



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 4/7/2022 **In control:** Zoning Committee

On agenda: 5/2/2022 **Final action:** 5/5/2022

Title: To rezone 3855 ALKIRE RD. (43123), being 23.67± acres located at the southwest corner of Alkire Road and Southwestern Road, From: PUD-6 Planned Unit Development District and L-AR-12, Limited Apartment Residential District, To: PUD-6, Planned Unit Development District and L-ARLD, Limited Apartment Residential District (Rezoning #Z21-084)...and to declare an emergency

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1095-2022.Attachments, 2. ORD1095-2022.Labels

Date	Ver.	Action By	Action	Result
5/5/2022	2	CITY CLERK	Attest	
5/4/2022	2	MAYOR	Signed	
5/2/2022	2	COUNCIL PRESIDENT	Signed	
5/2/2022	1	Zoning Committee	Amended to Emergency	Pass
5/2/2022	1	Zoning Committee	Approved as Amended	Pass

Rezoning Application: Z21-084

APPLICANT: Alkire Woods LLC; c/o Jill Tangeman, Atty.; 52 East Gay Street; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on February 10, 2022.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This site, known as Alkire Woods, was zoned in 2004 to a PUD-6, Planned Unit Development District to permit a residential subdivision. In 2009, the property was rezoned to PUD-6 and L-AR-12, Limited Apartment Residential District for the existing single-unit residential subdivision and a new apartment complex. The requested rezoning will expand the apartment complex. Subarea 1 shall remain a PUD-6 district with the same standards as set forth in the existing PUD-6 district to accommodate the existing single-unit lots. Subarea 2 shall be rezoned to L-ARLD, Limited Apartment Residential District, with the same standards established by the L-AR-12 district to accommodate the existing apartment complex and to allow for the construction of a total of 48 units in two additional apartment buildings. The limitation text commits to a site plan, landscape plan, and building elevations, and includes development standards addressing number of units (38 in Subarea 1 and 208 in Subarea 2) setbacks, access, screening, building design, lighting, and graphics provisions. The site is located within the planning boundaries of the *Hilltop Land Use Plan* (2019), which recommends “Private Open Space,” “Low Density Residential (4-6 du/ac),” and “Medium Density Residential (10-16 du/ac)” land uses for this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The proposal is consistent

with the land use and design recommendations of the *Plan* and C2P2 guidelines. The requested PUD-6, Planned Unit Development District and L-ARLD, Limited Apartment Residential District will retain an existing single-unit subdivision and allow expansion of an apartment complex with density and development standards that are compatible with adjacent residential developments. A concurrent Council variance (Ordinance #1096-2022; CV22-009) has been filed to vary the internal perimeter yard, as parcel numbers with different taxing districts that comprise the apartment complex are unable to be combined.

To rezone **3855 ALKIRE RD. (43123)**, being 23.67± acres located at the southwest corner of Alkire Road and Southwestern Road, From: PUD-6 Planned Unit Development District and L-AR-12, Limited Apartment Residential District, To: PUD-6, Planned Unit Development District and L-ARLD, Limited Apartment Residential District (Rezoning #Z21-084)...**and to declare an emergency**

WHEREAS, application #Z21-084 is on file with the Department of Building and Zoning Services requesting rezoning of 23.67± acres from PUD-6 Planned Unit Development District and L-AR-12, Limited Apartment Residential District, to PUD-6, Planned Unit Development District and L-ARLD, Limited Apartment Residential District; and

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

WHEREAS, the Greater Hilltop Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested PUD-6, Planned Unit Development District and L-ARLD, Limited Apartment Residential District are consistent with the land use recommendations and design guidelines of the Hilltop Land Use Plan and C2P2 Design Guidelines. Additionally, the proposal will retain an existing single-unit subdivision and allow expansion of an apartment complex with density and development standards that are compatible with adjacent residential developments; and

WHEREAS, **an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to the applicant needs to begin construction immediately in order to timely meet certain contractual commitments with the neighboring property owners 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 #0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

3855 ALKIRE RD. (43123), being 23.67± acres located at the southwest corner of Alkire Road and Southwestern Road, and being more particularly described as follows:

Subarea 1, PUD-6, Planned Unit Development District, 8.26 acres:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Virginia Military Survey Number 1389 and containing 8.26+/- acres of land, more or less, said 8.26+/- acres being all of Lots 1-8, 66-95 and Reserves D-J, as numbered and delineated upon the plat "Alkire Woods" of record in Plat Book 106, Page 82, said lots and Reserves being conveyed to Alkire Woods LLC of record in Instrument Number 200604170071457, said 8.26+/- acres more particularly described as follows:

Beginning, at the northwesterly corner of said Reserve "E" and Alkire Woods, being the northeasterly corner of a 1.135 acre tract of land conveyed to Ashley N. Timberlake and Steven T. Fathbruckner of record in Instrument Number 202001070002429 and being in the southerly right-of-way line of Alkire Road (R/W-Varies);

Thence S 88° 32' 24" E, along the northerly line of said Alkire Woods and said southerly right-of-way line, 316.47 feet+/- to an angle point at the northeasterly corner of said Alkire Woods and being the southeasterly right-of-way intersection of said Alkire Road (R/W-Varies) and Southwestern Road (R/W-Varies);

Thence S 01° 26' 55" W, along the easterly line of said Alkire Woods and along the easterly right-of-way line of said Southwestern Road (R/W-Varies), 70.19 feet+/- to a point in a curve at the northerly point of Reserve "B" as numbered and delineated upon the plat "Brookfield Village Apartments" of record in Plat Book 115, Page 14;

Thence along the easterly right-of-line of said Southwestern Road and along the westerly line of said Reserve "B", the following three (3) courses;

with a curve to the right, having a central angle of 67° 49' 04" and a radius of 163.14 feet, an arc length of 193.10 feet, a chord bearing and chord distance of S 35° 21' 36" W, 182.02 feet+/- to a point of reverse curve;

with a curve to the left, having a central angle of 49° 12' 51" and a radius of 175.00 feet, an arc length of 150.32 feet, a chord bearing and chord distance of S 44° 39' 43" W, 145.74 feet+/- to a point of reverse curve;

with a curve to the right, having a central angle of 17° 13' 45" and a radius of 150.00 feet, an arc length of 45.11 feet, a chord bearing and chord distance of S 28° 40' 09" W, 44.94 feet+/- to a point of curvature at a northeasterly line of Sandy Lake Drive (Private R/W-50') as shown upon said "Alkire Woods" plat, said point being the northeasterly corner of Reserve "H" as numbered and delineated upon said "Alkire Woods";

Thence along the easterly line of said Sandy Lake Drive (Private R/W-50') and said Reserve "H" and along the westerly line of said Reserve "B", the following six (6) courses;

with a curve to the left, having a central angle of 62° 18' 36" and a radius of 20.00 feet, an arc length of 21.75 feet, a chord bearing and chord distance of S 06° 08' 00" W, 20.69 feet+/- to a point of reverse curve;

with a curve to the right, having a central angle of 26° 28' 28" and a radius of 125.01 feet, an arc length of 57.76 feet, a chord bearing and chord distance of S 11° 47' 03" E, 57.25 feet+/- to a point of tangency;

S 01° 26' 55" W, 143.52 feet+/- to a point of tangency;

with a curve to the left, having a central angle of 25° 41' 40" and a radius of 350.00 feet, an arc length of 156.96 feet, a chord bearing and chord distance of S 11° 23' 55" E, 155.65 feet+/- to a point of reverse curve;

with a curve to the right, having a central angle of 25° 41' 40" and a radius of 325.00 feet, an arc length of 145.75 feet, a chord bearing and chord distance of S 11° 23' 55" E, 144.53 feet+/- to an point of tangency;

Thence S 01° 26' 55" W, 245.16 feet+/- an angle point in the southerly line of Nottingham Lane (Private R/W-50) as dedicated upon said "Alkire Woods" plat and being in the southerly line of said Reserve "H";

Thence N 88° 33' 05" W, along the southerly line of said Nottingham Lane (Private R/W-50'), along the southerly line of said Reserve "H", across said Reserve "H", across the line of Kingston Run Drive (Private R/W-50') as shown upon said "Alkire Woods" plat, along the southerly line of said Lot 95, along the northerly line of Lot 96 as numbered and delineated upon said "Alkire Woods" plat and across said Reserve "J" and "D", 414.14 feet+/- to the westerly line of said Reserve "D" and said "Alkire Woods" and to the easterly line of a 4.15 acre tract of land conveyed to Cynthia Naylor of record in Instrument Number 201409080116947;

Thence N 01° 45' 14" E, along the westerly line of said Reserve "D" and said "Alkire Woods" and along the easterly line of said 4.15 acre tract, 640.30 feet+/- to a northwesterly corner of said Reserve "D" and said "Alkire Woods" and being a southwesterly corner of a 1.232 acre tract of land conveyed to Billy J. Thompson and Samatha Thompson of record in

Instrument Number 202107210128503;

Thence S 88° 13' 37" E, along the northerly line of said Reserve "D" and said "Alkire Woods" and along the southerly line of said 1.232 acre tract, 116.68 feet+/- to a common corner thereof, being in the westerly line of said Reserve "I";

Thence N 01° 45' 06" E, along the westerly line of said Reserve "I", across the westerly right-of-way line of Bristol Run Lane (R/W-50') as dedicated upon said "Alkire Woods", along the westerly line of said Reserve "E" and said "Alkire Woods" and along the easterly line of said 1.232 acre tract, 121.77 feet+/- to a northwesterly corner of said Reserve "E" and said "Alkire Woods" and the southwest corner of said 1.135 acre tract;

Thence S 88° 15' 54" E, along the northerly line of said Reserve "E" and "Alkire Woods" and the southerly line of said 1.135 acre tract, 118.90 feet+/- to a common corner thereof;

Thence N 01° 43' 43" E, along the westerly line of said Reserve "E" and said "Alkire Woods" and along the easterly line of said 1.135 acre tract, 364.39 feet to the Point of Beginning. Containing 8.26+/- acres.

To Rezone From: PUD-6 Planned Unit Development District,

To: PUD-6 Planned Unit Development District.

Subarea 2, L-ARLD, Limited Apartment Residential District, 15.41 acres:

Parcel 1:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Virginia Military Survey Number 1389 and containing 12.33+/- acres of land, more or less, said 12.33+/- acres being part of Reserve "B" as named and delineated upon the plat "Brookfield Village Apartments" of record and Plat Book 115, Page 14 and conveyed to Compton Brookfield LLC of record in Instrument Number 201610190142963, said 12.33+/- acres more particularly described as follows:

Beginning, at a southwesterly corner of said Reserve B, also being at a northeasterly corner of Lots 96 and 97 as numbered and delineated on the plat "Alkire Place Section 2" of Record in Plat Book 100, Page 22 and conveyed to Richard Allan Alford of Record in Instrument Number 202101050001100;

Thence S 88° 41' 32" E, across said Reserve "B", 3.31 feet+/- to an angle point;

Thence across said Reserve "B", with the westerly line of said Reserve "B", with the easterly line of Reserve "H" and Kingston Run Drive (Private) as named and delineated upon the record plat for Alkire Woods of record in Plat Book 106, Page 82, the following two (2) courses;

N 01° 26' 55" E, 669.16 feet+/- to a point of curvature;

with a curve to the right, having a central angle of 90° 00' 00" and a radius of 20.00 feet, an arc length of 31.42 feet, a chord bearing and chord distance of N 46° 26' 55" E, 28.28 feet+/- to a point of tangency in a northerly line of said Reserve "B", southerly line of said Reserve "H" and in a southerly line of Nottingham Lane (Private) as delineated upon said Alkire Woods plat;

Thence S 88° 33' 05" E, along the common line of said Reserve "B", said Reserve "H" and said Nottingham Lane (Private), 201.74 feet+/- to a common corner thereof, said corner also being a southeasterly corner of Sandy Lake Drive (Private) as delineated upon said Alkire Woods plat.

Thence along common lines of said Reserve "B", said Reserve "H" and said Sandy Lake Drive (Private), the following six (6) courses and distances:

N 01° 26' 55" E, 245.16 feet+/- to a point of curvature;

with a curve to the left, having a central angle of 25° 41' 40" and a radius of 325.00 feet, an arc length of 145.75 feet, a chord bearing and chord distance of N 11° 23' 55" W, 144.53 feet+/- to a point of reverse curvature;

with a curve to the right, having a central angle of 25° 41' 40" and a radius of 350.00 feet, an arc length of 156.96 feet, a chord bearing and chord distance of N 11° 23' 55" W, 155.65 feet+/- to a point;

N 01° 26' 55" E, 143.52 feet+/- to a point of curvature;

with a curve to the left, having a central angle of 26° 28' 14" and a radius of 125.00 feet, an arc length of 57.75 feet, a chord bearing and chord distance of N 11° 47' 12" W, 57.24 feet+/- to a point;

with a curve to the right, having a central angle of 62° 18' 36" and a radius of 20.00 feet, an arc length of 21.75 feet, a chord bearing and chord distance of N 06° 08' 00" E, 20.69 feet+/- to a point of reverse curvature in the northerly line of Reserve "B", the northerly terminus of said Reserve "H" and in the southerly right-of-way line of Southwestern Road (Public) as dedicated upon said Alkire Woods plat;

Thence with the northerly line of said Reserve "B" and the southerly right-of-way line of said Southwestern Road (Public), the following three (3) courses and distances:

with a curve to the left, having a central angle of 17° 13' 45" and a radius of 150.00 feet, an arc length of 45.11 feet, a chord bearing and chord distance of N 28° 40' 09" E, 44.94 feet+/- to a point of reverse curvature;

with a curve to the right, having a central angle of 49° 12' 51" and a radius of 175.00 feet, an arc length of 150.32 feet, a chord bearing and chord distance of N 44° 39' 43" E, 145.74 feet+/- to a point of reverse curvature;

with a curve to the left, having a central angle of 67° 49' 04" and a radius of 163.14 feet, an arc length of 193.10 feet, a chord bearing and chord distance of N 35° 21' 36" E, 182.02 feet+/- to a northerly corner of said Reserve "B", said corner also being in the westerly line of Reserve "A" as delineated upon the record plat for Alire Run Section 1 of record in Plat Book 104, Page 3;

Thence S 01° 26' 55" W, with the easterly line of said Reserve "B", the westerly line of said Reserve "A", the westerly line of Alkire Run Section 2, Part 2 of record in Plat Book 129, Page 40 and the westerly line of that 10.193 acre tract of land as conveyed to the City of Columbus, Ohio of record in Instrument No. 200303130074729, 2071.88 feet+/- to a common corner of said Reserve "B" and said 10.193 acre tract;

Thence N 88° 49' 58" W, along the southerly line of said Reserve "B", a northerly line of said 10.193 acre tract and a northerly line of that 27.793 acre tract of land as conveyed to DR Horton-Indiana LLC of record in Instrument No. 202109070158060, 367.64 feet+/- to a common corner of said Reserve "B" and said 27.793 acre tract, said corner also being in the easterly line of Lot 101 as numbered and delineated upon said record plat for Alkire Place Section 2.

Thence N 01° 14' 46" E, along the westerly line of said Reserve "B" and the easterly line of said Alkire Place Section 2, 329.58 feet+/- to the Point of Beginning. Containing 12.33+/- acres.

The above description was prepared by Advanced Civil Design Inc. on September 27, 2021 and is based on information obtained from the Franklin County Auditor's and the Franklin County Recorder's Office.

Parcel 2:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Virginia Military Survey Number 1389 and containing 3.08+/- acres of land, more or less, said 3.08+/- acres being all of Lots 96-105, Reserves D, H, and J, as

numbered and delineated upon the plat "Alkire Woods" of record in Plat Book 106, Page 82, said lots and Reserves being conveyed to Alkire Woods LLC of record in Instrument Number 200604170071457, being all of Lot 1 as numbered and delineated upon the plat "Brookfield Village Apartments" of record and Plat Book 115, Page 14 and conveyed to Alkire Woods LLC of record in Instrument Number 200604170071457, being all of Reserve A-1 as numbered and delineated upon said "Brookfield Village Apartments" as conveyed to Alkire Woods LLC of Record and Instrument Number 201305020072663, being all of Reserve A and part of Reserve B as numbered and delineated upon said plat "Brookfield Village Apartments" and conveyed to Compton Brookfield LLC of record in Instrument Number 201610190142963, said 3.08+/- acres more particularly described as follows:

Beginning, at the southwesterly corner of said Reserve B-1, being the southeasterly corner of a 4.15 acre tract of land conveyed to Cynthia Naylor of Record in Instrument Number 201409080116947 and being in the north line of Lot 95 as numbered and delineated on the plat "Alkire Place Section 2" of Record in Plat Book 100, Page 22 and conveyed to Richard Allan Alford of Record in Instrument Number 202101050001100;

Thence N 01° 45' 14" E, along the easterly line of Reserve B-1 and Reserve D, along the westerly line of said 4.15 acre tract, 689.65 feet+/- to an angle point;

Thence S 88° 33' 05" E, across said Reserve D and Reserve J, along the northerly line of said Lot 96, along the southerly line of Lot 95 and across Reserve H, 213.36 feet+/- to a point in a curve;

Thence along the easterly line of Reserve H and along the westerly line of Reserve B, the following two (2) courses;

with a curve to the left, having a central angle of 90° 00' 00" and a radius of 20.00 feet, an arc length of 31.42 feet, a chord bearing and chord distance of S 46° 26' 55" W, 28.28 feet+/- to a point of tangency;

S 01° 26' 55" W, 669.16 feet+/- to a point;

Thence N 88° 41' 32" W, across Reserve B, along the southerly line of Reserve B and Reserve B-1, along the northerly line of lot 96 as numbered and delineated upon said Alkire Woods Section 2 and along the northerly line of said Lot 95, 196.08 feet+/- to the Point of Beginning. Containing 3.08+/- acres.

To Rezone From: PUD-6 Planned Unit Development District and L-AR-12, Limited Apartment Residential District,

To: L-ARLD, Limited Apartment Residential District.

SECTION 2. That a Height District of sixty (35) feet is hereby established on the PUD-6, Planned Unit Development and L-ARLD, Limited Apartment Residential districts 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 PUD-6, Planned Unit Development and L-ARLD, Limited Apartment Residential districts and Application among the records of the Department of Building and Zoning Services as required by Sections 3311.09 and 3370.03 of the Columbus City Codes; said plans being titled, "SUBAREA PLAN" "PERIMETER LANDSCAPE BUFFERING PLAN" "ILLUSTRATIVE PLAN-SUBAREA 2" "OPEN SPACE PLAN," and "ELEVATIONS," and text titled, "DEVELOPMENT TEXT," all dated April 6, 2022, and signed by Jill S. Tangeman, Attorney for the Applicant, and the text reading as follows:

DEVELOPMENT TEXT

APPLICATION: Z21-084

Location: 3855 ALKIRE ROAD (43123), being 23.67± acres located at the southwest corner of Alkire and Southwestern Roads (010-275711 through 010-275767 & 435-275796 through 435-275810; Greater Hilltop Area Commission).

Existing Zoning: PUD-6, Planned Unit Development District and L-AR-12 Limited Apartment District

Request: PUD-6, Planned Unit Development and L-ARLD, Limited Apartment District.

Proposed Use: Single and multi-family residential development.

Applicant(s): Alkire Woods LLC; c/o Jill S. Tangeman, Atty.; 52 East Gay Street; Columbus, Ohio 43215.

Date: April 6, 2022

Alkire Woods was zoned in 2004 to a PUD-6 to permit a single family residential subdivision. In 2009, the property was rezoned PUD-6 and L-AR-12 to allow for a single family residential subdivision and a multi-family apartment complex. The applicant is now seeking to rezone the property to allow for the construction of 48 additional multi-family units in Subarea 2. Subarea 1 shall remain a PUD-6, with the same standards as set forth in the existing rezoning to accommodate the existing single family lots and Subarea 2 shall be rezoned to L-ALRD to accommodate the existing multi-family development and the construction of the 48 additional multi-family units.

Subarea 1 - PUD-6

Subarea 1 is approximately 8.26 +/- acres and shall be developed in accordance with the Development Plan and the following PUD notes:

1. Permitted Uses: The permitted uses shall be those contained in Section 3345.04 of the Columbus City Code. Subarea 1 shall be developed in accordance with the Subarea Plan and the Perimeter Landscape Buffering Plan.

A) In Subarea 1, only single family dwellings shall be permitted. A maximum of 38 units may be built in Subarea 1.

B) Homes may be used as model homes for the purpose of marketing and sales. A manufactured modular building or a model home may be used as a sales office during the development of the project and the construction of homes therein.

2. Development Standards: Unless otherwise specified below, the site shall be developed in accordance with the applicable AR-12 development standards of Chapter 3333 of the Columbus City Code.

A) Density, Height, Lot and/or Setback Requirements:

Minimum separation between buildings shall be at least 6 feet, except for permitted encroachments (bay windows and chimneys) which may, if closer than 6 feet, have to be constructed to meet certain fire code ratings.

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

1. The street alignments shall be developed as shown on the Subarea Plan. However, they are subject to refinement with final engineering and may be adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The director of the department of development or the director's designee may approve adjustments to the street alignment upon submission of the appropriate data regarding the proposed adjustment.

2. The developer shall install concrete sidewalks on both sides of the private streets except that single-loaded streets shall have sidewalks on the building side of the street only.

3. The private streets shall have minimum building setback of 12 feet measured from the right of way; porches may not encroach setback areas and the minimum side yard building setback on corner lots shall be 38 feet measured from the centerline of street and 18 feet measured from the centerline of the alley.

4. All streets shall be private and shall be at 22 feet in width. All alleys shall be private and shall be at least 12 feet in width. Intersection details including turning radii and tapers will comply with the TND standards for 22' wide streets and 12' alleys. The streets and alleys in the single-family area shall be owned and maintained by the Subarea 1 Homeowners' Association (the "Subarea 1 HOA").

5. Abutting lots may have a shared driveway. Any such driveway shall have a minimum width of 10 feet. Vehicles may be maneuvered across the lot line.

6. Parking restrictions shall be controlled by appropriate signage displayed within the development. Fire hydrants shall be located on the side of the street where no parking is permitted.
7. The Subarea 1 HOA must establish and maintain an agreement(s) with private towing company(s), which agreement (s) authorize the private towing company(s) to remove/tow any vehicles parking in restricted areas. There may be one or more such agreements with one or more towing company(s), for any times/lengths, terms, etc., as the association determines, so long as at least one such agreement shall always at all times be in force for the purposes of enforcement/removal/towing as required above.
8. Towing agreements shall be filed with the Division of Fire, Fire Prevention Bureau upon execution of the contract.
9. The Subarea 1 HOA shall designate the City of Columbus as an authorized agent for the sole and specific purposes of enforcement of parking restrictions and the issuance of citations and/or removal of vehicles parked in violation of posted parking restrictions on private streets or alley.
10. Developer has contributed \$10,000.00 to the county engineer for the improvements of Alkire Road under CS Bridge.
11. Developer has removed a group of trees on the south side of Alkire Road west of the entrance to the development to remove a sight distance issue.
12. All streets are private except for Southwestern Road extension.
13. A sidewalk shall be maintained along the Alkire Road frontage.

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

1. The developer shall install one street tree per dwelling unit at regular intervals. Street trees shall be 2.5” caliper minimum and species shall not be mixed on individual streets.
2. Reserves “A” (+/- .128 acres), “B” (+/- .178 acres); and “C” (+/- .395 acres) of Subarea 1 as shown on the Subarea Plan are to be owned and maintained by the Subarea 1 HOA for the purpose of open space, buffer areas and detention area.
3. Landscaping shall be maintained as shown on the Buffer Plan.

D) Building Design and/or Interior-Exterior Treatment Commitments:

1. Minimum net living area for each dwelling: 1100 square feet.
2. The fronts of the houses shall face Alkire Road on lots 1 thru 6.
3. A fountain/aeration device shall be installed in the existing pond.

E) Dumpsters, Lighting, Outdoor Display Areas, and/or other Environmental Commitments:

Developer shall install decorative street lamps at City of Columbus standard spacing.

F) Graphics and Signage Commitments:

N/A

G) Modifications:

N/A

Subarea 2 - L-ARLD

Subarea 2 is approximately 15.41 +/- acres and shall be zoned L-ARLD. The illustrative site plan for Subarea 2 shows street layout, building areas, a community center and pool and reserve area is attached.

1. **Permitted Uses:** The uses permitted shall be those uses permitted in Section 3333.02 of the Columbus City Zoning Code.

2. **Development Standards:** Unless otherwise indicated in this text, the applicable development standards of Chapter 3333 Apartment Districts of the Columbus City Code shall apply. Subarea 2 shall be developed in accordance with the Subarea Plan, the Landscape Buffering Plan, the Illustrative Plan - Subarea 2, for the 48 additional multi-family units, the Open Space Plan for Reserve E and the Elevations.

A) Density, Height, Lot and/or Setback Requirements:

1. The height district shall be H-35, allowing for a mean thirty-five (35) foot height limitation in accordance with the Columbus City Code. Building Nos. 1, 2, 3, 4, 5, 7, 8, 9, 11 and 13 as identified on the Buffer Plan shall be two-stories.

2. 160 units currently exist in Subarea 2 and an additional 48 shall be built as shown on the Subarea Plan and the Illustrative Subarea 2 for a total of 208 permitted units.

3. A community center and pool has been built and shall be maintained on the site. To the extent that an irrigation system is not already installed at the existing community center to maintain the grass and plantings around the community center, such an irrigation system will be installed by the owner of Subarea 2 (the "Subarea 2 Owner").

4. Setbacks shall be as shown on the Buffer Plan.

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

1. Access shall be in accordance with the review and approval of the City of Columbus Division of Public Service. Parking restrictions shall be controlled by appropriate signage displayed within the development. Fire hydrants shall be located on the side of the street where no parking is permitted.

2. The Subarea 2 Owner must establish and maintain an agreement(s) with a private towing company(s), which authorizes the private towing company(s) to remove/tow any vehicles parked in the restricted areas. There may be one or more such agreements with one **or** more towing company(s) for any times/lengths, terms, etc. as the Subarea 2 Owner determines, so long as at least one such agreement will always, at all times be in force for the purposes of enforcements/removal towing as required above. Towing agreements shall be filed annually with the Columbus Division of Fire, Fire Prevention Bureau, Plans Review Office, upon execution of contract.

The Subarea 2 Owner will designate the City of Columbus as an authorized agent for the sole and specific purposes of enforcement of parking restrictions and the issuance of citations and/or removal of vehicles parked in violation of posted parking restrictions on private streets and alleys/lanes.

For clarity, Subarea 2 Owner shall also be authorized to enforce parking requirements.

3. The private streets shall have minimum building setback of 5' feet measured from the edge of pavement of the private street.

4. All streets shall be private and shall be at 22 feet in width.

5. The street alignments shall be developed as shown on the Subarea Plan. However, they are subject to refinement with final engineering and may be adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The director of the department of development or the director's designee may approve adjustments to the street alignment upon submission of the appropriate data regarding the proposed adjustment.

6. Sidewalk connections will be made from all buildings to the existing bike path and/or sidewalk network in Subarea 1 as shown on the Subarea Plan and on the Illustrative Subarea 2 Plan for the 48 additional multi-family units.

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

1. The developer shall install one street tree per 40 feet of building frontage. Trees may be evenly spaced or grouped. Street trees shall be 2.5" caliper minimum and species shall not be mixed on individual streets.

2. The community center and pool shall be maintained by the Subarea 2 Owner. .

3. Landscaping and buffering shall be as shown on Buffer Plan.

4. No artificial plants are permitted.

5. Buffer plantings and perimeter fencing shall be installed prior to any construction, subject to any conflict of utility installation.

6. A cash payment may be made in lieu of parkland dedication.

7. Additional trees shall be installed in Reserve E as shown on the Open Space Plan. In addition to the new trees to be installed per the Open Space Plan, all healthy trees in Reserve E shall remain.

8. A 6-foot high wood fence shall be installed and maintained along the perimeter of Subarea 2 as shown on the Buffer Plan and the Open Space Plan. No gaps in the fence along the southern boundary of Subarea 2 adjacent to homes in Alkire Place and along the western boundary of Subarea 2 shall be permitted. The fence will be stained annually.

D) Building Design and/or Interior-Exterior Treatment Commitments:

1. Dwelling units may be used as model homes for the purpose of marketing and sales.

2. No windows will be installed on the southern end of the building as shown on the Illustrative Subarea 2 Plan for the additional 48 multi-family units.

E) Dumpsters, Lighting, Outdoor Display Areas, and/or other Environmental Commitments:

1. Black decorative street lights and black decorative carriage lights on buildings shall be used. No light spillage onto neighboring properties shall be permitted. All lighting shall be cut-off type fixtures.

2. Interior private street lighting shall not exceed eighteen feet in height.

3. Perimeter fencing as identified on the Buffer Plan and the Illustrative Subarea 2 Plan shall be constructed of wood. No vinyl or chain link fencing shall be permitted.

F) Graphics and Signage Commitments:

All signage and graphics shall conform to the Columbus Graphics Code. Any variances needed from the applicable graphics requirements shall be submitted to the Columbus Graphics Commission.

G) Miscellaneous Commitments:

1. The proposed shall be developed in general conformance with the submitted Subarea Plan, Perimeter Landscape Buffering Plan (Buffer Plan), Illustrative Plan - Subarea 2, Open Space Plan and Elevations (collectively the "Plans"). 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 Plans 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. Concurrent Council variance application CV22-009 has been filed in conjunction with this L-ARLD district to vary the internal perimeter yard, as parcel numbers with different taxing districts that comprise Subarea 2 are unable to be combined.

SECTION 4. 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.