



Legislation Text

File #: 1116-2008, **Version:** 1

REZONING APPLICATION # Z08-011

APPLICANT: LDK Land, LLC; c/o Jeffrey Brown, Attorney; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

PROPOSED USE: Single and/or multi-family residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on May 8, 2008.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 9.8± acre site is undeveloped and zoned in the R, Rural District. The applicant is requesting the PUD-8, Planned Unit Development District, to allow a maximum of 76 single-family and/or multi-family residences. The proposed PUD-8 commits to 2.7 acres of open space (27%), building and paving setbacks, street trees, sidewalks, and a tree preservation zone. The request, with the development standards in the text, is compatible with development in the area.

To rezone **5190 MORSE ROAD (43230)**, being 9.8± acres located on the north side of Morse Road, 500± feet east of Trellis Lane, **From:** R, Rural District, **To:** PUD-8, Planned Unit Development District (Rezoning # Z08-011).

WHEREAS, application #Z08-011 is on file with the Building Services Division of the Department of Development requesting rezoning of 9.8± acres from R, Rural District, to PUD-8, Planned Unit Development 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 request, with the development standards in the text, is compatible with development in 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:

5190 MORSE ROAD (43230), being 9.8± acres located on the north side of Morse Road, 500± feet east of Trellis Lane, and being more particularly described as follows:

9.784 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, and being all of the 6.5 and 3.30 acre tracts conveyed to LDK Land, LLC by deeds of record in Instrument Numbers 200403090051161, 200403090051163, 200403090051156, and 200403090051159, respectively, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 5571, being in the centerline of Morse Road and the southerly line of the 24.418 acre tract conveyed to Preserve Crossing, Ltd. by deed of record in Instrument Number 200410010229079;

thence North 86° 34' 28" West, a distance of 92.60 feet, with the centerline of said Morse Road and the southerly line of said 24.418 acre tract, to a point at a common corner of said 24.418 and 3.30 acre tracts, being the TRUE POINT OF BEGINNING;

thence North 86° 34' 28" West, a distance of 504.92 feet, continuing with the centerline of said Morse Road, partially with the southerly line of said 3.30 acre tract and partially with the southerly line of said 6.5 acre tract, to a point at a common corner of said 6.5 acre tract and a 1.808 acre tract conveyed to Carlton G. Petty by deed of record in Instrument Number 200212180325123;

thence North 03° 00' 33" East, a distance of 524.62 feet, with the line common to said 6.5 and 1.808 acre tracts, to a point at a common corner of said 1.808 acre tract and "Homestead at the Preserve Condominium", of record in Condominium Plat Book 89, Page 29;

thence North 03° 07' 26" East, a distance of 320.54 feet, continuing with the westerly line of said 6.5 acre tract, partially with the easterly line of said "Homestead at the Preserve Condominium", and partially with the easterly line of "Homestead at the Preserve Condominium Eleventh Amendment", of record in Condominium Plat Book 117, Page 96, to a point at a common corner of said 6.5 acre tract and a 16.587 acre tract conveyed to Preserve Crossing, Ltd. by deed of record in Instrument Number 200607190141054;

thence South 86° 25' 24" East, a distance of 504.02 feet, with the southerly line of said 16.587 acre tract, partially with the northerly line of said 6.5 acre tract and partially with the northerly line of said 3.30 acre tract, to a point at a corner thereof, being a westerly line of "The Preserve Crossing Condominium Fifth Amendment Part 1" of record in Condominium Plat Book 169, Page 82;

thence South 02° 59' 26" West, with the westerly line of said "The Preserve Crossing Condominium Fifth Amendment Part 1" and a westerly line of "The Preserve Crossing Condominium Seventh Amendment Part 1" of record in Condominium Plat Book 179, Page 63 and "The Preserve Crossing Condominium Sixth Amendment of record in Condominium Plat Book 173, Page 99, a distance of 843.84 feet to the TRUE POINT OF BEGINNING and containing 9.784 acres of land, more or less.

To Rezone From: R, Rural District,

To: PUD-8, Planned Unit Development District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the PUD-8, Planned Unit Development District on this property.

SECTION 3. That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved PUD -8, Planned Unit Development District and Application among the records of the Building Services Division as required by Section 3311.09 of the Columbus City Codes; said plans being titled, "**Zoning Exhibit A**," signed on April 15, 2008 by Jeffrey L. Brown, attorney for the applicant, and said notes being titled, "**PUD-TEXT**," dated June 19, 2008 and signed by Jeffrey L. Brown, Attorney for the Applicant, and text reading as follows:

PUD - TEXT

PROPOSED DISTRICTS: PUD-8

PROPERTY ADDRESS: 5090 Morse Road

OWNER: LDK Land LLC

APPLICANT: LDK Land LLC

DATE OF TEXT: 6/19/08

APPLICATION: Z08-011

1. INTRODUCTION: This property has been annexed into the City and the applicant wants to zone this site to match the development standards contained in Z03-086 which is adjacent to the north and east sides of this site.

2. PERMITTED USES: Detached single family with attached or detached garages on private streets and multi-family dwellings with a minimum of three units, clubhouse and recreation facility.

3. DEVELOPMENT STANDARDS: Except as otherwise noted above and herein, the applicable development standards of R-2 and AR-12 shall apply to the respective single family and multi-family developments.

A. Density, Height, Lot and/or Setback Requirements

1. Single Family

- a. Each lot shall be a minimum of 50 ft. x 120 ft. with a front yard setback of a minimum of 12 feet (stoops and porches may extend 4 feet into the setback); sideyard setback of a minimum of 3.5 feet and a rear yard of a minimum of 20 feet.
- b. Driveway for detached single family dwelling units may have a zero side yard.
- c. Setback requirements for detached single family dwelling units shall be measured from either a private street (easement line) or a public street (right-of-way).
- d. Minimum separation between buildings shall be at least 6 feet, except for permitted encroachments in the zoning code along with fireplaces which may, if closer than 6 feet, have to be constructed to meet certain fire code ratings.
- e. Garages for single family dwellings shall be attached to the dwelling unit with a minimum of two enclosed parking spaces per dwelling unit. Each dwelling unit shall have a minimum garage footprint of 440 sq. ft. with a maximum driveway width of sixteen feet. No plumbing fixtures shall be permitted in the garage except for a sink and a garden hose connection.
- f. Parking restrictions shall be controlled by appropriate signage displayed within the development and shall include that parking shall be limited to one side of the street where noted on the approved zoning clearance plan and that parking shall be prohibited on either side of any street within 61' of street intersections. Fire hydrants shall be located on the side of the street where no parking is permitted. Enforcement of the parking restrictions shall be by the Homeowners Association.
- g. Single family: Minimum net floor area for living quarters for a ranch 1,100 sq. ft. and for a two story dwelling unit 1,600 sq. ft.
- h. Each dwelling unit shall have a storage area above the garage of a minimum of 250 sq. ft. This storage area shall have a wood floor and be accessed by a permanent stairway or the developer may construct the unit with a basement and eliminate this storage area or the developer may construct both the storage area and the basement.
- i. If soil conditions permit, a basement shall be offered as an option on each single family dwelling.
- j. Building setback and the parking setback from Morse Road shall be 150 and 100 feet respectively except for the two existing buildings shown on the submitted PUD plan.

2. Multi-family

- a. Each multi-family building shall have a minimum of 4 foot front yard setback; stoops may have a zero setback.
- b. Garages for multi-family buildings shall have a minimum setback of 6 feet from the edge of an alley (easement line).
- c. Setback requirements for detached multi-family dwelling units shall be measured from either a private street or alley or a public street (right-of-way).
- d. There shall be a 25 foot building and parking setback along the west perimeter of the subarea. No perimeter yard shall be required to the east side of the subject site if the subject site becomes part of the development to the east.
- e. Building setback and the parking setback from Morse Road shall be 150 and 100 feet respectfully except for the two buildings shown on the submitted PUD plan.

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

- 1. The site shall have access to Morse Road unless it becomes part of the development to the east and then it would take its access thru the existing development to the east.
- 2. Morse Road will be widened as part of a TIF agreement with the City of Columbus.

3. Sidewalks in the single family areas shall be installed on both sides along all new public streets, and on both sides of all new private streets except for single loaded streets which shall have sidewalks on the house side only. In a multi-family development sidewalks shall be installed along the length of each side of the block except for the sides of the block where there is head-in parking to the rear of a building or where there are garages behind the building. There will be a sidewalk connection to Morse Road and to the north and east property lines if there are road connections to those respective property lines. Sidewalks (4 ft. minimum width) shall be constructed of concrete. Leisure tracks may be constructed of asphalt.
4. All streets shall be private and shall be at least 22 feet in width. All alleys shall be private and shall be at least 22 feet in width except for a one way alley which shall be 16 feet in width. Intersection details including turning radii and tapers will comply with the TND standards for 22 feet wide streets and 22 feet alleys, or 12 feet alleys (except that the pavement width is 16 feet instead of 12 feet). The private streets and alleys shall be owned and maintained by the Homeowners Association.
5. In multi-family development stacked parking (one parking space) shall be permitted behind a garage and counted as code required parking. If the stacked space is provided, then the parking space area shall be at least 18 feet in depth.
6. Code required parking may be located along private streets.
7. At the time of development the developer shall dedicate to the City of Columbus 50 ft. of right-of-way from the centerline of Morse Road and establish a 10 ft. wide utility easement along its Morse Road frontage adjacent to said 50 foot right-of-way dedication.

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

1. A street tree planting shall be established along Morse Road. Trees are to be a minimum of two and a half inch caliper and shall be spaced at a maximum distance of thirty feet on center. Trees may be grouped, provided the quantity is equivalent to 1 tree per thirty feet or fraction thereof. This requirement may be waived in areas where existing trees, minimum 3 inch caliper, exist and are shown on the submitted zoning clearance drawing and meet the quantity requirements of this item.
2. The developer shall install one street tree per single family dwelling unit and three street trees per corner single family dwelling unit. Street trees shall be installed at regular intervals. Street trees shall be 2.5" caliper minimum, and species shall not be mixed on individual streets.
3. Unless otherwise specified, minimum size of all plant material at installation shall be 2.5" caliper for deciduous shade trees, 6' high for evergreen, and 1.5" caliper for ornamental trees.
4. All trees and landscaping shall be well maintained. Dead items, weather permitting, shall be replaced within six months or the next available planting season, whichever occurs first.
5. All property currently or hereafter subject to the Joint Parks District tax shall have the right to use the park contained in Subarea 7 of Zoning Case Z01-078 located on the west side of Rocky Fork Creek, north of Thompson Road and included herein as Subarea 5 in Zoning Case Z03-086.
6. A tree preservation zone is shown on the submitted PUD drawing. Existing trees shall be maintained in this area subject to the right to remove dead and diseased trees.

D. Building Design and/or Interior-Exterior Treatment Commitments

1. Building materials for single family dwelling units excluding roofing material shall be brick, stone, wood, glass, cementitious product or vinyl individually or in any combination thereof.

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

1. Unless otherwise required by the utility company, all new wiring within a development shall be underground.
2. Developer shall install residential street lamps in the single family areas on both the public and private streets per the City of Columbus's standard spacing.

F. Graphics and Signage Commitments

All signage and graphics shall conform to Article 15 of the Columbus City Graphics Code, as it applies to the R-2 and AR-12, Residential Districts. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous

1. 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. There are parcels which are in different tax districts but in the City of Columbus. For the purpose of zoning clearance the parcels shall be considered as one parcel for that portion of the development which crosses the two district lines.
3. Variance: No internal perimeter sideyard along the east property line for multi-family development.
4. The subject site shall be developed in accordance with the site plan. The site plan may be slightly 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 plan may be reviewed and may be approved by the Director of the Department of Development or his 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.