



## Legislation Text

---

**File #: 3322-2016, Version: 2**

---

### **Rezoning Application Z16-033**

**APPLICANT:** Metro Development, LLC; c/o Deanna R. Cook, Atty.; 52 East Gay Street; Columbus, OH 43215.

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

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (5-0) on December 8, 2016.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a single-unit dwelling zoned R, Rural District. The site also includes a small undeveloped parcel zoned in the L-SR, Limited Suburban Residential District. The proposed L-AR-12, Limited Apartment Residential District will allow a 56-unit apartment complex comprised of four two-story buildings. Approximately 39% of the site is dedicated to open space and tree preservation areas. The development text includes provisions for setbacks, pedestrian connections, landscaping and screening, building material commitments and elevations, lighting controls, and retention pond provisions. The site is within the boundaries of the *Trabue/Roberts Plan* (2011), which recommends office uses for this location. Planning Division staff indicates that multi-unit residential uses could be considered at this location based on reviews of earlier versions of site proposals in which staff had requested a reduction in units and additional tree preservation. This proposal has incorporated a substantial density reduction and a considerable open space and tree preservation area with additional screening and landscaping along the eastern boundary adjacent to single-unit dwellings. Deviation from the land use recommendation of the *Trabue/Roberts Plan* is warranted considering the predominance of residential uses in the area and the lack of interest for office development at this location. The applicant also requests a concurrent Council variance (ORD No. 3324-2016; CV16-041) to allow reduced building lines.

To rezone **1648 NORTH WILSON ROAD (43204)**, being 5.62± acres located at the southeast corner of North Wilson Road and Trabue Road, **From:** R, Rural District and L-SR, Limited Suburban Residential District, **To:** L-AR-12, Limited Apartment Residential District (Rezoning # Z16-033) **and to declare an emergency.**

**WHEREAS**, application # Z16-033 is on file with the Department of Building and Zoning Services requesting rezoning of 5.62± acres from R, Rural District and L-SR, Limited Suburban Residential District, to L-AR-12, Limited Apartment Residential 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 proposed L-AR-12 district has incorporated a substantial density reduction from the original proposal, and includes a considerable open space and tree preservation area with additional screening and landscaping along the eastern boundary adjacent to single-unit dwellings. Deviation from the land use recommendation of the *Trabue/Roberts Plan* is warranted considering the predominance of residential uses in the area and the lack of interest for office development at this location;

**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:

**1648 NORTH WILSON ROAD (43204)**, being 5.62± acres located at the southeast corner of North Wilson Road and Trabue Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Franklin and the City of Columbus, Virginia Military Survey No. 875, being part of an Original 10 acre tract of land (Parcel I) conveyed to Richard L. McFarland, or Successor, Trustee of The Mildred Mae McFarland Rice Trust dated May 17, 2010 of record in Instrument Number 201005210063116 and all of (Parcel II) conveyed to Richard L. McFarland, or Successor, Trustee of The Mildred Mae McFarland Rice Trust dated May 17, 2010 of record in Instrument Number 201301250013118, said (Parcel II) being Reserve "B" as delineated on "Scioto Woods Section 3" of record in Plat Book 73, Page 103, and more particularly described as follows:

**Beginning, for reference**, at Franklin County Geodetic Survey Monument "6654 Reset", being the centerline intersection of Trabue Road and Wilson Road, being the northwesterly corner of a 1.176 acre tract (Parcel 31WD) conveyed to Franklin County Commissioners of record in Instrument Number 201209130136271;

Thence **N 66° 21' 07" E**, along the centerline of said Trabue Road, being the northerly line of said 1.176 acre tract, **95.92 feet**;

Thence **S 23° 38' 53" E**, across the right-of-way of said Trabue Road and being across said 1.176 acre tract, **50.00 feet** to a 3/4-inch iron pin found, capped J&J, being a northwesterly corner of said (Parcel I), being in the southerly line of said 1.176 acre tract and being in the southerly right-of-way line, the **True Point of Beginning**;

Thence **N 66° 21' 07" E**, along the northerly line of said (Parcel I), being the southerly line of said 1.176 acre tract and being the southerly right-of-way line of said Trabue Road, **301.86 feet** to a 3/4-inch iron pin found, capped Franklin County at the northeasterly corner of said (Parcel I), being the southeasterly corner of said 1.176 acre tract and being in the westerly line of Lot 197 as delineated on said "Scioto Woods Section 3";

Thence **S 24° 10' 24" E**, along the easterly line of said (Parcel I) and being the westerly line of said Lot 197 and the westerly lines Lot 196, Lot 195, Lot 194 and Lot 193 of said "Scioto Woods Section 3", **456.48 feet** to a 3/4-inch iron pin found, capped B.D.&M., at the southwesterly corner of said Lot 193, being the northwesterly corner of Lot 192 of said "Scioto Woods Section 3", being the northerly corner of said (Parcel II) and the northerly corner of said Reserve "B";

Thence along easterly and southerly lines of said (Parcel II), being the easterly and southerly lines of said Reserve "B", being the westerly line said Lot 192, the westerly lines of Lot 191 and Lot 189 as delineated on said "Scioto Woods Section 3" and the northerly line of Lot 188 as delineated on said "Scioto Woods Section 3", the following three (3) courses;

**S 35° 56' 14" E, 98.10 feet** to a 3/4-inch iron pin found, capped B.D.&M. at the southwesterly corner of said Lot 192 and being the northwesterly corner of said Lot 191;

**S 24° 10' 24" E, 211.47 feet** to a point witnessing a 3/4-inch iron pin found at 0.09 feet east and 0.19 north, being at the southwesterly corner of said Lot 189, being in the northerly line of said Lot 188 and passing a 3/4-inch iron pin found at the southwesterly corner of said Lot 191 and the northwesterly corner of said Lot 189;

**S 82° 03' 25" W, 20.83 feet** to an iron pin set at the southwesterly corner of said (Parcel II), being the southwesterly

corner of said Reserve "B", being the northwesterly corner of said Lot 188 and being in the easterly line of said (Parcel I);

Thence **S 24° 10' 24" E**, along the easterly line of said (Parcel I) and being along a portion of the westerly line of said Lot 188, **4.01 feet** to a point witnessing a 3/4-inch iron pin found at 0.09 feet south and 0.76 feet west, at the southeasterly corner of said (Parcel I), being in the westerly line of said Lot 188 and being the northeasterly corner of a tract of land conveyed to Mary C. Clark, Trustee of record in Instrument Number 201101260013418;

Thence along the southerly lines of said (Parcel I) and being along the northerly lines of said Clark tract the following three (3) courses;

**S 81° 27' 22" W, 84.62 feet** to a 3/4-inch iron pin found at an angle point thereof;

**N 83° 45' 10" W, 99.95 feet** to a 3/4-inch iron pin found at an angle point thereof;

**S 67° 23' 41" W, 169.71 feet** to an iron pin set at the southwesterly corner of said (Parcel I), being the southeasterly corner of a 0.228 acre tract conveyed to the City of Columbus, Ohio of record in Instrument Number 201311220194498 and being in the easterly right-of-way line of said Wilson Road;

Thence **N 24° 10' 18" W**, along the westerly line of said (Parcel I), being along the easterly line of said 0.228 acre tract and being along the easterly right-of-way line of said Wilson Road, **672.61 feet** to an iron pin set at a point of curvature at a northwesterly corner of said (Parcel I), being the northerly corner of said 0.228 acre tract and being in the southerly line of said 1.176 acre tract;

Thence along the northerly line of said (Parcel I), the southerly line of said 1.176 acre tract and being the southerly right-of-way line of said Trabue Road with a curve to the right, having a central angle of **44° 57' 02"** and a radius of **50.00 feet**, an arc length of **39.23 feet**, a chord bearing and chord distance of **N 43° 52' 36" E, 38.23 feet** to the **True Point of Beginning. Containing 5.617 acre**. Of which 5.499 acres is from APN: 425-294646 and 0.118 acre is from APN: 570-219204.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on April 7, 2016.

This description is based on existing records from the Franklin County Recorder's Office and from an actual field survey in April 2016.

Iron pins set are 3/4" diameter iron pipe, 30" long and capped Advanced 7661.

Bearings are based on the Ohio State Plane Coordinate System NAD83, NSRS2007. A bearing of N66°21'07"E was held for the centerline of Trabue Road between FCGS 6654 Reset and FCGS 7744.

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

**To Rezone From:** R, Rural District and L-SR, Limited Suburban Residential District,

**To:** L-AR-12, Limited Apartment Residential District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-AR-12, 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 and shall register a copies of the approved L-AR-12, 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 being titled, "**EXHIBIT A**," "**EXHIBIT B**," "**EXHIBIT C**," "**EXHIBIT D**," and "**EXHIBIT E**," and said text being titled, "**LIMITATION OVERLAY TEXT**," all signed by Deanna R. Cook, Attorney for the Applicant, and dated December 14, 2016, and the text reading as follows:

**Limitation Overlay Text**

**Proposed District:** L-AR-12

**Property Address:** 1648 N. Wilson Road

**Owners:** Richard McFarland, Trustee

**Applicant:** Metro Development LLC

**Date of Text:** December 14, 2016

**Application No:** Z16-033

1. Introduction: The subject site is 5.617+/- acres located at the southeast corner of Wilson Road and Trabue Road. To the northeast is the Wilson Road Golf Course; to the northwest is industrial land zoned M-2; to the west (across Wilson Road) is a strip mall, including a convenience store, zoned L-C-3 and single family residential development zoned SR; to the south is existing industrial land zoned L-M-2; and to the east is a single family subdivision zoned L-SR. The applicant is seeking to rezone the site to L-AR-12 to allow for the construction of a multi-family apartment project.

2. Permitted Uses: Multi-family uses as shown on the "Development Plan" attached hereto as Exhibit A.

3. Development Standards:

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

1. The maximum number of dwelling units shall be 56.

2. The building setbacks shall be: 30 feet on the north (along Trabue Road); approximately 42 feet on the south; 25 feet on the east; and 30 feet on the west (along Wilson Road). A council variance application (CV16-041) has been filed along with the rezoning application to reduce the building setbacks on Wilson Road and Trabue Road.

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

1. All curb cuts and access points shall be subject to the review and approval of the Public Service Department for the City of Columbus.

2. There shall be an internal pedestrian pathway network constructed. This pathway network shall connect to a sidewalk to be constructed along Wilson Road and Trabue Road.

3. Required bicycle parking shall be distributed throughout the site to provide convenient access to each proposed building and shall be as close as possible to each primary building entrance that faces surface parking areas.

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

1. To provide privacy to the single family parcels located east of the subject site:

a. There shall be a six-foot high privacy fence constructed in the general location shown on the Development Plan attached hereto as Exhibit A.

b. As shown on Exhibit B attached hereto, immediately north, east and south of the Garage building, the developer shall provide an approximate three (3) foot high mounded area, in which the developer shall plant spruce and/or pine trees approximately eight (8) feet in height at the time of planting. Trees shall be planted in the general location shown on Exhibit B attached hereto.

c. As shown on Exhibit C attached hereto, in the area northeast and east of the proposed Basin, the developer shall plant spruce and/or pine trees approximately twelve (12) feet in height at the time of planting. Trees shall be planted in the general location shown on Exhibit C attached hereto.

d. As shown on Exhibit D attached hereto, in the area immediately east of the pool, the developer shall plant arborvitae approximately six (6) feet in height at the time of planting and shall install a wood or vinyl arbor approximately 10 feet in height.

2. Existing healthy and viable trees in the general location of the preservation areas shown on the Development Plan attached hereto as Exhibit A shall be preserved.

3. Street trees ("Trees") shall be planted within right of way areas at a density of one (1) per 50 linear feet of street frontage. Trees may be shade trees, 2 inch caliper at installation, or ornamental trees, 1.5 inch caliper at installation. Both existing trees and newly planted trees may count toward the fulfillment of this landscaping requirement set forth in this Limitation Overlay Text. As recommended by the City Forrester, Trees shall be trees native to Ohio and cultivars. Trees may be randomly spaced to replicate a natural tree row or formally planted.

#### *D. Building Design and/or Interior-Exterior Commitments.*

1. Compactor enclosure will be constructed with decorative concrete block.

2. Maximum height of light poles shall be fourteen feet.

3. All external lighting (parking and wall-mounted) shall be cut-off fixtures (down lighting) and shall be designed to prevent offsite spillage.

4. Lights shall be of the same or similar type and color.

5. Buildings will be constructed with an exterior mixture of (i) brick and/or stone veneer, and (ii) cementitious wood and/or vinyl siding.

6. Buildings shall be constructed substantially in accordance with the Building Elevations plan attached hereto as Exhibit E.

7. Apartment buildings shall be two (2) story buildings.

#### *E. Graphics and/or Signage Commitments.*

All graphics and signage shall comply with Article 15, Chapter 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

#### *F. Miscellaneous*

1. A mail kiosk and water metering building shall be located in the general location shown on the Development Plan attached hereto as Exhibit A.

2. The developer shall comply with the park land dedication ordinance by contributing money to the City's Recreation and Parks Department.

3. The site shall be developed in general conformance with the submitted plans attached hereto as Exhibits A-E. 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.

4. Subject to approval by the Department of Public Utilities, Division of Sewerage and Drainage, the proposed retention pond shall contain a fountain feature.

**SECTION 5.** ~~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.**