



## Legislation Text

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**File #:** 0617-2016, **Version:** 2

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### **Rezoning Application Z15-022**

**APPLICANT:** N.P. Limited; c/o Dave Perry, Agent; David Perry Co., Inc.; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on December 10, 2015.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a single-unit dwelling in the R, Rural District, and undeveloped land in the L-C-4, Limited Commercial District. The requested L-AR-3, Limited Apartment Residential District will permit 139 apartment units (11.01 units/acre) and/or an assisted living facility. The site is within the planning area of *The Far North Area Plan* (2014), which recommends "Very Low Density Residential" uses, with the option of up to 8 units/acre of multi-unit residential development for the R district portion of the site, and Regional Mixed Use development, including higher density multi-unit residential development for the L-C-4 district portion of the site. The Plan includes a number of design-related recommendations that are applicable to this location, including preservation and protection of natural resources, and site access. The limitation text includes provisions for maximum number of units, setbacks, building height, tree preservation, street trees, landscaping/screening, building materials, garage orientation, and a commitment to a site plan that reflects setbacks, access, and the Stream Corridor Protection Zone. The proposed use and density are consistent with the recommendations of *The Far North Area Plan*, and Staff recognizes that this development can serve as a good transitional use between the low-density residential development in Orange Township and the regional commercial development to the south, while preserving natural resources. The project also includes companion Council Variance No. CV15-063 (ORD No. 0619-2016) to allow a parcel line to divide the site development area, no fronting for a potential new parcel, and reduced perimeter yard.

To rezone **3780 EAST POWELL ROAD (43035)** being 12.63± acres located on the southwest side of East Powell Road, 480± feet north of Worthington Road, **From:** R, Rural and L-C-4, Limited Commercial Districts, **To:** L-AR-3, Limited Apartment Residential District **and to declare an emergency** (Rezoning # Z15-022).

**WHEREAS**, application No. Z15-022 is on file with the Department of Building and Zoning Services requesting rezoning of 12.63± acres from R, Rural and L-C-4, Limited Commercial Districts, to L-AR-3, Limited Apartment Residential District; and

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

**WHEREAS**, the City Departments recommend approval of said zoning change because the L-AR-3, Limited Apartment Residential District will permit a 139-unit apartment development with appropriate development standards. The proposed use and density are consistent with the recommendations of *The Far North Area Plan*, and Staff recognizes that this development can serve as a good transitional use between the low-density residential development in Orange Township and the regional commercial development to the south, while preserving natural resources; 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:

**3780 EAST POWELL ROAD (43035)** being 12.63± acres located on the southwest side of East Powell Road, 480± feet north of Worthington Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lot 16, Quarter Township 4, Township 3, Range 18, United States Military Lands, being 12.627 acres out of Farm Lot 16, being 7.184 acres out of a 7.473 acre tract of land described in a deed to Richard D. Baggs and Ora O. Baggs of record in Deed Book 306, Page 264, being 5.443 acres out of an original 90.848 acre tract of land described in a deed to Polaris 91, LLC of record in Official Record Volume 1094, Page 959, and being more particularly described as follows:

**COMMENCING** for reference at a 5/8" iron pin found at the southeast corner of Lot 1221 of Hickory Ridge Corrected Plat of record in Plat Book 20, Page 178;

Thence North 10°15'53" West, a distance of 7.72 feet, with the east line of said Lot 1221 and with a west line of said 90.848 acre tract, to an iron pin set at the **TRUE POINT OF BEGINNING** of the tract to be described;

Thence North 10°15'53" West, a distance of 128.44 feet with the east line of said Lot 1221, with the east line of Lot 1222 of said Hickory Ridge Corrected Plat, and with a west line of said 90.848 acre tract, to a 5/8" iron pin found at the southwest corner of said 7.473 acre tract;

Thence North 10°05'22" West, a distance of 281.16 feet with the east line of said Lot 1222 and with a west line of said 7.473 acre tract, to a 1" iron pipe found at the northwest corner of said 7.473 acre tract and being at the southwest corner of a 1.5 acre tract of land described in a deed to Donald L. Conrad and Dollie I. Conrad of record in Deed Book 293, Page 208;

Thence South 86°40'44" East, a distance of 134.92 feet with the north line of said 7.473 acre tract and with the south line of said 1.5 acre tract, to a 1" pinch top iron pipe found at the southeast corner of said 1.5 acre tract and being at the southwest corner of Lot 198 of Clouse Addition No. 1 of record in Plat Book 7, Page 91;

Thence South 63°46'57" East, a distance of 847.64 feet with the north line of said 7.473 acre tract and with the south line of Lots 198 through 204 of said Clouse Addition No. 1, to a 3/4" iron pin found at the southeast corner of said Lot 204 and being at the southwest corner of a 0.603 acre tract of land described in a deed to Christopher A. White and Heidi Marie Haupt of record in Deed Book 550, Page 488;

Thence North 55°19'15" East, a distance of 184.49 feet with a northwest line of said 7.473 acre tract and with the southeast line of said 0.603 acre tract, to a 5/8" iron pin found with an IBI Group cap on the west right-of-way line of Powell Road (County Road 14) and being at the most westerly corner of a 0.223 acre tract of land described in a deed to State of Ohio of record in Official Record Volume 1370, Page 75;

Thence with the west line of said 0.223 acre tract and with the west right-of-way line of said Powell Road, the following two (2) courses and distances:

1) South 47°24'54" East, a distance of 70.19 feet, to a 5/8" iron pin found with an IBI Group cap;

2) With the arc of a curve to the right having a radius of 606.62 feet, a central angle of 29°08'45", a chord bearing of South 23°55'08" East, a chord distance of 305.26 feet, and an arc length of 308.58 feet, to 5/8" iron pin found with an IBI group cap on a south line of said 90.848 acre tract and being on the north line of a 0.636 acre tract of land described in a deed to Prep Academies, Inc. of record in Official Record Volume 824, Page 1;

Thence South 78°13'14" West, a distance of 260.90 feet with a south line of said 90.848 acre tract and with the north line of said 0.636 acre tract, to a 1" iron pipe found with a CEA cap at the northwest corner of said 0.636 acre tract;

Thence South 01°43'33" West, a distance of 302.47 feet with an east line of said 90.848 acre tract, with the west line of said 0.636 acre tract, with the west line of a 1.000 acre tract of land described in a deed to Prep Academies, Inc. of record in Official Record Volume 824, Page 1, and crossing said 90.848 acre tract, to an iron pin set on the south line of said Farm Lot 16;

Thence North 86°44'25" West, a distance of 125.09 feet with the south line of said Farm Lot 16 and crossing said 90.848 acre tract, to an iron pin set;

Thence North 54°10'36" West, a distance of 938.24 feet crossing said 90.848 acre tract, to the **TRUE POINT OF BEGINNING** containing 12.627 acres of land, more or less.

**Basis of Bearings:** Bearings are based on data acquired by GPS observations as per NAD 83 (1995)-Ohio State Plane Coordinate System-North Zone from the Delaware County Geodetic Control Monumentation.

All iron pins set are 5/8" solid iron pins, 30 inches in length with a yellow plastic cap stamped "CT Consultants".

The above description is based on and referenced to an exhibit titled "Plat of Survey For Rezoning a 12.627 Acre Tract" prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Delaware County, Ohio.

**To Rezone From:** R, Rural and L-C-4, Limited Commercial Districts,

**To:** L-AR-3, Limited Apartment Residential District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-AR-3, Limited Apartment Office 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-3, 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 plan being titled, "**ZONING EXHIBIT 3780 E POWELL ROAD, COLUMBUS, OH 43065,**" and said text being titled, "**DEVELOPMENT TEXT,**" both dated December 22, 2015, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

**DEVELOPMENT TEXT**

**EXISTING DISTRICT:** R, Rural and L-C-4, Limited Commercial

**PROPOSED DISTRICT:** L-AR-3, Limited Apartment Residential

**PROPERTY ADDRESS:** 3780 E Powell Road, Columbus, OH 43065

**OWNER:** The Estates of Richard D. Baggs, Jr. and Ora Opel Baggs c/o Diana Lynn Baggs, Co-Administrator, 3780 E. Powell Road, Lewis Center, OH 43035 and Charlene Sue McDonald, Co-Administrator, 2690 Greentree Court, Lewis Center, OH 43035 and Polaris 91 LLC c/o Dave Perry, David Perry Co., Inc., 145 East Rich Street, 3<sup>rd</sup> Flr., Columbus, OH 43215 and Donald Plank, Plank Law Firm, 145 East Rich Street, 3<sup>rd</sup> Flr., Columbus, OH 43215

**APPLICANT:** N.P. Limited c/o Dave Perry, David Perry Co., Inc., 145 East Rich Street, 3<sup>rd</sup> Flr., Columbus, OH 43215 and Donald Plank, Plank Law Firm, 145 East Rich Street, 3<sup>rd</sup> Flr., Columbus, OH 43215

**DATE OF TEXT:** December 22, 2015

**APPLICATION NUMBER:** Z15-022

**INTRODUCTION:**

The subject property is 12.627 +/- acres located on the west side of E. Powell Road, 400 +/- feet north of Worthington-Galena Road. Applicant proposes to develop the site with a multi-family residential and/or assisted living facility use(s). Either or both uses shall be permitted. The plan titled “Zoning Exhibit 3780 E Powell Road, Columbus, OH 43065”, hereafter “The Plan”, dated December 22, 2015, and referenced in Section 2.G. of this text, depicts the planned points of access to the property and minimum perimeter setbacks. See the following text for additional setback standards. Council Variance application CV15-063 is a companion ordinance with this rezoning for applicable variances.

**1. PERMITTED USES:** The permitted uses of the site shall be multi-family residential development, and accessory uses and structures, as permitted in Section 3333.03, AR-3, Apartment Residential District Use, and/or an “assisted living facility”, and accessory uses and structures. For purposes of this ordinance, “assisted living facility” shall mean “Home for the Aging”, “Rest Home” and/or “Nursing Home”, all as defined in Chapter 3303, Definitions, and Sections 3303.08, Letter H, 3303.14, Letter N, and 3303.19, Letter S, and as permitted in Section 3333.03, AR-3, Apartment Residential District Use of the Columbus City Code.

**2. DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards of Chapter 3333, Apartment Residential Districts, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards of the Columbus City Code shall apply. Council variance application CV15-063 is a companion ordinance to this rezoning and modifies certain development standards, as itemized in the variance ordinance.

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

1. There shall be a maximum of 139 dwelling units on the 12.627 +/- acre site, hereafter “The Site”. Density shall not exceed 11 dwelling units/acre, including per net acre if only part of the site is developed with a multi-family residential use. An “Assisted living facility” shall not be considered to be one or more dwelling units.

2. The following shall regulate the setback and height of buildings in relation to the north property line, as noted on The Plan:

a. Subject to a variance (CV15-063) to reduce the perimeter setbacks noted on The Plan to 15’ and 20’, detached garages may be built at a 15’ and 20’ setback from the property line, where noted on The Plan.

b. Other than detached garages, buildings shall be setback from the north property line as follows:

1. A one (1) story building shall be setback a minimum of 25 feet.

2. A two (2) story building shall be setback a minimum of 50 feet.

3. A three (3) story building shall be setback a minimum of 65 feet.

3. The following shall regulate the setback and height of buildings in relation to the west property line, as noted on The Plan:

a. Detached garages, one (1) story and (2) story buildings may be built at the 60 foot west setback line.

b. A three (3) story building shall be setback a minimum of 65 feet from the west property line.

4. The maximum ridge height of all detached garages shall be 15'.

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

1. There shall be a minimum of two (2) vehicular access points to The Site. If both permitted uses are developed, each use may only have one (1) direct vehicular access point off-site, but easements shall be reserved as needed to provide common circulation between the use areas to permit the use of access points to E. Powell Road and also vehicular access to the south for both uses. If both permitted uses are developed, separate parcels will be required and the west parcel may not have street frontage (See CV15-063).

2. The internal private streets shall be designed to discourage cut-through traffic between the Powell Road curbcut and vehicular connection to the south. It is anticipated the vehicular connection to the south will be a private street.

3. Prior to the approval of a site compliance plan, the developer shall complete a traffic study and shall make any required improvements defined by this traffic study, which shall be reviewed and approved by the Delaware County Engineer's Office.

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

1. Within the minimum setbacks depicted on The Plan, and subject to reduction of the perimeter setback for detached garages (CV15-063), as noted on The Plan, existing trees of 5" caliper or greater shall be preserved except where utility connections and vehicular connections require removal.

2. Street trees shall be provided along the Powell Road frontage at the rate of one (1) tree per 40 lineal feet.

3. Within the north setback, evergreen trees shall be planted at approximately 20 feet on center, with spacing adjusted for trees to be preserved, if any, and also for placement of detached garage buildings.

#### **D. Building design and/or Interior-Exterior treatment commitments.**

1. Primary building materials shall be traditional and natural in appearance and shall consist of stone, stucco, brick, hardiplank, or comparable, and/or vinyl siding or combination of same. No building, except detached garages, shall have an exterior finish of more than 50% vinyl siding. Exposed smooth face block is not permitted.

2. Primary building roof(s) shall be pitched and have a minimum slope of 6:12. Roofs on detached garages, one story components or primary buildings and porch roofs are not subject to the minimum 6:12 roof pitch and may use flat roofs.

3. All buildings, except detached garages, shall have four sided architecture and shall have the same level and quality of exterior finish on all sides.

4. On detached garage buildings located at a reduced setback in the perimeter setbacks, as permitted by CV15-063, all doors for car parking space bays shall be located on the interior side of the garage buildings.

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

All new or relocated utility lines on-site shall be installed underground unless the applicable utility company directs or requires otherwise.

### **F. Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the AR-3, Apartment Residential District. All signage shall be monument style or shall be incorporated into an entrance feature. Any variance to the applicable sign requirements of the AR-3, Apartment Residential District shall be submitted to the Columbus Graphics Commission.

### **G. Miscellaneous.**

1. The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. The 12.627 +/- acres being rezoned consists of approximately 7.181 acres in Delaware County Auditor tax district/tax parcel 46-31844104005000 and approximately 5.446 acres in tax district/tax parcel 45-3184420202500. The two tax districts, 45 and 46, cannot be combined. For all purposes with development of the site, the tax district line shall be disregarded as permitted by CV15-063.

3. The plan titled "Zoning Exhibit, 3780 E Powell Road, Columbus, OH 43065", hereafter "The Plan", dated December 22, 2015, and signed by David B. Perry, Agent, and Donald Plank, Attorney, depicts approximate points of access to the property and minimum perimeter setbacks. The plan 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 any of the drawings shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustment.

4. See also CV15-063.

**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.~~**