



# City of Columbus

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

## Legislation Text

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**File #:** 0430-2013, **Version:** 2

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### **Rezoning Application Z12-066**

**APPLICANT:** Borrer Properties; c/o Michael T. Shannon, Atty.; Crabbe, Brown & James, LLP; 500 South Front Street, Suite 1200; Columbus, OH 43215.

**PROPOSED USE:** Single and multi-unit residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on January 10, 2013.

**FAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is partially developed with three 3-unit dwellings zoned in the L-AR-12, Limited Apartment Residential District, and allows a maximum of 68 dwelling units at a density of 5.32 units/acre. The requested PUD-4, Planned Unit Development District will allow the undeveloped land to be divided into 39 single-unit lots for a total of 48 units (3.87 units/acre) with 2.0± acres of open space. The site is located within the planning area of the *Broad-Blacklick Plan* (2011), which recommends medium density mixed residential development for this location. The proposed PUD Plan will allow a mixture of three-unit and single-unit dwellings with a lower density than what is currently permitted. The PUD Notes provide customary development standards and carry over commitments from the current limitation text. The request is compatible with the zoning and development patterns in the area, and with the land use recommendations of the *Broad-Blacklick Plan*.

To rezone **7440 EAST BROAD STREET (43004)**, being 12.4± acres located on the north side of East Broad Street, at the intersection with Kingsmeadow Lane, **From:**L-AR-12, Limited Apartment Residential District, **To:** PUD-4, Planned Unit Development District **and to declare an emergency** (Rezoning # Z12-066).

**WHEREAS**, application #Z12-066 is on file with the Department of Building and Zoning Services requesting rezoning of 12.4± acres from L-AR-12, Limited Apartment Residential District, to the PUD-4, Planned Unit Development District; and

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

**WHEREAS**, the Far East Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested PUD-4, Planned Unit Development District, will allow a mixture of three-unit and single-unit dwellings with a lower density than what is currently permitted. The PUD Notes provide customary development standards and carry over commitments from the current limitation text. The request is compatible with the zoning and development patterns in the area, and with the land use recommendations of the *Broad-Blacklick Plan*; 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 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:

**7440 EAST BROAD STREET (43004)**, being 12.4± acres located on the north side of East Broad Street, at the intersection with Kingsmeadow Lane, and being more particularly described as follows:

**SUBAREA 1  
10.76 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, Jefferson Township, located in Quarter Township 4, Township 1, Range 16, United States Military District and being out of that 1.422 acre tract, 7.004 acre tract and 4.262 acre tract conveyed to Broadstone Condominiums by deed of record in Instrument Number 200912290187329, "Broadstone Condominium", of record in Condominium Plat Book 215, Page 21, "Broadstone Condominium First Amendment", of record in Condominium Plat Book 217, Page 29, and "Broadstone Condominium Second Amendment", of record in Condominium Plat Book 218, Page 18, (all records refer to the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a monument found in the centerline of East Broad Street/State Route 16 (110 feet wide) at station 306+17.79 in the southerly line of that 0.410 acre tract, known as Parcel Number 45WD, conveyed to State of Ohio by deed of record in Official Record 16572, Page A12;

thence South 81° 50' 35" West, with said centerline, a distance of 225.60 feet to a point;

thence North 04° 06' 05" East, across the right-of-way of said East Broad Street, a distance of 56.28 feet to a point in the northerly right-of-way line thereof, at the southeasterly corner of the remainder of said 1.422 acre tract, the TRUE POINT OF BEGINNING;

thence South 81° 50' 35" West, with the southerly line of said 1.422 acre tract, said "Broadstone Condominium" and the remainder of said 4.262 acre tract, a distance of 491.67 feet to a point at the southwesterly corner of the remainder of said 4.262 acre tract;

thence North 03° 31' 24" East, with the westerly line of said 4.262 acre tract, a distance of 1162.40 feet to a point at the northwesterly corner thereof;

thence South 86° 08' 26" East, with the northerly line of said 4.262 and 7.004 acre tracts, a distance of 492.19 feet to a point at the northeasterly corner of said 7.004 acre tract;

thence South 04° 06' 05" West, with the easterly line of said 7.004 acre tract, a distance of 768.02 feet to a point at the common corner of said 7.004 and 1.422 acre tracts;

thence North 85° 31' 54" West, with the line common to said 7.004 and 1.422 acre tracts, partially across said "Broadstone Condominium", a distance of 166.77 feet to a point;

thence across said "Broadstone Condominium", "Broadstone Condominium First Amendment", and "Broadstone Condominium Second Amendment", the following courses and distances: North 04° 06' 15" East, a distance of 259.66 feet to a point; North 86° 08' 26" East, a distance of 153.54 feet to a point; South 03° 31' 24" West, a distance of 412.19 feet to a point;

With a curve to the left, having a central angle of 67° 07' 41", a radius of 75.08 feet, an arc length of 87.96 feet and a chord bearing and distance of South 28° 33' 40" East, 83.02 feet to a point;

With a curve to the left, having a central angle of 36° 00' 51", a radius of 75.00 feet, an arc length of 47.14 feet and a chord bearing and distance of South 80° 08' 59" East, 46.37 feet to a point; North 81° 50' 35" East, a distance of 18.23 feet to a point;

With a curve to the left, having a central angle of 76° 18' 07", a radius of 51.60 feet, an arc length of 68.72 feet and a chord bearing and distance of North 43° 41' 32" East, 63.75 feet to a point; and North 04° 06' 05" East, a distance of 174.69 feet to a point;

thence South 85° 31' 54" East, across said "Broadstone Condominium", partially with the line common to said 1.422 and 7.004 acre tracts, a distance of 166.77 feet to a point at the common corner thereof;

thence South 04° 06' 05" East, with the easterly line of said 1.422 acre tract, a distance of 291.95 feet to the TRUE POINT OF BEGINNING, containing 10.76 acres of land, more or less.

**SUBAREA 2  
1.65 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, Jefferson Township, located in Quarter Township 4, Township 1, Range 16, United States Military District and being out of "Broadstone Condominium", of record in Condominium Plat Book 215, Page 21, "Broadstone Condominium First Amendment", of record in Condominium Plat Book 217, Page 29 and "Broadstone Condominium Second Amendment", of record in Condominium Plat Book 218, Page 18, (all records refer to the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a monument found in the centerline of East Broad Street/State Route 16 (110 feet wide) at station 306+17.79 in the southerly line of that 0.410 acre tract, known as Parcel Number 45WD, conveyed to State of Ohio by deed of record in Official Record 16572, Page A12;

thence South 81° 50' 35" West, with said centerline, a distance of 225.60 feet to a point; thence North 04° 06' 05" East, leaving said centerline, a distance of 348.24 feet to a point;

thence North 85° 31' 54" West, with the line common to that 1.422 and 7.004 acre tract conveyed to Broadstone Condominiums, LLC by deed of record in Instrument Number 200912290187329 and partially across said "Broadstone Condominium", a distance of 166.77 feet to the TRUE POINT OF BEGINNING;

thence across said "Broadstone Condominium", said "Broadstone Condominium First Amendment" and said "Broadstone Condominium Second Amendment", the following courses and distances:

South 04° 06' 05" West, a distance of 174.69 feet to a point of curvature; with a curve to the right, having a central angle of 76° 18' 07", a radius of 51.60 feet, an arc length of 68.72 feet, a chord bearing of South 43° 41' 32" West and chord distance of 63.75 feet to a point of tangency;

South 81° 50' 35" West, a distance of 18.23 feet to a point of curvature; with a curve to the right, having a central angle of 80° 08' 59", a radius of 75.00 feet, an arc length of 47.14 feet, a chord bearing of North 80° 08' 59" West and chord distance of 46.37 feet to a point of curvature; with a curve to the right, having a central angle of 67° 07' 41", a radius of 75.08 feet, an arc length of 87.96 feet, a chord bearing of North 28° 33' 40" West and chord distance of 83.02 feet to a point of tangency;

North 03° 31' 24" East, a distance of 412.19 feet to a point;

South 86° 08' 26" East, a distance of 153.54 feet to a point;

South 04° 06' 05" West, a distance of 259.66 feet to the TRUE POINT OF BEGINNING, containing 1.65 acre of land, more or less.

**To Rezone From:** L-AR-12, Limited Apartment Residential District,

**To:** PUD-4, Planned Unit Development District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the PUD-4, Planned Unit Development 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 PUD-4, Planned Unit Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.09 of the Columbus City Codes; said plan being titled, "**DEVELOPMENT PLAN**," and said notes being titled, "**PLANNED UNIT DEVELOPMENT TEXT**," both dated January 10, 2013, and signed by Michael T. Shannon, Attorney for the Applicant, and the text reading as follows:

**PLANNED UNIT DEVELOPMENT TEXT**

**PROPERTY ADDRESS:** 7440 E. Broad St.

**PROPERTY SIZE:** +/-12.4 Acres

**CURRENT DISTRICT:** L-AR-12, Limited Apartment Residential District

**PROPOSED DISTRICT:** PUD-4, Planned Unit Development District

**OWNER:** Broadstone Condominiums, LLC; 600 Stonehenge Parkway, 2nd Floor; Dublin, OH 43017

**APPLICANT:** Borrer Properties, c/o Michael T. Shannon, Esq.; CRABBE, BROWN & JAMES, LLP;

500 S. Front St.; Columbus, OH 43215; [mshannon@cbjlawyers.com](mailto:mshannon@cbjlawyers.com)

[<mailto:mshannon@cbjlawyers.com>](mailto:mshannon@cbjlawyers.com)

**DATE OF TEXT:** January 10, 2013

**APPLICATION:** Z12-066

1. **Introduction:** The subject property site ("Site") is situated in east Columbus and comprised of five parcels (parcel identification numbers: 440-281245, 440-289413, 440-289296, 440-289092, and 440-283218). The Site is located on the north side of E. Broad St., between Reynoldsburg-New Albany Rd. and S. Waggoner Rd., and is subject to the Far East Area Commission and the Broad-Blacklick Area Plan. Pursuant to the Broad-Blacklick Area Plan, the future use of the Site is planned for medium density mixed residential. The Site is not subject to a commercial overlay, graphic commission, or planning overlay.

In 2006, the Site was rezoned from R to L-AR-12 pursuant to two zoning ordinances, rezoning applications Z06-027 and Z06-065. These ordinances were adopted with companion council variance applications CV06-038 and CV06-050, respectively. The intent was to develop a condominium community. Only three buildings (nine units) were constructed and the rest of the Site has remained undeveloped.

Applicant is seeking to rezone the Site from L-AR-12 to PUD-4 for the development of single family dwellings on the undeveloped portion of the Site (Subarea 1). The total number of units proposed is 48; including 39 new single family dwelling lots and 9 previously-developed multi-family dwelling units. The single family dwellings will be developed according to the standards of R-2 with the exception of lots 34-39 which will have a minimum depth of 95 feet (as opposed to R-2 standard of 100 feet). The three multi-family dwellings will remain as they were developed to the standards of AR-12 (Subarea 2). The Gross Density is +/- 3.87 units per acre. This rezoning from L-AR-12 to PUD-4 will not modify the current uses and/or development standards of the 9 previously developed multi-family dwelling units. The 9 previously developed units will remain condominium units.

The Site is bordered on the west by several L-AR-12 parcels, on the north-west by several L-SR parcels, on the north-east by one Jefferson Township parcel zoned Restricted Suburban, on the east by one R, Rural parcel, on the south-east by three Jefferson Township parcels zoned Restricted Suburban, Suburban Office & Institutional, and Countryside Residential (respectively), on the south by several Reynoldsburg parcels zoned R-3, and on the south-west by two Jefferson Township parcels zoned Restricted Suburban (alternatively, these parcels may be Reynoldsburg parcels zoned Annex).

**SUBAREA 1 (PUD-4) - +/- 10.76 Acres:**

2. **Permitted Uses:** The permitted uses shall be those contained in Section 3332.033 (R-2) of the Columbus City Code. The site shall permit retention basins.

3. **Development Standards:** Unless otherwise indicated in the text, the applicable development standards are found in Chapter 3332 of the Columbus City Code.

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

- i. The maximum number of single family dwelling units shall be 39.
- ii. The single family dwelling units shall front private streets.
- iii. The minimum lot width shall be 50 feet.
- iv. The minimum lot depth shall be 100 feet, except for lots 34-39 which shall have a minimum depth of 95 feet.
  - v. The minimum lot area shall be 5,000 square feet.
  - vi. The minimum side yard setback shall be 5 feet.
  - vii. The minimum rear yard setback shall be 25 feet. This is an exception from the R-2 standard of 25% of lot area. The rear yard setback shall allow an encroachment of patios, porches and/or decks.
  - viii. The minimum front yard setback shall be 25 feet.
    - ix. The maximum building height shall be 35 feet.
    - x. The minimum parking setback along East Broad Street shall be 60 feet.

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

- i. The East Broad Street full turning movement curb cut shall be aligned with the intersection of Kingsmeadow Lane (south side of East Broad Street) and shall consist of three (3) lanes, as follows: one (1) incoming lane and separate right and left turn exit lanes. A landscaped center median may be incorporated into the entrance design. Curb cuts and access points shall be approved according to the specifications of the City of Columbus Department of Public Service or any other applicable governmental agency.
- ii. All streets shall be private and will be owned and maintained by the Broadstone Homeowners' Association. The private streets shall be designed with a minimum pavement width of 22 feet.
- iii. Parking restrictions shall be installed per current City policy on signage for private streets and alleys/lanes. They shall include that parking be limited to one side of the street where street widths are less than 26 feet. No parking shall be permitted on either side of any street within 61 feet of the midpoint of street intersections, and that there will be no

parking on alleys/lanes. Fire hydrants shall be located on the side of the street where no parking is permitted.

iv. The owner, developer, and/or Homeowners Association must establish and maintain an agreement(s) with a private towing company(s) which authorizes the private towing company(s) to remove/tow any vehicles parked in restricted areas. There may be one or more such agreements with one or more towing company(s) for any times/lengths, terms, etc. as the owner/developer and/or Homeowners Association determines, so long as at least one such agreement shall always, at all times, be in force for the purpose of enforcement/removal/towing as required above. Towing agreements shall be filed annually with the City of Columbus Division of Fire, Fire Prevention Bureau, Plans Review Office, upon execution of contract.

v. The owners, developer, and/or Homeowners Association 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 and alley/lanes.

vi. Intersection details concurring turning radii, parking restrictions, and intersection configurations shall conform to the City of Columbus Division of Fire requirements.

vii. A sidewalk shall be provided along and parallel to East Broad Street. The width of the sidewalk shall be determined by the Department of Public Service.

viii. An internal four (4) foot wide sidewalk shall be provided along one (1) side of any internal private street. This internal sidewalk shall be immediately adjacent to the private street, without a treelawn.

ix. The internal sidewalk network shall connect to the East Broad Street sidewalk.

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

i. The frontage along East Broad Street shall be landscaped with street trees placed every forty (40) feet, subject to adjustment of spacing based on driveway location and clear vision requirements. The trees shall be approximately evenly spaced and planted in the right of way, subject to approval of the City Forester and Public Service Department, or otherwise shall be planted adjacent to the right-of-way. These landscape improvements along the frontage of E. Broad St. were already completed.

ii. The East Broad Street parking setback shall be maintained in live vegetation except as required for compliance with storm water detention/retention requirements. Entrance feature walls, fencing and/or landscaping are also permitted in the setback subject to no fence or wall shall exceed six (6) feet in height in the East Broad Street Parking setback. Randomized tree planting at the rate of three (3) trees per 100 lineal feet of East Broad Street frontage shall also be included within the setback. The trees shall be placed randomly to simulate natural hedgerow. These trees are in addition to the trees required in (i.) above.

iii. Mounding, if any, shall have a maximum slope of 3:1.

iv. Trees of 4 inch caliper or greater on the north 25 foot rear yard shall be preserved.

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

i. Each single family dwelling unit shall provide a two-car garage and contain a minimum net floor area of 1,300 square feet.

ii. The single family homes will be architecturally compatible with the existing dwellings in Subarea 2 to the extent of the following: Building materials shall be traditional and natural in appearance, such as wood, brick, stone, stucco, EIFS, and or glass. Vinyl and other materials are permitted as long as they are natural in appearance. Vinyl siding shall be limited

to an upgraded quality and thickness of .044 mills or greater. Dimensional asphalt shingles shall be used.

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

- i. All private street lighting fixtures shall be fully shielded cut-off fixtures (down lighting) or decorative lantern or luminaire-style fixtures.
- ii. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to insure aesthetic compatibility.
- iii. Except for decorative lighting, all other light poles shall be metal or fiberglass and such light poles shall be of the same color. Light poles shall not exceed a maximum of 14 feet in height.
- iv. Building-mounted area lighting within the parcel shall utilize fully shielded cut-off style fixtures and be designed in such a way to minimize off-site light spillage.
- v. All new or relocated utility lines shall be installed underground, unless a public utility does not permit underground installation in a particular location or instance.
- vi. It is Applicants intention to obtain a dumpster waiver. Subject to approval of a Dumpster Waiver, refuse collection shall be provided by a private hauler. All residents shall have a private refuse container(s). If a dumpster waiver is not granted or if revoked by the City of Columbus or if the Homeowners Association requests refuse service by the City of Columbus, dumpsters will be provided in accordance with applicable city code.

F. Graphics and Signage Commitments:

- i. All signage and graphics shall conform to Article 15 of the Columbus City Graphics Code, as it applies to the R-2, Residential District. Any variance to the applicable requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments:

- i. Applicant shall comply with the City's Parkland Dedication Ordinance.

**SUBAREA 2 (PUD-4) - +/- 1.65 Acres:**

4. **Permitted Uses:** The permitted uses shall be those contained in Section 3333.02 (AR-12) and permitted accessory uses and permitted accessory uses.

5. **Development Standards:** Unless otherwise indicated in the text, the applicable development standards are found in Chapter 3333 of the Columbus City Code.

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

- i. The maximum number of multi-family dwelling units shall be 9.
- ii. No building shall exceed 1 ½ stories above grade.

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

- i. All streets shall be private and will be owned and maintained by the Broadstone Homeowners' Association. The private streets shall be designed with a minimum pavement width of 22 feet.

ii. Parking restrictions shall be installed per current City policy on signage for private streets and alleys/lanes. They shall include that parking be limited to one side of the street where street widths are less than 26 feet. No parking shall be permitted on either side of any street within 61 feet of the midpoint of street intersections, and that there will be no parking on alleys/lanes. Fire hydrants shall be located on the side of the street where no parking is permitted.

iii. The owner, developer, and/or Homeowners Association must establish and maintain an agreement(s) with a private towing company(s) which authorizes the private towing company(s) to remove/tow any vehicles parked in restricted areas. There may be one or more such agreements with one or more towing company(s) for any times/lengths, terms, etc. as the owner/developer and/or Homeowners Association determines, so long as at least one such agreement shall always, at all times, be in force for the purpose of enforcement/removal/towing as required above. Towing agreements shall be filed annually with the City of Columbus Division of Fire, Fire Prevention Bureau, Plans Review Office, upon execution of contract.

iv. The owners, developer, and/or Homeowners Association 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 and alley/lanes.

v. Intersection details concurring turning radii, parking restrictions, and intersection configurations shall conform to the City of Columbus Division of Fire requirements.

vi. An internal four (4) foot wide sidewalk shall be provided along one (1) side of any internal private street. This internal sidewalk shall be immediately adjacent to the private street, without a treelawn.

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

i. Mounding, if any, shall have a maximum slope of 3:1.

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

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

i. All private street lighting fixtures shall be fully shielded cut-off fixtures (down lighting) or decorative lantern or luminaire-style fixtures.

ii. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type to insure aesthetic compatibility.

iii. Except for decorative lighting, all other light poles shall be metal or fiberglass and such light poles shall be of the same color. Light poles shall not exceed a maximum of 14 feet in height.

iv. Building-mounted area lighting within the parcel shall utilize fully shielded cut-off style fixtures and be designed in such a way to minimize off-site light spillage.

v. All new or relocated utility lines shall be installed underground, unless a public utility does not permit underground installation in a particular location or instance.

vi. It is Applicant's intention to obtain a dumpster waiver. Subject to approval of a Dumpster Waiver, refuse collection shall be provided by a private hauler. All residents shall have a private refuse container(s). If a dumpster waiver is not granted or if revoked by the City of Columbus or if the Condominium Association requests refuse service by the City of Columbus, dumpsters will be provided in accordance with applicable city code.



F. Graphics and Signage Commitments:

i. All signage and graphics shall conform to Article 15 of the Columbus City Graphics Code, as it applies to the AR-12, Apartment Residential District. Any variance to the applicable requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments:

i. Applicant shall comply with the City's Parkland Dedication Ordinance.

6. **Development Plan:** The Site shall be developed in accordance with the submitted PUD Plan. The plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved 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.**