



## Legislation Details (With Text)

**File #:** 1884-2017      **Version:** 2

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

**File created:** 7/6/2017      **In control:** Zoning Committee

**On agenda:** 7/31/2017      **Final action:** 8/3/2017

**Title:** To rezone 2585 WALCUTT ROAD (43026), being 6.78± acres located on the west side of Walcutt Road, 135± feet south of Hilliard Oaks Court, From: R-1, Residential District and CPD, Commercial Planned Development District, To: L-AR-1, Limited Apartment Residential District (Rezoning # Z16-011).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1884-2017.AttachmentsAmended.pdf, 2. ORD1884-2017.Attachments, 3. ORD1884-2017.Labels

Date	Ver.	Action By	Action	Result
8/3/2017	2	ACTING CITY CLERK	Attest	
8/2/2017	2	MAYOR	Signed	
7/31/2017	2	COUNCIL PRESIDENT	Signed	
7/31/2017	1	Zoning Committee	Approved as Amended	Pass
7/31/2017	1	Zoning Committee	Amended as submitted to the Clerk	Pass
7/24/2017	1	Columbus City Council	Read for the First Time	

### Rezoning Application Z16-011

**APPLICANT:** Preferred Real Estate Investments, LLC; c/o Jill S. Tangeman, Esq; 52 East Gay Street; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-1) on May 11, 2017.

**CITY DEPARTMENTS' RECOMMENDATION:** Disapproval. The site consists of three parcels, two containing single-unit dwellings and zoned in the R-1, Residential District, the other containing an eating and drinking establishment with a drive-through / carry out zoned CPD, Commercial Planned Development District. The proposed L-AR-1, Limited Apartment Residential District will allow a 128-unit apartment complex. Limitations within the district include use restrictions, setback requirements, building height limitations, landscaping provisions, and lighting controls. A site plan is also being committed to with additional landscaping along the north, south, and west property lines. The site falls within the boundaries of the *Trabue/Roberts Area Plan* (2011), which recommends "Commercial (Neighborhood)" land uses for this location. Multi-unit residential development is not included within the neighborhood commercial designation's supported uses. Planning Division staff does not believe that deviation from the Plan's land use recommendation is warranted on the subject site. The project also includes a concurrent Council variance (ORD # 1885-2017; CV16-057) to permit a reduced perimeter yard along the southern commercial properties.

To rezone **2585 WALCUTT ROAD (43026)**, being 6.78± acres located on the west side of Walcutt Road, 135± feet south of Hilliard Oaks Court, **From:** R-1, Residential District and CPD, Commercial Planned Development District, **To:** L-AR-1, Limited Apartment Residential District (Rezoning # Z16-011).

**WHEREAS**, application # Z16-011 is on file with the Department of Building and Zoning Services requesting rezoning of 6.78± acres from R-1, Residential District and CPD, Commercial Planned Development District to L-AR-1, Limited Apartment Residential District; and

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

**WHEREAS**, the City Departments recommend disapproval of said zoning change because the request is not consistent with the recommendation of the *Trabue/Roberts Area Plan* for neighborhood-scale commercial development. Multi-unit residential development is not included within the neighborhood commercial designation's supported uses. Planning Division staff does not believe that deviation from the Plan's land use recommendation is warranted; 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 # 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**2585 WALCUTT ROAD (43026)**, being 6.78± acres located on the west side of Walcutt Road, 135± feet south of Hilliard Oaks Court, and being more particularly described as follows:

**LEGAL DESCRIPTION:**

**Tract I**

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus and bounded and described as follows:

Being in Lot No. 3 of the Subdivision of Survey No. 3446 of the Virginia Military District, beginning at a point in the centerline of Norwich Township Middle Improvement of Walcutt Road, said point being south 450 feet from the northeast corner of said Lot 3: thence west parallel to the north line of said Lot No. 3 to an iron pipe 693.1 feet distant; thence in a southerly direction parallel to the east line of said lot 112.5 feet to an iron pipe; thence in an easterly direction parallel to the north line of said Lot 3 to a point in the center of Walcutt Road 693.1 feet; thence in a northerly direction along the center of Walcutt Road, which is the east side of Lot 3, to the place of beginning, 112.5 feet distance, containing 1.789 acres, more or less.

Property Address: 2595 Walcutt Road, Hilliard, OH 43026

Parcel No. 560-158115-00

**Tract II**

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus and bounded and described as follows:

Being a part of Lot No. 3 of the Subdivision of Survey No. 3446 of the Virginia Military District, beginning at a point in the centerline of Norwich Township Middle Improvement of Walcutt Road, said point being South 562.5 feet from the northeast corner of said Lot No. 3; thence west, parallel to the north line of said Lot No. 3, to an iron pipe 693.1 feet distant; thence in a southerly direction parallel to the east line of said lot 112.5 feet to an iron pipe; thence in an easterly direction, parallel to the north line of said Lot No. 3 to a point in the center of Walcutt Road, 693.1 feet thence in a northerly direction along the center of Walcutt Road which is the east side of Lot No. 3, to the place of beginning 112.5

feet distant, containing 1.789 acres more or less.

Property Address: 2585 Walcutt Road/Hilliard, Ohio 43026  
Parcel No. 560-158117-00

### **Tract III**

Situated in the County of Franklin, Township of Norwich and State of Ohio:  
Being a part of Lot Number Three (3) of the Subdivision of Survey No. 3446 of the Virginia Military District.

BEGINNING at a point in the centerline of Norwich Township Middle Improvement or Walcutt Road, said point being S. 675 feet from the northwest corner of said Lot No. 3; thence west, parallel to the north line of said Lot No. 3, to an iron pipe 693.1 feet distant; thence in a southerly direction parallel to the east line of said lot 112.5 feet to an iron pipe; thence in an easterly direction, parallel to the north line of said Lot No. 3 to a point in the center of Walcutt Road, 693.1 feet; thence in a northerly direction along the center of Walcutt Road which is the east side of Lot No. 3, to the place of beginning 112.5 feet distant, CONTAINING 1.789 ACRES, more or less.

Situated in the County of Franklin, Township of Norwich and State of Ohio:  
Being a part of Lot Number Three (3) of the Subdivision of Survey No. 3446 of the Virginia Military District.

BEGINNING at a point in the centerline of Walcutt Road, said point being S. 787.5 feet from the northeast corner of said Lot No. 3; thence west, parallel to the north line of said Lot No. 3, to an iron pipe 693.1 feet distant; thence in a southerly direction parallel to the east line of said lot 112.5 feet to an iron pipe; thence in an easterly direction, parallel to the north line of said Lot No. 3 to a point in the center of Walcutt Road, 693.1 feet; thence in a northerly direction along the center of Walcutt Road which is the east side of Lot No. 3, to the place of beginning 112.5 feet distant. CONTAINING 1.791 ACRES, more or less.

### **EXCEPTING THEREFROM THE FOLLOWING:**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Part of Lot 3 of the Subdivision of Virginia Military Survey No. 3446, being a forty (40) foot strip of land off the entire easterly side of both the 1.791 acre tract last described in Official Record 14081, Page I 16, and the 1.789 acres tract last described in Official Record 14081, Page I 17, to Dennis H. McAndrew, Et Al. (record references to these of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning at a point in the center line of Walcutt Road, located South 08 deg. 30' 00" East, along said center line, 675 feet from the northeast corner of said Lot 3, said point of beginning being the northeast corner of said 1.789 acre tract;

Thence southerly along said center line of Walcutt Road, being the easterly line of said 1.789 & 1.791 acre tracts, South 08 deg. 30' 00" East (passing the easterly corner common to said 1.789 & 1.791 acre tracts at 112.50 feet), a distance of 225.00 feet to the southeasterly corner of said 1.791 acre tract;

Thence westerly along the southerly line of said 1.791 acre tract, South 81 deg 00' 00" West, 40.00 feet;

Thence northerly through said 1.791 & 1.789 acre tracts, being along a line 40.00 feet westerly of, as measured perpendicular to and parallel with, the center line of said Walcutt Road, North 08 deg. 30' 00" West, (passing the line common to said 1.791 & 1.789 acre tracts at 112.50 feet) a distance of 225.00 feet to a point in the northerly line of said 1.789 acre tract;

Thence easterly along the northerly line of said 1.789 acre tract, North 81 deg. 00' 00" East, 40.00 feet to the point of beginning, containing 0.2066 acre of land, more or less, as described from existing records, in June of 1990, by Carl E. Turner, Jr., Registered Land Surveyor No. 6702.

Subject however to all legal rights-of way, if any, of previous record.

The bearings are referenced to that basis of bearings used for the deed description to the adjoining property to the south (see O.R. 8081, Pg. H 15).

Parcel #560-158108

**To Rezone From:** R-1, Residential District and CPD, Commercial Planned Development 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 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 L-AR-1, 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, "**DEVELOPMENT PLAN - WALCUTT ROAD**," and said text being titled, "**LIMITATION TEXT**," both signed by Jill Tangeman, Attorney for the Applicant, dated July 6, 2017, and the text reading as follows:

**LIMITATION TEXT**

PROPOSED DISTRICTS: L-AR-1  
PROPERTY ADDRESS: 2585 Walcutt  
PARCEL NO.: 560-158117, 560-158115, 560-158-158108  
OWNER: Elisa Bolanos / Melving & Lucidna McClaskie / MCM Partnership  
APPLICANT: Preferred Real Estate Investments II LLC  
DATE OF TEXT: July 6, 2017  
APPLICATION NUMBER: Z16-011

1. **INTRODUCTION:** The subject property is on the west side of Walcutt Road north of Roberts Road. This area is populated by industrial uses to the east and commercial uses to the south. An existing condominium development is located to the west and a single family subdivision is located to the north. The proposed apartment development is an ideal transitional use between the commercial and industrial uses to the east and south and the residential uses to the north and west.

2. **PERMITTED USES:** Multi-family uses as permitted in the AR-1 district.

3. **DEVELOPMENT STANDARDS:**

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

1. The parking and building setback on the north and west shall be 25 feet. Concurrent Council Variance # CV16-057 has been submitted in conjunction with this application to reduce the perimeter yard on the south to 20 feet. The parking on the east along Walcutt Road shall be 25 feet and the building setback shall be 50 feet.

2. Maximum building height shall be 35 feet. No building shall exceed two stories.

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

1. All curb cuts and access points shall be subject to the review and approval of the Public Service Department for the City of Columbus.

2. There shall be an internal pedestrian pathway network constructed. This pathway network shall be 4 feet in width and

shall connect to a sidewalk to be constructed on Walcutt Road, which sidewalk shall be a minimum of 5 feet in width.

3. Required bicycle parking shall be distributed throughout the site to provide convenient access to each proposed building and shall be as close as possible to each primary building entrance.

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

There will be a 3'-4' high mound installed along the north and west property lines per the site plan. Shade trees at 2 ½" caliper and 6' tall evergreen trees will be installed along the north, south and west property line as shown on the site plan. Along the north, west and south property lines will be a 6' tall continuous, basket weave fence.

**D. Building design and/or Interior-Exterior treatment commitments.**

1. Maximum height of light poles shall be eighteen feet.

2. Buildings will be constructed with an exterior mixture of (i) brick and/or stone veneer, and (ii) cementitious wood and/or vinyl siding.

3. No balconies will be constructed on the south side of Building #3 as identified on the site plan.

**E. Graphics and/or Signage Commitments.**

All graphics and signage shall comply with Article 15, Chapter 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**F. Miscellaneous**

1. The developer shall comply with the park land dedication ordinance by contributing money to the City's Recreation and Parks Department.

2. The site shall be developed in accordance with the site plan attached as Development Plan - Walcutt Road. The site 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 site 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.