



City of Columbus

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

Legislation Text

File #: 2032-2004, **Version:** 2

Rezoning Application # Z04-050

APPLICANT: Elmore Company, LLC c/o Robert Howarth, Atty.; 471 East Broad Street; Suite 2001, Columbus, Ohio 43215.

PROPOSED USE: Multi-family residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on September 9, 2004.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-AR-12, Limited Apartment Residential District would permit limited multi-family residential development consistent with the zoning and land use patterns of the area and complies with recommendations of the *East Broad Street Study (2000)*.

To rezone **8288 EAST BROAD STREET (43004)**, being 40.12± acres located on the north side of East Broad Street, 4200± feet east of Waggoner Road, **From:** R, Rural District, **To:** L-AR-12, Limited Apartment Residential District (Rezoning # Z04-050).

WHEREAS, application #Z04-050 is on file with the Building Services Division of the Department of Development requesting rezoning of 40.12± acres From: R, Rural District, To: L-AR-12, 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 requested L-AR-12, Limited Apartment Residential District would permit limited multi-family residential development consistent with the zoning and land use patterns of the area and complies with recommendations of the *East Broad Street Study (2000)*, 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:

8288 EAST BROAD STREET (43004), being 40.12± acres located on the north side of East Broad Street, 4200± feet east of Waggoner Road, and being more particularly described as follows:

LEGAL DESCRIPTION

Situated in the County of Franklin, in the State of Ohio and in the Township of Jefferson and bounded and described as follows:

Being a part of the 4th Quarter, of Township No. 1, Range 16, United States Military Lands, and being parts of Lots Numbers Three (3), Four (4), and Six (6) of Daniel Applegate's Subdivision, and more particularly bounded and described as follows:

Beginning at a point in the center of the Columbus and Granville Road south 82° 25' West 1904.50 feet distant from the west line of Licking County; thence north 4° 15' East 2393.20 feet to a stone; thence North 85° 30' West 949 feet to a stone in the east line of the Morrison land; thence North 4° 15' East 1857.70 feet to an iron pin in the south line of the Right of Way of the Baltimore and Ohio Railway line; thence along the said south line of said Right of Way south 87° 45' East 1668.40 feet to an iron pin in the northwest corner of Jared Boyd's land; thence with the west line of said Jared Boyd's land South 40° 21' West 4165.90 feet to the center of the said Columbus and Granville Road; thence with the center of said Road, South 82° 25' west 721.40 feet to the place of beginning, containing 110 acres of land.

EXCEPTING THEREFROM the following described Real Estate:

Beginning at the southeast corner of above described 110 acre tract, which is located in the center line of the Columbus and Granville Road, South 82° 25' West 1183.1 feet from the Franklin and Licking County line; thence with the east line of 110 acre tract, North 4° 22' East 1954.45 feet to an iron pipe; thence North 85° 30' West 220 feet to an iron pipe; thence south 4° 22' West 2001.91 feet to a point in the center line of the Columbus and Granville Road; thence with the center line of said Road North 82° 25' East 224.87 feet to the place of beginning, and containing 10 acres, more or less, and being the same premises conveyed to Germano Franciosa and Lucy Franciosa, dated October 18, 1943, and recorded in Deed Book 1204, page 57, Recorder's Office, Franklin County, Ohio.

EXCEPTING THEREFROM:

Approximately 0.80 acres conveyed by Elmore Company to the State of Ohio in Official Record 18618C20, Official Records, Franklin County, Ohio and being further described as follows:

Situated in the Township of Jefferson, County of Franklin and State of Ohio, and known as being in Section 4, Town 1, Range 16, and more fully bounded and described as follows:

PARCEL NO. 52-WD (HIGHWAY)

ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE, EXCLUDING LIMITATION OF ACCESS, IN THE FOLLOWING DESCRIBED PROPERTY

Beginning at the point in the centerline of East Broad Street marking a southwesterly corner of said Elmore Company tracts, and also marking the southeasterly corner of those tracts as conveyed to Crawford Farms by deed of record in Deed Book 3605, Page 440 (centerline Station 352 plus 80.30);

thence leaving said centerline, North 3 degrees 37 minutes 07 seconds East, along an easterly line of said Crawford Farms tracts, a distance of 71.46 feet to a point (70.00 feet left of centerline Station 352 plus 94.67);

thence North 82 degrees 01 minutes 30 seconds East, along a line parallel to and 70.00 feet northerly of, as measured at right angles, the centerline of East Broad Street, a distance of 497.62 feet to a point in the westerly line of that 10 acre tract as conveyed to Robert Masser by deed of record in Official Record 665G07 (70.00 feet left of centerline Station 357 plus 92.29);

thence South 3 degrees 44 minutes 00 seconds West, along said westerly line, a distance of 71.49 feet to a point in the centerline of East Broad Street marking the southwesterly corner of said 10 acre tract and also marking the southeasterly corner of said Elmore Company tracts (centerline Station 357 plus 77.78);

thence South 82 degrees 01 minutes 30 seconds West, along said centerline, a distance of 497.48 feet to the Place of Beginning, containing 0.800 of an acre, of which the existing right of way contains 0.377 of an acre, leaving a net take of 0.423 of an acre, more or less.

The bearings in the above description are based upon the centerline of East Broad Street as being North 82 degrees 01 minutes 30 seconds East.

Owners retain rights of ingress and egress to and from any residual area.

This description is based on a survey made under the direction and supervision of Lawrence E. Ball, Registered Surveyor

No. 6878.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Department of Transportation, Columbus, Ohio.

Owners claim title by instrument recorded in Volume 3412, at Page 278, of the Deed Records of Franklin County, Ohio.

FURTHER EXCEPTING THEREFROM:

Approximately 59.080 acres conveyed by Elmore Company to Samuel M. Baker and Theodore S. Bloom in Official Record 199806300162496, Official Records, Franklin County, Ohio and being further described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 4, Township 1, Range 16 of the United States Military Lands and being 59.080 acres out of that 100.00 acre tract of land as conveyed to the Elmore Company by deed of record in Deed Book 3412, Page 278, all references being to records of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning for reference at the easterly Franklin County line, being the westerly Licking County line and the southerly right-of-way line of the B&O Railroad and P.C.C. and Saint Louis Railroad;

thence North 88° 18' 26" West, being along said southerly right-of-way line, a distance of 1146.35 feet to an iron pin found, being the northwesterly corner of that 42.007 acre tract as conveyed to TS Tech USA Corporation by deed of record in Official Record 28261J07 at the True Point of Beginning for the tract herein intended to be described;

thence South 3° 43' 42" West, leaving said southerly right-of-way line and being along the westerly line of said 42.007 acre tract, a distance of 1203.93 feet to an iron pin set, being North 3° 43' 42" East, a distance of 229.97 feet from the southwesterly corner of said 42.007 acre tract;

thence leaving said westerly line and crossing said 100.00 acre tract, being along the meanderings of a ditch, the following seventeen (17) courses and distances:

South 64° 01' 22" West, a distance of 285.74 feet to a point;

South 52° 21' 56" West, a distance of 181.28 feet to a point;

North 86° 59' 39" West, a distance of 105.55 feet to a point;

South 51° 15' 16" West, a distance of 135.92 feet to a point;

South 88° 38' 03" West, a distance of 208.64 feet to a point;

South 50° 22' 21" West, a distance of 71.95 feet to a point;

South 25° 56' 32" West, a distance of 122.93 feet to a point;

South 80° 18' 13" West, a distance of 174.08 feet to a point;

North 51° 00' 21" West, a distance of 56.73 feet to a point;

North 16° 52' 51" East, a distance of 81.60 feet to a point;

North 57° 01, 16" West, a distance of 104.01 feet to a point;

South 58° 18' 06" West, a distance of 75.52 feet to a point;

South 10° 37' 19" West, a distance of 37.36 feet to a point;

South 64° 24' 37" West, a distance of 45.81 feet to a point;

North 86° 58' 16" West, a distance of 121.42 feet to a point;

North 59° 37' 22" West, a distance of 94.25 feet to a point; and,

South 59° 37' 51" West, a distance of 204.39 feet to an iron pin set, being North 3° 41' 56" East, a distance of 121.08 feet from an iron pin found in a northeasterly corner of that tract of land as conveyed to Reyno Holding Co. by deed of record in Official Record 30723107;

thence North 3° 41' 56" East, along an easterly line of said Reyno Holding Co. tract and the easterly line of that 30.923 acre tract as conveyed to Woods at Jefferson, Ltd. by deed of record in Instrument Number 199706110020713 (passing an iron pin found at 171.67 feet), a distance of 1735.41 feet to an iron pin found at the northeasterly corner of said 30.923 acre tract and the southerly right-of-way line of said B&O Railroad and Saint Louis Railroad;

thence South 88° 18' 26" East, being along the said southerly right-of-way line, a distance of 1667.29 feet to the True Point of Beginning, containing 59.080 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 used in the metes and bounds description for a 293.794 acre tract described in the deed of record in Official Record 1689E17 in which the centerline of Waggoner Road has a bearing of North 30° 25' 47" East.

To Rezone From: R, Rural District,

To: L-AR-12, Limited Apartment Residential District

SECTION 2. That a Height District of sixty (60) 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 text being titled "**LIMITATION TEXT**," signed by Robert F. Howarth, Attorney, dated November 23, 2004, and the text reading as follows:

LIMITATION TEXT

| | |
|---------------------|----------------------|
| PROPOSED DISTRICT: | L-AR-12 |
| PROPERTY ADDRESS: | 8288 E. Broad Street |
| OWNER: | Elmore Company, LLC |
| APPLICANT: | Elmore Company, LLC |
| DATE OF TEXT: | November 23, 2004 |
| APPLICATION NUMBER: | Z04-050 |

1. **INTRODUCTION:** The subject Application is to rezone 40.12 +/- acres, located on the north side of East Broad Street, 4200 +/- feet east of Waggoner Road. Currently, the land is zoned R, Rural District. It is requested that it be rezoned to L-AR-12, Limited Apartment Residential District. To the west is a Limited Commercial District, L-C-4 and a Limited Apartment Residential District, L-AR-12. To the north is a single family subdivision in the L-R-2, Limited Residential District. The Columbus corporate boundary is on the east with Reynoldsburg to the south across Broad Street.

2. **PERMITTED USES:** Those permitted in Section 3333.02, AR-12, Apartment Residential District classification of the Columbus City Code.

3. **DEVELOPMENT STANDARDS:** Unless otherwise indicated in this written

development standards are text, the applicable contained in Chapter 3333, AR-12, Apartment Residential District of the Columbus City Code.

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

1. The parking, loading, and maneuvering setback along East Broad Street shall be sixty (60) feet. The building setbacks along East Broad Street shall sixty (60) feet. There shall be no setback limitations along the northern boundary of the property contiguous to the parklands (See: C.3., below).
2. Height District shall be sixty (60) feet as measured per the Columbus City Code.

B. Access, Loading, Parking and/or other traffic related commitments

1. A Traffic Assessment Study will be conducted and approved by the necessary authorities before any construction is commenced on the property. The Owner agrees to implement the results of the study.

C. Buffering, Landscaping, Open space and/or Screening commitments

1. A row of trees shall be planted within the setback area along East Broad Street containing one tree for every 30 feet of roadway frontage. Trees may be grouped or evenly spaced.
2. Unless otherwise specified, minimum size of all trees at planting shall be 2.5 inch caliper for deciduous, 5 feet high for evergreens, and 1.5 inch caliper for ornamental trees.

3. All trees and landscpaing shall be well maintained. Dead items, weather permitting , shall be replaced within 6 months or the next available planting season, whichever occurs first.

4. Existing trees within 25' of the border of the property will be maintained.

5. Please refer to the Area Map, attached hereto as "Attachment 1". In accordance with Chapter 3318 of the Columbus Zoning Code and in lieu of any cash payment, the Owner agrees to deed to the City in fee simple, 3.6 acres located along the northern boundary of the subject property as follows:

- 1.) all of the land in the area marked "A" on Attachment 1.
- 2.) land east of Area A, along the northern boundary of the subject property, to include 50 ft. from the center line of the stream located in the northern extreme of the subject property.

Prior to any construction, Owner will:

- 1) cause a legal description of the 3.6 acres, as described above, to be prepared, and
- 2) deed to the City of Columbus the subject 3.6 acres in fee simple as set forth in the legal description.
6. All parking areas along East Broad Street shall have headlight screening with a minimum height of 30 inches measured from the elevation of the nearest section of the adjacent parking area. Headlight screening shall be in the form of earthen mounding, evergreen hedge or walls or in any combination thereof.

D. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments

1. Parking lot fixtures shall have a maximum height of 15 feet.

E. Streets

A ~~right-of-way~~ **public access roadway easement** for an internal east-west roadway and pedestrian/bicycle connections will be ~~preserved~~ **provided** to connect with Overmont on the east of the subject property.

F. Ditch/Water Path

Owner agrees to comply with all Columbus Code provisions and rules regarding the ditch/water path in the southern portion of the subject property and marked "B" on Attachment 1. Owner may construct a private roadway leading into the subject property from East Broad Street which may transverse said ditch/water path.

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