



## Legislation Details (With Text)

**File #:** 0856-2021      **Version:** 3

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

**File created:** 3/30/2021      **In control:** Zoning Committee

**On agenda:** 6/14/2021      **Final action:** 6/18/2021

**Title:** To rezone 3301 BRICE RD. (43110), being 29.25± acres located on the west side of Brice Road, 800± feet south of Chatterton Road, From: R, Rural District, To: L-ARLD, Limited Apartment Residential District (Rezoning # Z20-081).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0856-2021.Attachments, 2. ORD0856-2021.Labels

Date	Ver.	Action By	Action	Result
6/18/2021	3	CITY CLERK	Attest	
6/17/2021	3	MAYOR	Signed	
6/14/2021	3	COUNCIL PRESIDENT	Signed	
6/14/2021	1	Zoning Committee	Amended as submitted to the Clerk	Pass
6/14/2021	1	Zoning Committee	Approved as Amended	Pass
6/14/2021	1	Zoning Committee	Amended to Emergency	Pass
6/7/2021	1	Columbus City Council	Read for the First Time	

### Rezoning Application: Z20-081

**APPLICANT:** Fairway Realty; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-1) on March 11, 2021.

**GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Disapproval. The site consists of two undeveloped parcels in the R, Rural District. The requested L-ARLD, Limited Apartment Residential District will permit a multi-unit residential development with a maximum of 360 dwelling units at a density of 12.31 units per acre. The site is within the planning area of the *South East Land Use Plan* (2018), which recommends "Very Low Density Residential (<4 du/ac)" and "Open Space" uses for this location. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). C2P2 states that densities higher than the recommended four units per acre may be appropriate where more intense uses are present. C2P2 also states that ecologically-sensitive areas be preserved through site design. The limitation text commits to a site plan and building renderings, and includes provisions for density, setbacks, traffic commitments, and landscaping, **with an easement for a trail as requested by the Planning Division.** While staff is generally supportive of this proposal, Planning Division staff requires greater detail on the trail connection to the south.

To rezone **3301 BRICE RD. (43110)**, being 29.25± acres located on the west side of Brice Road, 800± feet south of Chatterton Road, **From:** R, Rural District, **To:** L-ARLD, Limited Apartment Residential District (Rezoning # Z20-081).

**WHEREAS**, application #Z20-081 is on file with the Department of Building and Zoning Services requesting rezoning of 29.25± acres, From: R, Rural District, To: L-ARLD, Limited Apartment Residential District; and

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

**WHEREAS**, the Greater South East Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend disapproval of said zoning change because, while the requested L-ARLD, Limited Apartment Residential District will allow a multi-unit residential development that is compatible with adjacent residential developments, ~~with staff requires greater~~ **refined** details on the trail connection to the south; 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:

**3301 BRICE RD. (43110)**, being 29.25± acres located on the west side of Brice Road, 800± feet south of Chatterton Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Madison Township, City of Columbus, being part of Section 2, Township 11 North, Range 21 West, of Matthew's Survey of the Congress Lands East of the Scioto River, and being the 28.487 acre remainder of that 131.452 acre tract as conveyed to the following owners:

- Nancy E. Wright (4/12th Interest) by the instrument filed as Instrument Number 201103160036550
- (original one third interest)
- Jean Simpson AKA Florence J. Simpson (2/12th Interest) and Charles G. Simpson (2/12 th Interest) by the instruments filed as Deed Book volume 3490, page 590 and Instrument Number 200103080047462
- (original one third interest)
- Steven P. Triolo (1/12th Interest), Carole A. Parker (1/12th Interest), Mark C. Troilo (1/12th Interest), and Connie Sue Boylan (1/12th Interest) by the instrument filed as Instrument Number 200212110318631
- (original one third interest)

(all document references herein are to the records of the Franklin County Recorder's Office unless otherwise stated) and being all of that 0.764 acre tract as conveyed to 3301 Brice Road, LLC, an Ohio limited liability company by the instrument filed as Instrument Number 201309170158362 and being more particularly described as follows.

COMMENCING FOR REFERENCE at Franklin County Geodetic Survey monument 9918, said monument being at the northeast corner of the said Section 2, on the north line of the said Congress Lands East of the Scioto River, on the south line of Refugee Lands, at the northwest corner of Section 1, the southwest corner of Section 25 of the former Congress Lands, the southeast corner of Section 26 of the said former Congress Lands, at the centerline intersection of Chatterton Road (R/W varies - Public), Brice Road (R/W varies - Public) and Refugee Road East (R/W varies - Public), on the easterly line of that 6.764 acre right-of-way parcel known as 3-WD as conveyed to City of Columbus, Ohio, a municipal corporation by the instrument filed as Instrument Number 200010240215165, the northwest corner of that 0.879 acre right-of-way parcel known as 4-WD as conveyed to City of Columbus, Ohio, a municipal corporation by the instrument filed as Instrument Number 200010240215169, and the southwest corner of that 0.627 acre right-of-way parcel known as 5-WD as conveyed to City of Columbus, Ohio, a municipal corporation by the instrument filed as Instrument Number 200105150106404;

Thence along the easterly line of the said Section 2, the westerly line of the said Section 1, the said centerline of right-of-

way of Brice Road, the easterly line of the said 3-WD parcel, the westerly line of the said 4-WD parcel, the easterly line of that 0.316 acre right-of-way parcel known as 11-WD as conveyed to City of Columbus, Ohio, a municipal corporation by the instrument filed as Instrument Number 200110230243567, the easterly line of that 0.195 acre right-of-way parcel known as 9-WD as conveyed to City of Columbus, Ohio, a municipal corporation by the instrument filed as Instrument Number 200106140134372, and the easterly line of that 1.122 acre tract as conveyed to Charles Grover Simpson by the instrument filed as Instrument Number 201910040131801, South 04 degrees 24 minutes 46 seconds West for a distance of 825.25 feet to a Mag nail set at the southeast corner of the said 1.122 acre tract and being the northeast corner of the said remainder of that 131.452 acre tract, said nail being the TRUE POINT OF BEGINNING for the parcel herein described;

Thence continuing along the said easterly line of Section 2, the said westerly line of Section 1, the said centerline of right-of-way of Brice Road, along the easterly line of the said remainder of that 131.452 acre tract and along the easterly line of the said 0.746 acre tract, South 04 degrees 24 minutes 46 seconds West for a distance of 1171.61 feet to a Mag nail set (passing Mag nails set at distance of 146.75 feet and 306.75 feet) said nail being at the southeast corner of the said remainder of that 131.452 acre tract and being the northeast corner of that 32.215 acre tract as conveyed to Board of Park Commissioners of The Columbus and Franklin County Metropolitan Park District by the instruments filed as Instrument Numbers 200306060170941 & 200306060170950;

Thence along the northerly line of the said 32.215 acre tract and the southerly line of the said 131.452 acre tract, the following four (4) courses:

1. North 85 degrees 31 minutes 34 seconds West for a distance of 40.00 feet to a  $\frac{3}{4}$ " iron pipe found;
2. South 79 degrees 51 minutes 27 seconds West for a distance of 677.68 feet to a  $\frac{3}{4}$ " iron pipe found;
3. North 73 degrees 39 minutes 29 seconds West for a distance of 483.21 feet to a  $\frac{3}{4}$ " iron pipe found;
4. North 46 degrees 32 minutes 36 seconds West for a distance of 348.69 feet to a point, passing an iron pin set at a distance of 298.68 feet, said point being in the center of Powell Ditch, at the southerly corner of that 45.234 acre tract as conveyed to Maronda Homes, Inc. of Ohio by the instruments filed as Instrument Numbers 200506210120856, 200506210120859, 200506210120862, 200506210120866 & 200506210120869, and at a southerly corner of Reserve D of The Trails at Chatterton East Section 1 Part 2 as recorded in Plat Book 128, page 57;

Thence along the approximate centerline of Powell Run (Ditch), the easterly line of the said 45.234 acre tract, and the easterly line of the said Reserve D, the following ten (10) courses:

1. North 89 degrees 47 minutes 12 seconds East for a distance of 65.05 feet to a point;
2. South 55 degrees 07 minutes 02 seconds East for a distance of 118.94 feet to a point;
3. North 13 degrees 26 minutes 13 seconds East for a distance of 202.84 feet to a point;
4. North 52 degrees 06 minutes 24 seconds East for a distance of 220.58 feet to a point;
5. North 26 degrees 58 minutes 37 seconds West for a distance of 63.24 feet to a point;
6. North 41 degrees 01 minutes 59 seconds East for a distance of 129.62 feet to a point;
7. North 54 degrees 35 minutes 05 seconds East for a distance of 212.75 feet to a point;
8. North 06 degrees 19 minutes 16 seconds West for a distance of 85.09 feet to a point;
9. North 60 degrees 57 minutes 54 seconds East for a distance of 328.49 feet to a point;
10. North 31 degrees 55 minutes 37 seconds East for a distance of 194.84 feet to a point at the northwest corner of the said remainder of that 131.452 acre tract and at the southwest corner of that 0.7381 acre tract as conveyed to the said Charles Grover Simpson by the instrument filed as Instrument Number 201910040131801;

Thence along the northerly line of the said remainder of that 131.452 acre tract, the southerly line of the said 0.7381 acre tract, the southerly line of that 0.486 acre tract as conveyed to the said Charles Grover Simpson by the instrument filed as Instrument Number 20191004013180 I, and the southerly line of the said 1.122 acre tract, South 85 degrees 14 minutes 38 seconds East for a distance of 521.22 feet, passing  $\frac{3}{4}$ " iron pipes found on line with caps that read "Haines" at distances of 30.73 feet and 224.10 feet, and passing  $\frac{1}{2}$ " iron pipes found on line at distance of 313.98 feet and 497.05 feet, said point being the TRUE POINT OF

BEGINNING for the parcel herein described.

The above description contains a total of 29.251 acres, more or less, (5.158 acres of which are located within the present road occupied), broken out as follows:

28.487 acres are located in Franklin County Auditor's Parcel number 530-122777 (5.048 acres P.R.O.)

0.764 acres are located in Franklin County Auditor's Parcel number 530-166416(0.110 acres P.R.O.)

The current source of title to the parcel herein described as of the writing recorded in Deed Book volume 3490, page 590, and Instrument Numbers 201103160036550, 200103080047462, 200212110318631 & 201309170158362.

Where described, iron pin set are 5/8" rebar, 30" long, with cap stamped "ASI PS 8759"

Bearings described herein are based on South 04 degrees 24 minutes 46 seconds for the centerline of right-of-way of Brice Road, measured from Grid North referenced by FCGS monuments 9918 & 9939, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

**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 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 in the office of the Department of Building and Zoning Services and shall register a copy 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 Section 3370.03 of the Columbus City Codes, said plans titled, "**SITE PLAN C100**," "**MULTI-USE PATH PLAN L.2.0**," "**ARCHITECTURAL RENDERING**," and said text titled, "**LIMITATION TEXT**," all dated March 25, 2021, and signed by Eric Zartman, Attorney for the Applicant, said text reading as follows:

#### **LIMITATION TEXT**

Property Address: 3301 Brice Road

Parcel ID: 530-166416 and 530-122777

Current District: R

Proposed District: L-ARLD

Owners: Nancy Wright, et al. and 3301 Brice Road LLC

Applicant: Fairway Realty

Attorney: David Hodge, Underhill & Hodge LLC

Date of Text: March 25, 2021

**I. Introduction:** The Applicant seeks to rezone a 29.251 +/- acre site located at 3301 Brice Road from R to L-ARLD to permit the development of a multi-family residential development. The site is located on the west side of Brice Road, about 800± feet south of Refugee/Chatterton Road (530-166416 and 530-122777).

The site is currently zoned R-Annex. The site is bordered on the north by property zoned R-Annex, on the east across Brice Road by R-Annex, SR and L-ARLD, on the south by R-Annex, Blacklick Creek, the Blacklick Trail, and on the west by L-R-2.

The site is not within a historic district, commercial overlay, nor planning overlay. The site is within the boundary of the

Greater South East Area Commission and South East Land Use Plan (C2P2). The Plan recommends very low-density residential use.

The Applicant proposes development of the property with a multi-family residential development with a proposed density of approximately 12.31 +/- dwelling units per acre. The Applicant's proposed development, site, architecture, and community planning is consistent with the Columbus Citywide Planning Policies, Design Guidelines, and Land Use Policies.

II. Permitted Uses: Those uses permitted by Section 3333.02, ARLD, Apartment Residential District of the Columbus City Code.

III. Development Standards: Except as otherwise indicated in the written text or the submitted Site Plan, the applicable development standards are those contained in Chapter 3333 of the Columbus City Code.

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

1. The density shall be a maximum of 360 dwelling units.
2. The setbacks shall be as depicted on the Site Plan.

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

1. There shall be two, full-access point of ingress/egress on Brice Road.
2. The Applicant shall install 235-foot northbound left turn lanes, including 60 feet diverging tapers, at both access points into the property from Brice Road.
3. The Applicant shall install a 235-foot southbound left turn lane, including a 60 feet diverging taper, into Upperridge Drive.
4. The Applicant shall install pedestrian crossing infrastructure across Brice Road, as approved by the Department of Public Service.

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

1. Buffering, landscaping, and, screening shall be in accordance with Columbus City Code, and open space areas are reflected on the Site Plan.
2. A multi-use path shall be provided as depicted on the Multi-Use Path Plan.
3. The Applicant shall coordinate with Franklin County Metro Parks regarding connection point(s) to the Blacklick Trail to the south of the property. The Applicant shall design, construct, and install these access points, subject to review and approval by Franklin County Metro Parks. Southerly trail extensions shown on the Site Plan are conditioned upon approval of the Blacklick Trail connections by Franklin County Metro Parks.
- 4. The developer shall provide a 25 foot wide easement for future trail development by the Recreation and Parks Department. The location of the easement, including a legal description and exhibit, shall be approved by the Recreation and Parks Department at the time of site compliance review.**

D. Building Design and/or Exterior Treatment Commitments:

Primary exterior building materials shall be limited to brick, wood, composite wood siding, hardi-plank, vinyl, and/or comparable products, and asphalt shingle roofing. Buildings shall be designed in substantial conformance with the

submitted Architectural Renderings.

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. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous:

1. The site shall be developed in substantial conformance with the submitted plans titled “Site Plan C100” and “Multi-Use Path Plan L2.0” and the included “Architectural Rendering”. The plans 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.

2. The Applicant shall comply with the Parkland Dedication Ordinance.

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