



City of Columbus

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

Legislation Text

File #: 0702-2009, Version: 1

Rezoning Application Z08-066

APPLICANT: Cooper Lakes II, LLC & JWG2 Investments I, LLC; c/o David Hodge, Atty.; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

PROPOSED USE: Multi-family residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-1) on March 12, 2009.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a 240-unit apartment complex zoned in the L-AR-12, Limited Apartment Residential District (Z95-007). The applicant requests the L-AR-12, Limited Apartment Residential District to construct two new apartment buildings allowing for an increase of 16 multi-family units. The proposed limitation text commits to a landscaping plan for the construction site and includes commitments from the current L-AR-12 District. The site is located within the boundaries of Subarea 28 the *Northland Plan: Volume I* (2001), which discourages additional multi-family development. The Plan also recommends that infill development be compatible with surrounding development and that new developments adhere to the *Northland Development Standards* (1992). The location of the proposed apartment buildings is adjacent to and shares access with existing single-family dwellings. Since additional commitments are included in the limitation text for landscaping, parking and building setbacks that adequately address compatibility issues, Staff believes the increase in density is negligible. The requested L-AR-12, Limited Apartment Residential District contains limitations to address the *Northland Development Standards* (1992), and is compatible with the zoning and development patterns of the area.

To rezone **3100 COOPER ROAD (43081)**, being 21.18± acres located east of the intersection of Forest Hills Boulevard and Cooper Road, **From:** L-AR-12, Limited Apartment Residential District, **To:** L-AR-12, Limited Apartment Residential District (Rezoning # Z08-066).

WHEREAS, application #Z08-066 is on file with the Building Services Division of the Department of Development requesting rezoning of 21.18± acres L-AR-12, Limited Apartment Residential District, to L-AR-12, Limited Apartment Residential District; and

WHEREAS, the Columbus Public Health Healthy Places program reviews applications for active living features and recognizes this development has included bike racks for employees or visitors that ride their bike because of choice or because of limited options; connection to the on site sidewalk system into the existing neighborhood sidewalk system for a continuous pedestrian environment; and provided room for a city constructed bike path in the future; 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-AR-12, Limited Apartment Residential District contains limitations to address the *Northland Development Standards* (1992), and is compatible with the zoning and development patterns of the area, 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:

3100 COOPER ROAD (43081), being 21.18± acres located east of the intersection of Forest Hills Boulevard and Cooper Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Lot 2, Quarter Township 3, Township 2, Range 17, United States Military Lands and being all of that tract of land as conveyed to The Austin Lawrence Company, *LLC*. by deed of record in Official Records 34220B03 and 34220B05, all references being to records of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning at a railroad spike found in the centerline of Cooper Road at the northwesterly corner of that subdivision entitled "Cooper Plains" and shown of record in Plat Book 52, Page 90, said railroad spike also being the southeasterly corner of that subdivision entitled "Pinewood Colony" and shown of record in Plat Book 50, Pages 13 and 14;

thence northwesterly, being along the centerline of said Cooper Road along the arc of a curve to the right (Delta = 49° 07' 38", Radius = 763.94 feet), a chord bearing and distance of North 28° 21' 24" West, 635.15 feet to a found railroad spike at the northeasterly corner of said "Pinewood Colony", said railroad also being the southwesterly corner of that 7.278 acre tract as conveyed to Vineyard Christian Fellowship of Columbus by deed of record in Official Record 25796F15;

thence North 89° 11' 10" East, leaving said centerline and being along the southerly line of said 7.278 acre tract, also being along the southerly line of that 29.400 acre tract as conveyed to the City of Columbus, Ohio by deed of record in Deed Book 3650, Page 302, (passing an iron pin at 30.04 feet), a distance of 1730.60 feet to an iron pin found at a corner of said 29.400 acre tract;

thence South 0° 51' 09" East, being along a westerly line of said 29.400 acre tract, also being along a portion of the westerly line of that 8.526 acre tract as conveyed to the City of Columbus, Ohio by deed of record in Deed Book 3397, Page 160, a distance of 564.58 feet to an iron pin found at the northeasterly corner of Lot 36 of said "Cooper Plains" subdivision;

thence South 89° 14' 27" West, being along the northerly line of said "Cooper Plains", (passing an iron pin at 1389.58 feet), a distance of 1437.29 feet to the place of beginning, containing 21.180 acres of land, of which 0.455 acre lies within the present right-of-way of Cooper Road, leaving a net acreage of 20.725 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record. The bearings are based on the same meridian as the bearings shown on the recorded plat of that subdivision entitled "Cooper Plains", of record in Plat Book 52, Page 90, in which the northerly line has a bearing of North 89° 14' 27" East, Recorder's Office, Franklin County, Ohio.

To Rezone From: L-AR-12, Limited Apartment Residential 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 Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved L-AR-12, Limited Apartment Residential District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes; said plan being titled "**LANDSCAPE PLAN**," said text being titled "**LIMITATION TEXT**," both signed by Jeffrey L. Brown, Attorney for the Applicant, dated April 13, 2009, and the text reading as follows:

LIMITATION TEXT

L-AR-12, LIMITED APARTMENT RESIDENTIAL DISTRICT

21.18+/- ACRES

EXISTING DISTRICT: L-AR-12, LIMITED-APARTMENT RESIDENTIAL DISTRICT

PROPOSED DISTRICT: L-AR-12, LIMITED APARTMENT RESIDENTIAL DISTRICT

PROPERTY ADDRESS: 3100 COOPER ROAD, WESTERVILLE, OHIO 43081
OWNER: COOPER LAKES II, LLC AND JWG2 INVESTMENTS I, LLC
APPLICANT: SAME AS OWNER
DATE OF TEXT: APRIL 13, 2009
APPLICATION NUMBER: Z08-066

INTRODUCTION:

The subject property is 21.18+/- acres located on the east side of Cooper Road at the intersection of Cooper Road and Forest Hills Boulevard. This site was originally developed in 1997-1998 as a 240 unit apartment complex, in accordance with the Northland Plan as part of a 100 acre tract which comprises Area 13 wherein multi-family development may be supported. Applicant proposes to develop the balance of the site with two (2) additional eight (8) unit buildings for a maximum of sixteen (16) 3-Bedroom additional apartment homes for rent. The proposal shall be consistent with recommendations of the Northland Plan Volume I.

This application is being brought before the Development Commission and City Council to satisfy a growing need in our community to provide affordable 3-bedroom rental housing. For the past 4 years we have had an increasing number of requests from both prospective residents and active residents alike to provide affordable 3-bedroom rental housing. We are fortunate to have an area on site that can accommodate such a request. We have reviewed the financial feasibility of such an addition to the property and its impact on the operational costs and have determined that we are willing to proceed with this venture providing that we can get the satisfactory approvals from the various governing bodies.

1. PERMITTED USES: The following uses shall be permitted.

Section 3333.02 AR-12, ARLD and AR-1 apartment residential district use of the Columbus City Code. Along with customary accessory uses and structures incidental to apartments, as permitted in Chapter 3333, Apartment Residential Districts.

2. DEVELOPMENT STANDARDS: Except as specified herein, the applicable development standards of Chapter 3333, Apartment Residential Districts, of the Columbus City Code shall apply.

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

1. Density: A maximum of two-hundred fifty six (256) apartment units shall be permitted.
2. In the area where the two proposed buildings are to be constructed, the minimum building and parking setbacks from that portion of the east property line shall be 30 feet; the minimum building and parking setback from that portion of the south property line shall be 80 feet and 30 feet respectively. The remainder of the development shall maintain a perimeter yard of 30 feet.
3. The two proposed buildings are two stories in height.

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

Traffic:

1. There are two access drives to the proposed development. The first is off Cooper Road and the second off Stormcroft Avenue. The access drive off Cooper Road is located directly across from Forest Hills Boulevard. A 10' grass only strip shall be maintained east of the ultimate right-of-way along Cooper Road for the length of the property to maintain adequate site distance for said access drive. No trees or bushes or mounding shall be permitted within the 10' grass strip.
2. Prior to receiving building permits for the two new buildings, the property shall provide the City of Columbus with a deed for 30 feet of right-of-way from the centerline of Cooper Road.

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

1. Landscaping shall be provided as follows:
 - a. One (1) tree shall be planted for every forty (40) feet of frontage along any public street. Trees may be grouped or spaced.

b. A 30" high screen developed with a combination of mounding, evergreen shrubs and trees shall be placed along the south side of the property line on either side of the cul-de-sac as depicted in the submitted Landscape Plan. In addition, the screening adjacent to the 6 parking spaces shall comply with Section 3342.17 (parking lot screening) of the Columbus City Code and 3 evergreen trees shall be installed on the west side of the cul-de-sac along the south property line.

c. For parking lots, one (1) tree shall be provided for every ten (10) parking spaces. Tree species shall be selected and planted in a manner that does not obstruct motorist vision. Within parking areas, trees shall be placed in islands or medians at least five (5) feet wide. Planted islands and medians shall be located in a manner which helps an orderly flow of traffic and placed in a uniform manner through the parking area.

d. Minimum deciduous tree diameter shall be at least 2 ½ inches; minimum ornamental tree diameter shall be at least 1 ½ inches. Tree trunk diameters shall be measured at four (4) feet from grade. Evergreen trees shall be at least five (5) feet high at the time of installation.

e. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.

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

1. The buildings shall be residential in character and appearance using a combination of brick, glass, and/or vinyl-lap siding. The roof shingles shall be asphalt/fiberglass and consistent in color to the existing buildings. Exterior colors shall be consistent with the existing buildings.

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

1. Wiring within the subject site shall be underground, except where above-ground wires are presented permitted by legal easements to an electric or power concern, including the primary service lines from above-ground wires.

2. All external outdoor lighting shall be of Decorative Post Top Lighting provided by American Electric Power, except there may be accent lighting (up lighting) on landscaping, the fronts of structures and ground signs, provided the fixtures shall be concealed from view of the public right-of-way.

3. All external outdoor lighting fixtures to be used shall be from the same or similar manufacturer's type used on existing buildings to insure aesthetic compatibility.

4. Lighting shall be modified as needed so as to not be directed toward any residential area.

5. Parking lot lighting standards shall not exceed eighteen (18) feet in height.

F. Graphics and Signage Commitments.

1. All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the AR-12, Apartment Residential District. All signage shall be monument style or shall be incorporated into an entrance feature. Sign illumination, if any, shall only be in the form of low level ground mounted lighting projecting directly at the sign face. Landscaping or other means shall be used to screen ground mounted light fixtures. Any variance to the applicable sign requirements of the AR-12 District shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous Commitments.

1. The developer shall comply with applicable requirements of Chapter 3318, Parkland Dedication, Columbus City Code as to any new dwelling units.

2. The city may install a bikeway within the setback area along the south property from Cooper Road to the east property line.

3. The developer shall install a bike rack near the clubhouse facility.

4. The developer shall install a sidewalk extending the sidewalk along Stormcroft Avenue to the two proposed buildings.

5. The southeastern portion of the Subject Site shall be landscaped in accordance with the submitted Landscape Plan. The Plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development or when engineering plans are completed. Any slight adjustment to the Plan shall be reviewed and may be approved by the Director of the Department of Development or his/her designee upon submission of the appropriate data regarding the proposed adjustment.

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