



Legislation Text

File #: 3112-2016, **Version:** 2

Rezoning Application Z16-016

APPLICANT: Edwards Communities Development Company; c/o Jeffrey L. Brown, Atty.; Smith and Hale LLC; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Commercial and multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on September 8, 2016.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District will allow neighborhood commercial and office development on 3.56± net acres, and the requested L-AR-1, Limited Apartment Residential District will allow a maximum of 550 units on 24.6± net acres with 4.5 acres of open space. The site falls within the boundaries of the *Interim Hayden Run Corridor Plan* (2004), which recommends office uses for this location. The Plan also includes recommended design standards for parking lot placement and signage. Planning Division staff recognizes that multi-unit residential uses may be appropriate if integrated into an overall site plan demonstrating a compatible mix of uses that includes offices, useable open space, and interconnectivity. The proposed CPD district includes a minimum of 10,000 square feet of office space, limits parking along the Avery frontage, and commits to Regional Commercial Overlay graphics provisions. The proposed L-AR-1 district includes density and building height limitations, open space areas, and building materials commitments. Both districts propose interconnectivity between each other and adjacent properties. The project also includes a concurrent Council variance (ORD No. 3113-2016; CV16-018) to permit self-storage use, commercial access, no frontage on a public street for future lot splits, and reductions to building lines and perimeter yard requirements.

To rezone **5300 AVERY ROAD (43016)**, being 28.19± acres located on the east side of Avery Road, 1,890± feet south of Cara Road, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District and L-AR-1, Limited Apartment Residential District (Rezoning # Z16-016).

WHEREAS, application # Z16-016 is on file with the Department of Building and Zoning Services requesting rezoning of 28.19 acres from R, Rural District, to CPD, Commercial Planned Development District and L-AR-1, 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 proposed CPD district includes a minimum of 10,000 square feet of office development, limits parking along the Avery frontage, and commits to Regional Commercial Overlay graphics provisions. The proposed L-AR-1 district includes density and building height limitations, open space areas, and building materials commitments. Both districts propose interconnectivity between each other and adjacent properties. Staff has determined that multi-unit residential development is an appropriate use at this location because it is integrated into an overall site plan demonstrating a compatible mix of uses that includes offices, useable open space, and interconnectivity; 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:

5300 AVERY ROAD (43016), being 28.19± acres located on the east side of Avery Road, 1,890± feet south of Cara Road, and being more particularly described as follows:

SUBAREA A - CPD

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3012, and being part of that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING FOR REFERENCE at the common corner of said 30.00 acre tract and that 6.379 acre tract as described in deed to Pines at Tuttle Crossing;

Thence South 84°40'31" West, with the common line of said 30.00 acre tract and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee, a distance of 476.63 feet, to the **POINT OF TRUE BEGINNING**;

Thence through said 30.00 acre tract, the following courses:

South 10°44'47" West, a distance of 496.38 feet, to a point;

North 79°15'13" West, a distance of 347.79 feet, to a point in the proposed right of way of Avery Road;

North 10°44'47" East, with said proposed right of way, a distance of 396.19 feet, to a point in the common line of said 30.00 acre tract and said 6.167 acre tract;

Thence North 84°40'31" East, a distance of 361.93 feet, to the **POINT OF TRUE BEGINNING**, and containing 3.563 acres, more or less.

The bearings shown above are based on the bearing of North 10°44'47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the survey

To Rezone From: R, Rural District,

To: CPD Commercial Planned Development District.

SUBAREA B - L-AR-1

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3012, and being part of that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING FOR REFERENCE at the common corner of said 30.00 acre tract and that 6.379 acre tract as described in deed to Pines at Tuttle Crossing;

Thence South 84°40'31" West, with the common line of said 30.00 acre tract and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee, a distance of 838.56 feet, to a point in the proposed right of way of Avery Road;

Thence South 10°44'47" West, with said proposed right of way, a distance of 396.19 feet, to the **POINT OF TRUE BEGINNING**;

Thence through said 30.00 acre tract, the following courses:

South 79°15'13" East, a distance of 318.79 feet, to a point;

South 10°44'47" West, a distance of 481.00 feet, to a point;

North 79°15'13" West, a distance of 318.79 feet, to a point in said proposed right of way;

North 10°44'47" East, a distance of 481.00 feet, to the **POINT OF TRUE BEGINNING**, and containing 3.520 acres, more or less.

The bearings shown above are based on the bearing of North 10°44'47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the survey.

SUBAREA C - L-AR-1

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3012, and being part of that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING FOR REFERENCE at the common corner of said 30.00 acre tract and that 6.379 acre tract as described in deed to Pines at Tuttle Crossing;

Thence South 84°40'31" West, with the common line of said 30.00 acre tract and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee, a distance of 476.63 feet, to the **POINT OF TRUE BEGINNING**;

Thence North 84°40'31" East, a distance of 26.02 feet, to a point;

Thence through said 30.00 acre tract, the following courses:

South 10°44'47" West, a distance of 315.59 feet, to a point;

South 79°09'11" East, a distance of 187.10 feet, to a point;

North 10°39'56" East, a distance of 164.77 feet, to a point;

South 86°39'37" East, a distance of 283.81 feet, to a point in the common line of said 30.00 acre tract and said 6.379 acre tract;

Thence South 02°21'17" West, partly with the aforesaid common line and partly with the common line of said 30.00 acre tract and that 21.507 acre tract as described in deed to Pines at Tuttle Crossing, a distance of 1074.75 feet, to a point in the common corner of said 30.00 acre tract and said 21.507 acre tract;

Thence South 84°18'43" West, continuing with the common line of said 30.00 acres and said 21.507 acre tract and partly with the common line of said 30.00 acre tract and that 7.000 acre tract as described in deed to Hilliard Pentecostal Church, a distance of 1040.45 feet, to a point in the proposed right of way of Avery Road;

Thence North 10°44'47" East, with said proposed right of way, a distance of 487.57 feet; to a point;

Thence through said 30.00 acre tract, the following courses:

South 79°15'13" East, a distance of 410.79 feet, to a point of curvature;

With a curve to the left having a radius of 240.50 feet, a delta angle of 180°00'00", an arc distance of 755.55 feet, a chord bearing of North 10°44'47" East, and a chord distance of 481.00 feet to a point of tangency;

North 79°15'13" West, a distance of 63.00 feet, to a point;

North 10°44'47" East, a distance of 496.38 feet, to the **POINT OF TRUE BEGINNING**, and containing 15.170 acres, more or less.

The bearings shown above are based on the bearing of North 10°44'47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the survey.

SUBAREA C1 - L-AR-1

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3012, and being part of that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING FOR REFERENCE at the common corner of said 30.00 acre tract and that 6.379 acre tract as described in deed to Pines at Tuttle Crossing;

Thence South 84°40'31" West, with the common line of said 30.00 acre tract and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee, a distance of 256.45 feet, to the **POINT OF TRUE BEGINNING**;

Thence through said 30.00 acre tract, the following courses:

South 10°39'56" West, a distance of 369.67 feet, to a point;

North 79°09'11" West, a distance of 187.10 feet, to a point;

North 10°44'47" East, a distance of 315.59 feet, to a point in the common line of said 30.00 acre tract and that 6.167 acre tract;

Thence North 84°40'31" East, with aforesaid common line, a distance of 194.16 feet, to the **POINT OF TRUE BEGINNING**, and containing 1.470 acres, more or less.

The bearings shown above are based on the bearing of North 10°44'47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83

(2011), Ohio State Plane South Zone, at the time of the survey.

SUBAREA D - L-AR-1

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3012, and being part of that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows: **BEGINNING** at the common corner of said 30.00 acre tract and that 6.379 acre tract as described in deed to Pines at Tuttle Crossing;

Thence South 02°21'17" West, with the common line of said 30.00 acre tract and said 6.379 acre tract, a distance of 241.89 feet, to a point;

Thence through said 30.00 acre tract, the following courses:

North 86°39'37" West, a distance of 283.81 feet, to a point;

North 10°39'56" East, a distance of 204.90 feet, to a point in the common line of said 30.00 acre tract and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee;

Thence North 84°40'31" East, with aforesaid common line, a distance of 256.45 feet, to the **POINT OF TRUE BEGINNING**, and containing 1.368 acres, more or less.

The bearings shown above are based on the bearing of North 10°44'47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the survey.

SUBAREA E - L-AR-1

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3012, and being part of that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows: **BEGINNING FOR REFERENCE** at the common corner of said 30.00 acre tract and that 6.379 acre tract as described in deed to Pines at Tuttle Crossing;

Thence South 84°40'31" West, with the common line of said 30.00 acre tract and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee, a distance of 838.56 feet, to a point in the proposed right of way of Avery Road;

Thence South 10°44'47" West, with said proposed right of way, a distance of 396.19 feet, to a point

Thence South 79°15'13" East, through said 30.00 acre tract, a distance of 318.79 feet, to the **POINT OF TRUE BEGINNING**;

Thence continuing through said 30.00 acre tract, the following courses:

South 79°15'13" East, a distance of 92.00 feet, to a point of curvature;

With a curve to the right having a radius of 240.50 feet, a delta angle of 180°00'00", an arc distance of 755.55 feet, a chord bearing of South 10°44'47" West, and a chord distance of 481.00 feet, to a point on tangency;

North 79°15'13" West, a distance of 92.00 feet, to a point;

North 10°44'47" East, a distance of 481.00 feet, to the **POINT OF TRUE BEGINNING**, and containing 3.102 acres, more or less.

The bearings shown above are based on the bearing of North 10°44'47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the survey.

To Rezone From: R, Rural District,

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

SECTION 2. That a Height District of sixty (60) feet is hereby established on the CPD, Commercial Planned Development District and L-AR-1, 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 copies of the approved CPD, Commercial Planned 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 3311.12 and 3370.03 of the Columbus City Codes; said plans being titled, "**EDWARDS COMMUNITIES AVERY ROAD SUBAREA PLAN,**" and said text being titled, "**DEVELOPMENT TEXT,**" both dated November 17, 2016, and signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

See attachment file **ORD3112-2016_Z16-016_DEVELOPMENT TEXT**

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