



## Legislation Details (With Text)

**File #:** 1141-2016      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 4/19/2016      **In control:** Zoning Committee

**On agenda:** 5/9/2016      **Final action:** 5/12/2016

**Title:** To rezone 5595 BOWEN ROAD (43110), being 17.97± acres located on the west side of Bowen Road, 120± feet north of Canal Highlands Boulevard, From: L-R-2, Limited Residential District, To: L-R-2, Limited Residential District (Rezoning # Z16-001) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1141-2016Attachments, 2. ORD1141-2016Labels

Date	Ver.	Action By	Action	Result
5/12/2016	2	CITY CLERK	Attest	
5/11/2016	2	MAYOR	Signed	
5/9/2016	2	COUNCIL PRESIDENT	Signed	
5/9/2016	1	Zoning Committee	Approved	Pass
5/9/2016	1	Zoning Committee	Amended to Emergency	Pass
5/2/2016	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z16-001

**APPLICANT:** Maronda Homes, Inc. of Ohio; c/o Christopher Jones or Paul T. Saba, Attys.; Stagnaro, Saba & Patterson, Co., L.P.A.; 2623 Erie Ave.; Cincinnati, OH 45208.

**PROPOSED USE:** Single-unit residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on April 14, 2016.

**GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two undeveloped parcels currently zoned L-R-2, Limited Residential District (Ordinance No. 2024-2004; Z04-029). The requested L-R-2, Limited Residential District allows the applicant to change certain aspects of the limitation text from the current zoning. These changes include a decrease in the number of lots from eighty-nine (89) to seventy-nine (79) that equates to a gross density of 4.36 lots per acre, increased open space from 1.46± acres to 1.88± acres in two separate reserve areas, and a reduced buffer along the northern property line from twenty-two (22) feet to fifteen (15) feet. Staff supports this request because it represents a decrease in density, an increase in open space, and because the proposed reduced setback is negligible.

To rezone **5595 BOWEN ROAD (43110)**, being 17.97± acres located on the west side of Bowen Road, 120± feet north of Canal Highlands Boulevard, **From:** L-R-2, Limited Residential District, **To:** L-R-2, Limited Residential District (Rezoning # Z16-001) **and to declare an emergency.**

**WHEREAS**, application No. Z16-001 is on file with the Department of Building and Zoning Services requesting rezoning of 17.97± acres from L-R-2, Limited Residential District, to L-R-2, Limited Residential District; and

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

**WHEREAS**, the Greater South East Area 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 allows for a decreased number of lots equating to a gross density of 4.36 lots per acre, while providing 1.88± acres of open space and a fifteen (15) foot buffer along the northern property line,

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; 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:

**5595 BOWEN ROAD (43110)**, being 17.97± acres located on the west side of Bowen Road, 120± feet north of Canal Highlands Boulevard, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of the Southeast Quarter of Section 18, Township 15, Range 20, Congress Lands, and containing 17.966 acres of land, more or less, and being all of that 12.820 acre tract of land conveyed to L. Grant Lynd, Trustee of record in Official Record 30662 J13, (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), also being all of that 5.001 acre tract of land conveyed to L. Grant Lynd, Trustee, of record in Official Record 30663 A04, also being all of that 0.158 acre tract of land conveyed to L. Grant Lynd, Trustee, of record in Instrument Number 200306030163928, said 17.966 acres being more particularly described as follows:

Beginning for reference, at Franklin County Engineers Monument Number 9932, found at the intersection of the centerline of Bowen Road, also being the Franklin / Fairfield County Line, also being the easterly line of said Section 18, and the centerline of Lehman Road, also being the southerly line of said Section 18;

Thence with the centerline of Bowen Road, also being the Franklin / Fairfield County Line, also being the easterly line of said Section 18, North 4°13'30" East, a distance of 870.45 feet to a pk nail set at the northeast corner of Canal Crossing Section 1, as shown for record in Plat Book 102, Page 53, said pk nail marking the true point of beginning of the herein described 17.97 acre tract;

Thence with the northerly line of said Canal Crossing Section 1, and continuing with the northerly line of Canal Crossing Section 2, as shown for record in Plat Book 102, Page 55, and continuing with a northerly line of Canal Crossing Section 3, as shown for record in Plat Book 104, Page 56, North 85°39'36" West, (passing over iron pipes found at 29.27 feet and 32.18 feet), a total distance of 1724.13 feet an iron pipe found at a northwesterly corner of said Canal Crossing Section 3, also being a southeasterly corner of Canal Crossing Section 4, as shown for record in Plat Book 104, Page 58;

Thence with the easterly line of said Canal Crossing Section 4, North 4°15'53" East, (passing over an iron pipe found at 449.70 feet), a total distance of 453.82 feet to an iron pipe found at an angle point in the southerly line of that 77.985 acre tract of land conveyed to Board of Park Commissioners of the Columbus and Franklin County Metropolitan Park District,

of record in Instrument Number 20306030163926;

Thence with the southerly line of said 77.985 acre Board of Park Commissioners of the Columbus and Franklin County Metropolitan Park District tract, South 85°40'07" East, (passing over an iron pipe found at 1693.82 feet), a total distance of 1723.82 feet to a pk nail set in the centerline of the aforesaid Bowen Road, also being the Franklin / Fairfield County Line, also being the easterly line of said Section 18;

Thence with the centerline of said Bowen Road, also being the Franklin / Fairfield County Line, also being the easterly line of said Section 18, South 4°13'30" West, a distance of 454.08 feet to the point of beginning, and containing 17.97 acres of land, more or less.

Subject to all restrictions, easements and rights of way of previous record or otherwise legally established.

Basis of Bearings: The northerly line of Canal Crossing Sections 1, 2, and 3 was assigned a bearing of North 85°39'36" West, as shown on the Record Plats of Canal Crossing Sections 1, 2, and 3, of record in Plat Book 103, Page 53 (Section 1), Plat Book 102, Page 55 (Section 2), and Plat Book 105, Page 56 (Section 3).

All iron pipes set are 3/4 inch inside diameter by 30 inches in length with an orange plastic cap marked "Geo Graphics".

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based upon the results of a survey of the premises performed in February 2005.

**To Rezone From:** L-R-2, Limited Residential 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 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 L-R-2, Limited Residential District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said plans being titled, "**HUNTER'S GLEN CITY OF COLUMBUS, OHIO**," dated April 19, 2016, and said text being titled "**LIMITATION TEXT**," dated April 14, 2016, both signed by Christopher Jones, Attorney for the Applicant, and text reading as follows:

**LIMITATION TEXT**

**L-R-2, LIMITED RESIDENTIAL DISTRICT**

**17.97+ ACRES**

**EXISTING DISTRICT: L-R-2, LIMITED RESIDENTIAL DISTRICT**

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

**PROPERTY ADDRESS: 5595 BOWEN ROAD, COLUMBUS, OH 43110**

**OWNER: MARONDA HOMES, INC. OF OHIO, c/o Mark Scheel; 3966 BROWN PARK DRIVE, STE E;  
HILLIARD, OH 43026; 614-771 3868 Ext. 14; [scheelma@maronda.com](mailto:scheelma@maronda.com)**

**APPLICANT: MARONDA HOMES, INC. OF OHIO, c/o Mark Scheel; 3966 BROWN PARK DRIVE, STE E;**

HILLIARD, OH 43026, 614-771-3868 Ext. 14; [scheelma@maronda.com](mailto:scheelma@maronda.com)

**DATE OF TEXT: APRIL 14, 2016**

**APPLICATION NUMBER: Z16-001**

**INTRODUCTION:**

The subject property is 17.97± 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. A preliminary plat 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 seventy-nine (79) 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 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 right-of-way line 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 new public streets, 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.
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

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. The 15' Reserve, as depicted on The Plan, is for open space, storm detention and landscaping. Landscaping of the 15' reserve shall be of native species and no Bradford or Callery Pear trees shall be installed.
6. A farm fence shall be placed along the north property line. Fencing shall consist of a 3 or 4 board fence approximately 4 feet tall.

#### **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. 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.
3. 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 required to access and exit the site south of the Pickerington Pond Wildlife Refuge property.

#### **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. Parkland Dedication Commitments. At the time of final plat submittal, Applicant or its assigns agrees to make a monetary contribution to the Recreation and Parks Department as required by the Parkland Dedication Ordinance.
2. Reserve A, as depicted on the plan, is for open space, storm detention, and landscaping.
3. The school bus shelter shall be located to the west of Bowen Road in Reserve B. The school bus shelter shall comply with and be constructed pursuant to the Central Ohio Transit Authority bus shelter specifications contained in the Bus Shelter Detail included on The Plan attached hereto.

4. The 15' Reserve, as well as Reserves A and B, as depicted on The Plan attached hereto, shall be maintained by the Home Owners' Association. A maintenance provision providing that the Home Owners' Association will be responsible for maintaining this area will be included in the Declaration of the Home Owners' Association.

5. The subject site shall be developed in accordance with the submitted plan titled "Hunter's Glen City of Columbus, Ohio." The Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time the development and engineering plans are completed. Any slight adjustment to The Plan is subject to review and approval by the Director of Building and Zoning Services, 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.~~

**That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**