



## Legislation Details (With Text)

**File #:** 2733-2015      **Version:** 2  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/27/2015      **In control:** Zoning Committee  
**On agenda:** 12/7/2015      **Final action:** 12/8/2015  
**Title:** To rezone 4956 AVERY ROAD (43016), being 101.77± acres located on the east side of Avery Road, 900± feet north of Hayden Run Road, From: R, Rural District, To: CPD, Commercial Planned Development, and L-AR-1, Limited Apartment Residential Districts (Rezoning # Z14-010).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2733-2015\_Development\_Text, 2. ORD2733-2015AmendedAttachments, 3. ORD2733-2015Attachments, 4. Notice Of Public Hearing - Council Mtg20151116

Date	Ver.	Action By	Action	Result
12/8/2015	2	CITY CLERK	Attest	
12/8/2015	2	MAYOR	Signed	
12/7/2015	2	COUNCIL PRESIDENT	Signed	
12/7/2015	1	Zoning Committee	Taken from the Table	Pass
12/7/2015	1	Zoning Committee	Amended as submitted to the Clerk	Pass
12/7/2015	1	Zoning Committee	Approved as Amended	Pass
11/16/2015	1	Zoning Committee	Waive the 2nd Reading	Pass
11/16/2015	1	Zoning Committee	Tabled to Certain Date	Pass

**Rezoning Application: Z14-010**

**APPLICANT:** DCR Commercial Development; c/o Laura MacGregor Comek; 300 East Broad Street, Suite 450; Columbus, OH 43215.

**PROPOSED USE:** Commercial and multi-unit residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (3-1) on February 12, 2015.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is used for farming and is zoned in the R, Rural District. The applicant requests the CPD, Commercial Planned Development, and L-AR-1, Limited Apartment Residential Districts to allow mixed commercial and multi-unit residential development with up to 340,000 square feet of commercial development, 915 apartment units, and 8.34 acres of open space. Riggins Road is planned to be extended from the east through the proposed CPD district to connect to Avery Road. The development text includes use restrictions, square-footage limitations of commercial uses, maximum number of residential units, setback requirements, height and density limitations, building and parking orientation and interconnectivity provisions, landscaping, tree preservation, exterior building material commitments, and lighting and graphics controls. The proposal also includes plans depicting street and open space locations, and landscaping details. The site falls within the boundaries of the *Interim Hayden Run Corridor Plan* (2004), which calls for "Neighborhood Center," "Community Commercial," and "Community

Center/School” uses for this location. The Plan recommends traditional neighborhood development (TND) standards for the neighborhood center areas, which are envisioned as primarily multi-unit residential development. While use of TND zoning districts is not required, the underlying principles as they apply to connectivity, building orientation to streets, placement of parking, and incorporation of civic spaces are important elements that have been included in the proposal. In order to achieve commercial development that is more reflective of the design recommendations in the Plan, the applicant has incorporated Regional Commercial Overlay principles into the CPD text. The proposal offers a mixed-use development with significant natural resource protection and much-needed regional roadway improvements.

To rezone **4956 AVERY ROAD (43016)**, being 101.77± acres located on the east side of Avery Road, 900± feet north of Hayden Run Road, **From:** R, Rural District, **To:** CPD, Commercial Planned Development, and L-AR-1, Limited Apartment Residential Districts (Rezoning # Z14-010).

**WHEREAS**, application No. Z14-010 is on file with the Department of Building and Zoning Services requesting rezoning of 101.77± acres from R, Rural District, to the CPD, Commercial Planned Development, and L-AR-1, Limited Apartment Residential Districts; and

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

**WHEREAS**, the City Departments recommend approval of said zoning change noting that the proposal includes Traditional Neighborhood Development principles as they apply to connectivity, building orientation to street, placement of parking, incorporation of civic spaces, and commercial development in accordance with Regional Commercial Overlay as recommended by the *Interim Hayden Run Corridor Plan*. The proposal offers a mixed-use development with significant natural resource protection and much-needed regional roadway improvements; 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:

**4956 AVERY ROAD (43016)**, being 101.77± acres located on the east side of Avery Road, 2,935± feet north of Hayden Run Road, and being more particularly described as follows:

**SUBAREA A  
44.37 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Virginia Military Survey No. 3012 and being part of that 71.282 acre tract conveyed to White Family Farm, Ltd. by deed of record in Official Record 3430 I G 18, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

BEGINNING at the northeasterly corner of said 71.282 acre tract, being in the southerly line of Lot 6 and the northwesterly corner of Lot 47 of that subdivision entitled "Silverton Farms Section 3", of record in Plat Book 103, Page 13;

thence South 05°55'59" East, with the easterly line of said 71.282 acre tract, a distance of 975.60 feet to a point;

thence South 74°11'07" West, across said 71.282 acre tract, a distance of 1745.83 feet to a point in the easterly right-of-way line of Avery Road;

thence North 05°24'27" West, with said easterly right-of-way line, across said 71.282 acre tract, a distance of 1280.66 feet to a point in the northerly line of said 71.282 acre tract;

thence North 84 ° 14'52" East, with said northerly line, a distance of 1708.19 feet to the POINT OF BEGINNING, containing 44.3 7 acres of land, more or less.

**To Rezone From:** R, Rural District,

**To:** CPD, Commercial Planned Development District.

**SUBAREA B**  
**57.4 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Virginia Military Survey No. 3012 and being part of that 71.282 acre tract conveyed to White Family Farm, Ltd. by deed of record in Official Record 34301 G 18, all of that 23.761 acre tract conveyed to Tim A. White by deed of record in Official Record 13859B07, part of that 9.992 acre tract conveyed to Tim A. White by deed of record in Official Record 21201F19 and part of that 5.402 acre tract conveyed to Tim A. White by deed of record in Instrument Number 200409140214881, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at the northeasterly corner of said 71.282 acre tract, being in the southerly line of Lot 6 and the northwesterly corner of Lot 47 of that subdivision entitled "Silverton Farms Section 3", of record in Plat Book I 03, Page 13;

thence South 05°55'59" East, with the easterly line of said 71.282 acre tract, a distance of 975.60 feet to a point to the TRUE POINT OF BEGINNING;

thence South 05°55'59" East, with the easterly line of said 71.282 and 23.761 acre tracts, a distance of 1254.34 feet to a point;

thence South 73°48'49" West, with the southerly line of said 23.761 acre tract, a distance of 331.58 feet to a point at the northeast corner of said 5.402 acre tract;

thence South II 021 '12" East, with the easterly line of said 5.402 acre tract, a distance of 272.98 feet to a point;

thence across said 5.402 and 9.992 acre tracts, the following courses and distances:

North 87°44'37" West, a distance of 209.37 feet to a point;

South 39°19'16" West, a distance of 84.29 feet to a point;

South 53°58'03" West, a distance of 246.51 feet to a point;

South 43°25'55" West, a distance of 46.49 feet to a point;

South 67°04'14" West, a distance of 126.52 feet to a point;

South 84°30'08" West, a distance of 54.22 feet to a point;

South 72°18'25" West, a distance of 146.51 feet to a point;

South 80°30'29" West, a distance of 79.29 feet to a point;

South 59°00'00" West, a distance of 59.25 feet to a point; and

South 33°20'55" West, a distance of 38.68 feet to a point in the easterly line of existing railroad;

thence North 38°48'57" West, with the westerly line of said 9.992 and 23.761 acre tracts, the easterly line of said railroad, a distance of 759.84 feet to a point in the easterly right-of-way line of said Avery Road;

thence with said easterly right-of-way line, across said 23.761 and 71.282 acre tracts, the following courses and distances:

North 11°52'28" West, a distance of 122.80 feet to a point;

North 09°16'05" West, a distance of 150.26 feet to a point;

North 05°26'56" West, a distance of 189.56 feet to a point;

and North 05°24'27" West, a distance of 495.54 feet to a point;

thence North 74°11 '07" East, across said 71.282 acre tract, a distance of 1745.83 feet to the TRUE POINT OF BEGINNING, containing 57.40 acres of land, more or less.

**To Rezone From:** R, Rural District,

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

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development District for Subarea A, and that a Height District of sixty (60) feet is hereby established on the 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 copy of the approved CPD, Commercial Planned Development, and L-AR-1, Limited Apartment Residential Districts 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, "**ZONING PLAN - SHEET 1 OF 2,**" and "**ZONING PLAN - SHEET 2 OF 2,**" and said text being titled, "**DEVELOPMENT TEXT,**" all dated October 16, 2015 and signed by Laura MacGregor Comek, Attorney for the Applicant, and the text reading as follows:

**(SEE ATTACHMENT FILE ORD2733-2015\_DEVELOPMENT\_TEXT)**

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