



## Legislation Details (With Text)

**File #:** 1304-2020      **Version:** 2

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

**File created:** 5/28/2020      **In control:** Zoning Committee

**On agenda:** 6/15/2020      **Final action:** 6/18/2020

**Title:** To rezone 4871 ROBERTS RD. (43228), being 8.95± acres located on the south side of Roberts Road, 213± feet east of Walcutt Road, From: R-1, Residential District, To: L-AR-1, Limited Apartment Residential District (Rezoning #Z19-049Z19-092).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1304-2020\_Attachments, 2. ORD1304-2020\_Labels, 3. ORD1304-2020\_DataSheet

Date	Ver.	Action By	Action	Result
6/18/2020	2	CITY CLERK	Attest	
6/17/2020	2	MAYOR	Signed	
6/15/2020	2	COUNCIL PRESIDENT	Signed	
6/15/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
6/15/2020	1	Zoning Committee	Amended as submitted to the Clerk	Pass
6/15/2020	1	Zoning Committee	Approved as Amended	Pass

### Rezoning Application: Z19-092

**APPLICANT:** Preferred Living; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on May 14, 2020.

**FAR WEST SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel and eight parcels developed with single-unit dwellings in the R-1, Residential District. The requested L-AR-1, Limited Apartment Residential District will permit an apartment complex development consisting of 186 units (20.8 units/acre). Most of the site was previously approved for multi-unit residential development pursuant to Council Variance Applications CV18-095 (Ordinance #0315-2019) and CV18-096 (Ordinance #0316-2019) each for a total of 118 units to meet state funding filing requirements. The site is located within the boundaries of the *Trabue/Roberts Area Plan* (2011) which recommends neighborhood commercial uses for this location. Planning Division staff realizes the proposal's potential to facilitate a mixed-use environment with the undeveloped commercial and residual residential properties on the east side of Walcutt Road. The limitation text commits to a site plan which depicts pedestrian connectivity and centralized open space, and establishes supplemental development standards that address density, building height, traffic access and right-of-way dedication, street trees, screening, building materials commitments, graphics controls, and site amenities. Although the

*Trabue-Roberts Area Plan* recommends neighborhood commercial uses for this location, Planning Division staff recognizes that this site is located on a primary corridor, that the proposed use is compatible with existing surrounding residential density patterns, and has the potential for becoming part of a mixed-use development if the adjacent properties to the west develop with commercial uses. Concurrent Council Variance (Ordinance #1305-2020; CV19-126) is also requested to reduce building setback lines and perimeter yard requirements.

To rezone **4871 ROBERTS RD. (43228)**, being 8.95± acres located on the south side of Roberts Road, 213± feet east of Walcutt Road, **From:** R-1, Residential District, **To:** L-AR-1, Limited Apartment Residential District (Rezoning # Z19-049Z19-092).

**WHEREAS**, application #Z19-092 is on file with the Department of Building and Zoning Services requesting rezoning of 8.95± acres from R-1, Residential District, to the L-AR-1, Limited Apartment Residential District; and

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

**WHEREAS**, the Far West Side Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested L-AR-1, Limited Apartment Residential District is located on a primary corridor, is compatible with existing surrounding residential density patterns, and has the potential for becoming part of a mixed-use development if the adjacent properties to the west develop with commercial uses, as recommended by the *Trabue-Roberts Area Plan*; 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:

**4871 ROBERTS RD. (43228)**, being 8.95± acres located on the south side of Roberts Road, 213± feet east of Walcutt Road,, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military Survey 287, also being in: the remainder of a 0.454 acre tract as conveyed to Craig Nelson and Shannen L. Nelson, Trust in Instrument Number 201509110128097, the remainder of a 0.886 acre tract (Parcel I) and the remainder of a 0.868 acre tract (Parcel II) as both are conveyed to Julia A. Penwell in Instrument Number 201406050069887, the remainder of a 0.850 acre tract as conveyed to Wilbur J. Miller and Patricia Miller Trust in Instrument Number 201811300162070, the remainder of a 0.832 acre tract as conveyed to James R. Bibler Jr., Donna Sue Bibler Kvitko and Thomas Arthur Rees, Jr. in Instrument Number 200209240238338, the remainder of a 0.814 acre tract as conveyed to James V. Thomas and Katherine J. Thomas in Deed Volume 2354, Page 41, a 1.561 acre tract as conveyed to Danelle Sheppard in Instrument Number 201109010109835, a 1.561 acre tract as conveyed to Gerald E. Sheppard and Deborah Sheppard in Instrument Number 200205300133123, a 1.561 acre tract as conveyed to Debra Sheppard and Gerald E. Sheppard in Ordinance Record 8156, Page F06 further described as follows:

Beginning at the northwest corner of the remainder of said 0.454 acre tract, the northeast corner of the remainder of a 1.367 acre tract as conveyed to Thomas A. McDowell and Diane A. Hornung in Official Record 31142, Page H08, the southeast corner of Parcel 44WD as conveyed to the City of Columbus, Ohio in Instrument Number 200503030038650, the southwest corner of Parcel 46WD as conveyed to the City of Columbus, Ohio in Instrument Number 200502030020808, being in the southerly right of way line of Roberts Road (R/W Varies), and also being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence with the north line of the remainder of said 0.454 acre tract, the north line of the remainder of said Penwell Parcel I, the north line of the remainder of said Penwell Parcel II, the north line of the remainder of said 0.850 acre tract, the

north line of the remainder of said 0.832 acre tract, the south line of said Parcel 46WD, the south line of Parcel 47WD as conveyed to the City of Columbus, Ohio in Instrument Number 200502100025401, the south line of Parcel 48WD as conveyed to the City of Columbus, Ohio in Instrument Number 200502100025410, the south line of Parcel 49WD as conveyed to the City of Columbus, Ohio in Instrument Number 200504270078738 and the southerly right of way line of Roberts Road, **S 87° 00' 14" E, 354.5± feet** to the northeast corner of the remainder of said 0.832 acre tract, the southeast corner of said Parcel 49WD, being in the west line of Parcel 14WD as conveyed to the City of Columbus, Ohio in Official Record 35041, Page G03, also being an angle point in the southerly right of way line of Roberts Road;

Thence with the east line of the remainder of said 0.832 acre tract and the west line of said Parcel 14WD, **S 06° 09' 29" E, 17.2± feet** to the northwest corner of the remainder of said 0.814 acre tract, the southwest corner of said Parcel 14WD and being an angle point in the southerly right of way line of Roberts Road;

Thence with the north line of the remainder of said 0.814 acre tract, the south line of said Parcel 14WD and the southerly right of way line of Roberts Road, **S 87° 04' 02" E, 70.9± feet** to the northeast corner of the remainder of said 0.814 acre tract, the southeast corner of said Parcel 14WD, the southwest corner of Parcel 15WD as conveyed to the City of Columbus, Ohio in Official Record 33523, Page B17, the northwest corner of the remainder of a 6.259 acre tract as conveyed to Advanced Business Center, LLC in Instrument Number 199901080006384;

Thence with the east line of the remainder of said 0.814 acre tract, the east line of said 1.561 acres as conveyed to Danelle Sheppard, the east line of said 1.561 acres as conveyed to Gerald E. Sheppard and Deborah Sheppard, the east line of said 1.561 acres as conveyed to Debra Sheppard and Gerald E. Sheppard and the west line of the remainder of said 6.259 acre tract, **S 06° 09' 29" E, 741.0± feet** to the southeast corner of said 1.561 acres as conveyed to Debra Sheppard and Gerald E. Sheppard and the northeast corner of a 5 acre tract as conveyed to Post No. 4931 Hilliard Veterans of Foreign Wars in Deed Volume 2903, Page 91;

Thence with the south line of said 1.561 acres as conveyed to Debra Sheppard and Gerald E. Sheppard and the north line of said 5 acre tract, **S 83° 50' 31" W, 679.8± feet** to the southwest corner of said 1.561 acres as conveyed to Debra Sheppard and Gerald E. Sheppard, the northwest corner of said 5 acre tract, and being in the centerline of Walcutt Road (R/W Varies);

Thence with the west line of said 1.561 acres as conveyed to Debra Sheppard and Gerald E. Sheppard, the west line of said 1.561 acres as conveyed to Gerald E. Sheppard and Deborah Sheppard, the west line of said 1.561 acres as conveyed to Danelle Sheppard, and the centerline of Walcutt Road, **N 06° 09' 29" W, 300.0± feet** to the northwest corner of said 1.561 acres as conveyed to Danelle Sheppard and the southwest corner of a 0.53 acre tract as conveyed to Claudia Topping in Instrument Number 201904260048375;

Thence with the north line of said 1.561 acres as conveyed to Danelle Sheppard and the south line of said 0.53 acre tract as conveyed to Claudia Topping, **N 83° 50' 31" E, 329.8± feet** to the southeast corner of said 0.53 acre tract as conveyed to Claudia Topping and the southwest corner of the remainder of said 0.886 acre Penwell Parcel I tract;

Thence along the west line of the remainder of said 0.886 acre Penwell Parcel I tract, the east line of said 0.53 acre tract as conveyed to Claudia Topping, the east line of a 0.53 acre tract as conveyed to Troy C. Dodson and Daniel Esquinas III, Trust in Instrument Number 200706110101640, the east line of the remainder of a 0.53 acre tract as conveyed to Troy C. Dodson and Amanda E. Dodson in Instrument Number 200104130077690, and the east line of the remainder of a 0.53 acre tract as conveyed to Kevin M. Uphouse in Instrument Number 201508030106403, **N 06° 09' 29" W, 280.0± feet** to the northeast corner of the remainder of said 0.53 acre tract as conveyed to Kevin M. Uphouse and the southeast corner of the remainder of said 0.454 acre tract;

Thence along the south line of the remainder of said 0.454 acre tract and the north line of the remainder of said 0.53 acre tract as conveyed to K. M. Uphouse, **S 83° 50' 31" W, 70.0± feet** to the southwest corner of the remainder of said 0.454 acre tract and the southeast corner of the remainder of a 0.477 acre tract as conveyed to Roy R. Alsept II and Sarah B. Alsept in Instrument Number 201604180046689;

Thence along the west line of the remainder of said 0.454 acre tract, the east line of the remainder of said 0.477 acre tract, and the east line of the remainder of said 1.367 acre tract, **N 06° 09' 30" W, 245.8± feet to the True Point of Beginning, containing 8.95± acres**, more or less.

This exhibit was prepared by Advanced Civil Design, Inc. from information obtained at the Franklin County Auditor's Office and the Franklin County Recorder's Office is not to be used for the transfer of land.

**To Rezone From:** R-1, Residential 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 change 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 text titled, "**LIMITATION TEXT**," and site plan titled "**WALCUTT AND ROBERTS ROAD**," both signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated May 20, 2020, and the text reading as follows:

#### **LIMITATION TEXT**

**EXISTING ZONING:** R-1, Residential

**PROPOSED DISTRICT:** L-AR-1, Limited Apartment Residential

**PROPERTY ADDRESS:** 4871 Roberts Road, Columbus, OH 43228

**OWNER:** Julia Penwell, 4875 Roberts Road, Columbus, OH 43228, et. al (8)

**APPLICANT:** Preferred Living c/o 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

**DATE OF TEXT:** May 20, 2020

**APPLICATION NUMBER:** Z19-092

#### **INTRODUCTION:**

The subject property is 8.95 +/- acres located on the south side of Roberts Road, 200 +/- feet east of Walcutt Road and on the east side of Walcutt Road, 550 +/- feet south of Roberts Road. The property is zoned R-1 from annexation. Applicant proposes to develop the site with an apartment complex with up to 186 dwelling units. The Site Plan titled "Walcutt and Roberts Road" dated May 20, 2020, depicts the proposed site development. Council Variance application CV19-126 is a companion ordinance with this rezoning.

**1. PERMITTED USES:** Uses of Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, which are hereby specifically limited to a maximum of 186 dwelling units and accessory uses.

**2. DEVELOPMENT STANDARDS:** Except as specified herein and in CV19-126, 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. Council variance application CV19-126 is a companion ordinance to this rezoning and modifies certain development standards, as itemized in the variance ordinance.

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

1. The maximum total number of dwelling units shall not exceed 186.
2. Subject to Council Variance CV19-126, the Roberts Road and Walcutt Road building setback lines shall be 25 feet, net of right of way dedication in accordance with the Columbus Multi-modal Thoroughfare Plan, as depicted on the Site Plan.
3. Subject to Council Variance CV19-126, Perimeter Yard shall be reduced as depicted on the Site Plan.

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

1. Right of way conveyance to City of Columbus totaling sixty (60) feet and fifty (50) feet from centerline of Roberts Road and Walcutt Road, respectively, shall be provided in conjunction with the Final Site Compliance Plan.
2. Vehicular access shall be as depicted on the Site Plan with full turning access on both Roberts Road and Walcutt Road.

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

1. Street trees shall be provided on-site or in the Roberts Road and Walcutt Road right of way at the rate of 40 feet on-center, adjusted as needed for driveway spacing.
2. Subject to Council Variance CV19-126, fencing along the south and east property lines shall be eight (8) feet tall.

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

1. Primary exterior building materials shall consist of brick, vinyl siding and/or lap siding (fiber cement siding, such as Hardi-Plank).
2. Apartment buildings A, C, G and H, inclusive, as lettered on the Site Plan, shall be two (2) story buildings. All other apartment buildings shall be three (3) story buildings.

**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-1, Apartment Residential District. All signage shall be monument style or shall be incorporated into an entrance feature. Any variance to the applicable sign requirements of the AR-1, 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 apartment complex shall have a Clubhouse, swimming pool, playground and dog park.
3. The Site Plan titled "Walcutt and Roberts Road" dated May 20, 2020, and 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, engineering and architectural 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.

4. See also CV19-126.

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