Legislation Details (With Text)

File #:	3323-2019 **Version:** 2		
Type:	Ordinance	**Status:**	Passed
File created:	12/16/2019	**In control:**	Zoning Committee
On agenda:	1/13/2020	**Final action:**	1/15/2020
Title:	To rezone 5150 WARNER RD. (43081), being 8.63± acres located on the north side of Warner Road, 480± feet west of North Hamilton Road, From: R, Rural District, To: L-AR-1, Limited Apartment Residential District (Rezoning # Z19-053) and to declare an emergency.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD3323-2019.Attachments.pdf, 2. ORD3323-2019.Labels.pdf		

Date	Ver.	Action By	Action	Result
1/15/2020	2	CITY CLERK	Attest	
1/14/2020	2	MAYOR	Signed	
1/13/2020	2	COUNCIL PRESIDENT	Signed	
1/13/2020	1	Zoning Committee	Amended to Emergency	Pass
1/13/2020	1	Zoning Committee	Approved as Amended	Pass

Rezoning Application: Z19-053

APPLICANT: Preferred Living; c/o David Hodge, Atty.; Underhill & Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on October 10, 2019.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of four parcels, three of which are developed with single-unit dwellings, and all recently annexed from Plain Township into the R, Rural District. The applicant proposes the L-AR-1, Limited Apartment Residential District to permit an apartment complex with a maximum of 180 units. The limitation text establishes supplemental development standards that address density, building setbacks, perimeter yards, access, tree preservation, landscaping and buffering, and building materials, and includes commitments to a site plan and Pay as We Grow requirements. The site is located within the boundaries of *The Rocky Fork Blacklick Accord* (2003), which recommends "Neighborhood (5 du/acre)" land uses at this location. Staff notes that, while the proposed density is higher than the Plan recommends, the development is comparable to adjacent multi-unit residential developments, aligns with the existing character of the area, incorporates ample landscaping, and includes commitments to architectural standards that are supported by both staff and the Rocky Fork Blacklick Accord Implementation Panel. The Rocky Fork Blacklick Accord Implementation Panel unanimously recommended approval of this request at their September 19, 2019 meeting.

To rezone **5150 WARNER RD. (43081),** being 8.63± acres located on the north side of Warner Road, 480± feet west of

North Hamilton Road, **From**: R, Rural District, **To**: L-AR-1, Limited Apartment Residential District (Rezoning # Z19-053) **and to declare an emergency**.

WHEREAS, application #Z19-053 is on file with the Department of Building and Zoning Services requesting rezoning of 8.63± acres from R, Rural 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 approval of said zoning change because the proposed L-AR-1, Limited Apartment Residential District will allow a multi-unit residential development that is comparable to adjacent multi-unit residential developments, aligns with the existing character of the area, incorporates ample landscaping, and includes commitments to architectural standards that are supported by both staff and the Rocky Fork Blacklick Accord Implementation Panel;

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:

5150 WARNER RD. (43081), being 8.63± acres located on the north side of Warner Road, 480± feet west of North Hamilton Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Plain, being part of Section 15, Township 2, Range 16, United States Military Lands and containing 8.63+/- acres of land, more or less, said 8.63+/- acres being all of those tracts of land (less exceptions) as conveyed to 5130 Warner, LLC of record in Instrument No. 201902130017612 (P.I.D. 220-000567 and P.I.D. 220-000509), all of that tract of land (less exception) as conveyed to Patsy L. Parker (P.I.D. 220-001153) by affidavit in Instrument No. 201204090048712 and originally by Official Record Volume 1399, Page D05 and all of that tract of land (less exception) as conveyed to Judith D. Decenzo of record in Official Record Volume 15655, Page A03, Official Record Volume 7521, Page C14 and Official Record Volume 2910, Page 452, said 8.63+/- acres more particularly described as follows:

Beginning, at the southwesterly corner of said 5130 Warner tract (P.I.D. 220-000567), said corner being the southeasterly corner of that Original 3 acre tract of land as conveyed to Joshua P. Shremshock and Charmagne P. Schremshock of record in Instrument No. 201602030013391, being the northeasterly corner of that 0.134 acre tract of land as described as Parcel 7WD in the deed to the City of Columbus of record in Instrument No. 201304170063417, the northwesterly corner of that 0.211 acre tract of land as described as Parcel 8WD in the deed to the City of Columbus of record in Instrument No. 201206290093332 and in the northerly right-of-way line of Warner Road (R/W Varies);

Thence N 03° 26’ 45” E, with the westerly line of said 5130 Warner tract and the easterly line of said Schremshock tract, 631.1 feet+/- to a common corner thereof, said corner being in the southerly line of the Village at Albany Crossing Section 1, Part 1 of record in Plat Book 106, Page 61;

Thence S 86° 16’ 15” E, with the northerly line of said 5130 Warner tracts, the northerly line of said Parker tract, the southerly line of said Section 1, Part 1 and the southerly line of the Townes at West Albany Condominium 1st Amendment of record in Condominium Plat Book 178, Page 15 and as declared in Instrument No. 200610300217443,

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460.2 feet+/- to a point at the northeasterly corner of said Parker tract, the southeasterly corner of said 1st Amendment and in the westerly line of Townes at West Albany Condominium 7th Amendment, Part 2 of record in Condominium Plat Book 243, Page 58 and as declared in Instrument No. 201503020024812;

Thence S 03° 18’ 54” W, with a common line of said Parker tract and said 7th Amendment, Part 2, 130.9 feet+/- to a common corner thereof, said corner also being the northwesterly corner of said Decenzo tract;

Thence S 86° 50’ 01” E, with the southerly line of said 7th Amendment, Part 2 and the northerly line of said Decenzo tract, 171.3 feet+/- to the northeasterly corner of said Decenzo tract, also being the northwesterly corner of that 4.115 acre tract of land as conveyed to Calebs Creek Holdings LLC of record in Instrument No. 201612140172301;

Thence S 03° 24’ 37” W, with the easterly line of said Decenzo tract and the westerly line of said 4.115 acre tract, 497.6 feet+/- to the southeasterly corner of said Decenzon tract, the northeasterly corner of that 0.120 acre tract of land described as Parcel 10WD in the deed to the City of Columbus of record in Instrument No. 201205180069909 and in the northerly right-of-way line of Warner Road;

Thence with the southerly lines of said Decenzo tract, the northerly lines of said Parcel 10WD and along said right-of-way, the following two (2) courses and distances:

N 87° 21’ 09” W, 121.2 feet+/- to an angle point;

N 86° 14’ 26” W, 48.8 feet+/- to the southwesterly corner of said Decenzo tract, the northwesterly corner of said Parcel 10WD and in the easterly line of said Parker Tract;

Thence S 00° 00’ 00” E, with an easterly line of said Parker tract, the westerly line of said Parcel 10WD and along said right-of-way, 0.5 feet+/- to a southeasterly corner of said Parker tract and the northeasterly corner of that 0.102 acre tract of land described as Parcel 9WD in the deed to the City of Columbus of record in Instrument No. 201205070063748;

Thence N 86° 27’ 08” W, with the southerly lines of said Parker tract and said 5130 Warner tracts, with the northerly lines of said Parcel 9WD and said 8WD and along said northerly right-of-way line, 462.2 feet+/- to the True Point of Beginning. Containing 8.63+/- acres.

To Rezone From: R, Rural 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 copies 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 Sections 3370.03 of the Columbus City Codes; said site plan being titled, "**WARNER ROAD APARTMENTS,**" and said text being titled, "**LIMITATION TEXT,**" all dated October 29, 2019, and signed by David Hodge, Attorney for the Applicant, and the text reading as follows:

LIMITATION TEXT

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Application: Z19-053
Property Address: 5150 Warner Road
Parcel ID: 220-001153, 220-000567, 220-000509, 220-001221
Current District: Rural
Proposed District: L-AR-1
Owner: Patsy Parker, et al. (see Project Disclosure)
Applicant: Preferred Living
750 Communications Drive
Columbus, Ohio 43214
Attorney: David Hodge
Underhill & Hodge
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054
Dave@uhlawfirm.com
Date of Text: October 29, 2019

I. Introduction: Applicant Preferred Living has recently annexed the subject site located at 5150 Warner Road and requests to rezone to L-AR-1 to permit a multi-family residential development with limited density. The 8.63 +/- acre property is located north of Warner Road and west of North Hamilton Road in Plain Township. The site is bordered by Columbus property on the north zoned Neighborhood General and L-AR-12, on the east by CPD, on the south (across Warner Road) by CPD and L-AR-12 and by Plain Township property on the south (across Warner Road) and west zoned Rural.

The site is not subject to a commercial overlay nor planning overlay. The site is located in the West Village - Neighborhood of the Rocky Fork - Blacklick Accord and subject to its Panel.

The Applicant proposes redevelopment of the site with a multi-family residential development with a maximum density of 21 dwelling units per acre.

II. Permitted Uses:

Those uses permitted by Section 3333.02 - Permitted uses in the AR-12, ARLD, and AR-1 apartment residential district of the Columbus City Code.

III. Development Standards:

Except as otherwise listed herein or depicted on the Site Plan, the development standards shall be those contained in Chapter 3333, AR-1 apartment office district of the Columbus City Code.

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

1. A maximum density of 180 dwelling units shall be permitted.

2. The minimum building setback shall be 50 feet.

3. The minimum perimeter yard shall be 65 feet on the west, 25 feet on the north and 25 feet on the east. The north perimeter yard shall be a minimum of 65 feet in the areas depicted on the Site Plan.

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

1. The site shall have one full-access point on Warner Road.

2. Cross access shall be permitted in the event of future development to the west.

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

1. Existing trees within the perimeter yards shall be preserved and maintained. Trees within the perimeter yards shall not be removed except for the following reasons: to replace dead and unhealthy items, to remove items which are a danger to persons or property, to accommodate installation of utilities, to accommodate other engineering concerns, to allow cross access in the event of future development to the west, or as otherwise depicted on the Site Plan. Large grouping of trees shall have tree protection installed prior to any development.

2. The greenbelt along Warner Road shall be preserved except where trees and vegetation must be removed as the result of utility installation or engineering concerns, or as otherwise depicted on the Site Plan.

3. Interior landscaping shall occupy a minimum of 5 percent of the parking lot area.

4. A rigid barrier shall be installed (such as a snow fence) at the perimeter yard prior to any construction to limit the impact to the tree roots and canopy of the existing trees to be preserved.

D. Building Design and/or Exterior Treatment Commitments:

1. Building materials will be traditional and natural in appearance by employing the following building materials: brick, stone, stucco stone, wood, glass, vinyl, and fiber cement siding or similar engineered product. Manufactured materials may be used as long as they are natural in appearance. Metal and E.I.F.S. are allowed as accent features only.

2. Flat roofs shall have decorative cornices.

E. Lighting and/or other Environmental Commitments: N/A

F. Graphics and/or Signage Commitments

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the AR-1, Apartment Residential District. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous:

The site shall be developed in general conformance with the submitted Site Plan titled “Warner Road Apartments.”. The plan may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the plans 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.

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.**

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