



City of Columbus

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

Legislation Text

File #: 3308-2022, Version: 1

Rezoning Application: Z19-043

APPLICANT: Fatih Gunal; c/o Michael Shannon, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Disapproval (2-3) on October 13, 2022.

FAR EAST AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two parcels, each developed with a single-unit dwelling in the R, Rural District. The requested L-AR-12, Limited Apartment Residential District will permit a multi-unit residential development with a maximum of 296 apartment units (11.94 du/acre). A concurrent Council variance (Ordinance #3309-2022; CV22-032) has been submitted to modify the landscaping and screening, maneuvering, parking space size, building lines, and perimeter yard requirements. The *Far East Land Use Plan (2018)* recommends "Low-Medium Density Residential (6-10 du/ac)" land uses at this location. Additionally, the Plan includes the adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*. The limitation text commits to a site plan and building elevations, and includes development standards addressing site access, buffering, building design, and graphics provisions. Planning Staff recognizes the proposed density is higher than that recommended by Plan, but supports the proposal as the site plan includes a defined corridor, walking trails, adequate landscaping, and building elevations that provide for higher quality materials, consistent with C2P2 Design Guidelines.

To rezone **198 MCNAUGHTEN RD. (43213)**, being 24.8± acres located on the east side of McNaughten Road, 1,425± feet south of East Broad Street, **From:** R, Rural District, **To:** L-AR-12, Limited Apartment Residential District (Rezoning #Z19-043).

WHEREAS, application #Z19-043 is on file with the Department of Building and Zoning Services requesting rezoning of 24.8± acres from R, Rural District, to L-AR-12, Limited Apartment Residential District; and

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

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

WHEREAS, the City Departments recommend approval of said zoning change because the proposed L-AR-12, Limited Apartment Residential District will allow a multi-unit residential development that is compatible with adjacent residential uses, includes a defined corridor, walking trails, adequate landscaping, and building elevations that provide for higher quality materials, and is consistent with recommendations of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines*.

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 #0179 -03, passed

February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

198 MCNAUGHTEN RD. (43213), being 24.8± acres located on the east side of McNaughten Road, 1,425± feet south of East Broad Street, and being more particularly described as follows:

Tract 1

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus (Reynoldsburg School District) and bounded and described as follows:

Being in and part of Half Section 2, Township 12, Range 21, Refugee Lands, and being part of a tract of land formerly owned by Susan Hanson and being more particularly described as follows:

Beginning at a spike in the center of McNaughten Road which bears South 325.0 feet from a spike at the Southwest corner of a 20.25 acre tract conveyed by Susan Hanson and husband Sylvester McCray, as the same is shown of record in Deed Book 3213, Page 110, Recorder's Office, Franklin County, Ohio; thence from said beginning point S. 89 deg. 53 min. E., parallel with the South line of the above mentioned 20.25 acre tract, 1346.6 feet to an iron pin in the East line of the land formerly owned by Susan Hanson. Passing an iron pin on line 21 feet from the center of McNaughten Road; thence with said East line: S. 0 deg. 02 min. E. 487.50 feet to an iron pin; thence N. 89 deg. 53 min. W. parallel with the South line of the above mentioned 20.25 acre tract, 1346.3 feet to a spike in the center of McNaughten Road, passing an iron pin on line 21 feet from the center of said road; thence North with the center of said road, 487.50 feet to the place of beginning, containing 15 acres, more or less.

Except for the following:

Being in and part of half of Section 2, Township 12, Range 21, Refugee Lands and being the South half of a 15 acre tract conveyed by deed of Frank J. Smith and Edith Smith to Marjorie J. Miller as the same is shown of record in Deed Book 1387, Page 481, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a point in the center of McNaughten Road, which said point bears South 568.75 feet from the Southwest corner of a 20.25 acre tract conveyed by Susan Hanson and husband to Sylvester McCray, as the same is shown of record in Deed Book 533, Page 427, Recorder's Office, Franklin County, Ohio; thence from said beginning point S. 89 deg. 53 min. E. parallel with the South line of the above mentioned 20.25 acre tract, 1346.45 feet to an iron pin in the East line of the above mentioned 15 acre tract, passing an iron pin on line at the East side of McNaughten Road at 21 feet; thence with the East line of the above mentioned 15 acre tract S. 00 deg. 02 min. W. 243.75 feet to an iron pin at the Southeast corner of the above mentioned 15 acre tract; thence with the South line of said tract, N. 89 deg. 53 min. W. 1346.3 feet to a spike in the center of McNaughten Road, passing an iron pin on line at the East side of said road at 1325.3 feet; thence with the center of McNaughten Road, along the West side of said 15 acre tract N. 243.75 feet to the place of beginning containing 7.5 acres, subject to all legal highways or other easements shown of record.

Franklin County Auditor Parcel Number: 267-298175

Tract 2

Situated in the County of Franklin in the State of Ohio and in the City of Columbus:

Being in and part of Half Section 2, Township 12, Range 21, Refugee Lands and being the south half of a 15 acre tract conveyed by deed of Frank J. Smith and Edith Smith to Marjorie J. Miller as the same is shown of record in Deed Book 1387, page 481, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the center of McNaughten Road, which said point bears SOUTH 568.75 fl. from the southwest corner of a 20.25 acre tract conveyed by Susan Hanson and husband to Sylvester McCray, as the same is shown of record

in Deed Book 533, page 427, Recorder's Office, Franklin County, Ohio; thence from said beginning point S. 89° 53' E., parallel with the south line of the above mentioned 20.25 acre tract, 1346.45 ft. to an iron pin in the east line of the abovementioned 15 acre tract, passing an iron pin on line at the east side of McNaughten Road at 21' ft.; thence with the east line of the above mentioned 15 acre tract, S. 00° 02' W. 243.75 ft. to an iron pin at the southeast corner of the above mentioned 15 acre tract; thence with the south line of said tract, N. 89° 53' W. 1346.3 ft. to a spike in the center of McNaughten Road, passing an iron pin on line at the east side of said road at 1325.3 ft.; thence with the center of McNaughten Road, along the west side of said 15 acre tract NORTH 243.75 feet to the place of beginning, containing 7.5 acres, subject to all legal highways or other easements shown of record.

Franklin County Auditor Parcel Number: 550-146751

Tract 3

Situated in the County of Franklin, in the State of Ohio, City of Columbus (formerly Township of Truro) in Half Section 2, Township 12, Range 21, Refugee Lands and being part of the 4.925 acre tract and part of the 5.772 acre tract conveyed to The Hawkes Hospital of Mt. Carmel in Deed Book 3191, Page 75, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at a found spike at the intersection of the centerline of McNaughten Road with the line between Jefferson and Truro Townships;

Thence along the centerline of said McNaughten Road, South, 1,472.50 feet to a nail at the Southwesterly corner of the M.J. and S.J. Daneult 7.5 acre tract (Deed Book 3416, Page 797) and THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

Thence along the Southerly line of said 7.5 acre tract, South 89 degrees 49 minutes 30 seconds East, 706.56 feet to a point;

Thence across said 4.925 acre tract and said 5.772 acre tract and along a line parallel with the centerline of said McNaughten Road South, 293.92 feet to a point;

Thence across said 5.772 acre tract and along a line 50 feet Northerly of (as measured at right angles) the Northerly line of the W.J. Bennett 5.02 acre tract (Deed Book 3169, Page 617), South 87 degrees 50 minutes 30 seconds West, 707.06 feet to a point in the centerline of said McNaughten Road;

Thence along the Westerly lines of the 5.772 acre tract and the 4.925 acre tract and along the centerline of said McNaughten Road, North, 322.71 feet to the place of beginning, containing 5.001 acres, subject however to all legal highways, easements, restrictions and agreements of record and of records in the respective utility offices.

Franklin County Auditor Parcel Numbers: 550-126662-00 and 550-126673-00

Tract 4

Situated in the County of Franklin, in the State of Ohio, City of Columbus (formerly Township of Truro) and bounded and described as follows:

Being in Half Section 2, Township 12, Range 21, Refugee Lands, and being part of a 40.14 acre tract conveyed by deed of Frank J. Smith and wife to Clare T. Smith and Jane Lindsey Smith, as the same is shown of record in Deed Book 1158, page 136, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

NORTH PARCEL:

Beginning at a spike in the center of McNaughten Road at the northwest corner of the above mentioned 40.14 Acre Tract; thence with the north line of said tract, S. 89 deg. 53' East, 1346.3 feet to an iron pin at the northeast corner of said tract, passing an iron pin on line in the fence along the east side of McNaughten Road at 21 feet; thence with the east side of said tract, S. 0 deg. 32' East, 132.1 feet to an iron pin; thence S. 87 deg. 49' West 1349 feet to a spike in the center of McNaughten Road and the west line of the above mentioned 40.14 acre tract, passing an iron pin on line 21 feet east of the center of said road; thence along the center of McNaughten Road, with the west line of said tract, NORTH, 186.37 feet to the place of beginning, containing 4.925 Acres.

MIDDLE PARCEL:

Beginning at a spike in the center of McNaughten Road and in the west line of the above mentioned 40.14 acre tract, which said spike bears SOUTH, 186.37 feet from the northwest corner of said tract; thence across said tract, N. 87 deg. 49' East, 1349 feet to an iron pin in the east line of said tract, passing an iron pin on line in a fence along the east side of McNaughten Road at 21 feet, the above mentioned iron pin in the east line being 132.1 feet from the northeast corner of said tract; thence with the east line of said tract, S. 0 deg. 32' East 186.37 feet to an iron pin; thence South 87 deg. 49' W. across said tract 1350.9 feet to a spike in the center of McNaughten Road and in the west line of said tract, passing an iron pin on line 21 feet east of the center of said Road; thence with the center of McNaughten Road along the west line of said tract, NORTH 186.37 feet to the place of beginning, containing 5.772 acres.

Less and Expect therefrom the following 5.001 acres from Hawkes Hospital of Mount Carmel to the Sisters of the Holy Cross Inc. by Deed Book 3604, Page 212.

Situated in the County of Franklin, in the State of Ohio, City of Columbus (formerly Township of Truro) in Half Section 2, Township 12, Range 21, Refugee Lands and being part of the 4.925 acre tract and part of the 5.772 acre tract conveyed to The Hawkes Hospital of Mt. Carmel in Deed Book 3191, Page 75, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at a found spike at the intersection of the centerline of McNaughten Road with the line between Jefferson and Truro Townships;

Thence along the centerline of said McNaughten Road, South, 1,472.50 feet to a nail at the Southwesterly corner of the M.J. and S.J. Daneult 7.5 acre tract (Deed Book 3416, Page 797) and THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

Thence along the Southerly line of said 7.5 acre tract, South 89 degrees 49 minutes 30 seconds East, 706.56 feet to a point;

Thence across said 4.925 acre tract and said 5.772 acre tract and along a line parallel with the centerline of said McNaughten Road South, 293.92 feet to a point;

Thence across said 5.772 acre tract and along a line 50 feet Northerly of (as measured at right angles) the Northerly line of the W.J. Bennett 5.02 acre tract (Deed Book 3169, Page 617), South 87 degrees 50 minutes 30 seconds. West, 707.06 feet to a point in the centerline of said McNaughten Road;

Thence along the Westerly lines of the 5.772 acre tract and the 4.925 acre tract and along the centerline of said McNaughten Road, North, 322.71 feet to the place of beginning, containing 5.001 acres, subject however to all legal highways, easements, restrictions and agreements of record and of records in the respective utility offices.

Franklin County Auditor Parcel Numbers: 550-146753-00 and 550-146754-00.

To Rezone From: R, Rural 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-AR-12, Limited Apartment Residential 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 L-AR-12, Limited Apartment Residential District 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 site plan and elevations being titled, "**DEVELOPMENT PLAN MCNAUGHTEN SOUTH,**" "**ARCHITECTURAL ELEVATIONS MCNAUGHTEN SOUTH,**" and "**STREETSCAPE CONCEPT - SHEETS 1-6,**" all dated October 26, 2022, and signed by Eric Zartman, Attorney for the Applicant, and said text being titled, "**LIMITATION TEXT,**" dated November 8, 2022, and signed by Michael Shannon, Attorney for the Applicant, and the text reading as follows:

LIMITATION TEXT

Property Address: 198 McNaughten Road

Parcel ID: 267-298175, 550-146751, 550-126673, 550-126662, 550-146754, 550-146754

Current District: R

Proposed District: L-AR-12

Owners: 198 McNaughten LLC; Gardenia Properties LLC

Applicant: Fatih Gunal

Attorney: Michael Shannon, Underhill & Hodge

Date of Text: November 8, 2022

I. Introduction: The Applicant seeks to rezone a +/- 24.7952 acre site located at 198 McNaughten Road from R to L-AR-12. Part of the site was annexed to Columbus in February 2018 and the rest of the parcels were annexed in October 1976. All are currently zoned R as a result.

The subject site is located on the east side of McNaughten Road, about 1,500 feet south of East Broad Street. The site is bordered by Columbus property zoned L-AR-12 on the north, L-R2F on the south, and R-1 and R on the west across McNaughten Road. The Site is also bordered on the west across McNaughten Road by Truro Township property zoned R. The Site is bordered on the east by Reynoldsburg property zoned SR.

The site not subject to a commercial overlay nor planning overlay. The site is within the boundary of the Far East Area Commission area and subject to the Far East Land Use Plan (C2P2). The Plan recommends Low-Medium Density use for this site. This is a sub-classification for a residential development which carries a density guideline of 6-10 dwelling units per acre. The Plan also recommends Low-Medium Density use to the immediate north and High-Density use (24-45 dwelling units per acre) north of that property. The Plan recommends Employment Center and Institutional to the west across McNaughten Road and Low-Medium Density to the south.

The Applicant proposes development of the site with a multi-unit residential development with 296 apartment units on +/- 24.7952 acres, a density of 11.94 units per acre. The development commits to provide a +/- 6-acre open space, tree preservation, quality building elevations, and improved streetscape.

II. Permitted Uses: Those uses permitted by Section 3333.02, AR-12, Apartment Residential District of the Columbus City Code.

III. Development Standards: Except as otherwise indicated in the written text or the submitted Site Plan, the applicable development standards are those contained in Chapter 3333 of the Columbus City Code.

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

1. The maximum density shall be 296 apartment units.
2. The minimum building and parking setbacks shall be 30 feet.
3. Buildings shall have a maximum two stories.

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

1. There shall be one, full-access point of ingress/egress on McNaughten Road, as depicted on the Site Plan.
2. The developer shall commit to a southbound left turn lane with a length of 135 feet, including a 60-foot-long diverging taper, to be constructed at the proposed site access point to McNaughten Road.
3. There shall be vehicular ingress and egress at the terminus of Daner Road, as depicted on the Site Plan.

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

1. A landscape buffer shall be provided and trees shall be preserved as depicted on the Site Plan.
2. The site shall maintain a +/- 6-acre open space and tree reserve, as depicted on the Site Plan.
3. The McNaughten Road front setback landscaping and entry features shall be designed in substantial conformance with the submitted Streetscape Concept.
4. The north, south, and east boundary shall have a six-foot, board-on-board fence

D. Building Design and/or Exterior Treatment Commitments:

1. Primary exterior building materials shall be brick, wood, composite wood siding, hardy-plank, and/or comparable products, and asphalt shingle roofing. Buildings shall be designed in substantial conformance with the submitted Architectural Elevations exhibit.
2. The west boundary and perimeter of west retention ponds shall have metal fencing in substantial conformance with the submitted Architectural Elevations.

E. Lighting and/or other Environmental Commitments: N/A.

F. Graphics and/or Signage Commitments: All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous:

1. The site shall be developed in substantial conformance with the submitted exhibits titled "Development Plan," "Architectural Elevations," and "Streetscape Concept." These plans and exhibits may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the plans 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.

2. The Applicant shall comply with the Parkland Dedication Ordinance.

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