainage facilities which shall be located as indicated in the PUD Site Plans and may not expand into other open space areas. All trees and landscaping shall be well maintained by the Home Owners Association.

4. An 8-foot asphalt path shall be installed along the frontage at both Lee Road and Walnut Street.
5. Open space will be provided totaling 26.3+/- acres or 32.1%+/- of the property. These open spaces are located throughout the development in areas noted as "Reserve" on the site plans. The applicant shall dedicate portion(s) of the open space area to the City of Columbus Recreation and Parks Department in full satisfaction of the City's Parkland Dedication Ordinance. Final location(s) of the dedicated parkland to be reviewed and approved by the Recreation and Parks Department. The property shall be landscaped, and amenities thereon shall be installed, in accordance with the PUD Site Plan Landscape Plans.

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

1. The main exterior building materials will be wood, wood composition, brick, brick veneer, stone, stone veneer, vinyl, beaded vinyl or cultured stone, metal, glass and/or a combination thereof. Homes shall have pitched roofs.
2. The minimum square footage shall be 1,400 square feet for single story homes and 1,600 square feet for two-story homes.

3. Model homes may be constructed for the purpose of marketing and sales. A paved parking lot shall be permitted on a lot or lots adjacent to model homes to provide off-street parking for model home customers and employees.

E. Dumpsters, Lighting, Outdoor Display Areas, and/or other Environmental Commitments.

N/A

F. Graphics and Signage Commitments.

All signage and graphics shall conform to Article 15 of the Columbus City Code as it applies to the R-2 zoning district. Any variances needed from applicable graphics requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous

The applicant has submitted Site Plans as part of its rezoning application. The site shall be developed in accordance with the submitted Site Plans. The plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the 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.~~ 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.**