



## Legislation Details (With Text)

**File #:** 1748-2004      **Version:** 2

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

**File created:** 9/24/2004      **In control:** Zoning Committee

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

**Title:** To rezone 3539 BRICE ROAD (43110), being 44.4± acres located east of the terminus of Mouzon Drive and southwest of the intersection of Chatterton and Brice Roads, From: R, Rural District, To: L-R-2, Limited Residential District (Z04-052).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1748-2004 site plan.pdf, 2. ORD1748-2004 staff rpt.pdf, 3. ORD1748-2004 zone.pdf, 4. ORD1748-2004 gis.pdf, 5. ORD1748-2004 aerial.pdf, 6. ORD1748-2004 flood.pdf, 7. ORD1748-2004 area plan.pdf, 8. ORD1748-2004 metroparks.pdf, 9. ORD1748-2004 Disclosure.pdf, 10. ORD1748-2004 labels.pdf, 11. Z04-052 Data Form.pdf

Date	Ver.	Action By	Action	Result
12/9/2004	2	CITY CLERK	Attest	
12/7/2004	2	MAYOR	Signed	
12/6/2004	1	Zoning Committee	Amended as submitted to the Clerk	Pass
12/6/2004	2	Zoning Committee	Approved as Amended	Pass
12/6/2004	2	COUNCIL PRESIDENT	Signed	
11/29/2004	1	Columbus City Council	Read for the First Time	
11/22/2004	1	Dev Zoning Reviewer	Reviewed and Approved	
11/22/2004	1	Dev Zoning Drafter	Sent for Approval	
11/22/2004	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/22/2004	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
10/6/2004	1	Dev Zoning Drafter	Sent for Approval	

**REZONING APPLICATION:** Z04-052

**APPLICANT:** ZDM Properties Inc.; c/o William A. Goldman, Atty.; 500 South Front Street, Ste. 1200; Columbus, Ohio 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on August 12, 2004.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The Applicant's is requesting the L-R-2, Limited Residential District to develop a maximum of 131 detached single-family dwellings at a density of 3.0 units per acre. The site is located within the boundaries of the *Brice-Tussing Area Plan* (1990), which recommends residential use for the majority of the site and commercial development for the portion of the site closest to the intersection of Brice and Chatterton Roads. Deviation from the Plan is warranted because the proposed residential use on the entire site is consistent with existing zoning and development patterns in this area. The limitation text includes use restrictions and development standards that address dwelling unit size, building height, garages, street lights, street trees, and graphics. A registered site plan depicts the subdivision design and 16± acres of open space, including 9± acres

of Powell Creek floodway adjacent to existing parkland. The applicant also has committed to preserve existing wetlands on this site.

To rezone **3539 BRICE ROAD (43110)**, being 44.4± acres located east of the terminus of Mouzon Drive and southwest of the intersection of Chatterton and Brice Roads, **From:** R, Rural District, **To:** L-R-2, Limited Residential District (Z04-052).

**WHEREAS**, application #Z04-052 is on file with the Building Services Division of the Department of Development requesting rezoning of 44.4± acres from R, Rural District to L-R-2, Limited Residential District, and

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

**WHEREAS**, the City Departments recommend approval because the applicant's request for the L-R-2, Limited Residential District to develop a maximum of 131 detached single-family dwellings at a density of 3.0 units per acre is generally consistent with the *Brice-Tussing Area Plan* (1990), which recommends residential use for the majority of the site and commercial development for the portion of the site closest to the intersection of Brice and Chatterton Roads. Deviation from the Plan is warranted because proposed residential use on the entire site is consistent with existing zoning and development patterns in this area. The proposed single-family land use is also consistent with zoning and development patterns in this area. The limitation text includes use restrictions and development standards that address dwelling unit size, building height, garages, street lights, street trees, and graphics. A registered site plan depicts the subdivision design and 16± acres of open space, including 9± acres of Powell Creek floodway adjacent to existing parkland. The applicant also has committed to preserve existing wetlands on this site; 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:

**3539 BRICE ROAD (43110)**, being 44.4± acres located east of the terminus of Mouzon Drive and southwest of the intersection of Chatterton and Brice Roads, and being more particularly described as follows:

**DESCRIPTION FOR ZONING 44.401± ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a total of 44.401 acres combining 43.530 acres out of an original 131.452 acre tract, Instr. 200209180232608, P.N. 530-122777, and all of a 0.871 acre tract Instr. 200103080047462, P.N. 010-250510, Franklin County Recorder's records:

beginning for reference at the centerline intersection of Brice road and Refugee road;

thence south following the centerline of Brice road, a distance of 140.06 feet to a point;

thence n.89°40'00 w. following the southerly line of a 0.619 acre tract, P.N. 530-109267, conveyed to the Apostolic Church of Christ, a distance of 208.00 feet to a point, said point being the true point of beginning;

thence south following the westerly line of a 1.291 acre tract, p.n. 530-166411, conveyed to Joseph D. Wright Jr, a distance of 50.00 feet to a point;

thence n.89°40'00"w. following the northerly line of a 1.291 acre tract, P.N. 530-166411, conveyed to Joseph D. Wright Jr, a distance of 90.00 feet to a point;

thence with the following three (3) courses across the original 131.452 acre tract, instr. 200209180232608, P.N. 530-122777, conveyed to Florence J. Simpson et al;

1. s.13°31'14"w. a distance of 504.65 feet to a point;
2. s.43°00'12"w. a distance of 688.43 feet to a point;

3. s.34°20'59"w. a distance of 868.51 feet to a point;

thence with the following three (3) courses along the northerly line of a 32.215 acre tract, P.N. 530-266701, conveyed to the board of park commissioners of the Columbus and Franklin County Metro Park Districts;

1. n.50°57'04"w. a distance of 187.49 feet to a point;

2. n.69°48'58"w. a distance of 426.10 feet to a point;

3. s.65°56'06"w. a distance of 810.30 feet to a point;

thence n.00°11'31"e. following the easterly line of Chatterton East Section 2, P.B. 101, pg. 27, a distance of 661.25 feet to a point;

thence s.89°26'22"e. following the southerly line of a 22.897 acre tract, P.N. 530-109332, conveyed to the Apostolic Church of Christ, a distance of 794.99 feet to a point;

thence n.00°00'45"w. following the easterly line of a 22.897 acre tract, P.N. 530-109332, conveyed to the Apostolic Church of Christ, a distance of 943.86 feet to a point;

thence s.89°44'21"e. following the southerly line of a 10.557 acre tract, P.N. 530-166405, conveyed to the Apostolic Church of Christ, a distance of 1448.45 feet to a point;

thence n.00°19'47"e. following the easterly line of a 10.557 acre tract, P.N. 530-166405, conveyed to the Apostolic Church of Christ, a distance of 236.40 feet to a point;

thence s.89°40'00"e. following the southerly line of a 0.619acre tract, P.N. 530-109267, conveyed to the Apostolic Church of Christ, a distance of 206.23 feet to the point of beginning, containing 44.401 acres.

this description was based on previous records.

bearings were based on the centerline of Brice road as being south as shown in Instr. 200209180232608.

**To Rezone From:** R, Rural 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 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 L-R-2, Limited Commercial District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes; said site plan titled, "**BRICE / CHATTERTON ROAD SITE PLAN,**" and text titled, "**LIMITATION OVERLAY TEXT,**" both dated and signed October 1, 2004 by William A. Goldman, attorney for the applicant, and the text reading:

**LIMITATION OVERLAY TEXT**

**EXISTING DISTRICT:** R, Rural

**PROPOSED DISTRICT:** L-R-2, Limited Residential District

**PROPERTY ADDRESS:** 3539 Brice Road, Columbus, Ohio 43110

**PROPERTY OWNERS:** Joseph D. Wright, Jr., and Nancy E. Wright, Steven I. & Lisa M. Troilo, Carl & Connie Boylan, Mark & Kathy Troilo, Charles G. & Florence J. Simpson  
c/o William A. Goldman, Esq.; GOLDMAN & BRAUNSTEIN, LLP, Of-Counsel, Crabbe, Brown & James; 500 S. Front Street, Suite 1200; Columbus, Ohio 43215; Ph:(614) 228-5511; Fax: (614) 229-4568; [WGoldman@cbjlawyers.com](mailto:WGoldman@cbjlawyers.com).

**APPLICANT:** ZDM Properties, Inc., c/o William A. Goldman, Esq., GOLDMAN & BRAUNSTEIN, LLP, Of-Counsel, Crabbe,

Brown & James; 500 S. Front Street, Suite 1200, Columbus, Ohio 43215.

DATE OF TEXT: October 1, 2004

APPLICATION NO.: Z04-052

1. **INTRODUCTION:** The subject property consists of approximately 44.401 acres located on the west side of Brice Road, which is more particularly identified in the legal description submitted as part of this Rezoning Application ("Property"). The Applicant, ZDM Properties, Inc., is requesting a rezoning of the Property from R to L-R-2. Applicant proposes to rezone the property for development of a single family dwelling subdivision with an internal public street. A plan titled "**Brice/Chatterton Road (Wright Tract) Columbus, Ohio Site Plan**" signed by William A. Goldman, Esq., (authorized attorney) and dated October 1, 2004, hereinafter referred to as the "Plan" is submitted with this application as the street and lot plan, subject to final engineering and platting of the site. The proposed land use is consistent with zoning and development patterns in this area.

At the time of development, Applicant, or its assigns, 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 Board of Park Commissioners of the Columbus and Franklin County Metro Park District. The Board of Park Commissioners is responsible for enforcing this commitment. Said commitments are more fully set forth in the July 30, 2004, memorandum to Cindy Lynch, which shall become part of this Rezoning Application. The City of Columbus Recreation and Parks Department shall not be held responsible for enforcing any part of the fence commitment contained in the July 30, 2004 memorandum.

2. **PERMITTED USES:** No lot shall be used except for the construction of a single-family dwelling with an attached garage, as defined in Section 3332, 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 Chapter 3332, R-2 Residential District, of the Columbus City Code.

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

- (1) Density. The maximum number of lots permitted on the Property shall be one hundred thirty-one (131), for a gross density of 3.0 lots per acre.
- (2) Height. No dwelling shall exceed 2 ½ stories in height.
- (3) Lot. The lot layout shall be as depicted on the Plan for the maximum number of lots permitted.
- (4) Setback. There shall be a 20-foot no-build and no-disturb zone, including utilities, on the back portion of lots one (1) through forty-nine (49) and Reserves "D" and "E." Said 20-foot zone shall be calculated from the rear lot or reserve line.

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

- (1) Access to the Property shall be from Mouzon Drive from the Chatterton East Subdivision, Section 2, and shall be subject to the approval of the City of Columbus Transportation Division.
- (2) The developer shall install a ~~southbound~~ eastbound right turn lane from Chatterton Road to Bonus Drive.
- (3) The developer shall donate the sum of Forty Thousand and 00/100 Dollars (\$40,000.00) to provide for traffic calming measures **within the proposed and adjacent neighborhood.**
- (4) **A left turn lane shall be installed by restriping existing 2-way left turn lane.**

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

- (1) Street trees shall be provided along the internal public street at a rate of not less than one (1) street tree per lot for single frontage lots and two (2) street trees per lot for corner lots, with one (1) street tree located on each frontage of the corner lot. Street trees shall be selected from tree species approved by the City Forester.
- (2) All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months or the next planting season, whichever occurs first. Applicant will use its best efforts to save existing trees. Specific areas of tree preservation will be

depicted on the final Site Plan, prior to development.

(3) All trees shall meet the following minimum size at the time of planting: (i) shade trees 2 1/2-inch caliper; (ii) ornamental trees 1 1/2-inch caliper; and (iii) evergreen trees five (5) feet in height. Tree caliper is measured six (6) inches from the ground at the time of planting.

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

- (1) Garages. Each dwelling shall have not less than a two (2) car attached garage.
- (2) Dwelling Sizes. The Minimum Net Floor Area for Living Quarters, as defined in Section 3303.13, Letter M, of the Columbus Zoning Code shall be one thousand one hundred (1,100) square feet per dwelling unit.
- (3) Sidewalks: The applicant will comply with the current City of Columbus sidewalk requirements and will, as well, provide a sidewalk between lots 37 and 38, and lots 128 and 129.

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

- (1) Street Lights. The street lights in the subdivision shall be decorative street lights approved by the City of Columbus Division of Electricity, rather than the standard City of Columbus cobra-head fixture. The street lights shall be uniform in color and a maximum of fourteen (14) feet in height.
- (2) All new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.

**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:**

- (1) Parkland Dedication Commitments. At the time of final plat submittal, Applicant or its assigns agrees to make a monetary or land contribution to the Recreation and Parks Department as required by the Parkland Dedication Ordinance.
- (2) The Property shall be developed in substantial accordance with the plan titled, "**Brice/Chatterton Road (Wright Tract) Columbus, Ohio Site Plan**," dated and signed on October 1, 2004 by William A. Goldman, Esq. (authorized attorney), submitted herewith, as the street and lot plan, subject to final engineering and platting. The Plan may be modified to reflect final engineering and/or consultation with the City of Columbus Recreation and Parks Department or Departments of Public Service and Public Utilities. Such modifications may include the reworking and/or renumbering of lots, minor acreage calculations and/or other minor modifications determined by final engineering. Any such revisions are subject to review and approval by the Director of the Department of Development or his/her designee.
- (3) A Homeowner's Association will be responsible for maintaining the reserves as depicted on the Plan.
- (4) There shall be no obstructions in the flood way that exists along the rear lot line of lots one (1) through forty-nine (49). Said commitment shall be enforced and included in the deed restrictions for this development.
- (5) The applicant or its assigns, including any Homeowner's Association, will preserve wetlands located in the northwest portion of the site. This 5.3+/- acre tract is labeled Reserve "A," Open Space on the Site Plan titled, "**Brice/Chatterton Road (Wright Tract) Columbus, Ohio Site Plan**," dated and signed on October 1, 2004 by William A. Goldman, Esq. (authorized attorney).
- (6) No portion of any lot adjacent to the floodway shall be located within the floodway.

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