



## Legislation Text

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**File #:** 0255-2018, **Version:** 2

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### **Rezoning Application: Z17-039**

**APPLICANT:** The WODA Group, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 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 (7-0) on January 11, 2018.

**GREATER HILLTOP AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This undeveloped site consists of 3.5± acres and is zoned in the NG, Neighborhood General District, which permits single-unit dwellings. The applicant requests the L-ARLD, Limited Apartment Residential District, to permit the development of a 39-unit apartment building and 12 townhouse units for a total of total of 51 dwelling units at a density of 14.57 units per acre. The site is within a residual tract of a larger, former NG district, part of which was rezoned in 2012 to permit the development of the adjacent senior housing facility, and the remainder is otherwise undeveloped and zoned NG. The proposed limitation text commits to a site plan and establishes appropriate landscaping, access, and building type restrictions in consideration of adjacent uses and the lower density residential uses to the west across North Wheatland Avenue. A concurrent Council variance (Ordinance # 0256-2018; CV17-066) has been submitted to modify parking lot screening and perimeter yard requirements. The site lies within the boundaries of the *Greater Hilltop Plan Amendment* (2010), which recommends residential uses at a density of 10 units per acre as the most appropriate land use. The Plan also identifies the site as a "Development Opportunity Site" for new housing. Although the proposed density exceeds the 10 units per acre that is recommended by the Plan, staff supports the request noting the proposal's adjacency to the senior housing facility, a large scale urban garden, and ample open space; varied building types; and because the overall density of these compatible uses results in a density that is consistent with the Plan's recommendation.

**Emergency Justification:** This ordinance is being submitted as an emergency in order to meet OHFA funding deadlines.

To rezone **158 NORTH WHEATLAND AVENUE (43204)**, being 3.50± acres located on the east side of North Wheatland Avenue, 1,200± feet north of West Broad Street, **From:** NG, Neighborhood General District, **To:** L-ARLD, Limited Apartment Residential District (Rezoning # Z17-039), **and to declare an emergency.**

**WHEREAS**, application # Z17-039 is on file with the Department of Building and Zoning Services requesting rezoning of 3.50± acres from NG, Neighborhood General District, to L-ARLD, Limited Apartment Residential District; and

**WHEREAS**, the Development Commission recommends approval of said zoning change; and

**WHEREAS**, the Greater Hilltop Area Commission recommends disapproval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the proposed L-ARLD, Limited Apartment Residential district will allow a multi-unit residential development that is adjacent to the senior housing facility, a large scale urban garden, and ample open space; has varied building types; and because the overall density of these compatible uses results in a density that is consistent with the *Greater Hilltop Plan Amendment's* recommendation; ~~now, therefore:~~

**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 meet OHFA funding application deadlines 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 # 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

**158 NORTH WHEATLAND AVENUE (43204)**, being 3.50± acres located on the east side of North Wheatland Avenue, 1,200± feet north of West Broad Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military Survey Number 2668, and being 3.037 acres out of that original 20.098 acre tract conveyed to City of Columbus by a Governor's Deed of record in Instrument Number 200307020202150, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a ¾ inch iron pipe found at the intersection of the west right-of-way line for Wheatland Avenue (40 feet wide) and the south right-of-way line for Steele Avenue (40 feet wide), both as established by the Highland Park Subdivision, of record in Plat Book 4, page 326, and being the northeast corner of Lot 42 of said Highland Park Subdivision;

Thence North 81 degrees 36 minutes 13 seconds East, along a line perpendicular to the right-of-way lines for said Wheatland Avenue, a distance of 40.00 feet to a point on the east right-of-way line for said Wheatland Avenue, being on the west line of said 20.098 acre tract;

Thence South 08 degrees 23 minutes 47 seconds East, along the east right-of-way line for said Wheatland Avenue, along the west line of said 20.098 acre tract, a distance of 43.18 feet to an iron pin set at the TRUE POINT OF BEGINNING for this description;

Thence North 08 degrees 23 minutes 47 seconds West, along the east right-of-way line for said Wheatland Avenue, along the west line of said 20.098 acre tract, a distance of 442.24 feet to an iron pin set at the southwest corner of that 3.098 acre tract described in a deed to Wheatland Crossing Limited Partnership, of record in Instrument Number 201611070153952;

Thence crossing said original 20.098 acre tract along property line for said 3.098 acre tract along the following six (6) described courses:

1. North 81 degrees 36 minutes 13 seconds East, a distance of 204.65 feet to an iron pin set;
2. South 08 degrees 23 minutes 47 seconds East, a distance of 178.91 feet to an iron pin set;
3. North 81 degrees 36 minutes 13 seconds East, a distance of 120.97 feet to an iron pin set;
4. South 53 degrees 26 minutes 57 seconds East, a distance of 21.23 feet to an iron pin set;

5. South 08 degrees 23 minutes 47 seconds East, a distance of 74.38 feet to an iron pin set;

6. North 81 degrees 36 minutes 13 seconds East, a distance of 150.77 feet to an iron pin set at the southeast corner of said 3.098 acre tract, being on the east line of said original 20.098 acre tract, and being on the west line of the remainder of that original 300 acre tract described in a deed to State of Ohio, of record in Deed Book 101, Page 390;

Thence South 08 degrees 23 minutes 47 seconds East, along the east line of said original 20.098 acre tract, along the west line of the remainder of said original 300 acre tract, a distance of 173.95 feet to an iron pin set;

Thence South 81 degrees 36 minutes 13 seconds West, across said original 20.098 acre tract along a new division line, a distance of 491.42 feet to the TRUE POINT OF BEGINNING for this description.

The above description contains a total area of 3.499 acres out of Franklin County Auditor's parcel number 010-267201.

The bearings described herein are based on the bearing of North 08 degrees 23 minutes 47 seconds West for the east right-of-way line for Wheatland Avenue, which is measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment), as established utilizing a GPS survey and NGS OPUS solution.

**To Rezone From:** NG, Neighborhood General District.

**To:** L-ARLD, Limited Apartment Residential District.

**SECTION 2.** That a Height District of thirty-five (35) feet is hereby established on the L-ARLD, 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-ARLD, Limited Apartment Residential District and Application among the records of the Department of Building and Zoning Services as required by Sections 3370.03 of the Columbus City Codes; said site plans being titled, "**WHEATLAND CROSSING II,** " and said text being titled, "**DEVELOPMENT TEXT,**" both dated January 12, 2018, 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:** NG, Neighborhood General

**PROPOSED DISTRICT:** L-ARLD, Limited Apartment Residential

**PROPERTY ADDRESS:** 158 N Wheatland Avenue, Columbus, OH 43204

**APPLICANT:** The WODA Group, LLC 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

**OWNER:** City of Columbus c/o John Turner,

Development Department, City of Columbus,

845 Parsons Avenue, Columbus, OH 43206

**DATE OF TEXT:** January 12, 2018

**APPLICATION NUMBER:** Z17-039

#### **INTRODUCTION:**

The subject property is 3.50 +/- acres located on the east side of N. Wheatland Avenue, 1,200 +/- feet north of West Broad Street. The property is zoned NG, Neighborhood General from rezoning Z03-083. The Z03-083 rezoning included additional acreage that has subsequently been rezoned (Z11-038) for multi-family development. Applicant proposes to

develop the site with 51 dwelling units. The plan titled “Wheatland Crossing II”, hereafter “Site Plan”, dated January 12, 2018, and referenced in Section 2.G. of this text, depicts the proposed site development. See also CV17-066.

**1. PERMITTED USES:** Uses of Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use and accessory uses.

**2. DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards of Chapter 3333, Apartment Residential Districts, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards of the Columbus City Code shall apply.

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

1. There shall be a maximum of 51 dwelling units.

2. Setbacks shall be as depicted on the Site Plan, and subject to CV16-066.

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

Vehicular access from Wheatland Avenue shall be as depicted on the Site Plan.

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

Street trees shall be provided along Wheatland Avenue at 40 feet on center +/-.

**D. Building design and/or Interior-Exterior treatment commitments.**

N/A

**E. Dumpsters, Lighting, Outdoor Display Areas and/or 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 ARLD, Apartment Residential Low Density District. All ground signage shall be monument style or shall be incorporated into an entrance feature. Any variance to the applicable sign requirements of the AR-12, Apartment Residential District shall be submitted to the Columbus Graphics Commission.

**G. Miscellaneous.**

1. The developer shall comply with applicable requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

2. See also CV17-066.

3. The site plan titled “Wheatland Crossing II”, dated January 12, 2018, signed by David B. Perry, Agent for applicant, and Donald Plank, Attorney for applicant, depicts the planned site development. 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 shall be reviewed and may be approved by the Director of the Building and Zoning Services Department 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. 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.**