



Legislation Details (With Text)

File #: 0190-2005 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 1/21/2005 **In control:** Zoning Committee

On agenda: 2/28/2005 **Final action:** 3/2/2005

Title: To rezone 8275 NORTH HIGH STREET (43235), being 24.9± acres located at the northwest corner of North High Street and Highbluffs Boulevard, From: CPD, Commercial Planned Development District, To: L-AR-12, Limited Apartment Residential and L-C-4, Limited Commercial Districts and to declare an emergency. (Z04-087).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 0190-2005 site plan 1-5-05.pdf, 2. ORD 0190-2005 Staff Rpt.pdf, 3. ORD 0190-2005 zone.pdf, 4. ORD 0190-2005 gis.pdf, 5. ORD 0190-2005 aerial.pdf, 6. ORD 0190-2005 Far North Plan.pdf, 7. ORD 0190-2005 FNCCC Letter.pdf, 8. ORD 0190-2005 traffic letter.pdf, 9. ORD 0190-2005 disclosure.pdf, 10. ORD 0190-2005 labels.pdf, 11. Z04-087 Data Form.pdf

Date	Ver.	Action By	Action	Result
3/2/2005	2	MAYOR	Signed	
3/2/2005	2	CITY CLERK	Attest	
2/28/2005	1	Zoning Committee	Approved as Amended	Pass
2/28/2005	2	Zoning Committee	Amended to Emergency	Pass
2/28/2005	2	COUNCIL PRESIDENT	Signed	
2/14/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
2/11/2005	1	City Clerk's Office	Sent back for Clarification/Correction	
2/8/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
2/5/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
2/4/2005	1	Dev Zoning Drafter	Sent for Approval	
2/4/2005	1	Dev Zoning Drafter	Sent for Approval	
1/26/2005	1	Dev Zoning Drafter	Sent for Approval	

REZONING APPLICATION: Z04-087

APPLICANT: Metropolitan Partners; c/o Jackson B. Reynolds, III, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Multi-family residential and commercial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (7-0) on December 9, 2004.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant is requesting the L-C-4, Limited Commercial District for commercial development in Commercial/Retail sub-areas A, B and C, and the L-AR-12, Limited Apartment Residential District for a maximum of 228 dwelling units (11.6± dwelling units per acre) in Sub-area D. This rezoning proposal is consistent with the

surrounding zoning and development pattern that includes multi-family residential development, a shopping center with out parcels, an office and a church. The site is located within the boundaries of *The Far North Plan* (1994) but not within a designated sub-area. Approximately 3.3 acres that are not a part of this zoning request will be deeded to the Recreation and Parks Department for a park. The applicant will construct a pedestrian path from Highbluffs Boulevard to the park. The L-AR-12 and L-C-4 limitation texts include customary use restrictions and development standards that address traffic requirements, building and parking setbacks, street trees, headlight screening, buffering and screening, and lighting and graphics restrictions. The registered site plan commits to sub-area boundaries, various setbacks, parkland, and the path to the park.

To rezone **8275 NORTH HIGH STREET (43235)**, being 24.9± acres located at the northwest corner of North High Street and Highbluffs Boulevard, **From:** CPD, Commercial Planned Development District, **To:** L-AR-12, Limited Apartment Residential and L-C-4, Limited Commercial Districts **and to declare an emergency.** (Z04-087).

WHEREAS, application #Z04-087 is on file with the Building Services Division of the Department of Development requesting rezoning of 24.9± acres, from CPD, Commercial Planned Development District, to L-C-4, Limited Commercial and L-AR-12, Apartment Residential Districts; and

WHEREAS, the Development Commission recommends approval; 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 to allow the property to be sold within the time constraints of the real estate purchase contract as the terms require the rezoning to be passed and effective by the end of February 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 applicant is requesting the L-C-4, Limited Commercial District for commercial development in Commercial/Retail sub-areas A, B and C, and the L-AR-12, Limited Apartment Residential District for a maximum of 228 dwelling units (11.6± dwelling units per acre) in Sub-area D, and this rezoning proposal is consistent with the surrounding zoning and development pattern that includes multi-family residential development, a shopping center with out parcels, an office and a church. The site is located within the boundaries of *The Far North Plan* (1994) but not within a designated sub area. Approximately 3.3 acres that are not a part of this zoning request will be deeded to the Recreation and Parks Department for a park. The applicant will construct a pedestrian path from Highbluffs Boulevard to the park. The L-AR-12 and L-C-4 limitation texts include customary use restrictions and development standards that address traffic requirements, building and parking setbacks, street trees, headlight screening, buffering and screening, and lighting and graphics restrictions. The registered site plan commits to sub area boundaries, various setbacks, parkland, and the path to the park, 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:

To rezone **8275 NORTH HIGH STREET (43235)**, being 24.9± acres located at the northwest corner of North High Street and Highbluffs Boulevard, and being more particularly described as follows:

SUB-AREA A: L-C-4, RETAIL / COMMERCIAL, 2.285± ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Farm Lot 48, Quarter Township 2, Township 2, Range 18, United States Military Lands, being part of Tracts I and III and all of Tract II as conveyed to Worthington Industries Inc. by deed of record in Instrument Number 200405210117382 and part of Highbluffs Boulavard as shown and delineated in Plat book 58, Page 46 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning for Reference, at a railroad spike set at the centerline intersection of North High Street (U.S. 23) and Highbluffs Boulevard;

Thence North 03° 03' 48" West, a distance of 65.00 feet, with the centerline of said North High Street, to a point;

Thence South 86° 56' 12" West, a distance of 45.00 feet, across said North High Street right-of-way, to a 3/4" iron pipe found in the westerly right-of-way line of said North High Street at a point of curvature;

With said curve to the right having a radius of 35.00 feet, an arc length of 54.98 feet, a central angle of 90° 00' 00", and a chord that bears South 41° 56' 12" West, a distance of 49.50 feet, to a 3/4" iron pipe found in the northerly right-of-way line of said Highbluffs Boulevard, at the TRUE POINT OF BEGINNING.

Thence South 03° 03' 48" East, a distance of 60.00 feet, across said Highbluffs Boulevard, to an iron pin set in the northerly line of said Tract II and in the southerly right-of-way line of said Highbluffs Boulevard at a point of curvature;

With said curve to the right having a radius of 35.00 feet, an arc length of 54.98 feet, a central angle of 90° 00' 00", and a chord that bears South 48° 03' 48" East, a distance of 49.50 feet, with the line common to said Tract II and Highbluffs Boulevard, to an iron pin set in the westerly right-of-way line of said High Street;

Thence South 03° 03' 48" East, a distance of 25.97 feet, with the easterly line of said Tract II and the westerly right-of-way line of said High Street, to an iron pin set at the northeasterly corner of the remainder of the original 24.231 acre tract conveyed to Worthington Christian Church, Inc. by deed of record in Deed Book 3554, Page 970;

Thence North 86° 54' 00" West, a distance of 192.05 feet, with the line common to said Tract II and remainder of the original 24.231 acre tract, to an iron pin set in the southerly right-of-way line of said Highbluffs Boulevard;

Thence North 23° 03' 26" West, a distance of 60.46 feet, across said Highbluffs Boulevard, to an iron pin set at a point of reverse curvature in the northerly right-of-way line of said Highbluffs Boulevard and being a common corner of said Tracts I and III;

With curve to the right having a radius of 320.00 feet, an arc length of 109.75 feet, a central angle of 19° 39' 05", and a chord that bears South 69° 04' 00" West, a distance of 109.22 feet, to an iron pin set;

Thence across said Tract I the following courses and distances:

North 09° 29' 13" West, a distance of 39.92 feet, to an iron pin set;

North 09° 04' 02" West, a distance of 36.94 feet, to an iron pin set at a point of curvature;

with a curve to the right having a radius of 330.00 feet, an arc length of 26.71 feet, a central angle of 04° 38' 16", and a chord that bears North 06° 44' 54" West, a distance of 26.70 feet, to an iron pin set at a point of tangency;

North 03° 02' 26" West, a distance of 37.52, to an iron pin set at a point of curvature;

with said curve to the right having a radius of 15.00 feet, an arc length of 14.19 feet, a central angle of 54° 12' 46", and a chord that bears North 24° 03' 57" East, a distance of 13.67 feet, to an iron pin set;

North 03° 02' 26" West, a distance of 158.57 feet, to an iron pin set;

Thence North 86° 57' 34" East, a distance of 308.14 feet, partly across Tracts I and III, to an iron pin set in the westerly line of the 0.052 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200011200235149;

Thence with the line common to the remainder of said Tract III and 0.052 acre tract the following courses and distances:

South 03° 03' 48" East, a distance of 210.29 feet, to an iron pin set;

South 41° 56' 12" West, a distance of 33.72 feet, to the TRUE POINT OF BEGINNING. Containing 2.285 acres, more or less.

EXCEPTING THERE FROM THE FOLLOWING DESCRIBED TRACT:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Farm Lot 48, Quarter Township 2, Township 2, Range 18, United States Military Lands, being part Highbluffs Boulevard as shown and delineated in Plat Book 58, Page 46(all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning for Reference, at a railroad spike set at the centerline intersection of North High Street (U.S. 23) and Highbluffs

Boulevard;

Thence North 03° 03' 48" West, a distance of 65.00 feet, with the centerline of said North High Street, to a point;

Thence South 86° 56' 12" West, a distance of 45.00 feet, across said North High Street right-of-way, to a 3/4" iron pipe found in the westerly right-of-way line of said North High Street at a point of curvature;

With said curve to the right having a radius of 35.00 feet, an arc length of 54.98 feet, a central angle of 90° 00' 00", and a chord that bears South 41° 56' 12" West, a distance of 49.50 feet, to a 3/4" iron pipe found in the northerly right-of-way line of said Highbluffs Boulevard, at the TRUE POINT OF BEGINNING.

Thence South 03° 03' 48" East, a distance of 60.00 feet, across said Highbluffs Boulevard, to an iron pin set in the northerly line of said Tract II and in the southerly right-of-way line of said Highbluffs Boulevard at a point of curvature;

Thence with the line common to said Tract II and Highbluffs Boulevard the following courses and distances:

With a curve to the left having a radius of 320.00 feet, an arc length of 109.75 feet, a central angle of 19° 39' 09", and a chord that bears South 69° 04' 05" West, a distance of 109.22 feet, to an iron pin set at a point of compound curvature;

With a curve to the left having a radius of 385.89 feet, an arc length of 8.10 feet, a central angle of 01° 12' 11", and a chord that bears South 59° 50' 37" West, a distance of 8.10 feet, to an iron pin set;

Thence North 23° 03' 26" West, a distance of 60.46 feet, across said Highbluffs Boulevard right-of-way, to a 3/4" iron pipe found at a point of reverse curvature, in the northerly right-of-way line of said Highbluffs Boulevard, being the common corner of said Tracts I and III;

With a curve to the right having a radius of 380.00 feet, an arc length of 183.68 feet, a central angle of 27° 41' 42", and a chord that bears North 73° 05' 21" East, a distance of 181.90 feet, to the TRUE POINT OF BEGINNING. Containing 0.239 acres, more or less.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the bearing of North 86° 54' 00" West for the northerly right-of-way line of Highbluffs Boulevard, as delineated on the plat of record in Plat Book 58, Page 46.

EVANS, MECHWART, HAMBLETON AND TILTON, INC., James M. Pearsall, Professional Surveyor No. 7840.

To Rezone From: CPD, Commercial Planned Development District,

To: L-C-4, Limited Commercial District.

SUB-AREA B: L-C-4, RETAIL / COMMERCIAL, 1.036± ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Farm Lot No. 49 in the Second Tier of Outlots, Quarter Township 2, Township 2, Range 18, United States Military Lands, being part of the 7.920 acre tract conveyed to Worthington Industries, Inc. by deed of record in Instrument Number 200405210117382, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a railroad spike set at the intersection of the centerline of Highbluffs Boulevard, as recorded in Plat Book 58, Page 46, and the original centerline of North High Street (U.S. 23);

Thence North 03° 03' 48" West, a distance of 807.45 feet, with said original centerline of North High Street, to a point;

Thence South 86° 56' 12" West, a distance of 41.81 feet, to an iron pin set in the westerly line of the 0.075 acre tract conveyed to City of Columbus, Ohio, by deed of record in Instrument Number 200011200235149, and being the TRUE POINT OF BEGINNING;

Thence, across said 7.920 acre tract, the following courses and distances:

South 86° 57' 34" West, a distance of 322.28 feet, to an iron pin set; North 03° 02' 26" West, a distance of 140.00 feet, to an iron pin

set;

North 86° 57' 34" East, a distance of 322.22 feet, to an iron pin set;

Thence South 03° 03' 53" East, a distance of 140.00 feet, with the easterly line of the remainder of said 7.920 acre tract and the westerly line of said 0.075 acre tract, to the TRUE POINT OF BEGINNING, containing 1.036 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings for this description are based on the bearing of North 86° 54' 00" West for the northerly right-of-way line of Highbluffs Boulevard as delineated on the plat of record in Plat Book 58, Page 46.

EVANS, MECHWART, HAMBLETON AND TILTON, INC., James M. Pearsall, Registered Surveyor No. 7840.

To Rezone From: CPD, Commercial Planned Development District,

To: L-C-4, Limited Commercial District.

SUB-AREA C: L-C-4, RETAIL / COMMERCIAL, 1.956± ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Farm Lot Nos. 49 and 50 in the Second Tier of Outlots, Quarter Township 2, Township 2, Range 18, United States Military Lands, being part of the 20.000 and 7.920 acre tracts conveyed to Worthington Industries, Inc. by deed of record in Instrument Number 200405210117382, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a railroad spike set at the intersection of the centerline of Highbluffs Boulevard, as recorded in Plat Book 58, Page 46, and the original centerline of North High Street (U.S. 23);

Thence North 03° 03' 48" West, a distance of 947.45 feet, with said original centerline of North High Street, to a point;

Thence South 86° 56' 12" West, a distance of 41.81 feet, to an iron pin set in the westerly line of the 0.075 acre tract conveyed to City of Columbus, Ohio, by deed of record in Instrument Number 200011200235149, being in the easterly line of the remainder of said 7.920 acre tract, and being the TRUE POINT OF BEGINNING;

Thence across said 20.000 and 7.920 acre tracts, the following courses and distances:

South 86° 57' 34" West, a distance of 322.22 feet, to an iron pin set;

North 03° 02' 26" West, a distance of 173.31 feet, to an iron pin set at a point of curvature;

With a curve to the right, having a central angle of 24° 38' 44", a radius of 132.02 feet, an arc length of 56.79 feet, and a chord which bears North 09° 16' 56" East, a chord distance 56.35 feet, to an iron pin set;

North 55° 36' 49" East, a distance of 69.98 feet, to an iron pin set at a common corner of said 20.000 acre tract and Lazelle Road West, being in the northerly line of said 7.920 acre tract;

Thence North 83° 31' 42" East, a distance of 231.47 feet, with the line common to said 7.920 acre tract and the southerly right-of-way line of said Lazelle Road West, to an iron pin set at a northwesterly corner of said 0.075 acre tract;

Thence South 42° 18' 22" East, a distance of 30.44 feet, with the line common to the remainder of said 7.920 acre tract and said 0.075 acre tract, to an iron pin set;

Thence South 03° 03' 53" East, a distance of 255.05 feet, with the line common to the remainder of said 7.920 acre tract and said 0.075 acre tract, to the TRUE POINT OF BEGINNING, containing 1.956 acres of land, more or less, of which 1.924 acres is out of said 7.920 acre tract and 0.032 acre is out of said 20.000 acre tract.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings for this description are based on the bearing of North 86° 54' 00" West for the northerly right-of-way line of Highbluffs Boulevard as delineated on the plat of record in Plat Book 58, Page 46.

EVANS, MECHWART, HAMBLETON AND TILTON, INC., James M. Pearsall, Registered Surveyor No. 7840.

To Rezone From: CPD, Commercial Planned Development District,

To: L-C-4, Limited Commercial District.

SUB-AREA D: L-AR-12, MULTI-FAMILY RESIDENTIAL, 19.658± ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Farm Lot Nos. 48, 49, and 50 in the Second Tier of Outlots, Quarter Township 2, Township 2, Range 18, United States Military Lands, and being part of the 20.000 and 7.920 acre tracts conveyed to Worthington Industries, Inc. by deed of record in Instrument Number 200405210117382, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a railroad spike set at the intersection of the centerline of Highbluffs Boulevard, as recorded in Plat Book 58, Page 46, and the original centerline of North High Street (U.S. 23);

Thence North 03° 03' 48" West, a distance of 562.45 feet, with said original centerline of North High Street, to a point;

Thence South 86° 56' 12" West, a distance of 41.80 feet, to an iron pin set in the westerly line of the 0.075 acre tract conveyed to City of Columbus, Ohio, by deed of record in Instrument Number 200011200235149, and being the TRUE POINT OF BEGINNING of the herein described tract;

Thence, across said 20.000 and 7.920 acre tracts, the following courses and distances:

South 86° 57' 34" West, a distance of 271.37 feet, to an iron pin set at a point of curvature;

with a curve to the right, having a central angle of 60° 07' 31", a radius of 46.00 feet, an arc length of 48.27 feet, and a chord which bears North 62° 58' 41" West, a chord distance of 46.09 feet, to an iron pin set at a point of tangency;

North 26° 56' 55" West, a distance of 18.16 feet, to an iron pin set at a point of curvature;

with said curve to the left, having a central angle of 63° 07' 20", a radius of 89.47 feet, an arc length of 98.57 feet, and a chord which bears North 58° 29' 45" West, a chord distance of 93.66 feet, to an iron pin set at a point of tangency;

South 89° 45' 21" West, a distance of 65.20 feet, to an iron pin set at a point of curvature;

with said curve to the left, having a central angle of 35° 05' 10", a radius of 48.54 feet, an arc length of 29.72 feet, and a chord which bears South 75° 36' 47" West, a chord distance of 29.26 feet, to an iron pin set at a point of compound curvature;

with said curve to the left, having a central angle of 83° 43' 42", a radius of 69.43 feet, an arc length of 101.47 feet, and a chord which bears South 17° 34' 27" West, a chord distance of 92.68 feet, to an iron pin set at a point of tangency;

South 33° 14' 41" East, a distance of 92.27 feet, to an iron pin set;

South 45° 01' 54" East, a distance of 56.45 feet, to an iron pin set;

South 00° 23' 58" East, a distance of 56.69 feet, to an iron pin set;

South 52° 32' 34" East, a distance of 59.19 feet, to an iron pin set at a point of curvature;

with said curve to the left, having a central angle of 22° 55' 11", a radius of 188.60 feet, an arc length of 75.44 feet, and a chord which

bears South 81° 30' 16" East, a chord distance of 74.94 feet, to an iron pin set;

South 02° 51' 21" East, a distance of 62.72 feet, to an iron pin set;

South 03° 02' 26" East, a distance of 165.90 feet, to an iron pin set at a point on a curve;

with said curve to the left, having a central angle of 54° 12' 46", a radius of 15.00 feet, an arc length of 14.19 feet, and a chord which bears South 24° 03' 57" West, a chord distance of 13.67 feet, to an iron pin set at a point of tangency;

South 03° 02' 26" East, a distance of 37.52 feet, to an iron pin set at a point of curvature;

with said curve to the left, having a central angle of 04° 38' 16", a radius of 330.00 feet, an arc length of 26.71 feet, and a chord which bears South 06° 44' 54" East, a chord distance of 26.70 feet, to an iron pin set at a point of tangency;

South 09° 04' 02" East, a distance of 36.94 feet, to an iron pin set;

South 09° 29' 13" East, a distance of 39.92 feet, to an iron pin set in the northerly right-of-way line of said Highbluffs Boulevard, being in the southerly line of said 20.000 acre tract at a point on a curve;

Thence with said northerly right-of-way line and said southerly line, the following courses and distances:

with said curve to the right, having a central angle of 14° 12' 22", a radius of 320.00 feet, an arc length of 79.34 feet, and a chord which bears South 85° 59' 43" West, a chord distance of 79.14 feet, to a $\frac{3}{4}$ " iron pin found at a point of tangency;

North 86° 54' 00" West, a distance of 556.08 feet, to an iron pin set at the common corner of said 20.000 acre tract and "OLENTANGY HIGHBLUFFS SECTION 1", a subdivision of record in Plat Book 59, Page 37;

Thence North 03° 03' 48" West, a distance of 1249.42 feet, with the westerly line of said 20.000 acre tract, and the easterly lines of said "OLENTANGY HIGHBLUFFS SECTION 1", "OLENTANGY HIGHBLUFFS SECTION 2", a subdivision of record in Plat Book 59, Page 80, and "OLENTANGY HIGHBLUFFS SECTION 6", a subdivision of record in Plat 61, Page 34, to an iron pin set at the common corner of said 20.000 acre tract and "THE CONDOMINIUM AT ORCHARD KNOLL", as recorded in Instrument Number 199906220158472;

and 7.920 acre tracts, the following courses and distances:

South 55° 36' 49" West, a distance of 69.98 feet, to an iron pin set at a point on a curve;

with said curve to the left, having a central angle of 24° 38' 44", a radius of 132.02 feet, an arc length of 56.79 feet, and a chord which bears South 09° 16' 56" West, a chord distance of 56.35 feet, to an iron pin set at a point of tangency;

South 03° 02' 26" East, a distance of 313.31 feet, to an iron pin set;

North 86° 57' 34" East, a distance of 322.28 feet, to an iron pin set in the westerly line of said 0.075 acre tract;

Thence South 03° 03' 53" East, a distance of 245.00 feet, with the line common to the remainder of said 7.920 acre tract and the westerly line of said 0.075 acre tract, to the TRUE POINT OF BEGINNING, containing 19.658 acres of land, more or less, of which 17.836 acres is out of said 20.000 acre tract and 1.822 acres is out of said 7.920 acre tract.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings for this description are based on the bearing of North 86° 54' 00" West for the northerly right-of-way line of Highbluffs Boulevard as delineated on the plat of record in Plat Book 58, Page 46.

EVANS, MECHWART, HAMBLETON AND TILTON, INC., James M. Pearsall, Registered Surveyor No. 7840.

To Rezone From: CPD, Commercial Planned Development District,

To: L-AR-12, Limited Apartment Residential District.

SECTION 2. That a Height District of Thirty-five (35) feet is hereby established on the L-AR-12, Limited Apartment Residential and L-C-4, Limited Commercial Districts 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 CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**THE TRADITIONS AT HIGHBLUFFS**," and limitation texts titled, "**LIMITATION TEXTS FOR L-AR-12 AND L-C-4 ZONING**," both signed on December 9, 2004 by Jackson B. Reynolds, III, attorney for the applicant, , and the text reading as follows:

LIMITATION TEXTS FOR L-AR-12 AND L-C-4 ZONING

PROPOSED DISTRICT: L-C-4 and L-AR-12

PROPERTY ADDRESS: 8275 North High Street

OWNER: Worthington Industries Inc.

APPLICANT: Metropolitan Partners

DATE OF TEXT: 12/09/04

APPLICATION NUMBER: Z04-087

1. INTRODUCTION: The applicant seeks to rezone 5.3± acres located along North High Street for commercial activities and develop the interior 19.7± acres of the site with multi-family residential housing. The entire site was rezoned in 1999 to the CPD district to provide for a 28.2± acre office development but that plan was never fully utilized. Approximately 3.3 acres comprised of two ponds is not included in this rezoning proposal but will be deeded to the Columbus Recreation and Parks Department. The subject site will be subdivided into three (3) sub areas with two (2) consisting of the commercial components and the other the residential housing and parking area.

Any sub area may be the subject of a zoning application filed with the City of Columbus and nothing contained herein shall prevent the current or future owners of the property from filing and processing a zoning application on any sub area.

L-C-4 RETAIL/COMMERCIAL SUB-AREAS A, B AND C, 5.3± ACRES

Due to this site's location abutting North High Street commercial activities would be the most appropriate use.

2. PERMITTED USES: The following uses shall be permitted on this parcel: Those uses listed in Chapter 3356.03 (C-4, Regional Scale Commercial District) of the Columbus City Code.

A. The following uses are excluded from this site:

1. Automotive Sales, Leasing and Rental
2. Building Material and Supplies Dealers
3. Missions / Temporary Shelters
4. Motorcycle; Boat and Other Motor Vehicle Dealers
5. Outdoor Power Equipment Stores
6. Recreational Vehicle Dealers
7. Truck, Utility Trailer and RV Sales, Rental and Leasing
8. Automotive Maintenance and repair
9. Drive-in Motion Picture Theaters
10. Farm Equipment and Supply Stores
11. Halfway House
12. Astrology, Fortune Telling and Palm Reading
13. Funeral Homes and Services
14. Parking Lots and Garages

15. Check Cashing and Loans
16. Community Food Pantry
17. Missions / Temporary Shelters
18. Pawn Brokers
19. Used Merchandise Stores
20. Bowling Centers
21. Hotels and Motels
22. Hospitals
23. Animal Shelter
24. Amusement Arcade (unless an ancillary part of a permitted use)
25. Coin - Operated Laundries
26. Roof Top Telecommunication Towers
27. Repossession services
28. Non-Ambulatory Medical Offices
29. Crematory
30. Urgent Care Facility
31. Blood and Organ Bank
32. Vending Machine Operator
33. Bar, Cabarets o Nightclubs
34. Billboards
35. Family Planning Centers
36. Social Advocacy Agency
37. Exterminating and Pest Control Services

3. DEVELOPMENT STANDARDS: Except as otherwise noted above and herein; the applicable development standards of Chapter 3356 (C-4) shall apply to this site.

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

1. Setback from North High Street shall be twenty-five (25) feet for parking, loading and maneuvering areas and 100 feet for buldings.
2. Setbacks from Highbluffs Blvd. and Lazelle Road West shall be twenty-five (25) feet for parking, loading and maneuvering areas and sixty (60) feet for buildings.
3. Setbacks from the Sub-area D boundary (Sub-areas A, B and C west boundary) shall be twenty-five (25) feet for buildings and ten (10) feet for parking and maneuvering to allow for installation of the landscaping, buffering materials and walkway, except at the access point on Lazelle Road West which shall allow for a zero (0) feet setback for maneuvering.
4. Setback from the park area shall be ten (10) feet for parking and maneuvering and twenty-five (25) feet for buildings.

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

1. Thereshall be a full service curb cut for each ub area for a private access point on both Highbluffs Road and Lazelle Road West subject to the approval of the Transportation Division. The locatin of the curb cuts shall be near the western edge of each sub area to provide the greatest setback from North High Street subject to the approval of the Transportation Division.
2. The Applicant agrees to the design and location of traffic improvements described in the letter from C. Aaron Stanford, Tansportation Division to Jack Rs, attrney or the applicant, dated December 7, 2004. Installation of traffic improvements will be subject to the review and approval of the Transportation Division of the City of Columbus.

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

1. A tree row shall be established along Highbluffs Road and Lazelle Road West containing one street/deciduous tree for every 40 feet of roadway frontage

2. All vehicular use areas shall be screened from adjacent public right-of-ways with a continuous planting hedge; wall or earth mound a minimum of three (3) feet in height.
3. Interior landscaping may include peninsular or island type that shall count toward the screening requirement. Landscaped areas shall contain one tree per every eight parking spaces. The minimum dimension of the planting area for trees in islands or peninsulas shall be five (5) feet by five (5) feet.
4. The interior landscaping required in this section shall count toward satisfying the landscaping requirements contained in Chapter 3342 of the Columbus City Code.
5. All trees and landscaping shall meet the following minimum size requirements at the time of planting: 2.5" caliper for deciduous trees, 6 foot high for evergreens (spruce or norway), 1.5" caliper for ornamental trees, and shrubs shall be two (2) gallon in size. Tree caliper is measured six (6) inches above the adjacent grade.
6. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months of the next planting season, whichever occurs first.

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

1. The buildings will be built of one or any combination of the following: brick, stone, synthetic stone, wood, engineered wood siding, metal and glass. The brick to be used in construction of the buildings shall be the "Harmer #790" or a comparable brick as reviewed and approved by the Executive Board of the Far North Columbus Communities Coalition.
2. Mechanical equipment or other utility hardware on the roof of a building shall be screened from view by the same materials utilized on the buildings roof or exterior. Color shall also match the buildings exterior or roof. Mechanical or other utility equipment shall be fully screened from view by a wall, fence or landscape material utilizing the same material or character of the buildings.
3. Blank facades on the rear of buildings are prohibited. Therefore, articulating such facades with recesses, fenestrations, fences or pilasters is required.
4. Building illumination shall be permitted provided such light source is concealed. No colored light shall be used to light the exterior of any building.
5. No materials, supplies, equipment shall be stored or permitted to remain on any portion of the parcel outside the permitted structure.

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

1. All external lighting shall be cut-off type fixtures (down-lighting). However, buildings and landscaping may be illuminated with up-lighting from a concealed source.
2. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to ensure compatibility. All light poles and standards shall be of the same color.
3. Parking lot lighting shall be no higher than twenty (20) feet.
4. Building mounted lighting within service areas shall be designed in such a way that no light spillage off-site occurs.
5. Landscaping at entry points to parking lots and buildings if illuminated shall be up-lighted by ground mounted concealed fixtures.
6. All dumpsters will be fully enclosed, constructed of materials complementary to the associated building and screened from adjoining uses and the right-of-way. One side of said dumpster can be screened by a movable gate.

F. Graphics and/or Signage Commitments.

1. All signage and graphics shall conform to Article 15, Title 33 of the Columbus City Code as it applies to the C-4, Commercial zoning district. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.
2. All free standing signage along High Street shall be monument style constructed of materials which compliment the built

commercial buildings.

G. Miscellaneous Commitments.

1. The developer shall contribute funds to the future Capital Improvement Project titled, "North High St. U.S. 23 Roadway Improvement" *in lieu* of installing public sidewalks along North High Street. The amount contributed shall be equal to the cost of the sidewalk along the entire frontage along North High Street, including frontage of the 3.28± acre park site.
2. The applicant shall install sidewalks along its frontages of Highbluffs Road and Lazelle Road West to provide pedestrian access, either by installing the sidewalk at the time of construction of the site or by a payment to the City for future installation of the sidewalk in concert with the roadway improvement of North High Street. The amount contributed shall be equal to the cost of the sidewalk along the entire applicable frontage of Highbluffs Road and Lazelle Road West.
3. The site shall be developed in accordance with the limitation text and the site plan titled, "**The Traditions at Highbluffs**," signed by Jackson B. Reynolds, III, attorney for the applicant, on December 9, 2004. The submitted site plan is conceptual in nature and may be slightly modified due to engineering, utility installation, topography or other obstruction, or to reconfigure the size of Commercial/Retail Sub-areas B and C, however, any slight adjustment to said site plan 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.
4. The Board of Zoning Adjustment (BZA) shall be the body to hear any and all variance requests for those development standards detailed in the limitation text and site plan as well as those development standards omitted from the text but included by the application of Chapter 3356 (C-4) of the Zoning Code.

L-AR-12 MUTI-FAMILY RESIDENTIAL SUB-AREA D, 19.7± ACRES

- 1. INTRODUCTION:** The site is located west of High Street between Highbluffs Blvd. and Lazelle Road West. A maximum of 228 town home dwelling units are proposed, which the developer intends to market as condominiums.
- 2. PERMITTED USES:** Those uses permitted in Section 3333.02, AR-12 of the Columbus City Code.
- 3. DEVELOPMENT STANDARDS:** Unless otherwise indicated, the applicable development standards are contained in Chapter 3333 of the Columbus City Code.

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

1. Maximum number of units shall be 228, a density of 11.58± dwelling units /acre.
2. Building, parking and maneuvering setbacks shall be:
 - a. from the west property line shall be sixty (60) feet;
 - b. from Highbluffs Blvd. shall be forty (40) feet;
 - c. a two hundred-ten (210) feet by sixty (60) feet open space area will be created at the northwest corner of the L-AR-12 property and the remainder of the northern side yard shall be twenty five (25) feet.
3. All dwelling units shall have two (2) or more bedrooms.

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

1. There shall be a full service curb cut for a private access point on both Highbluffs Road and Lazelle Road West, subject to the approval of the Transportation Division.
2. The streets within the L-AR-12 area shall be private and shall be twenty-two (22) feet in width to provide adequate circulation for emergency vehicles.
3. Parking restrictions for private streets shall conform to city policy as follows: Parking shall be limited to one side of the street, except in designated parallel parking spaces, and no parking on either side within twenty-five (25) feet of street intersections. Fire

hydrants shall be located on the side of the street where no parking is permitted.

4. Enforcement of parking regulations shall be the responsibility of Metropolitan Partners, and each of their successors and assigns, or the Condominium Association and be included in its rules and bylaws. The Condominium Association shall name the City of Columbus as an agent for the purposes of parking enforcement.
5. Signage, regulating parking, shall be installed per City signage requirements for private streets and enforcement of parking regulations shall be through an agreement between Metropolitan Partners, and each of their successors and assigns, or the Condominium Association, as applicable, and private towing company. The parking enforcement agreements shall be filed with the City of Columbus Division of Fire Prevention Bureau and shall be consistent with Columbus City Code Section 3320.15 (A)(10).
6. Metropolitan Partners, and each of their successors and assigns, or the Condominium Association, as applicable, must establish and maintain an agreement(s) with private towing company(s) which provides for towing illegally parked vehicles. There may be more than one agreement in place but there must be at least one agreement in force in order to provide for the enforcement / removal / towing to prevent illegal parking.
7. Metropolitan Partners, and each of their successors and assigns, or the Condominium 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.
8. No parking and maneuvering between the fronts of buildings along the west setback line and along the rights-of-way of Lazelle Road West and Highbluffs Road but shall be allowed along the eastern setback at North High Street.

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

1. The developer shall install street trees forty (40) feet on center along Highbluffs Blvd with the approval of the City Forester.
2. Two (2) shade trees, two (2) evergreen trees, two (2) ornamental trees and six (6) shrubs shall be planted per building within the complex for landscaping purposes.
3. All trees and landscaping shall be well maintained. Dead materials shall be replaced within six (6) months or the next planting season, whichever occurs first.
4. All trees and landscaping shall meet the following minimum size at the time of planting: shade trees 2.5" caliper; Ornamental trees 1.5" caliper; Evergreen trees 6 feet in height, and shrubs two (2) gallon. Tree caliper is measured six inches above the adjacent grade.
5. There shall be a parkland dedication of approximately 3.28± acres which includes the existing pond areas within 60 days of the date this ordinance becomes law. An additional green space area shall be provided at the northwest corner of the site as shown on the site plan.

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

1. The building materials for the units will be brick and vinyl and the water table area will be constructed of a decorative split face block.
2. The brick to be used in construction of the buildings shall be the "Harmar #790" or a comparable brick as reviewed and approved by the Executive Board of the Far North Columbus Communities Coalition. The front facade shall consist of a minimum of forty-six (46) percent of the designated brick on all the residential buildings.
3. A wooden three (3) rail white horse fence shall be constructed along the southern boundary of the property (along the Highbluffs Road frontage) and along the northern property line from the western property line in an easterly direction approximately two hundred -ten (210) feet along the border with the abutting condominium complex.

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

1. All external lighting shall be cut-off type fixtures (down-lighting). However, buildings and landscaping may be illuminated with up-lighting from a concealed source.
2. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to ensure compatibility. All

light poles and standards shall be of the same color.

4. Building mounted lighting within service areas shall be designed in such a way that no light spillage off-site occurs.
5. Landscaping at entry points to parking lots and buildings if illuminated shall be up-lighted by ground mounted concealed fixtures.
6. Light fixtures shall not exceed eighteen (18) feet.

F. Graphics and/or Signage Commitments.

All signage and graphics shall conform to Article 15, Title 33 of the Columbus City Code as it applies to Chapter 33, Apartment Districts. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments.

1. The developer shall install a sidewalk along its entire Highbluffs Blvd. frontage except at the access point.
2. The site shall be developed in accordance with the limitation text and the site plan titled, "**The Traditions at Highbluffs**," signed by Jackson B. Reynolds, III, attorney for the applicant, on December 9, 2004. The submitted site plan is conceptual in nature and may be slightly modified due to engineering, utility installation, topography or other obstruction, however, any slight adjustment to said site plan is subject to review and approval by the Director of the Department of Development, or his deignee, upon submission of the appropriate data regarding the proposed adjustment.
3. The Board of Zoning Adjustment (BZA) shall be the body to hear any and all variance requests for those development standards detailed in the limitation text and site plan as well as those development standards omitted from the text but included by the application of Chapter 3333 of the Zoning Code.

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.~~