



Legislation Text

File #: 1223-2013, **Version:** 2

Rezoning Application Z12-065

APPLICANT: Walker Land, Ltd. and Schottenstein Real Estate Group; c/o Jeffrey L. Brown, Atty.; Smith & Hale, LLC; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (3-2) on April 11, 2013.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-ARLD, Limited Apartment Residential District will allow a 196-unit apartment complex. The plans and limitation text include development standards in consideration of the adjacent residential development. The site is located within Subarea J2 of *The Far North Plan* (1994), which is undergoing update, but currently supports “infill residential development that is compatible with existing residential development” for this location. Although the Planning Division feels the density is too high, Zoning Staff recognizes that this proposal has a similar building footprint as the current PUD Plan, but with increased setbacks along the north property line, a commitment to building elevation drawings, and additional landscaping. Also, a recent L-ARLD request was approved to the southeast that is adjacent to the same single-unit subdivision that abuts this site to the east, so there are comparable densities in the area. Furthermore, The Plan stipulates that the densities in this area are to be determined by the reciprocal sewer agreement between Delaware County and the City of Columbus, and the proposed density is within the limits of the agreement. Therefore, Staff has determined that this proposal is compatible with the surrounding residential development.

To rezone **8691 SOUTH OLD STATE ROAD (43240)**, being 14.45± acres located on the east side of South Old State Road, 347± feet north of Candlelite Lane, **From:** PUD-8, Planned Unit Development District, **To:** L-ARLD, Limited Apartment Residential District (Rezoning # Z12-065).

WHEREAS, application #Z12-065 is on file with the Building Services Division of the Department of Development requesting rezoning of 14.45± acres from PUD-8, Planned Unit Development District, to L-ARLD, Limited Apartment Residential District; and

WHEREAS, the Columbus Public Health Healthy Places program reviews applications for active living features, and recognizes that the development has included five-foot wide sidewalks in a connected network throughout the development; 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-ARLD, Limited Apartment Residential District is compatible with the surrounding residential development as recommended by *The Far North Plan* in that it has a similar building footprint, increased building setbacks and landscaping, and a commitment to building elevation drawings. Also, there is higher-density development in the area, and the proposed density is within the

limitations of the reciprocal sewer agreement between Delaware County and the City of Columbus. In addition, the limitation text includes development standards that are in consideration of the adjacent residential development; 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:

8691 SOUTH OLD STATE ROAD (43240), being 14.45± acres located on the east side of South Old State Road, 347± feet north of Candlelite Lane, and being more particularly described as follows:

**DESCRIPTION OF A 14.452 ACRE TRACT
LOCATED SOUTH OF POWELL ROAD AND
EAST OF OLD STATE ROAD
CITY OF COLUMBUS, DELAWARE COUNTY, OHIO**

Situated in the State of Ohio, County of Delaware, City of Columbus, lying in Farm Lot 4, Section 3, Township 3, Range 18, and Farm Lots 15 and 22, Section 4, Township 3, Range 18 and being part of a 1.090 acre tract (0.949 acres) conveyed to Olympus Communities, LTD, by deed of record in Volume 527, Page 1220 and part of a 13.961 acre tract (13.503 acres) conveyed to Olympus Communities, LTD, by deed of record in Volume 467, Page 449, all records are from the Recorder's Office, Delaware County, Ohio, said 14.452 acre tract being more particularly described as follows:

BEGINNING FOR REFERENCE, at a point at the centerline intersection of Powell Road (60 feet-wide) and Old State Road (60 feet-wide)

Thence South 17°07'07" West, a distance of 516.76 feet, along the centerline of said Old State Road, to a railroad spike set in the centerline of Old State Road;

Thence South 87°01'49" East, a distance of 30.94 feet to an iron pipe set on the north line of said 1.090 acre tract and the easterly right-of-way line of said Old State Road, to an iron pipe set at the **TRUE POINT OF BEGINNING**;

Thence South 87°01'49" East, a distance of 212.23 feet, along the north line of said 1.090 acre tract and the First Amendment to the Retreat Condominium, of record in Plat Cabinet 3, Slide 604, to a 3/4 inch iron pipe found;

Thence the following two (2) courses and distances along the common lines of said 1.090 acre tract, said 13.961 acre tract and Additional Property of the Retreat Condominium as shown in Plat Cabinet 3, Slide 507:

1. 1. South 16°45'36" West, a distance of 200.11 feet, to a 5/8 inch rebar found;
2. 2. South 86°57'33" East, a distance of 425.26 feet, to a 3/4 inch iron pipe found on the line between Farm Lot 3 and Farm 22;

Thence South 86°45'18" East, a distance of 276.27 feet, along the north line of said 13.961 acre tract, to a 3/4 inch iron pipe found on the west line of Lot 30 as shown and delineated on the record plat of Prestwick Commons Section 1, a subdivision of record in Plat Cabinet 2, Slide 138;

Thence South 02°38'02" West, a distance of 594.31 feet, along the line common to said 13.961 acre tract, said Prestwick Commons Section 1 and Prestwick Commons Section 4, a subdivision of record in Plat Cabinet 2, Slide 322, to a 5/8 inch rebar found at the northeast corner of Lot 191 as shown and delineated on the record plat of Shuster Subdivision, a subdivision of record in Plat Book 7, Page 49;

Thence North 86°45'15" West, a distance of 1067.53 feet, along the line common to said 13.961 acre tract and said Shuster Subdivision, to an iron pipe set on the easterly right-of-way line of said Old State Road;

Thence North 17°07'07" East, a distance of 809.92 feet, along the easterly right-of-way line of said Old State Road, to the **TRUE POINT OF BEGINNING**, containing 14.452 acres of land more or less. Of which being 11.012 acres out of Farm Lot 4, 1.300 acres out of Farm Lot 22 and 2.140 acres out of Farm Lot 15. Being subject to all easements, restrictions, and rights-of-way of record.

Bearings are based on the State Plane Coordinate System from Delaware County Monuments 97-135 and 97-034. Ohio North Zone 1997 GPS Points.

To Rezone From: PUD-8, Planned Unit Development District,

To: L-ARLD, Limited Apartment Residential District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-ARLD, 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-ARLD, 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 plans being titled, "**POLARIS GRAND SHEETS 1 & 2,**" and text being titled, "**LIMITATION TEXT,**" all dated May 16, 2013, and signed by Jeffrey L. Brown, Attorney for the Applicant.

LIMITATION TEXT

PROPOSED DISTRICT: L-ARLD

PROPERTY ADDRESS: 8691 South Old State

OWNER: Walker Land Ltd.

APPLICANT: Walker Land Ltd. et al.

DATE OF TEXT: 5/16/13

APPLICATION: Z12-065

1. **INTRODUCTION:** The property is located on the east side of South Old State Road, south of Powell Road. The site is currently zoned for the second phase of the multi-family development to the north. The original developer is not moving forward with the second phase. The applicant is proposing a multi-family development for the site.

2. **PERMITTED USES:** Those uses permitted under Chapter 3333 Apartment Districts, as applicable to ARLD, Apartment Residential District of the Columbus City Code.

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in the submitted site plan or text, the applicable development standards are contained in Chapter 3333, Apartment Districts of the Columbus City Code.

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

1. The maximum number of multi-family dwelling units shall be 196.

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

1. The developer shall install a northbound right turn lane into the site on South Old State Road. The Delaware County Engineer may require that the developer pay the estimated cost of said turn lane (instead of installing said improvement)

to Delaware County and such work shall be included in the planned county road improvements.

2. The developer shall dedicate necessary public right of way and easements necessary for construction and maintenance of South Old State Road in accordance with project plans for the pending improvement (DEL-CR10-0.90) being undertaken by Delaware County and the City of Columbus.

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

1. Street trees shall be installed along the frontage of Old State Road subject to the review and approval of the Delaware County Engineer where applicable on the basis of 1 tree for every 35 feet of frontage. Trees may be evenly spaced or grouped together.

2. The east and north 25 foot perimeter yard shall be landscaped in the areas shown on the submitted site plan at the rate of eight (8) trees per 100 lineal feet with the eight (8) trees consisting of a 3:1 ratio of evergreen trees to ornamental and/or street trees. The landscaping along the north 25 foot perimeter yard shall also include mounding. Trees planted in the east and north perimeter yard shall be the following minimum size at time of planting: Street Tree - minimum 2 ½" caliper, Ornamental Tree - 2" caliper, Evergreen Tree - minimum 6 feet. Prior to or in conjunction with the Certificate of Zoning Clearance submittal, applicant/developer shall a) determine if there are any trees of 6 inch caliper or greater in the east or north 25 foot setback and submit such determination with the Certificate of Zoning Clearance and b) if there are any trees of 6 inch caliper or greater in the east or north 25 foot setback, the trees are in good condition and the type of tree is not one listed in Section 912.16, Prohibited Species, Columbus City Code, applicant/developer shall make a good faith effort to preserve the tree(s) of 6 inch caliper or greater. Trees that are closer to the interior side of the east or north perimeter yard and that could reasonably be anticipated to not survive required grading, excavation or utility installation may be removed at applicants/developers discretion. Where trees of 6 inch caliper or greater are preserved, the required 8 trees per 100 lineal feet may be reduced consistent with best management practices for planting additional trees in close proximity to existing trees.

3. Utility crossing(s) may be required across perimeter yard areas and shall be permitted for provisions of utilities to the site.

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

1. The apartment buildings shall be constructed in accordance with the submitted building elevations. The building elevations may be slightly adjusted to reflect architectural, engineering, topographical, or other site data developed at the time that development and architectural plans are completed. Any slight adjustment to the building elevations shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

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

1. The applicant shall comply with the Parkland Dedication ordinance.

F. Graphics and Signage Commitments

1. Graphics shall comply with the Columbus Graphics Code Title 33 Article 15 of the Columbus City Code in accordance with ARLD, Apartment Residential District standards. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous

1. The subject site shall be developed with the site plan. The site plan may be slightly 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 site plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

2. The development shall contain a clubhouse with a fitness room and a swimming pool.

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