



City of Columbus

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

Legislation Text

File #: 2024-2004, Version: 1

Rezoning Application Z04-029

APPLICANT: Sovereign Development Corporation; c/o Dave Perry, Agent for Applicant, The David Perry Co.; 145 East Rich Street; Columbus, OH 43215 and Donald Plank, Attorney for Applicant; Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

PROPOSED USE: Single-family residential development.

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

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-R-2, Limited Residential District will allow an 89-lot single-family subdivision. The site is within the planning area of the *Southeast Area Plan (2000)*, and adjacent to Pickerington Ponds Metro Park. At the time that the Plan was written, it was believed that this site would become part of the Metro Park, and therefore the recommended land use is for parkland. Because of the adjacent single-family developments, a deviation from the recommendation of the Plan is acceptable considering the development complies with the standards of the Plan with regard to lighting controls, storm water control basins, utility lines, and basement construction, and meets the intent of the Plan with homes fronting on Bowen Road and a 185-foot setback from the centerline of the right-of-way. The proposed development is consistent with surrounding single-family residential development.

To rezone **5605 BOWEN ROAD (43110)**, being 17.98± acres located on the west side of Bowen Road, 125± feet north of Canal Highlands Boulevard, **From:** R, Rural District, **To:** L-R-2, Limited Residential District (Rezoning # Z04-029).

WHEREAS, application #Z04-029 is on file with the Building Services Division of the Department of Development requesting rezoning of 17.98± acres From: R, Rural District, To: L-R-2, Limited 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-R-2, Limited Residential District will allow an 89-lot single-family subdivision. The site is within the planning area of the *Southeast Area Plan (2000)*, and adjacent to Pickerington Ponds Metro Park. At the time that the Plan was written, it was believed that this site would become part of the Metro Park, and therefore the recommended land use is for parkland. Because of the adjacent single-family developments, a deviation from the recommendation of the Plan is acceptable considering the development complies with the standards of the Plan with regard to lighting controls, storm water control basins, utility lines, and basement construction, and meets the intent of the Plan with homes fronting on Bowen Road and a 185-foot setback from the centerline of the right-of-way. The proposed development is consistent with surrounding single-family 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:

5605 BOWEN ROAD (43110), being 17.98± acres located on the west side of Bowen Road, 125± feet north of Canal Highlands Boulevard, and being more particularly described as follows:

REZONING DESCRIPTION

Situated in the State of Ohio, County of Franklin, City of Columbus being in the Southeast Quarter of Section 18, Township 15, Range 20 and containing 17.979 acres of land, more or less, being all of that 12.820 acre tract of land conveyed to L. Grant Lynd of record in Official Record 30662, Page J13 (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), being all of that 5.001 acre tract of land conveyed to L. Grant Lynd of record in Official Record 30663, Page A01, and being all of the 0.158 acre tract of land conveyed to L. Grant Lynd of record in Instrument No. 200306030163928, said 17.979 acres being more particularly described as follows:

Beginning, for reference at a Franklin County Engineer's Monument No. 9932 at the centerline intersection of Bowen Road with Lehman Road;

Thence NORTH 0°02'52" WEST with the centerline of said Bowen Road a distance of 870.56 feet to the southeast corner of said 12.820 acre tract the true point of beginning;

Thence NORTH 89°58'52" WEST with the southerly line of said 12.820 acre tract, the north line of Canal Crossing Section 1, of record in Plat Book 102, page 53, a distance of 1725.00 feet to the southwest corner of said 12.820 acre tract;

Thence NORTH 0°02'52" WEST with the west line of said 12.820 care tract, the west line of said 0.158 acre tract a distance of 454.00 feet to the northwest corner of said 0.158 acre tract;

Thence SOUTH 89°58'52" EAST with the north line of said 0.158 acre tract a distance of 1725.00 feet to the northeast corner of said 0.158 acre tract in the centerline of said Bowen Road;

Thence SOUTH 0°02'52" EAST with the centerline of said Bowen Road a distance of 454.00 feet to the true point of beginning and containing 17.979 acres of land, more or less.

Subject to all restrictions, easements and rights of way of previous record.

The above description was prepared by Robert E. Blackburn, Ohio Surveyor No. 6305 of *Geo Graphics, Inc.*, Land Surveying and Civil Engineering, Columbus, Ohio, from information taken from all available Court House records and not from a boundary survey.

To Rezone From: R, Rural District,

To: L-R-2, Limited Residential District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-R-2, Limited 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-R-2, Limited Commercial 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 "**SKETCH PLAN FOR SOVEREIGN DEVELOPMENT CORPORATION,**" and said text being titled "**DEVELOPMENT TEXT,**" both signed by David B. Perry, Agent for the Applicant, and Donald T. Plank, Attorney for the Applicant, dated October 10, 2004, and the text reading as follows:

DEVELOPMENT TEXT

L-R-2, LIMITED RESIDENTIAL DISTRICT

17.9+ ACRES

EXISTING DISTRICT: R, RURAL

PROPOSED DISTRICT: L-R-2, LIMITED RESIDENTIAL DISTRICT

PROPERTY ADDRESS: 5605 BOWEN ROAD, COLUMBUS, OH
43110

OWNER: GRANT L. LYND, TR C/O DAVID B. PERRY, AGENT, THE DAVID PERRY CO., 145 EAST RICH STREET, COLUMBUS, OH 43215 AND DONALD PLANK, ATTORNEY FOR APPLICANT, PLANK AND BRAHM, 145 EAST RICH STREET, COLUMBUS, OH 43215

APPLICANT: SOVEREIGN DEVELOPMENT CORPORATION C/O DAVID B. PERRY, AGENT, THE DAVID PERRY CO., 145 EAST RICH STREET, COLUMBUS, OH 43215 AND DONALD PLANK, ATTORNEY FOR APPLICANT, PLANK AND BRAHM, 145 EAST RICH STREET, COLUMBUS, OH 43215

DATE OF TEXT: OCTOBER 10, 2004

APPLICATION NUMBER: Z04- 029

INTRODUCTION:

The subject property is 17.9± acres located at the west side of Bowen Road, 850± feet north of the intersection of Bowen Road and Lehman Road. Applicant proposes to rezone the property for development of a single family dwelling subdivision with an internal public street. A plan titled "Sketch Plan for Sovereign Development Corporation," hereinafter referred to as the "Plan," dated October 10, 2004 and signed October 10, 2004 by David B. Perry, Agent, and Donald Plank, Attorney for Applicant, is submitted with this application as the street and lot plan, subject to final engineering and platting of the site. The proposed land use is consistent with abutting development to the south and west, land use in the area in general and recommendations of the Southeast Area Plan.

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

Detached Single-family dwellings on platted lots as permitted in Section 3332.033, R-2, Residential District Use, along with customary accessory uses and structures incidental to a single family dwelling, as permitted in Chapter 3332, Residential Districts.

2. DEVELOPMENT STANDARDS: Except as specified herein and as indicated on "The Plan", the applicable development standards of Chapter 3332, Residential Districts, of the Columbus City Code shall apply.

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

1. Density: A maximum of eighty-nine (89) lots for detached single-family dwellings on separate platted lots shall be permitted.
2. Height: Height District shall be H-35. No dwelling shall exceed 2 ½ stories in height.
3. Lot: The lot and street layout shall be as depicted on the Plan, subject to minor adjustment with final engineering and platting, for the maximum number of lots permitted. Applicant may reduce the number of lots, if desired.
4. Setback: The minimum building setback line from the internal public street shall be 25 feet. The minimum building setback from the centerline of Bowen Road shall be as depicted on the plan based on lot locations and setback lines depicted.

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

1. The subdivision shall be accessed from Bowen Road by a single public street access point.
2. All lots shall front upon and be accessed from a new public street, as depicted on The Plan.

3. Thirty (30) feet of right of way from the centerline of Bowen Road shall be dedicated to the City of Columbus in conjunction with the subdivision plat for the site.

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

1. Street trees shall be provided along the new internal public street at the rate of not less than one (1) street tree per lot for single frontage lots and two (2) street trees per lot for corner lots with one (1) street tree located on each frontage of the corner lot. Street trees shall be selected from tree species approved by the City Forester. No street trees shall be required along the north side of the north public street.
2. A total of ten (10) street trees shall be provided along Bowen Road at the rate of one (1) street tree per 40 lineal feet of Bowen Road frontage. Street trees shall be selected from tree species approved by the City Forester.
3. A landscaped entrance feature shall be provided on one side and may be provided on both sides of the public street entrance from Bowen Road, subject to applicable setback and clear vision requirements.
4. Trees and fencing shall be provided along the west side of Reserve A. Fencing shall consist of a 3 or 4 board fence approximately 42 inches tall. The fence shall be stained black or dark brown. Tree planting at the rate of four (4) trees per 100 lineal feet shall be planted. Tree planting shall consist of a mixture of deciduous and evergreen trees.
5. As depicted on the Plan, no lot or street shall directly abut the north property line. Parcel area north of the north right of way line of the north public street, based on an engineered plat, shall be platted as a reserve for Open Space, underground utilities, swale for storm drainage, landscaping and/or fencing or related and similar uses. The Open Space may be conveyed in whole or in part to the abutting property owner to the north, at the developer's or owner's discretion.
6. The minimum size of plant material at time of installation shall be as follows: Deciduous Tree - 2 ½" caliper, Ornamental Tree - 1 ½" caliper, Evergreen Tree - five (5) feet.
7. The site will comply with applicable provisions of the City of Columbus Parkland Dedication Ordinance (PDO)

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

1. Minimum Dwelling Unit Size: The Minimum Net Floor Area for Living Quarters, as defined in Section 3303.13, Letter M, of the Columbus Zoning Code, shall be 1,350 square feet per dwelling unit.
2. Garages: Every dwelling shall have not less than a two car attached garage.
3. Single-family homes of substantially the same appearance shall not be located next to each other.

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

1. All new or relocated utility lines shall be installed underground unless the applicable utility company directs or requires otherwise.
2. All exterior light fixtures shall be cut-off fixture type. See also 3.b
3. Franklin County Metro Parks: Pickerington Ponds
 - a. To reduce the impact of traffic noise and congestion associated with construction, no construction access shall use that segment of Bowen Road adjacent to the Pickerington Pond Wildlife Refuge. Construction traffic shall be instructed to access the site from the south only and construction traffic exiting the site shall be instructed to exit to the south.
 - b. All exterior light fixtures shall be cut-off fixture type. Street lighting shall be limited to a maximum height of 14 feet and shall use fully shielded cut-off style fixtures. All street lighting shall use poles and fixtures of the same color, style and from the same manufacturer.
 - c. All storm water control basins shall be constructed such that there is 2 feet of low permeability cohesive material between the

bottom and sides of these impounds and permeable sand and gravel. Compliance with these standards shall be demonstrated by submission of engineering plans and inspections by and approval of the City of Columbus. Engineered storm water management plans shall be provided to Metro Parks for review and comment, particularly relative to site grading, to insure that storm water is not released to the north and storm water flow presently carried by a 10 inch drain tile that enters the property along the north property line approximately 300 feet west of the centerline of Bowen Road is maintained.

d. All sanitary sewer pipes shall be SDR 35 PVC, or other approved equivalent, installed with rubber gasket joints and compacted clay trenchdams every 150 feet and tested after installation. Compliance with this requirement shall be demonstrated by submission of engineering plans to Metro Parks and inspections by and review and approval of the City of Columbus.

e. Temporary dewatering for construction of utilities shall be limited to 800 foot segments at any one time.

f. All water lines and storm sewers shall be constructed above the sand and gravel aquifer, unless required to be placed differently by the Public Utilities Department.

g. Basements and sump pump units shall be constructed above the top of the sand and gravel aquifer.

h. The requirements of c - g, inclusive, shall be demonstrated on applicable construction plans submitted to the Public Utilities Department. Compliance with the requirements of c - g, inclusive, shall be monitored and determined by applicable inspection processes of the Public Utilities Department.

F. Graphics and Signage Commitments.

1. All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the R-2, Residential District. Any variance to the applicable sign requirements of the R-2 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. Reserve A, as depicted on the plan, is for open space, storm detention and landscaping.

3. The plan titled "Sketch Plan for Sovereign Development Corporation," hereinafter referred to as the "Plan," dated October 10, 2004 and signed October 10, 2004 by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant is a lot and street plan for site development, subject to final engineering and platting of the site. The Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of final engineering and platting. Depiction of the location of street trees, landscape areas and location of signage is illustrative.

4. The Board of Zoning Adjustment (BZA) shall be the body to hear any and all variance requests to site development standards, unless included in a council variance application, including any and all specific site development standards contained in this ordinance or as depicted on the Plan.

5. Applicant agrees to participate in an economic development plan and a finance plan for public improvements and services (the "Plan") in a defined area (the "Plan Area") that will include and benefit the real property to which this zoning ordinance applies, provided:

a. All of the property owners within the Plan Area fully participate in the Plan, or contributions are made on their behalf by others not including the Applicant, on an equitable basis; and

b. Applicant's participation in the Plan is equitable and reasonable, in that it considers commitments including, but not limited to, Applicant's site specific commitments, traffic commitments, land use, density and other Plan Area commitments.

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