



## Legislation Details (With Text)

**File #:** 0254-2018      **Version:** 2

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

**File created:** 1/16/2018      **In control:** Zoning Committee

**On agenda:** 2/5/2018      **Final action:** 2/8/2018

**Title:** To rezone 4854 WENDLER BOULEVARD (43230), being 7.73± acres located at the northwest corner of Wendler Boulevard and Stygler Road North, From: PUD-8, Planned Unit Development District, To: L-AR-12, Limited Apartment Residential District (Rezoning # Z17-041) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0254-2018.Attachments, 2. ORD0254-2018.Labels

Date	Ver.	Action By	Action	Result
2/8/2018	2	CITY CLERK	Attest	
2/7/2018	2	MAYOR	Signed	
2/5/2018	2	COUNCIL PRESIDENT	Signed	
2/5/2018	1	Zoning Committee	Approved as Amended	Pass
2/5/2018	1	Zoning Committee	Amended to Emergency	Pass
1/29/2018	1	Columbus City Council	Read for the First Time	

### Rezoning Application: Z17-041

**APPLICANT:** The WODA Group, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (7-0) on January 11, 2018.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 7.73± acre site consists of an undeveloped portion of a parcel identified as a future development area within the PUD-8, Planned Unit Development District (Z80-132A). The applicant is requesting the L-AR-12, Limited Apartment Residential District to allow development of the site with a multi-unit residential development. The limitation text commits to a site plan, restricts the maximum number of units to 72, and includes development standards addressing traffic access, landscaping, and graphics provisions. Staff supports this proposal as the request is consistent with the zoning and density of adjacent residential developments.

**Emergency Justification:** This ordinance is being submitted as an emergency in order to meet OHFA funding deadlines.

To rezone **4854 WENDLER BOULEVARD (43230)**, being 7.73± acres located at the northwest corner of Wendler Boulevard and Stygler Road North, From: PUD-8, Planned Unit Development District, To: L-AR-12, Limited Apartment

Residential District (Rezoning # Z17-041) **and to declare an emergency.**

**WHEREAS**, application # Z17-041 is on file with the Department of Building and Zoning Services requesting rezoning of 7.73± acres from PUD-8, Planned Unit Development District, to L-AR-12, Limited Apartment 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-AR-12, Limited Apartment Residential District is consistent with the density and development standards of the adjacent residential developments and will not add incompatible uses to the area; ~~now, therefore:~~

**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 meet OHFA funding application deadlines 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:

**8558 SANCUS BOULEVARD (43240)**, being 7.73± acres located at the northwest corner of Wendler Boulevard and Stygler Road North, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 1, Township 1, Range 17, United States Military District, and being a part of Reserve "B" of the Virginia Terrace Subdivision, of record in Plat Book 49, Page 91, said Reserve "B" described in a deed to L&N - Up Alum Creek, LLC, of record in Official Record 31485 G08 (reference Instrument Number 201107250091710), all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bonded and described as follows:

BEGINNING at the northeast corner of said Reserve "B", being on the west right-of-way line for Stygler Road (variable width) as established by said Plat Book 49, Page 91, and being on the south line of a tract of land described in a deed to Development Land Corp., of record in Official Record 28688 E19;

Thence South 00 degrees 00 minutes 29 seconds East, along the east line of said Reserve "B" and the west right-of-way line for said Stygler Road, a distance of 288.74 feet to a point of curvature;

Thence along the arc of a curve to the left, continuing along the east line of said Reserve "B" and the west right-of-way line for said Stygler Road, said curve having a radius of 540.00 feet, a central angle of 35 degrees 41 minutes 35 seconds, and an arc length of 336.40 feet to a point of reverse curvature, said curve being subtended by a long chord having a bearing of South 17 degrees 51 minutes 17 seconds East and a length of 330.99 feet;

Thence along the arc of a curve to the right, continuing along the east line of said Reserve "B" and the west right-of-way line for said Stygler Road, said curve having a radius of 20.00 feet, a central angle of 87 degrees 52 minutes 14 seconds, and an arc length of 30.67 feet to a point of tangency on the south line of said Reserve "B", being on the north right-of-way line for Wendler Boulevard (30 feet wide) as established by said Plat Book 49, Page 91, said curve being subtended by a long chord having a bearing of South 08 degrees 14 minutes 03 seconds West and a length of 27.75 feet;

Thence South 52 degrees 10 minutes 10 seconds West, along the south line of said Reserve "B", along the north right-of-way line for said Wendler Boulevard, a distance of 48.87 feet to a point of curvature;

Thence along the arc of a curve to the right, continuing along the south line of said Reserve "B" and the north right-of-way line for said Wendler Boulevard, said curve having a radius of 370.00 feet, a central angle of 40 degrees 21 minutes

50 seconds, and an arc length of 260.66 feet to a point of tangency, said curve being subtended by a long chord having a bearing of South 72 degrees 21 minutes 05 seconds West and a length of 255.30 feet;

Thence North 87 degrees 28 minutes 00 seconds West, continuing along the south line of said Reserve "B" and the north right-of-way line for said Wendler Boulevard, a distance of 50.97 feet to a point;

Thence across said Reserve "B" along the following four (4) described courses:

1. North 02 degrees 32 minutes 00 seconds East, a distance of 160.00 feet to a point;
2. North 64 degrees 20 minutes 34 seconds West, a distance of 200.00 feet to a point;
3. North 39 degrees 16 minutes 12 seconds West, a distance of 156.96 feet to a point;
4. North 04 degrees 10 minutes 35 seconds West, a distance of 405.01 feet to a point on the north line of said Reserve "B", being on the south line of said Development Land Corp. tract;

Thence South 86 degrees 13 minutes 06 seconds East, along the north line of said Reserve "B", along the south line of said Development Land Corp. tract, a distance of 538.48 feet to the POINT OF BEGINNING for this description.

The above description contains a total of 7.731 acres, more or less, within Franklin County Auditor's Parcel Number 520-168898.

Bearings described herein are based on the bearing of South 00 degrees 00 minutes 29 seconds East for the centerline of Stygler Road, as shown on the Virginia Terrace Subdivision plat, of record in Plat Book 51, Page 73, on file at the Office of the Recorder for Franklin County, Ohio.

The above description was prepared for zoning purposes based on record documents only and does not represent an actual field survey of the premises.

**To Rezone From:** PUD-8, Planned Unit Development District.

**To:** L-AR-12, Limited Apartment Residential District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-AR-12, 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 change on the said original zoning map and shall register a copy of the approved L-AR-12, 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 site plan being titled, "**WENDLER BLVD.**," and said text being titled, "**DEVELOPMENT TEXT**," both dated January 12, 2018, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

**DEVELOPMENT TEXT**

**EXISTING ZONING:** PUD-8, Planned Unit Development

**PROPOSED DISTRICT:** L-AR-12, Limited Apartment Residential

**PROPERTY ADDRESS:** 4854 Wendler Boulevard, Columbus, OH 43230

**APPLICANT:** The WODA Group, LLC Dave Perry, David Perry Company, Inc.,  
411 E Town Street, FL 1, Columbus, OH 43215 and  
Donald Plank, Plank Law Firm,  
411 E Town Street, FL 2, Columbus, OH 43215

**OWNER:** L&N-UP Alum Creek, LLC c/o Yhezkel Levi,  
3450 East Fulton Street, Columbus, OH 43227

**DATE OF TEXT:** January 12, 2018

**APPLICATION NUMBER:** Z17-041

**INTRODUCTION:**

The subject property is 7.73 +/- acres located at the northwest corner of Wendler Boulevard and Stygler Road. The property is zoned PUD-8 from rezoning Z80-132A. The 7.73 acres is designated as future development area on the PUD plan. Applicant proposes to develop the site with a total 72 dwelling units (9.4 +/- DU/acre). The plan titled “Wendler Blvd”, hereafter the “Site Plan”, dated January 12, 2018, and referenced in Section 2.G. of this text, depicts the proposed site development.

**1. PERMITTED USES:** Uses of Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use and accessory uses.

**2. DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards of Chapter 3333, Apartment Residential Districts, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards of the Columbus City Code shall apply.

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

There shall be a maximum of 72 dwelling units.

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

1. Developer shall dedicate right of way totaling fifty (50) feet from centerline of Stygler Road, if not already dedicated.

2. Vehicular access shall be as depicted on the Site Plan.

3. In conjunction with the final Site Compliance Plan, applicant shall provide a study of the vehicular operation of the intersection of Wendler Boulevard and Stygler Road to determine if intersection improvements are needed. Any improvements needed for site access based on the study shall be constructed along with site development. To the extent improvements not related to site access are needed, based on the study, the financial responsibility for intersection improvements related to vehicular operation of the intersection attributable to the developer shall be determined based on the development’s share of total trips at the intersection.

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

Street trees shall be provided, by either new tree planting or preservation of existing trees, along Wendler Boulevard and Stygler Road in the building setbacks or in the public right of way, subject to permission of the City of Columbus for planting new trees in the right of way, at the rate of one (1) tree per 50 lineal feet. With preservation of existing trees, trees may be grouped.

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

N/A

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

N/A

## **F. Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the AR-12, Apartment Residential District. All ground signage shall be monument style or shall be incorporated into an entrance feature. Any variance to the applicable sign requirements of the AR-12, Apartment Residential District shall be submitted to the Columbus Graphics Commission.

## **G. Miscellaneous.**

1. The developer shall comply with applicable requirements of Chapter 3318, Parkland Dedication, Columbus City Code.
2. The site plan titled "Wendler Blvd.", dated January 12, 2018, signed by David B. Perry, Agent for applicant, and Donald Plank, Attorney for applicant, depicts the planned site development. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his 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.**