



## Legislation Details (With Text)

**File #:** 2440-2016      **Version:** 2

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

**File created:** 9/21/2016      **In control:** Zoning Committee

**On agenda:** 10/17/2016      **Final action:** 10/20/2016

**Title:** To rezone 9480 SOUTH OLD STATE ROAD (43235), being 6.0± acres located 734± feet west of South Old State Road, at the terminus of Garrett Street, From: R, Rural District, To: L-R-2F, Limited Residential District (Rezoning # Z15-010) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2440-2016.Attachments, 2. ORD2440-2016.Labels

Date	Ver.	Action By	Action	Result
10/20/2016	2	MAYOR	Signed	
10/17/2016	2	COUNCIL PRESIDENT	Signed	
10/17/2016	1	Zoning Committee	Amended to Emergency	Pass
10/17/2016	1	Zoning Committee	Approved as Amended	Pass

### Rezoning Application Z15-010

**APPLICANT:** Bell Properties, Ltd.; c/o Michael T. Shannon and Eric L. Zartman, Attys.; 500 South Front Street, Suite 1200; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on September 8, 2016.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is the rear undeveloped portion of a parcel developed with a church zoned in the R, Rural District. The requested L-R-2F, Limited Residential District, will allow a two-unit dwelling development containing 46 units which will be accessed from Garrett Street. The site is within the planning area of *The Far North Area Plan* (2014), which recommends institutional uses for this location. The Plan states that redevelopment of existing institutional land uses should be compatible with surrounding development, and expansion should make efficient use of site areas and minimize disruption of sensitive natural resources. The Plan also recommends tree preservation, open space, and connectivity. The limitation text commits to a site plan (subdivision plat), and provides development standards for total number of units, dwelling size, height limit, access, landscaping, screening, tree preservation, connectivity to the north, and building materials commitments. The proposed development is consistent with the recommendations of *The Far North Area Plan* for comparable residential density, connectivity, and tree preservation. The project also includes companion Council Variance No. CV16-0483 (ORD No. 2441-2016) to allow a reduced maximum side yard of 10 feet per lot.

To rezone **9480 SOUTH OLD STATE ROAD (43235)**, being 6.0± acres located 734± feet west of South Old State Road, at the terminus of Garrett Street, **From:** R, Rural District, **To:** L-R-2F, Limited Residential District (Rezoning # Z15-010) **and to declare an emergency.**

**WHEREAS**, application No. Z15-010 is on file with the Department of Building and Zoning Services requesting rezoning of 6.0± acres from R, Rural District, to L-R-2F, 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-2F, Limited Residential District will allow a two-unit dwelling development containing a maximum of 46 units, which is compatible with the residential densities to the north. The site plan and limitation text include development standards in consideration of adjacent residential developments, and incorporate tree preservation, open space, and connectivity. Staff has determined that this proposal is consistent with the recommendations of *The Far North Area Plan*; **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:

**9480 SOUTH OLD STATE ROAD (43235)**, being 6.0± acres located 734± feet west of South Old State Road, at the terminus of Garrett Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Delaware, City of Columbus, Farm Lot 2, Quarter Township 3, Township 3, Range 18, U.S. Military Lands, and being part of an original 10.511 acre tract conveyed to Korean Presbyterian Church, by deed of record in Official Record 1049, Page 504, records of the Recorder's Office, Delaware County, Ohio and being bounded and more particularly described as follows:

Begin for Reference, at an iron pin set being referenced by a ¾ iron pin found North 89° 58' 23" West, a distance of 0.95 feet, at the westerly common corner of Lot 4 of the Wynstone Village, as shown and delineated in Plat Cabinet 3, slide 235, and a 1.277 acre tract conveyed to Subcarrier Communications, Inc., by deed of record in Official Record 1177, Page 1523, and being on the easterly right-of-way line of a railroad conveyed to New York Center Lines, by deed of record in Deed Book 671, Page 206;

Thence South, 06° 09' 00" East, a distance of 145.14 feet along the westerly line of said 1.277 acre tract and the easterly line of said Railroad, to an iron pin set, being referenced by a 2/4 iron pin found South 44° 35' 07" West, a distance of 0.43 feet, at the westerly common corner of said 1.277 acre and 10.511 acre tracts, and being the **True Point of Beginning**:

Thence North 89° 45' 00" East, a distance of 902.95 feet, along the line common to said 1.277 acre tract, said 10.511 acre tract, a 0.165 acre tract conveyed to the City of Columbus, by deed of record in Official Record 1273, Page 464 and a 4.089 acre tract conveyed to Polaris Enclave, LLC, by deed of record in Official Record 1245, Page 2297, to an iron pin set;

Thence South 00° 00' 59" West, a distance of 276.99 feet, across said 10.511 acre tract, to an iron pin set on the line common to said 10.511 acre tract and a 9.00 acre tract conveyed to Columbus and Southern Power Company, by deed of record in Deed Book 598, Page 819;

Thence south 82° 25' 40" West, a distance of 870.14 feet, along the line common to said 10.511 acre and 9.00 acre tracts, to an iron pin set being referenced by a ¾ inch pin found North 26° 43' 36" West, a distance of 5.89 feet, at the westerly

common corner of said 10.511 acre and 9.00 acre tracts, and being on the easterly line of said Railroad;

Thence North 06° 08' 40" West, a distance of 313.90 feet, along the westerly line of said 10.511 acre tract and the easterly line of said Railroad, to the **True Point of Beginning**, containing 6.00 acres more or less and being subject to all easements, restrictions, and rights-of-way of record.

The bearing on the above description are based on the bearing South 89° 45' 00" West, for the southerly line of a 4.089 acre tract, of record in Deed Book 1245, Page 2297, Recorder's Office, Delaware, County, Ohio.

All iron pins set are ¾ inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description is based on an actual field survey performed in February, 2015.

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

**To:** L-R-2F, Limited Residential District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-R-2F, 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-AR-3, Limited Apartment 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 plan being titled, "**PRELIMINARY PLAT SOUTH OLD STATE - GARRETT ST.,**" and said text being titled, "**LIMITATION TEXT,**" both signed by Michael T. Shannon, Attorney for the Applicant, and dated August 19, 2016, and the text reading as follows:

### **LIMITATION TEXT**

**Property Address:** 9480 South Old State Road

**Property Size:** 6 acres

**Current Zoning District:** R, Rural

**Proposed Zoning District:** L-R-2F, Limited Residential

**Current Owner:** Korean Presbyterian Church of Columbus; 9480 South Old State Road  
Columbus, Ohio 43035

**Applicant:** Bell Properties, Ltd.; c/o Michael T. Shannon, Esq., and Eric L. Zartman, Esq.; Crabbe, Brown & James, LLP; 500 S. Front St., Suite 1200; Columbus, Ohio 43215.

**Date of Text:** August 19, 2016

## **1. INTRODUCTION**

The subject property site ("Site") is located in north Columbus, Ohio, near the intersection of South Old State Road and Polaris Parkway. The Site's address is 9480 S. Old State Road (Parcel No: 31834402003000). The Site is currently occupied by the Korean Presbyterian Church of Columbus and the proposed development is of six (6) acres measured from the west property line of Parcel No: 31834402003000.

The Site is situated within the city of Columbus boundaries by means of annexation. The Site is in The Olentangy Local School District (2104).

The Site is currently zoned R (H-35). The site is bordered on the east (across South Old State Rd) by L-M parcels, on the north by thirty-eight (38) apartments in the L-AR12 District, and a Telecommunications Tower Zoned R, on the south by

Orange Township property zoned Planned Commercial Office Districts, and on the west by railroad tracks and R-2 parcels across the railroad tracks.

The Site is located within the Far North Columbus Communities Coalition Civic Group and is subject to the Far North Area Plan. The Far North Area Plan recommends low-medium density residential and institutional uses.

Applicant proposes rezoning the Site to L-R-2F to permit a residential condominium development. The development as proposed provides for twenty-three (23) lots with condominium twin-singles on each lot for a maximum of forty-six (46) dwelling units for this development.

## **2. PERMITTED USES**

The Site shall permit those R-2F uses provided in CC § 3332.037.

## **3. DEVELOPMENT STANDARDS**

The Site shall comply with the R-2F district area requirements prescribed by CC § 3332.14. The minimum lot size for two-story, two-family dwellings shall be 6,000 feet.

### **A. Density, Height and Setback Commitment**

- i. The minimum size for the dwelling units shall be 1,300 sq. ft.
- ii. The Site is currently designated H-35 and the buildings shall be a maximum of two stories in height.
- iii. The twin single condominium development shall contain a maximum of forty-six (46) units.

### **B. Access, Loading, Parking and other Traffic- Related Commitments.**

- i. Garrett Street shall provide access to the Site once an occupancy permit is issued for the first building in the development. This limitation shall not apply to public infrastructure improvements such as utility installation and road construction.
- ii. Each dwelling unit shall have a two car garage.

### **C. Buffering, Landscaping, Open space and/or Screening Commitments.**

- i. Lots 7, 8, 9, 10, and 11 shall maintain a 15 ft. landscape buffer. Additional trees shall be added to fill in areas where trees are thin or non-existent.
- ii. The northern border of Lots 12 and 13 and the eastern boarder of Lots 13, 14, and 15 shall install and maintain a 6 ft board-on-board fence.
- iii. Along the northern perimeter of Lots 7, 8, 9, 10 and 11 of the attached Site Plan, a tree preservation area of approximately 12,000 sq. ft. shall be maintained by the Homeowners/Condominium Association, which includes the 15 ft. landscape buffer. Trees deemed to be dead or unhealthy by the Urban Forestry Division of the Columbus Recreation and Park Department may be removed.

### **D. Exterior Building Material**

- i. Exterior building materials shall be either Hardy-Plank or an equivalent siding, brick, stucco, stone, stucco stone, cast stone, vinyl limitation wood lap or Dutch lap, vinyl imitation wood shakes, vinyl imitation vertical baton or vinyl horizontal lap siding upgrade 0.0042 gauge or greater, or glass. Asphalt shingles shall be dimensional.

### **E. Graphics and Signage Commitments - N/A**

### **F. Miscellaneous Commitments**

- i. Applicant shall comply with the City's Parkland Dedication Ordinance.
- ii. The Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and 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 Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.
- iii. A sidewalk providing pedestrian access to the development to the north shall be provided as depicted on the Site Plan.
- iv. The Applicant has applied for following companion Council Variance (CV16-048):
  - a. CC § 3332.25(B) - To reduce the required sum of the widths of each side yard to equal or exceed ten (10) feet.

**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.**