



Legislation Details (With Text)

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On agenda: 7/26/2021 **Final action:** 7/28/2021

Title: To amend Ordinance #0726-2004, passed June 7, 2004 (Z03-080), by repealing Section 3 and replacing it with a new Section 3 thereby modifying the limitation text regarding basement requirements, site design changes, and the approved site plan in the L-R-2, Limited Residential District for property located at 3760 ALLMON RD. (43123) (Rezoning Amendment #Z03-080A).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1999-2021_Attachments

Date	Ver.	Action By	Action	Result
7/28/2021	1	CITY CLERK	Attest	
7/27/2021	1	MAYOR	Signed	
7/26/2021	1	Zoning Committee	Approved	Pass
7/26/2021	1	COUNCIL PRESIDENT	Signed	
7/19/2021	1	Columbus City Council	Read for the First Time	

Rezoning Amendment: Z03-080A

Ordinance #0726-2004, passed June 7, 2004 (Z03-080), rezoned 31.71± acres from the R, Rural District to the L-R-2, Limited Residential District for a single-unit residential development totaling 128 units. That legislation contained development standards addressing maximum number of units, access, screening, landscaping, garage requirements, minimum dwelling size, lighting, a commitment to a site plan, and a requirement that basements be provided for the proposed dwellings. At the time this legislation was approved, a different developer was involved. This legislation will amend Ordinance #0726-2004 by modifying the limitation text to permit dwellings without basements to meet the marketing needs of the developer. The text will also be revised to incorporate a modified site plan and site design commitments resulting from a pending land swap with the Recreation and Parks Department for adjacent parkland and a reduction in the number of lots to 112. All other aspects of Ordinance #0726-2004 remain in effect and are included in this amendment.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To amend Ordinance #0726-2004, passed June 7, 2004 (Z03-080), by repealing Section 3 and replacing it with a new Section 3 thereby modifying the limitation text regarding basement requirements, site design changes, and the approved site plan in the L-R-2, Limited Residential District for property located at **3760 ALLMON RD. (43123)** (Rezoning Amendment #Z03-080A).

WHEREAS, Ordinance #0726-2004, passed June 7, 2004 (Z03-080), rezoned 31.71± acres located at **3760 ALLMON RD. (43123)** from the R, Rural District to the L-R-2, Limited Residential District; and

WHEREAS, that rezoning established specific development standards addressing maximum number of units, access, landscaping, building design, and lighting commitments within the limitation text, and included a commitment to a site plan; and

WHEREAS, the limitation text required basements for the proposed dwelling units, included specific site design commitments, and incorporated a site plan depicting 128 lots; and

WHEREAS, the Applicant proposes to modify the limitation text to permit deviation from the basement provision and revise the site design commitments, and to replace the site plan due to a pending land swap with the Recreation and Parks Department; and

WHEREAS, it is necessary to amend Section 3 of Ordinance #0726-2004, passed June 7, 2004 (Z03-080), to modify the limitation text and site plan; and

WHEREAS, all other aspects of Sections 1 and 2 contained in Ordinance #0726-2004 are unaffected by this amendment and remain in effect, and are repeated below for clarity; 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:

3760 ALLMON RD. (43123), being 31.71± acres located west of the terminus of Allmon Road, at Interstate 270, and being more particularly described as follows:

DESCRIPTION FOR ZONING
31.714 ACRES

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS V.M.S. 1389, AND BEING PART OF A 10.193 ACRE TRACT CONVEYED TO THE CITY OF COLUMBUS, I.N. 200303130074729, AND A 27.793 ACRE TRACT CONVEYED TO WILLIAM D. & MARVIN ALLMON, O.R. 20740, PG. D18, FRANKLIN COUNTY RECORDER'S RECORDS:

BEGINNING AT THE SOUTHEAST CORNER OF ALKIRE PLACE SECTION 3, P.B. 102, PG. 05;

THENCE N.01°19'38"E. FOLLOWING THE EASTERLY LINE OF ALKIRE PLACE SECTION 3, P.B. 102, PG. 05, AND SECTION 2, P.B.100, PG. 22, A DISTANCE OF 752.24 FEET TO A POINT.

THENCE S.88°47'58"E. FOLLOWING THE SOUTHERLY LINES OF A RESIDUAL 9.176 ACRES OF AN ORIGINAL 10.467 ACRE TRACT CONVEYED TO ALICE M. EGELHOFF, D.B. 2867, PG. 217, A 7.950 ACRE TRACT CONVEYED TO THOMAS A. & KATHY A. BOX, O.R. 11827, PG. F17, A RESIDUAL 4.942 ACRES OF AN ORIGINAL 15.495 ACRE TRACT CONVEYED TO THE CITY OF COLUMBUS, I.N. 200108020176659, AND THE ORIGINAL 10.193 ACRE TRACT CONVEYED TO THE CITY OF COLUMBUS, I.N. 200303130074729, A DISTANCE OF 1038.59 FEET TO A POINT;

THENCE WITH THE FOLLOWING EIGHT (8) COURSES ACROSS THE ORIGINAL 10.193 ACRE TRACT, CONVEYED TO THE CITY OF COLUMBUS, I.N. 200303130074729;

1. N.01°04'34"E. A DISTANCE OF 195.01 FEET TO A POINT;
2. N.20°18'41"E. A DISTANCE OF 59.77 FEET TO A POINT;

3. N.83°32'08"E. A DISTANCE OF 101.19 FEET TO A POINT;
4. N.01°04'34"E. A DISTANCE OF 322.52 FEET TO A POINT;
5. WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 325.00 FEET, A DELTA OF 14°06'05", AN ARC OF 79.99 FEET AND A CHORD BEARING OF N.08°07'36"E FOR A CHORD DISTANCE OF 79.79 FEET TO A POINT;
6. N.15°10'39"E. A DISTANCE OF 89.30 FEET TO A POINT;
7. WITH A CURVE TO THE LEFT HAVING A RADIUS OF 125.00 FEET, A DELTA OF 25°54'08", AN ARC OF 56.51 FEET AND A CHORD BEARING OF N.02°13'35"E. FOR A CHORD DISTANCE OF 56.03 FEET TO A POINT;
8. WITH A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A DELTA OF 95°57'21", AN ARC OF 41.87 FEET AND A CHORD BEARING OF N.58°42'09"W. FOR A CHORD DISTANCE OF 37.14 FEET TO A POINT;

THENCE WITH THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHERLY LINE OF ALKIRE RUN SECTION 1, P.B. 104, PG. 03;

1. N.73°19'10"E. A DISTANCE OF 89.84 FEET TO A POINT;
2. WITH A CURVE TO THE LEFT HAVING A RADIUS OF 275.00 FEET, A DELTA OF 17°45'20", AN ARC OF 85.22 FEET AND A CHORD BEARING OF N.82°11'51"E. FOR A CHORD DISTANCE OF 84.88 FEET A POINT;

THENCE S.01°04'34"W. FOLLOWING THE WESTERLY LINE OF ALKIRE LAKES SECTION 2, PART 1, P.B. 95, PG. 83, ALKIRE LAKES SECTION 4, PT. 2, P.B. 99, PG. 03, AND A 2.090 ACRE TRACT CONVEYED TO STEVEN D. & JOLENE D. GINTHER, I.N. 200109210218424, A DISTANCE OF 1932.83 FEET TO A POINT;

THENCE WITH THE FOLLOWING TWO (2) COURSES ALONG THE NORTHERLY LINE OF INTERSTATE 270 AND THE SOUTHERLY LINE OF THE ORIGINAL 27.793 ACRE TRACT CONVEYED TO WILLIAM D. & MARVIN ALLMON, O.R. 20740, PG. D18;

1. N.75°47'52"W. A DISTANCE OF 1159.00 FEET TO A POINT;
2. WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 5579.58 FEET, A DELTA OF 02°09'08", AN ARC OF 209.58 FEET AND A CHORD BEARING OF N.74°43'18"W. FOR A CHORD DISTANCE OF 209.57 FEET TO THE POINT OF BEGINNING, CONTAINING 31.714 ACRES.

THIS DESCRIPTION WAS BASED ON AN ACTUAL FIELD SURVEY BY THE JERRY A. MALOTT SURVEYING COMPANY IN DECEMBER, 2003.

BEARINGS WERE BASED ON THE WESTERLY LINE OF ALKIRE LAKES SECTION 4, PART 2, AS BEING S.01°04'34"W. AS SHOWN IN P.B. 99, PG. 03.

JERRY A. MALOTT
REGISTERED SURVEYOR #5963

To Rezone From: L-R-2, Limited Residential District

To: L-R-2, Limited Residential District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-R-2, Limited Residential District on this property.

SECTION 3. That Section 3 of Ordinance #0726-2004, passed June 7, 2004 (Z03-080), be hereby repealed and replaced with a new Section 3 reading as follows:

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 L-R-2, Limited Residential, and L-AR-12, Limited Apartment Residential Districts and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said plan being titled, "**ALKIRE ROAD PROPOSED LAND SWAP**," and said text being titled, "**LIMITATION OVERLAY TEXT**," both dated July 7, 2021, and signed by Molly Gwin, Attorney for the Applicant, and the text reading as follows:

LIMITATION OVERLAY TEXT

PROPOSED DISTRICT: L-R-2 PROPERTY ADDRESS: 3760 Allmon Road

PROPERTY OWNERS: Rockford Homes, Inc. c/o Molly R. Gwin, Esq., ISAAC, WILES & BURKHOLDER, LLC, 2 Miranova Place, Suite 700, Columbus, Ohio 43215, Ph: 614-340-7429; mgwin@isaacwiles.com <<mailto:mgwin@isaacwiles.com>>

APPLICANT: D.R. Horton - Indiana LLC c/o Molly R. Gwin, Esq., ISAAC, WILES & BURKHOLDER, LLC, 2 Miranova Place, Suite 700, Columbus, Ohio 43215, Ph: 614-340-7429; mgwin@isaacwiles.com <<mailto:mgwin@isaacwiles.com>>

DATE OF TEXT: July 7, 2021

1. INTRODUCTION: The subject property consists of approximately 31.71± acres located on the north side of Jack Nicklaus Freeway (I-270), south of Alkire Road, west of Allmon Road, and is more particularly identified in the legal description submitted as part of this Rezoning Application ("Property"). The Applicant, D.R. Horton - Indiana LLC is requesting to modify the existing L-R-2 zoning in two respects: First, to allow for all slab homes and second, to reduce the unit count. Subject to approval of an exchange of property as depicted on Exhibit A, Horton proposes a plan allowing for construction of 112 single family lots.

2. PERMITTED USES: No lot shall be used except for the construction of a single-family dwelling with attached garages, as defined in R-2 Residential District, of the Columbus Zoning Code.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated in this written Limitation Overlay Text, the applicable development standards shall be those standards contained in R-2 Residential District, of the Columbus City Code.

A. Density, Height, Lot and/or Setback Commitments:

- (1) The maximum number of lots permitted on the Property shall be one hundred and twelve units (112).
- (2) No building or structure shall exceed a height of thirty-five (35) feet.
- (3) The gross density permitted is 3.8 units per acre.
- (4) 15.7 acres of open space has previously been dedicated to the City for a park via parcel 010-263091-00. The proposed plan is comprised of a land exchange of +/-1.2 acres of land to be owned by D.R. Horton Indiana, LLC to be exchanged with +/- 2.1 acres of land presently owned by the City of Columbus plus the site improvement to the City Park approved by the Columbus Recreation and Parks Department to allow for a passive parkland space, more efficient land use, more homes facing greenspace, and useable open space. See Site Plan titled "Alkire Road Proposed Land Swap."

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

- (1) Access to the Property shall be from Alkire Road through the Alkire Run subdivision, which is to the north of the Property, and shall be subject to the approval of the City of Columbus Transportation Division.
- (2) The Developer shall construct an eastbound right turn lane along Alkire Road, onto Bay Port Drive.

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

- (1) At the time of development, Applicant will install a split-rail fence, a maximum of four (4) feet in height along the park property that abuts residential homes. Said fence shall be located on the side of the property line that is owned by

the Columbus Recreation and Parks Department.

(2) The measurements of the tree preservation zone shall be determined at the time of final engineering and will be set within the existing measured drip line. The Applicant shall also erect construction fencing to protect the tree and tree root structures within this zone during utility installation and construction. The tree is located west of the 2.7-acre open space and on the west side of the road right-of-way.

(3) Applicant will plant trees on the eastern side of the property, fifteen (15) feet on center from its southeast corner, for a distance of five hundred eighty-eight (588) feet being in the rear yards of lots 9 thru 19.

(4) The Applicant shall establish a twenty-five (25) foot wide stream and tree preservation zone along the west/northwest bounds of the .20 acres of Open Space. The 25-feet shall be calculated from the top of the stream bank, as determined by final engineering. The Applicant agrees to erect construction fencing to protect the trees and tree root structures within this zone during utility installation and construction.

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

(1) Garages. Each single-family dwelling shall have a private garage for not less than two (2) automobiles.

(2) Dwelling Sizes. The minimum net floor area for living quarters for a one-story single-family dwelling (exclusive of open porches and garages) shall be no less than 1,300 square feet. The minimum dwelling size for a single-family dwelling of more than one story (exclusive of open porches and garages) shall be no less than 1,600 square feet.

(3) All dwellings may be built on slab foundations in lieu of basements.

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

Street Lights. The street lights in the subdivision shall be decorative street lights rather than the standard City of Columbus cobra-head fixture.

F. Graphics and Signage Commitments: All signage and graphics shall conform to Article 15, Title 33 of the Columbus Graphics Code as it applies to an R-2 district. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments:

The site shall be developed in general conformance with the submitted Site Plan titled "Alkire Road Proposed Land Swap." The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved 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.