



Legislation Text

File #: 0958-2016, **Version:** 2

Rezoning Application Z14-059

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

PROPOSED USE: Mixed residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on July 14, 2016.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This 61.23-acre site is undeveloped and has been zoned in the R, Rural District since annexation in 2015. The applicant requests the PUD-6, Planned Unit Development District, which consists of four subareas. Subarea A permits 180 apartment units on 20.1 acres for a density of 8.96 units per acre. Subarea B permits 82 single-unit dwellings on 24.98 acres for a density of 3.28 units per acre. Subarea C is 3.59 acres and will consist of a stream corridor protection zone and tree preservation area. Subarea D permits 48 single-unit dwellings on 12.57 acres for a density of 3.82 units/acre. A total of 16.74 acres of preserved open space is provided in this PUD-6 district, which is almost three times greater than the code requirement. The PUD text and site plans provide density limitations, use restrictions, and supplemental development standards addressing access, landscaping and screening, street trees, sidewalks, garages, building materials, and Pay As We Grow commitments. The site lies within the Little Turtle District of the *Northland Plan II* (2002). Single-unit residential development at three units/acre maximum (low-density cluster or conservation-type subdivisions) is the preferred land-use for this district. The Plan also recommends preservation of natural features and that land uses and development standards recommended by the *Rocky Fork/Blacklick Accord* (2003) be considered for proposals contiguous to that planning area. The Planning Division of the Department of Development has determined that deviation from the land use and density recommendations of the *Northland Plan II* is warranted noting that the proposed density of Subarea A is compatible with the adjacent multi-unit development to the east which is consistent with the recommendations of the *Rocky Fork/Blacklick Accord*; and because the proposed density of Subareas B and D are consistent with the density of the adjacent residential development to the south. Staff notes that more than 25% of the site is preserved as open space including a stream corridor and stand of trees which is consistent with the Plans' recommendation to preserve natural features; and the site's Ulry Road frontage contains open space and increased setbacks in consideration of lower density residential uses on the west side of Ulry Road in Blendon Township. Staff recognizes this request as compatible with adjacent zoning and development patterns and considers the proposed density a good transition from the lower density single-unit residential development to the west and the higher density multi-unit residential development to the east.

To rezone **5830 ULRY ROAD (43081)**, being 61.23± acres located at the southeast corner of Ulry and Warner Roads, **From:** R, Rural, District, **To:** PUD-6, Planned Unit Development District (Rezoning # Z14-059).

WHEREAS, application No. Z14-059 is on file with the Department of Building and Zoning Services requesting rezoning of 61.23± acres from R, Rural, District, to the PUD-6, Planned Unit Development District; **and to declare an emergency.**

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

WHEREAS, the City Departments recommend approval of said zoning change because the proposed PUD-6 developments are compatible with the adjacent developments to the east and south. The proposal preserves natural features, with increased setbacks and open space along the Ulry Road frontage and over 25 % of the total site area as open space, further minimizing impacts to the west side of Ulry Road. Staff believes this request is compatible with adjacent zoning and development patterns in the area, and considers the proposed density a good transition from the lower density single-unit residential development to the west and the higher density multi-unit residential development to the east;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible 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 No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

5830 ULRY ROAD (43081), being 61.23± acres located at the southeast corner of Ulry and Warner Roads, and being more particularly described as follows:

Subarea A

20.098 Acres

Situated in the State of Ohio, County of Franklin, Blendon Township, being in Section 4, Township 2, Range 17 of the United States Military District and being part of an Original 63.551 acre tract as conveyed to McCorkle Soaring Eagles, LLC in Instrument Number 200504220075702 and as re-recorded in Instrument Number 200602150030059 and being more particularly described as follows;

Commencing at Franklin County Monument designated 6675 found at the centerline intersection of Warner Road and Ulry Road at a Point of Intersection of Ulry Road, being the southwest corner of a 0.832 acre tract known as 16-WD as conveyed Franklin County Commissioners in Official Record 26987, Page E09, also being an angle point in the west line of a 1.067 acre tract known as 32-WD as conveyed to City of Columbus in Instrument Number 201211260180112, and being in the north line of Section 4, Township 2, Range 17, and the south line of the Section 1, Township 2, Range 17;

Thence with the centerline of Warner Road, the north line of said Section 4, and the south line of said Section 1 across said 32-WD, **S 86° 15' 59" E, 715.35 feet**;

Thence leaving the centerline of Warner Road across said 32-WD and across a 0.349 acre tract known as 25-WD1 as conveyed to the City of Columbus in Instrument Number 201206290093328, **S 03° 44' 01" W, 28.50 feet** to the south line of said 25-WD1 and the southerly right of way line of Warner Road, being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence with the south line of said 25-WD1 and the southerly right of way line of Warner Road, **S 86° 15' 59" E, 691.79 feet** to an iron pin set at the southeast corner of said 25-WD1, being an angle point in the southerly right of way line of Warner Road, being in the west line of Albany Lands Investment Condominium as recorded in Condominium Plat Book 217, Page 17, being in the east line of said Section 4, being in the west line of Section 3, Township 2, Range 16, being in the east line of Blendon Township, and being in the west line of Plain Township;

Thence with the west line of Albany Lands Investment Condominium, the east line of said Section 4, the west line of said Section 3, the east line of Blendon Township, and the west line of Plain Township, **S 03° 29' 14" W, 902.59 feet** to an iron pin set;

Thence the follow eight (8) course across said original 63.551 acre tract;

1. **S 66° 32' 15" W, 299.03 feet** to an iron pin set;
2. **S 73° 36' 08" W, 148.22 feet** to an iron pin set;
3. **N 61° 51' 46" W, 98.50 feet** to an iron pin set;
4. **N 77° 22' 33" W, 232.51 feet** to an iron pin set;
5. **S 85° 23' 30" W, 206.99 feet** to an iron pin set;
6. **S 81° 29' 15" W, 270.29 feet** to an iron pin set;
7. **S 71° 48' 24" W, 74.06 feet** to an iron pin set;
8. **N 73° 35' 38" W, 106.76 feet** to an iron pin set in the east line of a 1.855 acre tract known as 9-WD as conveyed to the City of Columbus in Official Record 26980, Page A17 and the easterly right of line of Ulry Road;

Thence with the east line of 9-WD and the easterly right of way line of Ulry Road, **N 03° 29' 50" E, 241.45 feet** to an iron pin set;

Thence the follow four (4) course across said original 63.551 acre tract;

1. **S 86° 48' 14" E, 609.55 feet** to an iron pin set;
2. **N 03° 35' 52" E, 452.13 feet** to an iron pin set;
3. **S 86° 24' 21" E, 64.19 feet** to an iron pin set;
4. **N 03° 35' 46" E, 405.78 feet** to the **TRUE POINT OF BEGINNING**, containing **20.098 acres**, more or less.

All iron pins set are 3/4" diameter, 30" long with plastic cap inscribed "Advanced 7661".

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83(NSRS 2007). Said bearings were derived from GPS observation that determine a portion of the centerline of Warner Road between Franklin County Monument designation 6675 and Franklin County Monument designation 6611 having a bearing of **S 86° 15' 59" E**.

This description is not to be used for the transfer of land.

Subarea B

24.98 Acres

Situated in the State of Ohio, County of Franklin, Blendon Township, being in Section 4, Township 2, Range 17 of the United States Military District and being part of an Original 63.551 acre tract as conveyed to McCorkle Soaring Eagles, LLC in Instrument Number 200504220075702 and Instrument Number 200602150030059 and more particularly described as follows;

Beginning at the southeast corner of said Original 63.551 acre tract, being in the west line of a 70.774 acre tract of land conveyed to the City of Columbus, Ohio and being the northeast corner of the "Eighth Amendment of Blendon Chase Condominiums" of record in Condominium Plat Book 94, Page 69;

Thence **N 87° 08' 17" W**, along the south line of said Original 63.551 acre tract, **1369.55 feet** to the west line of said 63.551 acre tract, being the east line of right-of-way for Ulry Road;

Thence **N 03° 24' 57" E**, along the west line of said 63.551 acre tract, being the east right-of-way line of said Ulry Road, **746.60 feet** to a south line of a stream corridor, approximately 55 feet south of the centerline of said stream that meanders east and west across said Original 63.551 acre tract;

Thence **Northeast**, across said Original 63.551 acre tract and along the south side of said stream corridor, **1505.69 feet** to east line of said Original 63.551 acre tract;

Thence **S 03° 22' 16" E**, along the east line of said Original 63.551 acre tract, **920.26 feet** to the **Point of Beginning**, containing **24.98 acres**.

The above description was prepared by Advanced Civil Design, Inc. on December 19, 2014 and is based on existing records and Franklin County GIS Information. A drawing of the above description is attached hereto and made a part thereof.

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio.

Subarea C

3.586 Acres

Situated in the State of Ohio, County of Franklin, Blendon Township, being in Section 4, Township 2, Range 17 of the United States Military District and being part of an Original 63.551 acre tract as conveyed to McCorkle Soaring Eagles, LLC in Instrument Number 200504220075702 and as re-recorded in Instrument Number 200602150030059 and being more particularly described as follows;

Commencing at Franklin County Monument designated 6675 found at the centerline intersection of Warner Road and Ulry Road at a Point of Intersection of Ulry Road, being the southwest corner of a 0.832 acre tract known as 16-WD as conveyed Franklin County Commissioners in Official Record 26987, Page E09, also being an angle point in the west line of a 1.067 acre tract known as 32-WD as conveyed to City of Columbus in Instrument Number 201211260180112, and being in the north line of Section 4, Township 2, Range 17, and the south line of the Section 1, Township 2, Range 17;

Thence with the centerline of Ulry Road, the west line of said 32-WD, and the west line of a 1.855 acre tract known as 9-WD as conveyed to Franklin County Commissioners in Official Record 26980, Page A17, **S 03° 29' 50" W, 1133.90 feet**;

Thence leaving the centerline of Ulry Road across said 9-WD, **S 86° 30' 10" E, 40.00 feet** to an iron pin set in the east line of said 9-WD, the easterly right of way line of Ulry Road, and being the **TRUE POINT OF BEGINNING**, for the land herein described as follows;

Thence the follow eight (8) course across said original 63.551 acre tract;

9. **S 73° 35' 38" E, 106.76 feet** to an iron pin set;
10. **N 71° 48' 24" E, 74.06 feet** to an iron pin set;
11. **N 81° 29' 15" E, 270.29 feet** to an iron pin set;
12. **N 85° 23' 30" E, 206.99 feet** to an iron pin set;
13. **S 77° 22' 33" E, 232.51 feet** to an iron pin set;
14. **S 61° 51' 46" E, 98.50 feet** to an iron pin set;
15. **N 73° 36' 08" E, 148.22 feet** to an iron pin set;
16. **N 66° 32' 15" E, 299.03 feet** to an iron pin set in the west line of Albany Landings Investment Condominium as recorded in Condominium Plat Book 217, Page 17, the east line of Blendon Township, the west line of Plain Township, the west line of Section 3, Township 2, Range 16, and the east line of Section 4, Township 2, Range 17;

Thence with the west line of said Albany Landings Investment Condominium, the west line of Albany Landings Investment Condominium Third Amendment, Phase II as recorded in Condominium Plat Book 218, Page 60, the east line of Blendon Township, the west line of Plain Township, the west line of Section 3, Township 2, Range 16, and the east line of Section 4, Township 2, Range 17, **S 03° 29' 14" W, 122.23 feet** to an iron pin set;

Thence the follow eight (8) course across said original 63.551 acre tract;

1. S 66° 30' 05" W, 250.88 feet to an iron pin set;
2. S 73° 41' 45" W, 200.65 feet to an iron pin set;
3. N 61° 46' 08" W, 128.83 feet to an iron pin set;
4. N 77° 16' 56" W, 200.57 feet to an iron pin set;
5. S 85° 29' 07" W, 186.39 feet to an iron pin set;
6. S 81° 34' 52" W, 257.11 feet to an iron pin set;
7. S 71° 54' 01" W, 99.30 feet to an iron pin set;
8. N 73° 26' 18" W, 114.37 feet to an iron pin set in the east line of said 9-WD and the easterly right of way line of Ulry Road;

Thence with the east line of said 9-WD and the easterly right of way line of Ulry Road, N 03° 29' 50" E, 110.79 feet to the **TRUE POINT OF BEGINNING**, containing, **3.586 acres**, more or less.

All iron pins set are 3/4" diameter, 30" long with plastic cap inscribed "Advanced 7661".

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83(NSRS 2007). Said bearings were derived from GPS observation that determine a portion of the centerline of Warner Road between Franklin County Monument designation 6675 and Franklin County Monument designation 6611 having a bearing of **S 86° 15' 59" E**.

Subarea D **12.569 Acres**

Situated in the State of Ohio, County of Franklin, Blendon Township, being in Section 4, Township 2, Range 17 of the United States Military District and being part of an Original 63.551 acre tract as conveyed to McCorkle Soaring Eagles, LLC in Instrument Number 200504220075702 and as re-recorded in Instrument Number 200602150030059 and being more particularly described as follows;

Commencing at Franklin County Monument designated 6675 found at the centerline intersection of Warner Road and Ulry Road at a Point of Intersection of Ulry Road, being the southwest corner of a 0.832 acre tract known as 16-WD as conveyed Franklin County Commissioners in Official Record 26987, Page E09, also being an angle point in the west line of a 1.067 acre tract known as 32-WD as conveyed to City of Columbus in Instrument Number 201211260180112, and being in the north line of Section 4, Township 2, Range 17, and the south line of the Section 1, Township 2, Range 17;

Thence with the centerline of Ulry Road, the west line of said 32-WD, and the west line of a 1.855 acre tract known as 9-WD as conveyed to Franklin County Commissioners in Official Record 26980, Page A17, **S 03° 29' 50" W, 71.62 feet**;

Thence leaving the centerline of Ulry Road across said 9-WD and a 0.077 acre tract known as 25-WD2 as conveyed to the City of Columbus in Instrument Number 201206290093328, **S 86° 30' 10" E, 50.00 feet** to a 3/4" pipe found at an angle point in the east line of said 25-WD2 and an angle point in the easterly right of way line of Ulry Road, and being the **TRUE POINT OF BEGINNING**, for the land herein described as follows;

Thence with the east line of said 25-WD2 and the easterly right of way line of Ulry Road, **N 27° 06' 56" E, 34.72 feet** to a 3/4" pipe found at the northeast corner of said 25-WD2 and being in the south line of a 0.349 acre tract known as 25-WD1 as conveyed to the City of Columbus in Instrument Number 201206290093328, and being in the easterly right of way line of Ulry Road;

Thence with the south line of said 25-WD1 and the south line of Warner Road, **N 73° 42' 25" E, 27.87 feet** to an iron pin set at an angle point in the south line of said 25-WD1 and the southerly right of way line of Warner Road;

Thence continuing with the south line of said 25-WD1 and the southerly right of way line of Warner Road, **S 86° 15' 59" E, 50.00 feet** to an iron pin set at an angle point in said line;

Thence continuing with the south line of said 25-WD1 and the southerly right of way line of Warner Road, **N 03° 44' 01" E, 1.50 feet** to an iron pin set at an angle point in said line;

Thence continuing with the south line of said 25-WD1 and the southerly right of way line of Warner Road, **S 86° 15' 59" E, 575.09 feet** to an iron pin set at an angle point in said line;

Thence cross said original 63.551 acre tract, **S 03° 35' 46" W, 405.78 feet** to an iron pin set;

Thence continuing across said original 63.551 acre tract, **N 86° 24' 21" W, 64.19 feet** to an iron pin set;

Thence continuing across said original 63.551 acre tract, **S 03° 35' 52" W, 452.13 feet** to an iron pin set;

Thence continuing across said original 63.551 acre tract, **N 86° 48' 14" W, 609.55 feet** to an iron pin set in the east line of said 9-WD and the easterly right of way line of Ulry Road;

Thence with the east line of said 9-WD and the easterly right of way line of Ulry Road, **N 03° 29' 50" E, 502.08 feet** to the southwest corner of said 25-WD2 and being an angle point in the easterly right of way line of Ulry Road;

Thence with the south line of said 25-WD2 and the easterly right of way line of Ulry Road, **S 86° 30' 10" E, 5.00 feet** to an iron pin set at the southeast corner of said 25-WD2 and being an angle point in the easterly right of way line of Ulry Road;

Thence continuing with the east line of said 25-WD2 and the easterly right of way line of Ulry Road, **N 06° 16' 14" E, 103.34 feet** to an iron pin set at an angle point in the east line of said 25-WD2 and the easterly right of way line of Ulry Road;

Thence continuing with the east line of said 25-WD2 and the easterly right of way line of Ulry Road, **N 03° 29' 50" E, 215.53 feet** to the **TRUE POINT OF BEGINNING**, containing **12.569 acres**, more or less.

All iron pins set are 3/4" diameter, 30" long with plastic cap inscribed "Advanced 7661".

All references used in this description can be found at the Franklin County Recorder's Office, Franklin County, Ohio.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83(NSRS 2007). Said bearings were derived from GPS observation that determine a portion of the centerline of Warner Road between Franklin County Monument designation 6675 and Franklin County Monument designation 6611 having a bearing of **S 86° 15' 59" E**.

To Rezone From: R, Rural, District,

To: PUD-6, Planned Unit Development District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the PUD-6, Planned Unit Development 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 and shall register a copy of the approved PUD-6,

Planned Unit Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.09 of the Columbus City Codes; said plans being titled, "**EXHIBIT A PUD-6 PLAN**," and "**EXHIBIT B LANDSCAPE BUFFER PLAN**," and said text being titled, "**PUD-6 TEXT**," all dated August 26, 2016, and signed by Jill Tangeman, Attorney for the Applicant, and the text reading as follows:

PUD-6 TEXT

(SEE ATTACHMENT FILE ORD0958-2016_PUD_TEXT)

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