



Legislation Details (With Text)

File #: 2018-2012 **Version:** 1

Type: Ordinance **Status:** Passed

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On agenda: 10/22/2012 **Final action:** 10/24/2012

Title: To rezone 4871 WARNER ROAD (43081), being 43.73± acres located on the south side of Warner Road, 1400± feet east of Ulry Road, From: PUD-8, Planned Unit Development District, To: L-AR-12, Limited Apartment Residential District (Rezoning # Z12-024).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2018-2012Attachments, 2. Notice Of Public Hearing - Council Mtg20121022

Date	Ver.	Action By	Action	Result
10/24/2012	1	CITY CLERK	Attest	
10/23/2012	1	MAYOR	Signed	
10/22/2012	1	COUNCIL PRESIDENT	Signed	
10/22/2012	1	Zoning Committee	Approved	Pass
10/15/2012	1	Columbus City Council	Read for the First Time	

REZONING APPLICATION # Z12-024

APPLICANT: Albany Landings LLC; c/o Jill S. Tangeman, Atty.; 52 East Gay Street; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on July 12, 2012.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-AR-12, Limited Apartment Residential District will permit 440 apartment units on 43.73± acres with 20.58± acres of provided open space and a total gross density of 10.06± units per acre. The site plan and text provide customary development standards and adequate buffering and screening throughout the site. The request represents an increase of 96 units over what the current PUD-8, Planned Unit Development District allows and is balanced by the provided additional open space and increased protection of the wetlands area. The requested rezoning is consistent with the *Rocky Fork/ Blacklick Accord* (2003) with respect to land use recommendations, and with the zoning and development patterns of the area.

To rezone **4871 WARNER ROAD (43081)**, being 43.73± acres located on the south side of Warner Road, 1400± feet east of Ulry Road, **From:** PUD-8, Planned Unit Development District, **To:** L-AR-12, Limited Apartment Residential District (Rezoning # Z12-024).

WHEREAS, application #Z12-024 is on file with the Department of Building and Zoning Services requesting rezoning of 43.73± acres from PUD-8, Planned Unit Development District, to L-AR-12, Limited Apartment Residential District; and

WHEREAS, the Columbus Public Health Healthy Places program recognizes that the development has included five-foot wide sidewalks and pedestrian connectivity throughout the development; 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 L-AR-12, Limited Apartment Residential District is consistent with the *Rocky Fork/Blacklick Accord* (2003) with respect to land use recommendations, and with the zoning and development patterns of the area. The site plan and text provide customary development standards and adequate buffering and screening throughout the site. The request represents an increase of 96 units over what the current PUD-8, Planned Unit Development District allows and is balanced by the provided additional open space and increased protection of the wetlands 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:

4871 WARNER ROAD (43081), being 43.73± acres located on the south side of Warner Road, 1400± feet east of Ulry Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 3, Township 2, Range 16, United States Military Lands and being those tracts conveyed to Dominion Homes by deeds of record in Instrument Number 200507060131302 and Instrument Number 200506070109304 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, at a point marking the intersection of the southerly right-of-way line of Warner Road with the westerly line of that 22 acre tract as conveyed to said Dominion Homes;

Thence with the perimeter of said Dominion Homes tracts, the following courses and distances:

South 86° 44' 29" East, a distance of 605.80 feet to a point;

South 01° 37' 12" West, a distance of 206.50 feet to a point;

South 87° 12' 33" East, a distance of 139.67 feet to a point;

South 03° 42' 28" West, a distance of 274.06 feet to a point;

South 86° 34' 44" East, a distance of 499.13 feet to a point; and

North 03° 31' 55" East, a distance of 480.74 feet to a point in said southerly right-of-way line of Warner Road;

Thence South 86° 44' 29" East, with said southerly right-of-way line, a distance of 50.00 feet to a point in the westerly line of that 2.869 acre tract conveyed to Michael W. and Mary A. Adkins;

Thence continuing with the perimeter of said Dominion Homes tract, the following courses and distances:

South 03° 31' 55" West, a distance of 1374.52 feet to a point;

North 85° 52' 57" West, a distance of 50.00 feet to a point;

North 85° 49' 03" West, a distance of 501.88 feet to a point;

South 03° 42' 28" West, a distance of 525.10 feet to a point;

North 87° 01' 54" West, a distance of 81.12 feet to a point;

North 86° 45' 50" West, a distance of 667.87 feet to a point;

North 03° 35' 11" East, a distance of 1891.45 feet to the Point of Beginning and containing 43.727 acres of land, more or less.

This description was prepared from existing records and is not to be used for deed transfer.

To Rezone From: PUD-8, Planned Unit 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 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 changes on the said original zoning map and shall register a copy of the approved L-AR-12, Limited Apartment Residential District 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 plans being titled, "**ALBANY LANDINGS EXHIBIT A, B, C, C1, C2, & C3,**" and text being titled, "**LIMITATION OVERLAY TEXT,**" all dated August 29, 2012, and signed by Jill S. Tangeman, Attorney for the Applicant.

Limitation Overlay Text

Proposed District: LAR-12

Property Location: 4871 and 4899 Warner Road (43016), being 43.73 +/- acres located on the south side of Warner Road, 1,400 +/- feet east of Ulry Road

Owner: Albany Landings LLC

Applicant: Albany Landings LLC

Date of Text: August 29, 2012

Application: Z12-024

1. Introduction: The subject site was first zoned to PUD-8 in 2005 to allow for 294 single-family and townhouse units. In 2006, the site was rezoned to PUD-6 to change the townhouse units to ranch condominium units. In 2008, the site was rezoned to PUD-8 to change the single-family units to multi-family apartment units. The applicant has been very successful in development and selling the multi-family apartment units but there has been no market for the ranch condominium units. The applicant is seeking to rezone the site to change the ranch condominium units to multi-family apartment units consistent with the remainder of the site. The property is part of Pay As We Grow plan for the northeast corridor. The change in units and the increased density will allow for significant funds to be immediately generated for the infrastructure improvements currently scheduled in this area. For purposes of this text, the existing multi-family will be referred to as "Existing Albany Landings" and the proposed new multi-family will be referred to as "Albany Landings Expansion."

2. Permitted Uses: Multi-family and accessory uses such as pool, community center, and clubhouse as shown on the "Site Plan".

3. Development Standards:

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

1. A maximum of four hundred forty units (440) may be built on the site in accordance with the Site Plan attached hereto as Exhibit A.
2. Homes may be used as model homes for the purpose of marketing and sales. A manufactured modular building (or a clubhouse or model home with parking) may be used as a sales office during the development of the project and the construction of homes therein.
3. Minimum separation between buildings shall be at least 10 feet.
4. For the Existing Albany Landings multi-family apartment units located on private streets: the minimum building setback shall be 35 feet measured from the centerline of the street; a 4' sidewalk and an 11' tree lawn shall be provided in front of each building that has frontage along a primary access street; and all buildings that front onto a parking area shall have a minimum building setback of 10' from the edge of pavement. For the Albany Landings Expansion, the minimum building setback shall be 35 feet measured from the centerline of the street.
5. All buildings and parking shall be setback 250' from the centerline of Warner Road as required by the Rocky Fork Blacklick Accord.

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

1. The street alignments shall be developed as shown on the attached Site Plan; however they are subject to refinement with final engineering and may be adjusted to reflect engineering, topographical or other site considerations established at the time of development. The Director of Public Service or the Director's designee may approve adjustments to the street alignments upon submission of the appropriate data regarding the proposed adjustment.
2. Private streets shall be at least 22 feet in width for multi-family apartment units. Intersection details, including turning radii and tapers, will comply with the City of Columbus standards for 22' wide streets.
3. A bike path will be installed as shown on the Open Space Plan attached hereto as Exhibit B with connections to the properties to the east and to the west.
4. Developer will install a 5' wide concrete sidewalk or multi-use path along the south side of Warner Road. The locations of sidewalks throughout the development are shown on the Open Space Plan attached hereto as Exhibit B. Developer will also dedicate ten feet of additional right of way along Warner Road to the City of Columbus.
5. A maximum of 2 parking spaces per dwelling unit shall be provided for multi-family apartment units.
6. Parking restrictions shall be controlled by appropriate signage displayed within the development and shall include that parking shall be limited to one side of the Street and that no parking shall be permitted on either side of any street within 61' of street intersection. Fire hydrants shall be located on the side of the street where no parking is permitted. Enforcement by the condominium association shall be established by the rules and regulations of the condominium.
7. The owner, developer and or the association of owners must establish and maintain an agreement(s) with private towing company(s), which agreements authorize the private towing company(s) to remove/tow any vehicles parking in restricted areas. There may be one or more such agreements with one or more towing company for any times, lengths, terms, etc., as the association determines, so long as at least one such agreement shall always at all times be in force for the purposes of enforcement, removal, towing as required above. Towing agreements shall be filed with the Division of Fire, Fire Prevention Bureau upon execution of contract.

8. Parking is restricted to garages, designated parking areas and on streets (as set forth above). In conjunction with note above, the owner, developer, their successors and assigns (including the association of homeowners) must provide and maintain adequate and proper signage to designate all no parking zones.

9. The owner, developer, or the owners 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.

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

1. The developer shall install the total number of trees equal to one street tree per thirty (30) linear feet of street frontage for both sides of private streets, which trees may be evenly spaced at 1 tree per 30', or grouped, and the remainder distributed throughout the site. Developer reserves the right to place trees based on the site conditions and may redistribute the balance as grouped elsewhere throughout the site.

2. Street trees shall be 2.5-inch caliper minimum at the time of planting, and species shall not be mixed on individual streets.

3. City of Columbus parkland dedication requirements were met as part of a development to the north (Albany Crossing). The developer will also be giving to the City of Columbus the wetlands preservation area identified on the Site Plan attached hereto as Exhibit A. Fencing will be installed to separate the wetlands area from the development per Recreation and Parks requirements.

4. For the Existing Albany Landings multi-family units, where drive aisles are adjacent to residential buildings, those areas shall be screened with hedge rows which shall be 4 feet in height within two years of planting and parking buffers for the Existing Albany Landings multi-family units will be installed.

5. Existing trees in the setback areas along the property lines will be preserved except where it is necessary for utility crossings. Existing trees will also be preserved within a 50 foot distance from the centerline of the stream (100' total) as indicated on the Site Plan attached hereto as Exhibit A. Existing trees in the wetlands preservation area as shown on the Site Plan will also be preserved.

6. Developer shall install street trees along Warner Road at a rate of 4 per 100 linear feet. which may be evenly spaced, grouped, or used to supplement the existing tree line.

7. The Plan attached hereto as Exhibit B provides approximately 20.58 +/- acres of open space. All open space shall be maintained by an owners association.

8. Parking areas located behind buildings will contain interior landscaping not less than five percent of the vehicular use area and be located throughout the parking area to minimize the visual impact.

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

1. The Existing Albany Landings buildings will be constructed with an exterior mixture of brick, "shake" siding and New Albany beaded vinyl siding as shown on the Architectural Features Plan attached as Exhibit C and the 16 Unit Multi-Family Vista Buildings Sample Elevations attached as Exhibits C1 and the 16 Unit Multi-Family Breezeway Buildings Sample Elevations C2. Only those units identified on Exhibit C are required to have windows on the side elevations. Only elevations with windows are shown on Exhibits C1 and C2. The Albany Landings Expansion buildings will be constructed as shown on the Multi-Family Building Sample Elevations attached as Exhibit C3.

2. Main entry features will be landscaped and lit with concealed uplights.

3. Lighting poles shall be cut-off fixture types. All lighting poles, signs, frames and/or supports shall be uniform and be either black or dark bronze in color. No pole shall exceed eighteen (18) feet in height.

4. Subject to approval of a Dumpster Waiver, refuse collection shall be provided by private hauler. All residents shall have a private refuse container(s). If a Dumpster Waiver is not granted or revoked by the City of Columbus, or if a future owner requests refuse service by the City of Columbus, dumpsters will be provided in accordance with applicable city code.

5. Developer shall install decorative street lamps at regular intervals similar to City of Columbus standard spacing. Street light spacing on public street(s) shall be per City code. All lighting fixtures within the multi-family sub-area shall be similar in style or type.

E. Graphics and/or Signage Commitments.

1. All signage and graphics shall conform to the Columbus Graphics Code. Any variances needed from the applicable graphics requirements shall be submitted to the Columbus Graphics Commission.

F. Miscellaneous.

1. Prior to site compliance plan approval, the final plans for the design of the Warner Road Full Replacement & Warner/Ulry Improvements that have been signed and approved by all applicable government agencies shall be provided to the City of Columbus in accordance with the Memorandum of Understanding comprising this property that was executed on February 23, 2006.

2. The subject site shall be developed in accordance with the Site Plan attached as Exhibit A. The Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time the development and engineering plans are completed. Any slight adjustment to the Plan is subject to review and approval by the Director of Building and Zoning Services, or his/her designee, upon submission of the appropriate data regarding the proposed adjustment.

3. This site is included within the Pay as We Grow plan for the northeast growth corridor. The developer has committed to paying the required Pay As We Grow fee towards infrastructure costs.

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