



Legislation Text

File #: 1706-2016, **Version:** 2

Rezoning Application Z15-037

APPLICANT: Metro Development LLC, c/o Jeffrey L. Brown; Smith & Hale; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-1) on November 12, 2015.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-R-2, Limited Residential, and L-AR-12, Limited Apartment Residential districts will allow a total of 178 single-unit dwellings and 240 apartment units at an overall density of 5.29 units/acre with 23.9± acres of provided open space. The proposal includes a commitment to a site plan which depicts lot layout and building orientation, sidewalks, open space locations, street layout, and elevation drawings for the apartment buildings. The development text provides commitments for maximum number of units, access, street trees, landscaping provisions for the Harlem Road frontage, headlight screening, porch requirements, and lighting controls. The site is within the planning area of the *Rocky Fork/Blacklick Accord* (2003), which recommends "Town Residential" for this location, which is primarily single-unit attached and detached residential development with a base density up to 5 units/acre. The Plan also recommends that developments include a natural/rural corridor along Harlem Road. The proposal is compatible with the density and development standards of residential developments located to the east of the subject site, and is also consistent with the land use and Harlem Road landscaping recommendations of the *Rocky Fork/Blacklick Accord*. The Rocky Fork/Blacklick Accord Implementation Panel voted to approve the request on October 15, 2015.

To rezone **7240 HARLEM ROAD (43081)**, being 78.88± acres located on the east side of Harlem Road, 1,300± feet north of Central College Road, From: R, Rural District, To: L-R-2, Limited Residential District, and L-AR-12, Limited Apartment Residential District (Rezoning # Z15-037) **and to declare an emergency. AMENDED BY ORD. 0322-2018; PASSED ON 2/12/2018.**

WHEREAS, application # Z15-037 is on file with the Department of Building and Zoning Services requesting rezoning of 78.88± acres from R, Rural District, to L-R-2, Limited Residential, and L-AR-12, Limited Apartment Residential districts; 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-2, Limited Residential, and L-AR-12, Limited Apartment Residential districts will permit residential development that is compatible with the density and development standards of residential developments located to the east of the subject site, and is also consistent with the land use and Harlem Road landscaping recommendations of the *Rocky Fork/Blacklick Accord*;

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 begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; 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:

7240 HARLEM ROAD (43081), being 78.88± acres located on the east side of Harlem Road, 1,300± feet north of Central College Road, and being more particularly described as follows:

SUBAREA A: 50.321 ACRES

Situated in the State of Ohio, County of Franklin, Township of Plain, lying within Section 7, Township 2, Range 16, United States Military Lands, being part of that 78 acre tract as described in deed to Vesner Family Trust, of record in Instrument Number 201412110164445, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING, at the northeast corner of said 78 acre tract, also being at the common corner of that 7.349 acre tract described in deed to City of Columbus, Ohio, of record in Instrument 200506130113448 and that 65 acre tract described in deed to Valerie A. Karikomi, of record in Instrument 200906120085548;

Thence South 03°37'33" West, a distance of 2028.27 feet, with the east line of said 78 acres, west line of said 7.349 acre and the Eleventh Amendment of New Albany Park Condominium, of record in Condominium Plat Book 137, Page 24, to the common corner of said 78 acres and the Fourth Amendment of the Villas at West Albany Condominium, of record in Condominium Plat Book 185, Page 80;

Thence North 85°48'37" West, a distance of 479.53 feet, with the south line of said 78 acres and north line of said Fourth Amendment and Third Amendment of the Villas at West Albany Condominium, of record in Condominium Plat Book 222, Page 63, to a point;

Thence through said 78 acres the following courses:

North 03°49'30" E, a distance of 480.47 feet, to a point;

With the arc of a curve to the left, having a radius of 25.00 feet, a delta angle of 90°00'00", an arc length of 39.27 feet, a chord bearing of North 41°10'30" West, and a chord distance of 35.36 feet, to a point;

North 86°10'30" West, a distance of 83.00 feet, to a point;

With the arc of a curve to the right having a radius of 100.00 feet, a delta angle of 90°00'00", an arc length of 157.08 feet, a chord bearing of North 41°10'30" West, a chord distance of 141.42 feet, to a point;

North 03°49'30" East, a distance of 642.75 feet, to a point;

With the arc of a curve to the left, having a radius of 25.00 feet, a delta angle of 90°00'00", an arc length of 39.27 feet, a chord bearing of North 41°10'30" West, and a chord distance of 35.36 feet, to a point;

North 86°10'30" West, a distance of 1153.56 feet, to a point in the centerline of Harlem Road;

Thence North 02°02'00" West, a distance of 753.69 feet, with the centerline of Harlem Road and said 78 acres, to the common corner of said 78 acres and a 35.238 acres described in deed to Harlem Road Real Estate, of record in Instrument 201310030167730;

Thence South 86°14'36" East, a distance of 1935.96 feet, with the common line of said 78 acres, said 35.238 acres, and said 65 acres, to the **TRUE POINT OF BEGINNING**, containing 50.321 acres more or less.

The bearings shown above are based on the bearing of North 02°36'44" West for centerline of said Harlem road, occupying Franklin County Geodetic Survey Monument 1825 and Franklin County Geodetic Survey Monument 1375, as determined by GPS observations and post processed utilizing National Geodetic Survey OPUS solutions.

To Rezone From: R, Rural Residential District

To: L-R-2, Limited Residential District

SUBAREA B: 28.555 ACRES

Situated in the State of Ohio, County of Franklin, Township of Plain, lying within Section 7, Township 2, Range 16, United States Military Lands, being part of that 78 acre tract as described in deed to Vesner Family Trust, of record in Instrument Number 201412110164445, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING, at the common corner of said 78 acre tract and that 1.306 acres described in deed to William R. and Michelle T. Reeb, of record in Official Record 12236 I18, said corner also being in the centerline of Harlem Road;

Thence North 02°02'00" West, a distance of 611.91 feet, with the centerline of Harlem Road and the west line of said 78 acres, to a point;

Thence through said 78 acres the following courses:

South 86°10'30" East, a distance of 1153.56 feet, to a point in the centerline of Harlem Road;

With the arc of a curve to the left, having a radius of 25.00 feet, a delta angle of 90°00'00", an arc length of 39.27 feet, a chord bearing of South 41°10'30" East, and a chord distance of 35.36 feet, to a point;

South 03°49'30" West, a distance of 642.75 feet, to a point;

With the arc of a curve to the right having a radius of 100.00 feet, a delta angle of 90°00'00", an arc length of 157.08 feet, a chord bearing of South 41°10'30" East, a chord distance of 141.42 feet, to a point;

South 86°10'30" East, a distance of 83.00 feet, to a point;

With the arc of a curve to the left, having a radius of 25.00 feet, a delta angle of 90°00'00", an arc length of 39.27 feet, a chord bearing of South 41°10'30" East, and a chord distance of 35.36 feet, to a point;

South 03°49'30" West, a distance of 480.47 feet, to a point in the line common to said 78 acres and the Fourth Amendment of the Villas at West Albany Condominium, of record in Condominium Plat Book 185, Page 80;

Thence North 85°48'37" West, a distance of 869.98 feet, with the common line of said 78 acres, 5.052 acres described in deed to AHAB Properties LTD, of record in Instrument 201503260037470, and that 5.0 acres described in deed to Grace Fellowship Church, of record in Instrument 201209180138837, to a common corner of said 78 acres and a 2.36 acres described in deed to Ruth P. Whittington, of record in Instrument 199904260102788;

Thence North 03°34'21" East, a distance of 658.82 feet, with the common line of said 78 acres, said 2.36 acres and said

1.306 acres, to a common corner of said 78 acres and said 1.306 acres;

Thence North 86°09'21" West, a distance of 451.24 feet, with the common line of said 78 acres and said 1.306 acres, to the **TRUE POINT OF BEGINNING**, containing 28.555 acres more or less.

The bearings shown above are based on the bearing of North 02°36'44" West for centerline of said Harlem road, occupying Franklin County Geodetic Survey Monument 1825 and Franklin County Geodetic Survey Monument 1375, as determined by GPS observations and post processed utilizing National Geodetic Survey OPUS solutions.

To Rezone From: R, Rural Residential 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-R-2, Limited Residential, and L-AR-12, Limited Apartment Residential Districts 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 change on the said original zoning map and shall register a copy of the L-R-2, Limited Residential, and L-AR-12, Limited Apartment Residential Districts and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said plan being titled, "**DEVELOPMENT PLAN**," "**SITE DETAILS**," and "**BUILDING ELEVATIONS**," and text titled, "**TEXT**," all dated June 9, 2016, and signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

TEXT

PROPOSED DISTRICTS: L-R-2 / L-AR-12
PROPERTY ADDRESS: 7240 Harlem Road
OWNER: Daryl Vesner Tr. & Judith Fuller Tr.
APPLICANT: Metro Development LLC
DATE OF TEXT: 6/9/16
APPLICATION: Z15-037

1. **INTRODUCTION:** The site is on the east side of Harlem Road, north of Central College and has recently been annexed into the City of Columbus. The site is developed as a farm; surrounding Columbus development is multi-family and the township ground is developed as agricultural or single family residential.

2. **PERMITTED USES:**

Subarea A. Those uses permitted under Section 3332.033 R-2, Residential District of the Columbus City Code.

Subarea B. Those uses permitted under Section 3333.02 AR-12, Apartment Residential District of the Columbus City Code.

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in the text or submitted drawings the applicable development standards for Subarea A are contained in Chapter 3332 Residential Districts of the Columbus City Code and for Subarea B are contained in Chapter 3333 Apartment Districts of the Columbus City Code.

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

1. The minimum number of dwelling units for Subarea A is 178.

2. The maximum number of dwelling units for Subarea B is 240.
3. The total number of dwelling units between both subareas shall not exceed 418.

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

1. Access to both Subareas A & B is from Harlem Road. Additional future street connections are shown on the site plan.
2. The developer shall install a southbound left turn lane with a length of 285 feet (includes diverging taper) at the site access point to Harlem Road.
3. The developer shall install a northbound right turn lane with a length of 314 feet (includes diverging taper) at the site access point to Harlem Road.
4. The developer shall make a payment of \$302,148 to the Department of Public Service to be applied to the construction of an eastbound left turn lane and a westbound left turn lane at the intersection of Central College Road and Harlem Road.

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

1. The frontage along Harlem Road shall be landscaped as follows: four trees 100 linear feet planted in a natural hedge row manner.
2. Street trees shall be planted on both sides of new public and private streets at a ratio of one tree per 30 feet. Trees may be individually spaced or grouped.
3. Parking lots shall be screened from Harlem Road and from the adjacent properties by headlight screening a minimum of four feet in height.
4. All landscape designs shall be prepared by a registered landscape designer or architect.
5. Mounding if used for screening shall have a maximum 3 to 1 slope with landscaping.

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

1. Subarea A. Garages shall not extend forward of front porches.
2. Subarea B. The applicant has submitted building elevations as part of its zoning application. The buildings shall be developed in accordance with the submitted building elevations. The building elevations may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the building elevations shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding proposed adjustment.

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

1. In Subarea B, all parking lot lighting shall be cutoff fixtures and not exceed a height of 18 feet. All wiring shall be underground and all external outdoor lighting fixtures shall be from same family of fixtures.
2. All ground mounted lighting shall be shielded and landscaped.

F. Graphics and Signage Commitments

All signage and graphics shall conform to Article 15 of the Columbus City Code as it applies to the appropriate zoning district.

G. Miscellaneous

The applicant has submitted a Development Plan for both subareas and Site Details for Subarea B as part of its zoning application. The site shall be developed in accordance with the submitted plans. The plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

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