



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 1406-2021, **Version:** 1

Rezoning Application: Z21-020

APPLICANT: Molly R. Gwin, Atty.; 2 Miranova Place, Suite 700; Columbus, OH 43215.

PROPOSED USE: Single-unit residential subdivision.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on May 13, 2021.

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 32.17± acre site is currently undeveloped. The requested L-R-2, Limited Residential District will allow the development of 107 single-unit dwellings on individual lots at a density of 3.28 units/acre. The limitation text includes development standards addressing setbacks, traffic access, buffering and landscaping, and building design, and commits to parkland dedication and compliance with the submitted site plan. The site is within the boundaries of the *South East Land Use Plan* (2018), which recommends “Low Density Residential (4-6 du/ac)” and “Open Space” land uses for this location. The Plan also includes complete adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The request is consistent with the land use recommendations of the *South East Land Use Plan*. Planning Division staff has confirmed that additional site plan details conform to C2P2 Design Guidelines. Planning Division staff prefers the applicant to construct dwellings that include a front porch or that do not include a protruding garage, but does not condition support on this matter. Planning Division staff also encourages expansion of the trail in the open space area located in the northeast corner of the site to be extended through the eastern parkland and connect to the shared use path fronting Brice Road, as well as to plant trees in the parkland space, both in consultation with the Department of Recreation and Parks.

To rezone **6055 REFUGEE RD. (43232)**, being 32.17± acres located on the south side of Refugee Road, 550± feet west of Brice Road, **From:** R, Rural District, **To:** L-R-2, Limited Residential District (Rezoning #Z21-020).

WHEREAS, application #Z21-020 is on file with the Department of Building and Zoning Services requesting rezoning of 32.17± acres from R, Rural District, to L-R-2, Limited Residential District; and

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

WHEREAS, the Greater South East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval because the request is compatible with the *South East Land Use Plan*'s land use recommendation of low density residential land uses and includes appropriate commitments for connectivity, open space, and landscaping addressing C2P2 Design Guidelines; 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 #0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

6055 REFUGEE DRIVE (43232), being 32.17± acres located on the south side of Refugee Road, 550± feet west of Brice Road, and being more particularly described as follows:

32.167 ACRES

Situated in the City of Columbus, County of Franklin, State of Ohio, in Section 26, Township 12, Range 21, Refugee Lands, being part of that 36.040 acre tract of land conveyed to Richard L. Lamp and Beth A. Lamp by deed of record in Instrument Number 201412080162795 and Thomas R Lamp, Trustee and Barbara A. Lamp, Trustee by deed of record in Instrument Number 202005290074161 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the northeasterly corner of that 1.492 acre tract conveyed to Marion E. Evans Jr. and Julia Evans by deed of record in Instrument Number 201504030042847, in the centerline of Refugee Road;

Thence South 04° 07' 15" West, with the easterly line of said 1.492 acre tract, a distance of 248.82 feet to the TRUE POINT OF BEGINNING for this description;

Thence South 85° 00' 45" East, crossing said 36.040 acre tract, a distance of 661.16 feet to a point in the westerly line of that 3.048 acre tract conveyed to Jerry W. Mooney and Charlene K. Mooney by deed of record in Instrument Number 201704170051235;

Thence South 04° 39' 05" West, with the westerly line of said 3.048 acre tract, a distance of 418.96 feet to the southwesterly corner thereof;

Thence South 85° 10' 10" East, with the southerly line of said 3.048 acre tract, a distance of 256.51 feet to the southwesterly corner of that 1.136 acre tract conveyed to United States Postal Service by deed of record in Official Record 12266I13;

Thence South 85° 14' 00" East, with the southerly line of said 1.136 acre tract, a distance of 310.44 feet to a point in the westerly right of way line of Brice Road;

Thence South 04° 26' 17" West, with said westerly right of way line, a distance of 379.43 feet to the northeasterly corner of that 5.7 acre tract conveyed to Kenneth W. Ray and Janice E. Ray by deed of record in Official Record 667H18;

Thence North 84° 53' 40" West, with the northerly line of said 5.7 acre tract, a distance of 874.18 feet to the northwesterly corner thereof;

Thence South 04° 02' 36" West, with the westerly line of said 5.7 acre tract, a distance of 212.72 feet to a point in the northerly line of that 14.352 acre tract conveyed to Maronda Homes of Ohio by deed of record in Instrument Number 200203110061925;

Thence North 85° 17' 36" West, with said northerly line and the northerly line of "Chatterton Commons Condominium", of record in Condominium Plat Book 142, Page 53, a distance of 978.50 feet to a point in the easterly line of the subdivision entitled "Kingston Crossing Section 1", of record in Plat Book 94, Page 87;

Thence North 04° 12' 52" East, with said easterly line, a distance of 937.54 feet to the southwesterly corner of that 0.517 acre tract conveyed to Marion E. Evans Jr. by deed of record in Instrument Number 202007310111476;

Thence South 85° 11' 04" East, with the southerly line of said 0.517 acre tract, a distance of 64.33 feet to a point;

Thence South 85° 12' 09" East, with said southerly line and the southerly line of that 0.563 acre tract conveyed to Marion E, Evans Jr. and Julia C. Evans by deed of record in Instrument Number 201412080162793, a distance of 564.37 feet to a point;

Thence North 04° 07' 15" East, with the easterly line of said 0.563 acre tract and the easterly line of said 1.492 acre tract, a distance of 72.65 feet to the TRUE POINT OF BEGINNING, containing 32.167 acres of land, more or less.

This description is to be used for zoning purposes only, not for transfer.

To Rezone From: R, Rural District.

To: L-R-2, Limited Residential District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-R-2, Limited 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 change on the said original zoning map and shall register a copy of the approved L-R-2, Limited 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 plans being titled, "**LAMP NORTH CITY OF COLUMBUS AND VILLAGE OF BRICE SITE PLAN**," and "**LANDSCAPE PLAN**," said elevations titled, "**D.R. HORTON**," all dated May 20, 2021, and said text titled, "**LIMITATION OVERLAY TEXT**," dated May 6, 2021, all signed by Molly Gwin, Attorney for the Applicant, and the text reading as follows:

LIMITATION OVERLAY TEXT

CURRENT ZONING DISTRICT: R Rural Residential

POSED ZONING DISTRICT: L-R-2 Limited Residential District

PROPERTY ADDRESS: 6055 Refugee Road; Columbus, Ohio 43232

PROPERTY OWNER: Lamp Thomas R. Trust, 4300 Julian Road SW; Lancaster, Ohio 43130 c/o Molly Gwin, Esq; Isaac, Wiles & Burkholder, LLC 2 Miranova Place, Suite 700 Columbus, Ohio 43215

APPLICANT: D.R. Horton-Indiana LLC

DATE OF TEXT: May 6, 2021.

APPLICATION NO.: Z21-020

1. INTRODUCTION: The subject property consists of approximately 32.167 acres located on the south side of Refugee Road and west of Brice Road which is identified in the legal description as a part of the Rezoning Application (the "Property"). The Applicant, D.R. Horton-Indiana LLC, is requesting a rezoning from R to L-R-2. The Applicant proposes to rezone the Property for development of a single-family dwelling subdivision with an internal public street. A plan titled "Lamp North City of Columbus & Village of Brice Site Plan" signed by Molly Gwin, Esq., (authorized attorney) and dated May 20, 2021, hereinafter referred to as the "Plan" is submitted with this application as the street and lot plan, subject to final engineering and platting of the site. The proposed land use is consistent with zoning and development patterns in this area.

2. PERMITTED USES: No lot shall be used except for the construction of a single-family dwelling with an attached garage, as defined in Section 3332, R-2 Residential District, of the Columbus Zoning Code, as well as all model homes and amenity uses.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated in this written Limitation Overlay Text, the applicable development standards shall be those standards contained in Chapter 3332, R-2 Residential District, of the Columbus City Code.

A. Density, Height, Lot and/or Setbacks:

1. Density: The maximum number of lots on the property shall be one-hundred seven (107), for a gross density of 3.28 lots per acre.
2. Height: No dwelling shall exceed 35' in height
3. Lot: The lot layout shall be as depicted on the Plan for the maximum number of lots permitted.
4. Setbacks: As set forth under the R-2 Residential District with the exception of rear yard setback. Rear yard setbacks shall be 25% of the lot area.

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

1. Access to the Property shall be from Refugee Road through the Village of Brice to the north and Damsel Drive to the southwest.
2. The developer is working with the Village of Brice on all necessary improvements within the Village to provide access from Refugee Road. The access will include a westbound left turn lane into the development on Refugee Road.
3. The developer shall construct a ten-foot wide asphalt path on the west side of Brice Road within the right-of-way and a ten-foot wide asphalt path on the south of Refugee outside of the right-of-way as depicted on the Plan.
4. Sidewalks: The applicant will comply with the current City of Columbus sidewalk requirements and will provide a sidewalk on both sides of the street.

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

1. Street trees shall be provided along the internal public street at a rate of not less than one (1) street tree per lot for single frontage lots and two (2) street trees per lot for corner lots, with one (1) street tree located on each frontage of the corner lot. Street trees shall be selected from tree species approved by the City Forester.
2. Landscaping shall be provided around the proposed retention basins as depicted on the Plan and the landscaping plan exhibit titled, "Landscape Plan".
3. Within the eastern open space and west of the creek the developer shall construct an eight (8) foot wide compacted limestone path from the ten (10) foot wide asphalt path on the south side of Refugee Road to the loop street within the development as depicted on the Plan.
4. The developer is working with the Village of Brice to include the proposed entry signage and landscaping at the Refugee Road access.

D. Building Design and/or Exterior Treatment Commitments:

1. Garages: Each dwelling shall have not less than a two (2) car attached garage.

2. Dwelling Sizes: The Minimum Net Floor Area for Living Quarters, as defined in Section 3332.17 of the Columbus Zoning Code shall exceed the requirements of the Columbus Zoning Code of seven hundred and twenty (720) square feet and shall be one thousand one hundred (1,100) square feet per dwelling unit.

3. The proposed dwellings shall be in general conformance with the attached renderings titled, "D.R. Horton," signed and dated May 20, 2021. Model names may be changed, and future models are subject to similar design as the homes depicted.

E. Graphics and Signage Commitments:

All signage and graphics shall conform to Chapter 3382, Title 33 of the Columbus Graphics Code as it applies to an R-2 district. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

F. Miscellaneous Commitments:

1. Parkland Dedication Commitments. The Applicant or its assigns agrees to provide \pm 3.9 acres, as depicted on the site plan, to Recreation and Parks Department, to fulfill the required Parkland Dedication Ordinance Chapter 3318. The Applicant retains the right to construct utilities through the property for the development.

2. The Property shall be developed in substantial accordance with the plan titled, "Lamp North City of Columbus & Village of Brice Site Plan," dated and signed on May 20, 2021 by Molly Gwin, Esq. (authorized attorney), submitted herewith, as the street and lot plan, subject to final engineering and platting. The plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final 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.

3. A Homeowner's Association will be responsible for maintaining the open spaces as depicted on the Plan with the exception of the \pm 3.9 acres to Recreation and Parks.

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