



Legislation Text

File #: 1699-2020, **Version:** 2

Rezoning Application: Z19-030

APPLICANT: Metro Development; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, #460; Columbus, OH 43215.

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

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on September 12, 2019.

WESTLAND AREA COMMISSION RECOMMENDATION: Approval.

BIG DARBY ACCORD ADVISORY PANEL RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is primarily undeveloped with a portion being previously utilized as a driving range in the R, Rural District. The requested PUD-6, Planned Unit Development and L-AR-1, Limited Apartment Residential districts will permit a mixed residential development. The PUD-6 district (Subarea A) is 32.53± acres and proposes a maximum of 94 single-unit dwellings on public streets. The L-AR-1 district (Subarea B) is 9.02± acres and proposes 192 apartment units. Open space totaling 12.5± acres is provided throughout the site. The site plans depict the intended development and open space areas. The development text includes provisions for permitted uses, density, traffic improvements, open space, and graphics controls. The site is within the planning area of the *Big Darby Accord Watershed Master Plan* (2006) which recommends "Mixed Use" for the majority of the site, but also includes slivers of Tier 1 Environmental Conservation zone and Residential Suburban (3-5 units/acre) along the edges of the site. The requested PUD-6, Planned Unit Development and L-AR-1, Limited Apartment Residential districts will permit a residential development consistent with the land use recommendations of the *Big Darby Accord Watershed Master Plan*. After mitigating groundwater recharge during the site compliance review process as conditioned by the Big Darby Accord Advisory Panel, the request will comply with aspects of the *Big Darby Accord Watershed Master Plan* with regards to recommended density, improvements in water quality, groundwater recharge, and preservation of wooded areas and wetland and stream corridors. The developer is required to participate in the Big Darby Accord Revenue Program which will generate funds for Big Darby Accord purposes (e.g., stream restoration and parkland acquisition).

To rezone **5960 W. BROAD ST. (43119)**, being 41.55± acres located at the northwest corner of West Broad Street and Doherty Road, **From:** R, Rural District, **To:** PUD-6, Planned Unit Development District and L-AR-1, Limited Residential District (Rezoning #Z19-030) **and to declare an emergency.**

WHEREAS, application #Z19-030 is on file with the Department of Building and Zoning Services requesting rezoning of 41.55± acres from R, Rural District, to PUD-6, Planned Unit Development and L-AR-1, Limited Apartment Residential districts; and

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

WHEREAS, the Westland Area Commission recommends approval of said zoning change; and

WHEREAS, the Big Darby Accord Advisory Panel recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested PUD-6, Planned Unit Development, and L-AR-1, Limited Apartment Residential districts will permit a residential development consistent with the land use recommendations of the *Big Darby Accord Watershed Master Plan*. The request will also generate funds for Big Darby Accord Revenue Program;

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:

5960 W. BROAD ST. (43119), being 41.55± acres located at the northwest corner of West Broad Street and Doherty Road, and being more particularly described as follows:

SUBAREA A
32.525 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military Survey No. 1571 and being 32.525 acres of land, more or less, said 32.525 acres being part of the remainder of that Original 98.78 acre tract of land as conveyed to George Kotsanos, Inc. of record in Deed Book 2602, Page 477, said 32.525 acres more particularly described as follows:

Beginning, for Reference, at a P.K. nail set at the centerline intersection of Doherty Road (30') as conveyed to the Trustees of Prairie Township by deed of record in Deed Book 92, Page 335 and Broad Street (Variable Width)(S.H. 1 Sec J (Pt.) & Col. (Pt.), S.R. 40);

Thence **S 87° 13' 19" W**, with the centerline of said Broad Street (Variable Width), **15.00 feet** to a P.K. Nail set at the southeasterly corner of said Original 98.78 acre tract, said corner also being the intersection of the original westerly right-of-way line of said Doherty Road and the centerline of said Broad Street;

Thence **S 87° 13' 19" W**, with the southerly line of said Original 98.78 acre tract, partially along the northerly line of that Original 203.27 acre tract of land as conveyed to Blausser Capital LTD and continuing along said centerline, **1568.64 feet** to a P.K. Nail set at the southwesterly corner of the remainder of said Original 98.78 acre tract, also being the southeasterly corner of that Original 5.1203 acre tract of land as conveyed to Tad Alfred Hay, Kenneth A. Hay Jr. and Rene D. Hay of record in Instrument No. 199907130177763, said line also being the westerly line of Virginia Military Survey No. 1571 and the easterly line of Virginia Military Survey No. 5240;

Thence **N 03° 13' 42" E**, with the westerly line of the remainder of said Original 98.78 acre tract, the easterly line of said Original 5.1203 acre tract, partially along the easterly line of that 4.6201 acre tract of land as conveyed to Tad Alfred Hay and Rene D. Hay of record in Instrument No. 201503240036407, and along said common Virginia Military Survey line, **70.39 feet** to a 3/4" iron pin set (passing a 3/4" iron pin found at 69.14 feet stamped "Haines"), at the **True Point of Beginning**;

Thence **N 03° 13' 42" E**, continuing with the with the westerly line of the remainder of said Original 98.78 acre tract, the easterly line of said 4.6201 acre tract, the easterly line of that 18.01 acre tract of land as conveyed to Residential Home Inspection Service, Inc. of record in Instrument No. 200407290176476 and partially along the easterly line of that Original 57.845 acre tract of land as conveyed to Cypress Wesleyan Church & The Greater Ohio District of the Wesleyan Church, Inc. of record in Instrument No. 200104050070706, **1325.52 feet** to a 3/4" iron pin found (passing 3/4" iron pins

found at 672.13 feet "I A M" and 1298.14 feet) at the northwesterly corner of the remainder of said Original 98.78 acre tract, also being the southwest corner of Lot 291 as numbered and delineated upon the record plat "Galloway Ridge Section 4, Part 1" of record in Plat Book 95, Page 4;

Thence **S 84° 54' 42" E**, with the northerly line of the remainder of said Original 98.78 acre tract and the southerly line of said "Galloway Ridge Section 4, Part 1", **1447.40 feet** to an iron pin set (passing 3/4" iron pins found at 939.24 feet "RDZ" and 1437.30 feet "Fishel") at the northeasterly corner of the remainder of said Original 98.78 acre tract and in the westerly right-of-way line of said Doherty Road;

Thence **S 02° 14' 19" E**, with the easterly line of the remainder of said Original 98.78 acre tract and along said westerly right-of-way line, **422.69 feet** to an iron pin set at an angle point;

Thence across said Original 98.78 acre tract, the following three (3) courses and distances:

S 87° 13' 19" W, 600.85 feet to an iron pin set;

S 02° 46' 41" E, 697.47 feet to an iron pin set in the northerly right-of-way line of said Broad Street;

S 87° 13' 19" W, along said right-of-way line, **967.65 feet** to the **True Point of Beginning**, and containing **32.525 acres** of land, more or less;

Subject, however, to all legal highways, easements, and restrictions.

This exhibit was prepared from information obtained from the Franklin County Auditor's Office, the Franklin County Recorder's Office and information obtained from an actual field survey conducted by Advanced Civil Design, Inc. in February of 2019.

All iron pins set are 3/4" diameter, 30" long with a plastic cap inscribed "Advanced 7661".

Bearings are based on the bearing of S 87° 13' 19" W for the southerly right-of-way line of Broad Street between two iron pins found and established by using a G.P.S. Survey (Ohio State Plane Coordinate System, South Zone, NAD83, NSRS 2007).

To Rezone From: R, Rural District,

To: PUD-6, Planned Unit Development District.

SUBAREA B

9.02 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military Survey No. 1571 and being 9.02+/- acres of land, more or less, said 9.02+/- acres being part of the remainder of that Original 98.78 acre tract of land as conveyed to George Kotsanos, Inc. of record in Deed Book 2602, Page 477, said 9.02+/- acres more particularly described as follows;

Beginning, for Reference, at the northwesterly corner of that 32.525+/- acre tract of land as conveyed to the Ohio Power Company of record in Instrument No. 202005260071548, said corner also being the southwest corner of Lot 291 as numbered and delineated upon the record plat "Galloway Ridge Section 4, Part 1 of record in Plat Book 95, Page 4, also being in the easterly line of that Original 57.845 acre tract of land as conveyed to Cypress Wesleyan Church & The Greater Ohio District of the Wesleyan Church, Inc. of record in Instrument No. 200104050070706 and on the common

line of Virginia Military Survey No. 1571 and Virginia Military Survey No. 5240;

Thence **S 84° 54' 42" E**, with the northerly line of said 32.525+/- acre tract and the southerly line of said "Galloway Ridge Section 4, Part 1", **1447.40+/- feet** to the northeasterly corner of the remainder of said 32.525+/- acre tract and in the westerly right-of-way line of said Doherty Road;

Thence **S 02° 14' 19" E**, with the easterly line of the remainder of said 32.525+/- acre tract and along said westerly right-of-way line, **422.69+/- feet** to a southeasterly corner of said 32.525+/- acre tract, also being a northeasterly corner of the remainder of said Original 98.78 acre tract;

Thence **S 87° 13' 19" W**, with the common line of said 32.525+/- acre tract and said Original 98.78 acre tract, **30.00+/- feet** to the **True Point of Beginning**, said point being in a proposed westerly right-of-way line of said Doherty Road;

Thence **S 02° 14' 19" E**, across said Original 98.78 acre tract and along said proposed right-of-way line, **692.50+/- feet** to a point in the northerly line of that 2.584 acre tract of land as conveyed to the City of Columbus, Ohio of record in Instrument No. 202005040057450, also being the northerly right-of-way line of Broad Street (S.H. 1 Sec. J (Pt.) & Col. (Pt.), S.R. 40);

Thence **S 87° 13' 19" W**, with northerly line of said 2.584 and along said northerly right-of-way line, **564.33+/- feet** to a westerly line of the remainder of said Original 98.78 acre tract and an easterly line of said 32.525+/- acre tract;

Thence with said common lines, the following two (2) courses and distances:

N 02° 46' 41" W, 692.47+/- feet to an angle point;

N 87° 13' 19" E, 570.85+/- feet to the **True Point of Beginning** and containing **9.02+/- acre** more or less.

The above description was prepared by Advanced Civil Design Inc. on 6/25/2020 and is based on existing County Auditor records, County Recorder records.

All references used in this description can be found at the Recorder's Office Franklin County Ohio.

This description is not to be used in the transfer of land.

To Rezone From: R, Rural District,

To: L-AR-1, Limited Apartment Residential District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the PUD-6, Planned Unit Development, and L-AR-1, 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 changes on the said original zoning map and shall register a copy of the approved PUD-6, Planned Unit Development District and L-AR-1, Limited Apartment Residential District and Application among the records of the Department of Building and Zoning Services as required by Sections 3311.09 and 3370.03 of the Columbus City Codes; said plans being titled, "**SUBAREA A DEVELOPMENT PLAN**," "**SUBAREA B DEVELOPMENT PLAN**," and said text being titled "**DEVELOPMENT TEXT**," all dated June 29, 2020, and signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

PROPOSED DISTRICTS: PUD-6, L-AR-1
PROPERTY ADDRESS: 5960 W. Broad Street
OWNER: George Kotsanos Inc.
APPLICANT: Metro Development
DATE OF TEXT: 6/29/2020
APPLICATION: Z19-030

1. **INTRODUCTION:** The site is a former driving range and agricultural area located on the north side of W. Broad Street west of Doherty Road. The PUD-6, Planned Unit Development District is requested for a 94-unit single-unit subdivision on public streets, and the L-AR-1, Limited Apartment Residential District is requested for a 192-unit apartment development.

Subarea A - PUD-6

2. **PERMITTED USES:** Single-unit dwellings and open space areas.

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in the submitted text or drawings, the available development standards are contained in Chapter 3332 R-2, Residential Use districts of the Columbus City Code.

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

Maximum number of single-unit dwelling lots shall be 94.

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

1. At the access point to West Broad Street (US Route 40) for Subarea A, the developer shall install an eastbound left turn lane with a length of 225 feet (includes 50' diverging taper).

2. Right-of-way dedication of an additional 30 feet along the Doherty Road frontage (for a total of 60 feet of right-of-way) will be required which shall transition to an additional 20 feet (for a total of 50 feet of right-of-way) along the northern portion of the Doherty Road frontage to align with existing right-of-way limits of Doherty Road north of the site, as approved by the Department of Public Service.

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

Open space and preservation areas are shown on the submitted Site Plan.

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

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

F. Graphics and Signage Commitments:

All Graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus Code as it applies to the PUD-6 zoning classification and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments:

1. Site Plan Revision Allowance. The Property shall be developed in accordance with the Site Plan; however, the Site Plan shall be slightly adjusted to reflect engineering, topographical, or other site data established at the time of

development and engineering plans are completed. The Director of Building and Zoning Services or the Director's designee may approve any slight adjustment to the Site Plan upon submission of the appropriate data regarding the proposed adjustment.

2. The Developer shall participate in the Big Darby Accord Revenue Program.

3. During final site compliance review, the Developer shall pursue off-site open space land allocation in order to mitigate lost groundwater recharge on the site, and fulfill the requirements of the Ohio EPA NPDES permit.

Subarea B - L-AR-1

2. **PERMITTED USES**: Those uses permitted in Section 3333.02, AR-12, ARLD and AR-1 Apartment Residential district use of the Columbus City Code.

3. **DEVELOPMENT STANDARDS**: Unless otherwise indicated the applicable development standards are contained in Chapter 3333 Apartment Residential of the Columbus City Code

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

The maximum number of dwelling units shall be 192.

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

1. The access point to West Broad Street for Subarea B shall be limited to right-in and right-out turning movements.

2. Right-of-way dedication of an additional 30 feet along the Doherty Road frontage (for a total of 60 feet of right-of-way) will be required which shall transition to an additional 20 feet (for a total of 50 feet of right-of-way) along the northern portion of the Doherty Road frontage to align with existing right-of-way limits of Doherty Road north of the site, as approved by the Department of Public Service.

3. The following commitments shall be required by the developer unless otherwise implemented or reimbursed as part of the Big Darby Accord Revenue Program or as otherwise approved by the Department of Public Service:

- a) At the intersection of West Broad Street & Doherty Road/Rockbrook Crossing Avenue, the developer shall be responsible for the installation of a traffic signal at this intersection.
- b) At the intersection of West Broad Street & Doherty Road/Rockbrook Crossing Avenue, the developer shall be responsible for the installation of a southbound left turn lane with a length of 210 feet (includes 60' diverging taper).
- c) At the intersection of West Broad Street & Doherty Road/Rockbrook Crossing Avenue, the developer shall be responsible for the installation of an eastbound left turn lane with a length of 235 feet (includes 60' diverging taper).
- d) The developer shall be required to widen Doherty Road to a minimum 26' pavement width from the intersection of Doherty Road/Ridgeland Drive & Weston Woods Drive to the northern extent of the southbound left turn lane at the intersection of intersection of West Broad Street & Doherty Road/Rockbrook Crossing Avenue.
- e) The developer shall be required to widen Doherty Road to a minimum 36' pavement width within the area of the southbound left turn lane at the intersection of intersection of West Broad Street & Doherty Road/Rockbrook Crossing Avenue.

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

Open space is shown on the submitted Site Plan.

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

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

F. Graphics and Signage Commitments:

All Graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus Code as it applies to the AR-1 zoning classification and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments:

1. Site Plan Revision Allowance. The Property shall be developed in accordance with the Site Plan; however, the Site Plan shall be slightly adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of Building and Zoning Services or the Director's designee may approve any slight adjustment to the Site Plan upon submission of the appropriate data regarding the proposed adjustment.

2. The Developer shall participate in the Big Darby Accord Revenue Program.

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.