



## Legislation Details (With Text)

**File #:** 1668-2022      **Version:** 1

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

**File created:** 6/6/2022      **In control:** Zoning Committee

**On agenda:** 6/27/2022      **Final action:** 6/30/2022

**Title:** To rezone 5050 WARNER RD. (43081), being 7.68± acres located at the northeast corner of Warner Road and Limerock Drive, From: R, Rural District, To: L-AR-1, Limited Apartment Residential District (Rezoning #Z22-007).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1668-2022\_Attachments, 2. ORD1668-2022\_Labels

Date	Ver.	Action By	Action	Result
6/30/2022	1	CITY CLERK	Attest	
6/29/2022	1	MAYOR	Signed	
6/27/2022	1	COUNCIL PRESIDENT	Signed	
6/27/2022	1	Zoning Committee	Waive the 2nd Reading	Pass
6/27/2022	1	Zoning Committee	Approved	Pass

**Rezoning Application: Z22-007**

**APPLICANT:** Preferred Living.; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on May 12, 2022.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 7.68± acre site consists of three parcels, each developed with a single-unit dwelling, in the R, Rural District. The requested L-AR-1, Limited Apartment Residential District will permit multi-unit residential development containing up to 168 apartment units (21.88 units per acre gross density). The limitation text establishes use restrictions and supplemental development standards that address the maximum number of permitted units, building setbacks, traffic access, pedestrian connectivity, tree preservation, and building materials and design. Commitments to develop the site in accordance with the submitted site plan and building renderings are included in the text. The proposed density is consistent with the *Rocky Fork-Blacklick Accord's* (2003) recommendation for "Neighborhood" land uses and adjacent multi-unit residential developments along this section of Warner Road. The request incorporates pedestrian connectivity, ample landscaping, and includes architectural examples for the three story apartment buildings that are supported by staff. The Rocky Fork-Blacklick Accord Implementation Panel unanimously recommended approval of this request at their April 21, 2022 meeting. A concurrent Council variance (Ordinance #1669-2022; CV22-005) has been filed to reduce the required perimeter yard along the eastern property line.

To rezone **5050 WARNER RD. (43081)**, being 7.68± acres located at the northeast corner of Warner Road and Limerock Drive, **From:** R, Rural District, **To:** L-AR-1, Limited Apartment Residential District (Rezoning #Z22-007).

**WHEREAS**, application #Z22-007 is on file with the Department of Building and Zoning Services requesting rezoning of 7.68± acres from R, Rural District, to the 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 the zoning change because the requested L-AR-1, Limited Apartment Residential is consistent the *Rocky Fork-Black Accord's* land use recommendation, is compatible to adjacent multi-unit residential developments along this section of Warner Road, and does not add an incompatible use to the area; 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:

**5050 WARNER RD. (43081)**, being 7.68± acres located at the northeast corner of Warner Road and Limerock Drive, and being more particularly described as follows:

**Zoning Description; 7.68 Acres**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 15, Township 2, Range 16, United States Military Lands, being a 7.68± acre tract of land, said 7.68± acre tract being part of an Original 3 acre tract of land conveyed to Joshua P. Shremshock and Charmagne P. Shremshock of record in Instrument Number 201602030013391, being part of an Original 2.00 acre tract of land conveyed to Eugene T. and Myra Lynn Carty of record in Official Record 1318111 and part of an Original 3.106 acre tract of land conveyed to George and Leanna Hartig of record in Instrument Number 201010270143320, said 7.68 acre tract being more particularly described as follows:

Beginning at the southeasterly corner of said Original 3 acre tract, being the southwesterly corner of a 0.147 acre tract of land conveyed to the City of Columbus, Ohio of record in Instrument Number 202003310044105, being the northwesterly corner of a 0.211 acre tract of land described as Parcel 8-WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201206290093332, being the northeasterly corner of a 0.134 acre tract of land described as Parcel 7-WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201205070063744 and being in the northerly right-of-way line of Warner Road (R/W-Varies);

Thence along the southerly lines of said Original 3 acre tract, said Original 2.00 acre tract, said Original 3.106 acre tract and along the northerly line of said Parcel 7-WD, the northerly line of a 0.102 acre tract of land described as Parcel 6-WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201205070063744, along the northerly line of a 0.219 acre tract of land described Parcel 5-WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201203210038383 and along said right-of-way line, the following four (4) courses;

N 86° 27' 43" W, 337.76± feet to an angle point;

N 75° 09' 10" W, 61.18± feet to an angle point;

N 86° 27' 43" W, 178.60± feet to a point of curvature;

with a curve to the right, having a central angle of 29° 41' 35" and a radius of 16.00 feet, an arc length of 8.29± feet, a chord bearing and chord distance of N 71° 36' 55" W, 8.20± feet to a northwesterly corner of said Parcel 5-WD, to the northeasterly corner of a 0.002 acre tract of land described as Parcel 3-WD and conveyed to the City of Columbus, Ohio

of record in Instrument Number 201309090152099, to the southerly corner of a 0.104 acre tract of land described as Reserve “DD” as numbered and delineated upon the plat “Village at Albany Crossing Section 3, Part 1” of record in Plat Book 107, Page 35 and being in the easterly right-of-way line of Limerock Drive (R/W-Varies) as dedicated on said “Village at Albany Crossing Section 3, Part 1”;

Thence N 03° 30’ 01” E, along the westerly line of said Original 3.106 acre tract, along the easterly line of said Reserve “DD”, along the easterly line of a 0.008 acre tract of land described as Reserve “F” as numbered and delineated upon the plat “Village at Albany Crossing Section 1, Part 1” of record in Plat Book 106, Page 61 and along the easterly right-of-way line of said Limerock Drive (R/W-Varies), 536.90± feet to a northwesterly corner of said Original 3.106 acre tract, the northeasterly corner of said Reserve “F” and being in the southerly line of Lot 43 as numbered and delineated upon said “Village at Albany Crossing Section 1, Part 1”;

Thence S 86° 28’ 30” E, along the northerly line of said Original 3.106 acre tract, said Original 2.00 acre tract, along the southerly line of said Lot 43 and along the southerly line of a 0.784 acre tract of land described as Reserve “D” as numbered and delineated upon said “Village at Albany Crossing Section 1, Part 1”, 382.02± feet to a northeasterly corner of said Original 2.00 acre tract, to the southeasterly corner of said Reserve “D” and being in the westerly line of said Original 3 acre tract;

Thence along the common lines of said Original 3 acre tract and said Reserve “D”, the following two (2) courses;

N 03° 05’ 07” E, 79.47± feet to an angle point;

S 86° 28’ 14” E, 200.18± feet to a common corner thereof and being a northwesterly corner of an 8.329 acre tract of land conveyed to Baxter Park LLC of record in Instrument Number 202006040078233;

Thence S 03° 16’ 21” W, along the easterly line of said Original 3 acre tract and the westerly line of said 8.329 acre tract, 630.59± feet to the True Point of Beginning.

Containing 7.68 acre, more or less.

Property Parcel: 010-288493, 220-000554 & 220-00638.

Property Address: 5050 Warner Rd., Columbus, OH 43081.

**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 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 site plan titled, “**DEVELOPMENT PLAN**,” said building rendering titled, “**Z22-007, 5050 WARNER ROAD, BUILDING ARCHITECTURE**,” and said text titled, “**DEVELOPMENT TEXT**,” all dated May 12, 2022, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and the text reading as follows:

#### **DEVELOPMENT TEXT**

**EXISTING ZONING:** R, Rural District

**PROPOSED ZONING:** L-AR-1, Limited Apartment Residential District

**PROPERTY ADDRESS:** 5050 - 5100 Warner Road, Columbus, OH 43081

**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

**OWNERS:** George and Leanna Hartig, 5050 Warner Road, Westerville, OH 43081, Eugene and Myra Carty, 5068 Warner Road, Westerville, OH, 43081 and Joshua and Charmagne Shremshock, 5100 Warner Road, Westerville, OH 43081

**DATE OF TEXT:** May 12, 2022

**APPLICATION NUMBER:** Z22-007

**INTRODUCTION:** The site is 7.68 +/- acres on the north side of Warner Road, 1,100' west of N Hamilton Road. The site consists of three (3) parcels: 010-288493, 220-000554, 220-000638. The two (2) Tax District 220 parcels were accepted for annexation from Plain Township by Ordinance 1062-2022, passed May 2, 2022. Applicant proposes to raze the three (3) existing dwellings and redevelop the site with an apartment complex (168 dwelling units). There are residential uses in all directions including apartment complexes. The site plan titled "Development Plan", dated May 12, 2022, hereafter "Site Plan", is submitted with this application as the site development plan. See also CV22-005.

**1. PERMITTED USES:** The permitted use shall be an apartment complex and accessory uses to an apartment complex, as permitted by Chapter 3333, Apartment Districts, Section 3333.02, AR-12, ARLD and AR-1 Apartment Residential Use.

**2. DEVELOPMENT STANDARDS:** Unless otherwise indicated on the Site Plan or in this written text, the applicable development standards shall be those standards contained in Chapter 3333, Apartment Districts, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards, of the Columbus City Code, as applicable to the AR-1 Apartment Residential District and an apartment complex as depicted on the Site Plan.

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

1. A maximum of 168 dwelling units shall be permitted.
2. The minimum Warner Road building setback shall be 50 feet, net of right of way of 50' from centerline.
3. The minimum perimeter yard shall be 25' and 35' on the west, 50' and 60' on the north and 5' on the east. See CV22-005 for variance to reduce the east perimeter yard to 5', as shown on the submitted site plan.

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

1. Warner Road right of way totaling 50' from centerline shall be conveyed to the City of Columbus in conjunction with the final Site Compliance Plan.
2. One (1) full turning movement on Warner Road shall be permitted.
3. Applicant shall build a public sidewalk on the east side of Limerock Drive in the existing Limerock Drive right of way.

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

1. Existing trees within the west and north perimeter yards shall be preserved and maintained except for utility crossings, if needed, removal of dead or dying trees and maintenance, as needed. A barrier, such as snow fence, shall be installed at the perimeter yard setbacks prior to any construction to limit the impact to the tree roots and canopy of the existing trees to be preserved.
2. Trees in the Warner Road setback shall be preserved except where removal is required for utility installation and/or grading.

**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.
3. The building rendering titled: “Z22-007, 5050 Warner Road, Building Architecture”, dated May 12, 2022, is submitted to depict the style and architecture of the three (3) story apartment buildings.

**E. Lighting and/or other 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. Any variance to applicable sign requirements shall be submitted to the Columbus Graphics Commission.

**G. Code Modifications:** Subject to CV22-005, the east perimeter yard is reduced to 15’ for apartment buildings number 1 and 3, as numbered on the Site Plan, and to 5’ for detached garage buildings and surface parking spaces.

**H. Miscellaneous Commitments:**

1. The site shall be developed in accordance with the submitted Site Plan and Building Rendering, titled “Development Plan”, and “Z22-007, 5050 Warner Road, Building Architecture”, both dated May 12, 2022, and signed by David B. Perry, Agent for Applicant, and Donald Plank, Attorney for Applicant. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the Site Plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment. The building rendering is submitted to depict the style and architecture of the three (3) story apartment buildings.
2. Applicant shall comply as applicable with the Parkland Dedication Ordinance (PDO) in conjunction with the final Site Compliance Plan.

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