



## Legislation Text

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**File #:** 1703-2017, **Version:** 1

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### **Rezoning Application Z16-086**

**APPLICANT:** Ciminello's Inc; c/o Laura MacGregor Comek, Atty.; 300 East Broad Street, Suite 450; Columbus, OH 43215.

**PROPOSED USE:** Single- and multi-unit residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (4-0) on June 8, 2017.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is comprised of an undeveloped tract of land zoned in the R, Rural District. The requested PUD-4, Planned Unit Development District will allow a 296-unit residential development on 73.43± net acres (3.61± units/acre). Subarea A (9.69 acres) will consist of 96 apartment units with ARLD development standards, while Subarea B (67.24 acres) will consist of 169 single unit dwellings with R-4 development standards. Also included within the plan is 14.11 acres of open space. The development text includes commitments for right-of-way dedication, use restrictions, density, setbacks, access and street details, sidewalks/paths, street trees, landscaping, street lights, open space preservation, building materials and design, and Pay as We Grow and parkland dedication obligations. The site is located within the boundaries of the *Rocky Fork - Blacklick Accord* (2003), which recommends single-unit residential and multi-unit residential development at two to five units per acre. The proposal is supported by the Rocky Fork - Blacklick Accord Implementation Panel as it is consistent with the Plan recommendation, and the intended development protects and compliments critical natural resources along Rocky Fork Creek.

To rezone **7099 HARLEM ROAD (43081)**, being 76.93± acres located on the west side of Harlem Road, 1,300± feet north of Central College Road, **From:** R, Rural District, **To:** PUD-4, Planned Unit Development District (Rezoning # Z16-086).

**WHEREAS**, application # Z16-086 is on file with the Department of Building and Zoning Services requesting rezoning of 76.93± acres from R, Rural District, to PUD-4, 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 requested PUD-4, Planned Unit Development District will allow a 296-unit mixed residential development that is consistent with the land use recommendations of the *Rocky Fork Blacklick Accord*. The proposal has also received a recommendation of approval from the Rocky Fork - Blacklick Accord Implementation Panel as the intended development protects and compliments critical natural resources along Rocky Fork Creek; 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:

**7099 HARLEM ROAD (43081)**, being 76.93± acres located on the west side of Harlem Road, 1,300± feet north of

Central College Road, and being more particularly described as follows:

**Tract I - 67.24 ACRES**

Situated in the State of Ohio, County of Franklin, Township of Plain, lying within Section 6 and Section 7, Township 2, Range 16, United States Military Lands, being part of that 78.05 acres (with exceptions), as conveyed to Harlem Road Real Estate, LLC of record in Instrument 201301150007881 (Parcel Number 010-267723-00), all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING, at the northeasterly corner of said 78.05 acres, said corner also being on the westerly right of way line of Harlem Road;

Thence South 02°07'34" East, along said westerly right-of-way line of Harlem Road, a distance of 1379.94 feet, to the southeasterly corner of said 78.05 acres;

Thence North 85°31'31" West, leaving said right-of-way line and with a line common to said 78.05 acres and a 4.55 acre tract conveyed to Norman and Lois Singer (Parcel Number 220-001876-00), a distance of 893.22 feet, to the northwesterly corner of said 4.55 acres, said corner also being on a common line to said Sections 6 and 7;

Thence, South 03°03'08" West, along said common line of said 78.05 acres and said 4.55 acres and said sections, a distance of 473.27 feet, to point;

Thence, North 85°21'09" West, leaving said section line and along a line common with said 78.05 acres and a 5.07 acre tract conveyed to Vincent and Karen Golden (Parcel Number 010-278014-00), a distance of 294.97 feet, to a point;

Thence, North 00°13'35" West, continuing with said common line, a distance of 379.50 feet, to a point;

Thence, South 84°09'55" West, continuing with said common line, a distance of 68.86 feet, to a point;

Thence, with the meanders of Rock Fork Creek, and along a line common with said 78.05 acres and a 40.809 acre tract, conveyed to Homewood Corp (Parcel Number 010-296097-00), the following courses;

North 38°17'25" West, a distance of 101.67 feet, to a point;

North 14°47'41" West, a distance of 102.60 feet, to a point;

North 44°23'15" West, a distance of 119.08 feet, to a point;

North 61°09'14" West, a distance of 106.85 feet, to a point;

North 04°42'23" East, a distance of 309.49 feet, to a corner common with said 78.05 acres and said 40.809 acres;

Thence, North 85°53'54" West, continuing along said common line, a distance of 913.67 feet, to a point on the southerly line of said 78.05 acres, said point being a corner common to said 40.809 acre and a 26.135 acre tract conveyed to Homewood Corp (Parcel Number 010-296096-00);

Thence, North 06°54'47" East, leaving said common line and through said 78.05 acres, a distance of 861.26 feet, to a point on a line common to said 78.05 acres and a 82.65 acre tract, conveyed to Carl L. and Ila M. Souder (Parcel Number 010-267724-00);

Thence, South 86°00'24" East, in part with said common line, a distance of 2282.41 feet, to THE POINT OF TRUE BEGINNING, containing 67.24 acres, more, or less. Of said 67.24 acres, 0.63 acres, more or less, containing future public right-of-way.

**Tract II - 9.69 ACRES**

Situated in the State of Ohio, County of Franklin, Township of Plain, lying within Section 6, Township 2, Range 16, United States Military Lands, being part of that 78.05 acres (with exceptions), as conveyed to Harlem Road Real Estate, LLC of record in Instrument 201301150007881 (Parcel Number 010-267723-00), all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING, at a corner common with said 78.05 acres and a 9.699 acre tract conveyed to M/I Homes of Central Ohio, LLC (Parcel Number 010-296095-00), said common corner also being on the southerly line a 82.65 acre tract, conveyed to Carl L. and Ila M. Souder (Parcel Number 010-267724-00);

Thence, South 86°00'24" East, along a line common to said 78.05 acres and said 82.65 acres, a distance of 520.80 feet, to a point;

Thence, South 06°54'47" West, leaving said common line and through said 78.05 acres, a distance of 861.26 feet, to a point on the southerly line of said 78.05 acres, said point being a corner common to a 40.809 acre tract conveyed to Homewood Corp (Parcel Number 010-296097-00), and a 26.135 acre tract conveyed to Homewood Corp (Parcel Number 010-296096-00);

Thence, North 85°53'54" West, continuing along a line common to said 78.05 acres and said 26.135 acres, a distance of 460.65 feet, to corner common to said 78.05 acres, said 26.135 acres, and Upper Albany West, Section 10, Part 1, of record in Plat Book 121, Page 20;

Thence, North 02°54'29" East, along a line common to said 78.05 acres and said Upper Albany West, Section 10, Part 1, and in part with a line common to said 78.05 acres and a 9.699 acre tract conveyed to M/I Homes of Central Ohio, LLC (Parcel Number 010-296095-00), a total distance of 859.42 feet, TO THE POINT OF TRUE BEGINNING, containing 9.69 acres, more, or less. Of said 9.69 acres, 2.95 acres, more or less, containing future public right-of-way.

**To Rezone From:** R, Rural District,

**To:** PUD-4, Planned Unit Development District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the PUD-4, 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-4, 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, "**CONCEPTUAL DEVELOPMENT PLAN - EXHIBIT A-1,**" and "**CONCEPTUAL DEVELOPMENT PLAN - EXHIBIT A-2,**" said elevation drawings titled, "**EXHIBIT B,**" and said text being titled, "**PUD-4 DEVELOPMENT TEXT,**" all dated June 8, 2017, and signed by Laura M. Comek, Attorney for the Applicant, and the text reading as follows:

#### **PUD-4 Development Text**

**Current Zoning District:** R, Rural

**Requested Zoning District:** PUD-4, Planned Unit Development

**Property Location:** 7099 Harlem Road

**Applicant:** Ciminello's Inc; c/o Laura MacGregor Comek, Esq.  
300 E Broad St., Suite 450; Columbus, Ohio 43215.

[laura@comeklaw.com](mailto:laura@comeklaw.com) <<mailto:laura@comeklaw.com>>

614.560.1488

**Owner:** Harlem Road LLC

**Date of Text:** June 8, 2017

**Application No.: Z16-086**

**Introduction**

During the early 2000s the far northeast side of Columbus experienced tremendous growth and development. During that time this Site was annexed to the City and was known as the Mabel George tract. The Site is located immediately north of the Hellebreker Traditional Neighborhood Development (TND), and west of the MI Upper Albany West (TND). It spans the Rocky Fork Creek and is bounded to the east by Harlem Road.

The proposed development is intended to be an extension of the prior developments with a TND neighborhood 'edge' feel (most of which are single dwelling units) as development occurs north and east from those more densely zoned/developed areas. The site also includes a cluster of multi-family housing, which is consistent with the RFBLA principles of offering mixed housing types.

The Site is effectively divided into 2 areas (and shown as sub-areas herein) by the extension of Hamilton Road through the Site. Sub-Area A is west of Hamilton Road extended and is planned for multi-unit residential use. Sub-Area B is all the remaining land east of Hamilton Road extended (through to the frontage along Harlem Road) and planned for single dwelling units (stand-alone condominiums). Site layout contemplates the future roadway connections, significant preservation of the Rocky Fork Creek/stream corridor, and wooded areas. The Rocky Fork Creek and surrounding parkland are the central feature of the development. The Site includes plans for approximately one mile of walking trails and contemplates useful parkland areas in addition thereto for civic access. There are sidewalks and multi-use paths provided throughout. The rural corridors are preserved with 230 and 250 feet setbacks from Harlem and Hamilton Roads, respectively.

The Site lies within the Rocky Fork Blacklick Accord Planning area that calls for residential uses in the West Neighborhood area, and the proposed development aligns with the RFBLA principles.

PUD 4 - 73.43 net acres, 265 total units 3.61 density (net).

Sub-Area A - ARLD (6.82 net acres, 96 units, 14.08 net d/u)

1. Introduction: Sub-Area A shall be a multi-unit residential development as shown on the PUD Site Plan attached as Exhibit A. This sub area must accommodate the Hamilton Road extension and high tension wires, both of which cut large swaths through the site.

2. Permitted Uses: Multi-unit residential and accessory uses such as a pool, community center, compactor, garages, mail kiosk and clubhouse as shown on the "PUD Site Plan".

3. Development Standards: Except as set forth herein, the standards of the ARLD, Apartment Residential District, Columbus City Code, Chapter 3333, Apartment Districts shall apply.

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

1. A maximum of 96 units may be built on Sub-Area A in accordance with the PUD Site Plan attached hereto as Exhibit A.

2. All buildings in Sub-Area A shall be setback 230 feet from the centerline of Hamilton Road, and 170 feet from the right of way per the current City of Columbus Thoroughfare Plan.

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

1. The access for Sub-Area A shall be dedicated generally as shown on the attached PUD Site Plan; however subject to

refinement with final engineering and may be adjusted to reflect engineering, topographical or other site considerations established at the time of development.

2. The applicant shall dedicate Hamilton Road per the City of Columbus Thoroughfare Plan. The applicant shall provide right of way for the east west connector (public street) coming from the residential development to the west, Upper Albany West subdivision. The Director of Public Service or his/her designee may approve adjustments to the street alignments upon submission of the appropriate data regarding the proposed adjustment.

3. Private streets shall be at least 22 feet in width. Intersection details, including turning radii and tapers, will comply with the City of Columbus standards for 22' wide streets.

4. The necessity for public streets /connections (and widths thereof) shall be determined by the Director of Public Service and or his/her designee.

5. Public sidewalks on Hamilton Road shall be provided.

6. There shall be pedestrian connectivity between the residential buildings, paths, striped walkways and sidewalks such that all areas shall be inter-connected. Connections to be determined at time of final engineering and in consultation with the City of Columbus Department of Public Service.

7. The Developer will explore best efforts to use green infrastructure components for the construction of roadways and ponds/swails, etc, in accordance with the Departments of Public Service and Public Utilities.

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

1. Developer shall install street trees along Hamilton Road 30 feet on center.

2. As shown on the accompanying PUD Site Plan, the developer shall use best efforts to preserve trees along the north, west and south perimeters of the property.

3. All trees within the SCPZ shall be preserved.

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

1. A main entry feature will be landscaped and lit with concealed up-lights or internally illuminated graphics.

2. Lighting poles shall be cut-off fixture types. All lighting poles, signs, frames and/or supports shall be uniform and be either black or dark bronze in color. No pole shall exceed fourteen (14) feet in height.

3. Subject to approval of a Dumpster Waiver, refuse collection shall be by a compactor.

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

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

#### F. Miscellaneous.

1. The applicant shall comply with the City's Parkland Dedication Ordinance, as relates to the entire proposed development.

2. All utility wiring shall be underground.

3. Sub-Area A shall be developed in accordance with the PUD Site Plan. The PUD Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time the development and engineering plans are completed. Any slight adjustment to the PUD Site Plan is subject to review and approval by the Director of Building and Zoning Services, or his/her designee, upon submission of the appropriate data regarding the proposed adjustment.

4. The developer shall participate in the Northeast Pay as We Grow Area (NEPAWG).

5. The developer agrees that residential units as shown on the PUD Site Plan west of the Rocky Fork Creek shall not be built until Hamilton Road is extended to the Site.

SUB-AREA B - R-4 (67.24 net acres, 169 units, 2.54 d/u)

1. Introduction: Sub-Area B shall be single dwelling detached residential units developed under the R-4 development standards, as shown on the PUD Site Plan attached as Exhibit A.

2. Permitted Uses: The development allows for a maximum of 169 detached dwelling units in Sub-Area B. The single dwelling units within this sub-area may not be subdivided but rather dwellings shall be contained within a parcel(s) for several dwelling units (ie a condominium association or the like). A clubhouse, pool and recreational amenities shall also be permitted, however not in areas identified for preservation (SCPZ), parkland or open space.

3. Development Standards: Except as set forth herein, the standards of the R-4, Residential District, Columbus City Code, Chapter 3332, Residential Districts shall apply.

A. Density, Height and Setback Commitments.

1. All buildings in Sub-Area B shall be setback 250 feet from the centerlines of Hamilton and Harlem Roads, 200 feet and 190 feet from the right of way lines, respectively, per the current City of Columbus Thoroughfare Plan.

2. Units, where along Hamilton and Harlem roads, shall front or side to those roads.

3. The front of a principal structure or porch shall have a minimum setback of 14' from the inner side of the sidewalk.

4. The face of front loaded garages shall be a minimum of 17' from the sidewalk.

5. In any case, the front loaded garages shall be set back a minimum of 2' from the front façade or the front porch of the house.

6. The height of structures shall not exceed two and one half stories.

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

1. Access will be in accordance with the review and approval of the City of Columbus Department of Public Service, Traffic Management Division.

2. The applicant will have at least one boulevard-style entrance off Hamilton Road (west of the creek).

3. The applicant will dedicate the right-of-way for Harlem Road frontage per the City's Thoroughfare Plan.

4. There will be no parking permitted at the main entrance and on the side of the street where sidewalks are located. "No Parking" signs will be posted as appropriate. Fire hydrants will be located on the side of the street where no parking is permitted.

5. Private streets shall be a minimum of 22 feet in width. Private streets shall be maintained by a homeowners or condominium association. Intersection details, including turning radii and tapers, will comply with the City of Columbus standards for 22' wide streets or boulevards as may apply.
6. Public Street connections or stubs, if needed, will be determined by the Director of Public Service or his/her designee.
7. Minimum 4 foot wide sidewalks shall be provided on one side of the private streets with connectivity of sidewalks from the parkland area (creek) to Harlem and Hamilton Roads.
8. There shall be a meandering 8 foot multi-use path along the Harlem Road frontage. Timing and final location of this path will be coordinated with City departments and anticipated utility improvements in this area.
9. There shall be a decorative brick paver cul de sac located where shown generally on the PUD Site Plan at the terminus of a road leading to the parkland area, in the area west of the creek.
10. A northbound left turn lane with a length of 285' (includes diverging taper) will be required at the site access point to Harlem Road.
11. The developer shall grant the City a perpetual easement over all private roads throughout the development for the expressed purpose of vehicular and pedestrian ingress, egress and traffic, including connection of stub streets (as shown on the PUD Site Plan) to adjacent developments in the future. The easement shall contain the expressed grant for such ingress, egress and traffic/pedestrian connectivity as may be needed in the future to develop street networks in and among developments. The easement shall also state that the rights of ingress, egress and access/connectivity do not include any road maintenance, repair or construction/re-construction obligations, liability or costs to the City. If upon review of this proposed easement by the Department of Public Service and the City Attorney's Office it is determined that this proposed easement would not serve the needs of the City to preserve connectivity and to remove future maintenance responsibilities, portions of the streets within this Sub-area shall be public streets as determined by the Department of Public Service.
12. The developer agrees that residential units as shown on the PUD Site Plan west of the Rocky Fork Creek shall not be built until Hamilton Road is extended to the Site.

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

1. Developer shall install street trees along Harlem Road, 30 feet on center. Landscaping shall be grouped and spaced to reflect a natural appearance.
2. Street trees along internal private streets shall be as shown on the PUD Site Plan, one per 50 feet.

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

1. The main exterior building materials will be wood, wood composition, brick, brick veneer, stone, stone veneer, vinyl, beaded vinyl or cultured stone, metal, glass and/or a combination thereof. There shall be pitched roofs for each unit.
2. Dwelling units may be used as model homes for the purpose of marketing and sales.
3. Each unit shall have a decorative coach light in the front yard.
4. Minimum separation between buildings shall be ten feet. Bay windows and chimneys shall be permitted to encroach into the separation area as indicated below.

5. In lieu of Section 3332.27, the following standards shall apply for the required rear yard and separation between structures and dwellings:

i) 18 feet rear to rear minimum.

ii) The projection of fireplaces, chimneys, bay windows and/or other architectural projections of not more than 3 feet in each instance are permitted into minimum building separation.

6. Residential units immediately adjacent to the stream corridor protection zone, depicted on the PUD Site Plan generally as units numbered 53-63 west of the creek and units 15-19 and 90-99 east of the creek shall architecturally also 'front' the stream, such that those single dwelling units shall have the appearance of a house that fronts on both the stream and the street. If a park trail or path is installed along the north property line (ie., along the north boundary of the Site, east of the creek, west of Harlem Road, those units as depicted on the concept PUD Site Plan generally as numbered 100-108 east of the creek) shall also have double fronted architecture.

7. Attached garage openings shall not encompass more than 48% of the front linear dimension of the homes. Fifty percent (50%) of the single dwelling units shall have the appearance of separate garage doors (2 car). A minimum of 25% of the homes with front loading garages shall have front porches. The concept home elevations provided by the applicant and attached to this text as Exhibit B are representative generally of the types and styles of residential homes that will be built. These concepts may be modified and adjusted slightly for final architectural design and final engineering.

8. All courtyard style units (outward protruding garages) shall have front porches.

9. All courtyard style units (outward protruding garages) shall have at least two windows facing the street.

10. The attached garage of all courtyard style units (outward protruding garages) shall be limited to extend a maximum of 23' from front façade of the home.

11. No two same home models shall be located on immediately adjacent lots (ie., no two immediately next door to each other).

12. If used, security lighting is motion sensor type. All external outdoor lighting fixtures shall be same/similar or compatible in appearance. Ground mounted lighting, if used, shall be shielded and landscaped.

#### E. Graphics.

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

#### F. Miscellaneous.

1. Sub-Area B shall be developed in accordance with the PUD Site Plan. The PUD Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time the development and engineering plans are completed. Any slight adjustment to the PUD Site Plan is subject to review and approval by the Director of Building and Zoning Services, or his/her designee, upon submission of the appropriate data regarding the proposed adjustment.

2. Developer shall dedicate and the City of Columbus Recreations and Parks Department agrees to accept the 24.47 +/- acres shown on the PUD Site Plan in full satisfaction of the City's Parkland Dedication Ordinance. This acreage is subject to minor revision as may result from final engineering as approved by the Recreation and Parks Department.

3. Variance to CCC Section 3345.11(a) is included to permit single unit dwellings without platted lots.



4. The Developer shall participate in the Northeast Pay as We Grow Area (NEPAWG).

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