



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 0625-2006, **Version:** 1

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### Rezoning Application Z05-031

**APPLICANT:** Bigler Company, Ltd; c/o David Perry, Agent; The David Perry Company; 145 East Rich Street; Columbus, OH 43215; and Donald T. Plank, Atty.; Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on September 8, 2005.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested L-R-1, Limited Residential District will allow 12 single-family dwellings with two reserves totaling 1.06 acres, including 1.0 acre that will remain undisturbed to protect the ravine and flood plain that is located along the eastern boundary of the site. The limitation text commits to a development plan, and includes a conservation easement to further protect the ravine in Reserve B, a tree preservation buffer area along the north property line, and customary development standards such as minimum net floor area for living quarters, exterior building material commitments, street trees, and a minimum two-car garage for each dwelling unit. The proposal is consistent with the recommendation of *The Northwest Plan* (1991), and the zoning and development patterns of the area.

To rezone **5598 OLENTANGY RIVER ROAD (43235)**, being 4.38± acres located east of the intersection of Olentangy River Road and Meeklyn Drive, **From:** R , Rural, RR, Rural Residential, LRR, Limited Rural Residential, and R-1, Residential Districts, **To:** L-R-1, Limited Residential District (Rezoning # Z05-031).

**WHEREAS**, application #Z05-031 is on file with the Building Services Division of the Department of Development requesting rezoning of 4.38± acres From: R, Rural, RR, Rural Residential, LRR, Limited Rural Residential, and R-1, Residential Districts, To: L-R-1, Limited Residential District; and

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

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested L-R-1, Limited Residential District will allow 12 single-family dwellings with two reserves totaling 1.06 acres, including 1.0 acre that will remain undisturbed to protect the ravine and flood plain that is located along the eastern boundary of the site. The limitation text commits to a development plan, and includes a conservation easement to further protect the ravine in Reserve B, a tree preservation area to act as a buffer to the single-family dwellings to the north, and customary development standards such as minimum net floor area for living quarters, exterior building material commitments, street trees, and a minimum two-car garage for each dwelling unit. The proposal is consistent with the recommendation of *The Northwest Plan* (1991), and the zoning and development patterns of the 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:

**5598 OLENTANGY RIVER ROAD (43235)**, being 4.38± acres located east of the intersection of Olentangy River Road and

Meeklyn Drive, and being more particularly described as follows:

**DESCRIPTION OF 4.381 ACRES OF LAND LOCATED  
ON THE EASTERLY SIDE OF OLENTANGY RIVER ROAD AND  
SOUTH OF THE EASTERLY EXTENSION OF MEEKLYN DRIVE**

Situated in the State of Ohio, County of Franklin, City of Columbus and containing 4.381 acres of land, more or less, said 4.381 acre area of land being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Olentangy River Road and Meeklyn Drive; thence S0° 29'00"W, with the centerline of said Olentangy River Road, a distance of 21.18 feet to a point; thence S88° 14'00"E, a distance of 30.01 feet to the true point of beginning;

Thence, from said true point of beginning, S88° 14'00"E, a distance of 39.30 feet to a point;

Thence N86° 00'00"E, a distance of 63.88 feet to a point;

Thence N71° 37'00"E, a distance of 89.83 feet to a point;

Thence N82° 50'00"E, a distance of 47.69 feet to a point;

Thence S78° 51'00"E, a distance of 55.34 feet to a point;

Thence S68° 40'00"E, a distance of 105.09 feet to a point;

Thence S73° 16'00"E, a distance of 25.93 feet to a point;

Thence N86° 13'00"E, a distance of 57.17 feet to a point;

Thence S45° 44'32"E, a distance of 128.57 feet to a point;

Thence S86° 21'21"E, a distance of 209.46 feet to a point in a westerly right-of-way line of State Route 315;

Thence S3° 07'17"W, with a westerly right-of-way line of said State Route 315, a distance of 228.16 feet to a point;

Thence S89° 51'41"W, a distance of 452.97 feet to a point;

Thence N0° 29'00"E, a distance of 166.33 feet to a point;

Thence S89° 38'00"W, a distance of 308.31 feet to a point;

Thence N0° 29'00"E, parallel with and 30.00 feet easterly from, as measured at right angles, the centerline of said Olentangy River Road, a distance of 182.71 feet to the true point of beginning and containing 4.381 acres of land, more or less.

The bearings given in the foregoing description are based on the bearing of N0° 29'00"E as given for the centerline of Olentangy River Road in the deed to The Bigler Company, Ltd., of record in Instrument No. 200504120067881, Recorder's Office, Franklin County, Ohio.

**To Rezone From:** R, Rural, RR, Rural Residential, LRR, Limited Rural Residential, and R-1, Residential Districts.

**To:** L-R-1, Limited Residential District

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-R-1, 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-1, 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 plan being titled "**MONT'S CROSSING,**" and said text being titled "**DEVELOPMENT TEXT,**" both signed by David B. Perry, Agent for the Applicant, and Donald T. Plank, Attorney for the Applicant, dated March 1, 2006, and the text reading as follows:

**DEVELOPMENT TEXT**

**L-R-1, LIMITED RESIDENTIAL DISTRICT**

**4.381+/- ACRES**

**EXISTING DISTRICT(S):**

RR, Rural Residential, LRR, Limited Rural Residential, R-1, Residential and R, Rural Districts

**PROPOSED DISTRICT:**

L-R-1, Limited Residential District

**PROPERTY ADDRESS:**

5598 Olentangy River Road, Columbus, OH 43220

**OWNER:**

Bigler Company, Ltd. c/o Dave Perry, The David Perry Co., 145 East Rich Street, Columbus, OH 43215 and Donald Plank, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215

**APPLICANT:**

Bigler Company, Ltd. c/o Dave Perry, The David Perry Co., 145 East Rich Street, Columbus, OH 43215 and Donald Plank, Plank and Brahm, 145 East Rich Street, Columbus, OH 43215

**DATE OF TEXT:**

March 1, 2006

**APPLICATION NUMBER:**

Z05-031

**INTRODUCTION:**

The site is 4.381 +/- acres located on the east side of Olentangy River Road, beginning approximately at the intersection of Meeklyn Drive and Olentangy River Road. The site is presently zoned in several zoning categories (RR, Rural Residential, LRR, Limited Rural Residential, R-1, Residential and R, Rural Districts).

Applicant proposes to rezone the site to the L-R-1 district to construct a 12 lot single-family dwelling subdivision with a new public cul-de-sac street. There are single family dwellings in all directions from the site and also a church to the south. The proposed development is consistent with surrounding uses and recommendations of The Northwest Plan. A plan titled "Development Plan for Mon'ts Crossing", hereinafter, The Plan, dated March 1, 2006, signed March 1, 2006 by David B. Perry, Agent for Applicant and Donald Plank, Attorney for Applicant, is submitted with this application and incorporated by reference in this Limitation Text as the preliminary development plan for the site, subject to adjustment with final engineering and platting.

1. **PERMITTED USES:** The following uses shall be permitted:

Detached Single family dwellings on platted lots as permitted in Section 3332.03, R-1, Residential District Use, along with customary accessory uses incidental to a single family dwelling, as permitted in Chapter 3332, Residential Districts.

2. **DEVELOPMENT STANDARDS:** Except as specified herein and as indicated on "The Plan", the applicable development standards of Chapter 3332, Residential Districts, of the Columbus City Code shall apply.

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

1. Density: A maximum of twelve (12) detached single-family dwellings on separate platted lots shall be permitted.
2. Height: Height District shall be H-35.
3. Lot: Lot location and size shall generally be as depicted on the Plan, subject to adjustment with final engineering and platting and conformance with R-1 District standards.
4. Setback: Minimum setbacks shall be as noted on The Plan.
  - a. The 20 foot Tree Preservation area along the north line of Lots 1 - 7, inclusive, shall establish both building and pavement setbacks.
  - b. The 20 foot wide Conservation Easement along the east line of Lots 8 - 10, inclusive, shall establish both building and pavement setback, and a "no disturb area" except as may be required for placement of underground utilities if required to be extended to the east.
  - c. Lot 12, as numbered on the Plan, shall have a minimum 10 foot west side yard.

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

1. Lots shall be oriented as depicted on the Plan, subject to final engineering and platting. Vehicular access to all lots shall be from the new internal public street.
2. Sidewalks shall be provided along all public streets, including Olentangy River Road.
3. One (1) driveway shall be permitted across Reserve A for parcel 010-151380 for the existing house for vehicular access to the new public street, if desired by the owner of parcel 010-151380. If parcel 010-151380 is redeveloped, driveway access for any new houses shall be provided across Reserve A for access to the new public street, unless other access is approved by the Division of Transportation. Reserve A may be split and combined with parcel(s) to the south to form parcels fronting upon and having vehicular access to the new public street depicted on the Plan.
4. There shall be no vehicular access to/from Lots 1 - 7, inclusive, to the Private Drive to the north.

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

1. Street trees shall be provided along both sides of the new internal public street and Olentangy River Road at the rate of one (1) street tree per 50 +/- lineal feet. Spacing may be adjusted based on locations of driveways and sight distance requirements. Street trees shall be selected from tree species approved by the City Forester. Street tree planting along the south side of the new internal street may occur in Reserve A.
2. The 20' Tree Preservation area along the north line of Lots 1 - 7, inclusive, is for the purpose of preserving existing trees of 6 inch caliper or greater within the preservation area.
3. Within the 20' Tree Preservation area along the north line of Lots 1 - 7, inclusive, a minimum of one (1) deciduous street tree and one (1) evergreen tree, such as Spruce, shall be planted per lot (Lots 1 - 7, inclusive).
4. Lots 1 - 7, inclusive, may be fenced with a privacy fence, including placing a privacy fence within the Tree Preservation area. The

preservation area shall be platted on the subdivision plat. The fence, if any, shall be the same design, materials and finish on every lot (Lots 1-7, inclusive) and shall be located at a uniform setback from the north property line. No existing trees of 6 inch caliper or greater shall be removed for purposes of placing the fence, if any.

5. A 20 foot wide Conservation Easement shall be provided along and parallel to the east lot lines of lots 8, 9 and 10, inclusive, as numbered the Plan. The Conservation Easement shall be platted and shall establish both pavement and building setbacks and a "no disturb" area except as may be required for placement of underground utilities if required to be extended to the east.

6. Within the east 170 feet of Reserve A, evergreen plant material shall be planted. Within this area, evergreen plant material that is a minimum of three (3) feet tall at planting shall be planted to provide screening of 75% opacity. The plant material required in this section may be modified to provide driveway access from parcel 010-151380 to the new subdivision street if requested by the owner of parcel 010-151380 and as may be approved by the City of Columbus, and the plant material required by this section may be removed entirely if parcel 010-151380 is redeveloped and driveway cut(s) are provided to the new subdivision street.

7. Within the ten (10) foot west side yard of Lot 12, as numbered on the Plan, columnar evergreen plant material, such as Arborvitae, shall be planted from a point corresponding to the front setback line of Lot 12 (25 foot setback line) to a point corresponding to the rear (south) wall of any house built on Lot 12. This plant material shall be required as long as the existing abutting house to the west on parcel 010-151380 and known as 5594 Olentangy River Road remains.

8. The minimum size of plant material, other than as noted, at the time of planting shall be as follows: Deciduous - 2 ½ inch caliper, Ornamental - 1 ½ inch caliper, Evergreen - 5 - 6 feet tall.

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

1. Building materials shall be traditional and natural in appearance. Exterior building materials shall consist of stone, stucco, cultured stone, brick, hardi-plank (or comparable) and/or wood siding. Hardi-plank shall be limited to a total of 25% of the exterior wall area of any house, and shall be further limited to being no more than 25% of the area of any elevation (north, south, east, west) of any house. If hardi-plank is used, specific calculations shall be provided on construction plans of each specific house to document compliance with these provisions. Dimensional shingles shall be used for roofing.

2. Minimum Dwelling Unit Size: The Minimum Net Floor Area for Living Quarters, as defined in Section 3303.13, Letter M, of the Columbus Zoning Code, shall be 1,600 square feet per dwelling unit for 1 ½ story or 2 story houses. The primary area of all houses shall either be 1 ½ or 2 story, but single story portions shall be permitted.

3. Garages: Every dwelling shall have not less than a two (2) car front load attached garage.

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

1. All new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.

#### **F. Graphics and Signage Commitments.**

1. All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the R-1, Residential District. Any variance to the applicable sign requirements of the R-1 District shall be submitted to the Columbus Graphics Commission.

#### **G. Miscellaneous.**

1. The developer shall comply with applicable requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. Reserves A and B, as depicted on the Plan, are for open space, except as noted for Reserve A regarding vehicular access (Text: 2.B.3.) and landscaping. The Developer shall own and maintain Reserves A and B until at least 65% of the lots are sold and the homeowner's association has been formed, at which time Reserves A and B shall be owned and maintained by the subdivision homeowner's association. Reserve B may be deeded to the City of Columbus. A conservation easement shall be established on all of Reserve B as part of the recorded final plat.

3. The plan titled "Development Plan for Mont's Crossing", dated March 1, 2006, and signed March 1, 2006 by David B. Perry, Agent for Applicant and Donald Plank, Attorney for Applicant, is submitted with this application and incorporated by reference in this

Limitation Text as the preliminary development plan for the site, subject to adjustment with final engineering and platting. Any modification or adjustment is subject to review and approval by the Development Director or designee, upon submission of appropriate data regarding the proposed adjustment.

4. The Board of Zoning Adjustment (BZA) shall be the body to hear any and all variance requests to site development standards, unless included in a council variance application, including any and all specific site development standards contained in this ordinance or as depicted on the plan referenced in G.(3).

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