



## Legislation Details (With Text)

**File #:** 2467-2019      **Version:** 1

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

**File created:** 9/17/2019      **In control:** Zoning Committee

**On agenda:** 10/7/2019      **Final action:** 10/10/2019

**Title:** To amend Ordinance #0041-2019, passed February 11, 2019 (Z18-051) for property located at 5850 SUNBURY RD. (43230), by repealing Section 3 and replacing it with a new Section 3 thereby modifying the limitation text to include a commitment to the City's Pay as We Grow program (Rezoning Amendment #Z18-051A).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2467-2019.Attachments.pdf

| Date       | Ver. | Action By         | Action                | Result |
|------------|------|-------------------|-----------------------|--------|
| 10/10/2019 | 1    | CITY CLERK        | Attest                |        |
| 10/9/2019  | 1    | MAYOR             | Signed                |        |
| 10/7/2019  | 1    | COUNCIL PRESIDENT | Signed                |        |
| 10/7/2019  | 1    | Zoning Committee  | Waive the 2nd Reading | Pass   |
| 10/7/2019  | 1    | Zoning Committee  | Approved              | Pass   |

### Rezoning Application: Z18-051A

Ordinance #0041-2019, passed February 11, 2019 (Z18-051), rezoned 6.3± acres located on the east side of Sunbury Road, 1,000± feet south of State Route 161 to L-ARLD, Limited Apartment Residential District for an apartment complex. That rezoning established specific development standards addressing building and parking setbacks, bike racks, pedestrian connectivity, buffering and screening, lighting, and graphics restrictions. The limitation text inadvertently omitted a commitment to compliance with the City's Pay as We Grow program. This ordinance corrects the limitation text in Section 3 to include the Pay as We Grow commitment. All other aspects of Ordinance #0041-2019 remain in effect, and are included in this amendment.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #0041-2019, passed February 11, 2019 (Z18-051) for property located at **5850 SUNBURY RD. (43230)**, by repealing Section 3 and replacing it with a new Section 3 thereby modifying the limitation text to include a commitment to the City's Pay as We Grow program (Rezoning Amendment #Z18-051A).

**WHEREAS**, Ordinance #0041-2019, passed February 11, 2019 rezoned 6.3± located at **5850 SUNBURY RD. (43230)**, from the R, Rural District, to the L-ARLD, Limited Apartment Residential District for an apartment complex; and

**WHEREAS**, that rezoning included a limitation text that established specific development standards addressing building and parking setbacks, bike racks, pedestrian connectivity, buffering and screening, lighting, and graphics restrictions; and

**WHEREAS**, it is necessary to amend Ordinance #0041-2019 to include a Pay as We Grow commitment in the limitation text; and

**WHEREAS**, all other aspects of Ordinance #0041-2019 are unaffected by this amendment and remain in effect, and are repeated below for clarity and consistency; 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:

**5850 SUNBURY RD. (43230)**, being 6.3± acres located on the east side of Sunbury Road, 1,000± feet south of State Route 161, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Blendon, being in Section 4, Township 2, Range 17, United States Military Lands and containing 6.328+/- acres, said 6.328+/- acres being all of the remainder of that Original 3.010 acre tract of land as conveyed to Lisa Pickens Silva of record in Instrument No. 201205070063351 and all of the remainder of that Original 5 acre tract of land also conveyed to Lisa Pickens Silva of record in Instrument No. 201205070063352, said 6.328+/- acres more particularly described as follows;

Beginning at a point in the southerly line of said Original 5 acre tract of land, said pin also being in the northerly line of that Original 2 acre tract of land as conveyed to William S. Cowman of record in Instrument No. 199807020166218, being at the northeasterly corner of that 0.363 acre tract of land described as Parcel 13WD (FRA-161-16.24) as conveyed to the State of Ohio of record in Deed Book 2944, Page 484, being at the southeasterly corner of that 0.759 acre tract of land described as Parcel 14WD (FRA-161-16.24) and as appropriated by the State of Ohio in Franklin County Court of Common Pleas Case No. 235987 of record in Deed Book 2993, Page 185, being in the easterly right-of-way line of Sunbury Road (P.B. 99, Pg. 61) and being in the easterly line of existing City of Columbus Corporation Line (Case #67-88, Ordinance #3050-88, O.R. 12921A01);

Thence with the easterly line of said Parcel 14WD, across said Original 5 acre tract, along said right-of-way line and with said City of Columbus Corporation Line, the following two (2) courses and distances:

N 27° 22' 05" E, 27.38 feet to an angle point;

N 23° 21' 05" E, 191.07 feet to a point in the northerly line of said Original 5 acre tract, at the northeasterly corner of said Parcel 14WD, said corner also being the southeasterly corner of that 0.811 acre tract of land described as Parcel 15WD (FRA-161-16.24) and as appropriated by the State of Ohio in Franklin County Court of Common Pleas Case No. 236854 of record in Deed Book 3020, Page 142, the southwesterly corner of that 0.142 acre tract of land described as Parcel 37-WV (FRA-161-25.90) and as appropriated by the State of Ohio in Franklin County Court of Common Pleas Case No. 03CVH03-2947 of record in Instrument No. 200604040062398 and at the southwesterly corner of existing City of Columbus Corporation Line (Case #14-12, Ordinance #2302-2012, I.N. 201212100188740);

Thence S 85° 50' 15" E, with the northerly line of said Original 5 acre tract, the southerly line of said Parcel 37-WV, with said City of Columbus Corporation Line (Case #14-12, Ordinance #2302-2012, I.N. 201212100188740) and continuing along said right-of-way line, 42.55 feet to a point at the southeasterly corner of said Parcel 37-WV;

Thence with the easterly line of said Parcel 37-WV, across said Original 3.010 acre tract, with said City of Columbus Corporation Line (Case #14-12, Ordinance #2302-2012, I.N. 201212100188740) and continuing along said right-of-way line, the following three (3) courses and distances:

N 19° 39' 13" E, 80.35 feet to a point of curvature;

with a curve to the left, having a central angle of 22° 41' 42" and a radius of 103.35 feet, an arc length of 40.94 feet and a chord bearing and distance N 08° 18' 22" E, 40.67 feet to a point of tangency;

N 03° 02' 30" W, 32.26 feet to a point in the northerly line of said Original 3.010 acre tract, at the northeasterly corner of said Parcel 37-WV, said corner also being the southeasterly corner of that 0.054 acre tract of land described as Parcel 35-WV (FRA-161-25.90) and as conveyed to the City of Columbus of record in Instrument No. 200303040063330 and the southwesterly corner of that 4.195 acre tract of land as conveyed to Walnut Creek II, LLC of record in Instrument No. 201503260037853;

Thence S 85° 50' 15" E, with the northerly line of said Original 3.010 acre tract, the southerly line of said 4.195 acre tract and with said City of Columbus Corporation Line (Case #14-12, Ordinance #2302-2012, I.N. 201212100188740), 620.15 feet to a point at the northeasterly corner of said Original 3.010 acre tract in the centerline of Alum Creek, a point in the westerly line of Lot 10 of Block I as it is numbered and delineated upon the record plat "Chilcotes Ingleside Addition" of record in Plat Book 19, Page 28 and also being in the westerly line of existing City of Columbus Corporation Line (Case #20-17, Ordinance #0218-2018, I.N. 201804090045777);

Thence with the easterly lines of said Original 3.010 acre tract and said Original 5 acre tract, along the centerline of said Alum Creek, with the westerly lines of said "Chilcotes Ingleside Addition" and with said existing City of Columbus Corporation Line (Case #20-17, Ordinance #0218-2018, I.N. 201804090045777), the following three (3) courses and distances:

S 22° 59' 38" W, 158.49 feet to an angle point;

S 25° 28' 45" W, 241.17 feet to an angle point;

S 24° 57' 45" W, 174.30 feet to the southeasterly corner of said Original 5 acre tract and northeasterly corner of said Original 2 acre tract;

Thence N 67° 42' 38" W, with the southerly line of said Original 5 acre tract, the northerly line of said Original 2 acre tract and leaving the centerline of said Alum Creek, 584.96 feet to the True Point of Beginning. Containing approximately 6.328 acres, more or less, with an approximate acreage breakdown of the following: 2.059 acres, more or less, out of Parcel No. 110-000886 and 4.269 acres, more or less, out of Parcel No. 110-000698. The above description was written by Advanced Civil Design on May 21, 2018. A drawing of the above description has been prepared and is a part hereof.

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

**To:** L-ARLD, Limited Apartment Residential District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-ARLD, Limited Apartment Residential District on this property.

**SECTION 3.** That Section 3 of Ordinance #0041-2019, passed February 11, 2019 (Z18-051), be hereby repealed and replaced with new Section 3 reading as follows:

**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 copies of the approved L-ARLD, Limited Apartment Residential District and Application among the records of the Department of Building and Zoning Services as required by Sections 3370.03 of the Columbus City Codes; said site plans being titled, "**CONCEPT PLAN**," and "**BUFFER PLAN**," both dated December 4, 2018 and said text being titled, "**DEVELOPMENT TEXT**," dated September 18, 2019, and signed by Jill S. Tangeman, Attorney for the Applicant, and the text reading as follows:

**DEVELOPMENT TEXT**

Application: Z18-051  
Address: 5850 Sunbury Road  
Owner(s): Lisa Pickens Silva  
Applicant: Metro Development LLC  
Zoning Districts: L-ARLD  
Date of Text: ~~December 4, 2018~~ **September 18, 2019**

1. Introduction: The applicant seeks to rezone the subject site for construction of a multi-family residential development. The site shall be constructed in accordance with the Concept Plan attached hereto.

2. Permitted Uses: Multi-unit residential development and accessory uses such as a pool, community center, compactor, garages, mail kiosk and clubhouse as shown on the Concept Plan.

3. Development Standards: Unless otherwise indicated in this text or on the site plan, the applicable development standards of Chapter 3333 of the Columbus City Codes as they apply to the ARLD district.

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

The building and parking setbacks shall be as shown on the Concept Plan attached hereto. CV18-067 has been filed in conjunction with this application for the reduced perimeter yard along the north property line.

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

1. At least one bike rack located within fifteen (15) feet of each building shall be provided on site.
2. Pedestrian connectivity between the proposed multi-family housing development and the existing development to the north will be provided. Developer will construct one of the two pedestrian connections identified on Appendix 1 labeled, "Pedestrian Connectivity Suggested Alternatives."

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

1. The south property line labeled "40' setback" on the Concept Plan shall be landscaped as shown on the attached Buffer Plan.
2. Where freestanding walls are used for screening, they shall be integrated into the building design and/or landscaping plan.

**D. Building Design and/or Interior-Exterior Treatment Commitments.**

1. Building materials shall be traditional and natural in appearance, such as wood, brick, stone, stucco, EIFS and/or glass. Vinyl and other materials are permitted as long as they are natural in appearance. Vinyl siding shall be limited to an upgraded quality and a thickness of .044 mils or greater.
2. Buildings shall be finished on all sides/elevations with the same or similar level and quality of finish.

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

1. All parking lot lighting shall be designed and placed to minimize off-site light spillage and glare. Buildings and landscaping may be uplighted or downlighted from a concealed source. Ground mounted lighting shall be shielded and landscaped.
2. Parking lot lighting shall be no higher than 14 feet.

F. Graphics and/or Signage Commitments.

All signage and graphics shall conform to Article 15, Title 33 of the Columbus City Code. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous

1. The proposed shall be developed in general conformance with the submitted Concept Plan and Buffer Plan. The plans may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Streets are schematic and subject to change. Any adjustment to the site plan 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.

2. The developer shall comply with the Parkland Dedication Ordinance by contributing money to the City's Recreation and Parks Department.

**3. Applicant shall comply with the City's Pay as We Grow program.**

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