



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

---

**File #:** 0296-2018, **Version:** 2

---

### Rezoning Application Z17-045

**APPLICANT:** Homeport; 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 (6-1) on January 11, 2017.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single parcel zoned in the R, Rural District as a result of annexation, which is developed with a single-unit dwelling. The applicant is requesting the L-AR-12, Limited Apartment Residential District to allow development of the site with 60 dwelling units, arranged in three buildings, with a total density of 11.91 dwelling-units per acre. The site is within the planning area of *Northland I Area Plan* (2014), which recommends "Low-Medium Density Residential" uses for this location with a typical density of 4-6 dwelling-units per acre. Limitations incorporated in to this request include a commitment to site plans, building renderings, and development standards addressing density, site access, stream corridor protection, buffering and landscaping, and building materials. Staff finds the increased density proposed for this location supportable because the proposal is sensitive to existing natural resources and the stream corridor protection zone on site, provides sufficient buffering and setbacks between the proposed buildings and the single-unit dwellings to the north, and includes a building arrangement focused on Sunbury Road, a primary corridor. A concurrent Council Variance (Ordinance # 0297-2017; CV17-075) has been filed to reduce parking setback line, building line, and perimeter yard requirements.

To rezone **5049 SUNBURY ROAD (43230)**, being 5.04± acres located on the west side of Sunbury Road, 350± feet south of Hidden Ridge Drive, **From:** R, Rural District, **To:** L-AR-12, Limited Apartment Residential District (Rezoning # Z17-045).

**WHEREAS**, application # Z17-045 is on file with the Department of Building and Zoning Services requesting rezoning of 5.04± acres from R, Rural District, to the 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 limitations included in the request result in a development that provides protection of natural areas on the site, buffers adjacent single-unit dwellings to the north, and is compatible to existing development along Sunbury Road which is a primary corridor in the region; 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:

**5049 SUNBURY ROAD (43230)**, being 5.04± acres located on the west side of Sunbury Road, 350± feet south of Hidden Ridge Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2 North, Range 17 West, United States Military Lands, and being the remainder of that original 5.564 acre tract of land described in a deed to Charles L. Herndon and Cynthia S. Herndon, Trustees, under the Charles L. Herndon and Cynthia S. Herndon Family Trust dated (UDT) October 30, 2001, of record in Instrument Number 200201310028625, all records referenced are on file at the Office of the Recorder for Franklin County, Ohio, being further bounded and described as follows:

BEGINNING at a point on the existing west right-of-way line for Sunbury Road, as established by a 0.510 acre right-of-way parcel described in a deed to City of Columbus, Ohio, of record in Instrument Number 201510230150579, being the southwest corner of said 0.510 acre right-of-way parcel, being on a southwest line of said original 5.564 acre tract, and being on a northeast line of that 8.336 acre tract of land described in a deed to Daniel G. Myers and Cie Ann Myers, of record in Instrument Number 201706140080450;

Thence North 67 degrees 38 minutes 00 seconds West, along a southwest line of said original 5.564 acre tract and along a northeast line of said 8.336 acre tract, a distance of 382.84 feet to the southwest corner of said 5.564 acre tract, being a northeast corner of said 8.336 acre tract;

Thence North 45 degrees 46 minutes 00 seconds West, continuing along a southwest line of said original 5.564 acre tract and continuing along a northeast line of said 8.336 acre tract, a distance of 452.44 feet to the west corner of said 5.564 acre tract, being a northeast corner of said 8.336 acre tract, said point being on a south line of Creek Ridge Section 1, as recorded in Plat Book 67, Page 61;

Thence South 85 degrees 56 minutes 00 seconds East, along a northeast line of said original 5.564 acre tract and along a southwest line of said Creek Ridge Section 1, a distance of 273.07 feet to a northeast corner of said 5.564 acre tract, being a southwest corner of said Creek Ridge Section 1;

Thence South 79 degrees 13 minutes 16 seconds East, continuing along a northeast line of said original 5.564 acre tract and continuing along a southwest line of said Creek Ridge Section 1, a distance of 732.31 feet to a point on the existing west right-of-way line for said Sunbury Road, being at a northwest corner of said 0.510 acre right-of-way parcel;

Thence South 47 degrees 37 minutes 00 seconds West, along the west right-of-way line for said Sunbury Road, along a northwest line of said 0.510 acre right-of-way parcel and across said original 5.564 acre tract, a distance of 54.68 feet to a point;

Thence South 45 degrees 32 minutes 00 seconds West, continuing along the west right-of-way line for said Sunbury Road, continuing along a northwest line of said 0.510 acre right-of-way parcel and continuing across said original 5.564 acre tract, a distance of 382.75 feet to the POINT OF BEGINNING for this zoning description.

The above description contains a total area of 5.035 acres, within Franklin Co. Auditor Tax Parcel Number 410-000832;

Bearings described herein are based on an assumed bearing of North 45 degrees 32 minutes 00 seconds East for the centerline of right-of-way for Sunbury Road north of Franklin County Geodetic Survey monument 5257.

This description was prepared on October 20, 2017 by American Structurepoint, Inc. and is intended for zoning purposes only.

**To Rezone From:** R, Rural 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 change on the said original zoning map and shall register a copy 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 and renderings being titled, “**HOMEPORT, 5049 SUNBURY ROAD, ZONING SITE PLAN,**” and “**HOMEPORT, 5049 SUNBURY ROAD, ARCHITECTURAL SITE PLAN,**” **dated February 6, 2018,** and “**HOMEPORT, 5049 SUNBURY ROAD, BUILDING A-C,**” **dated January 12, 2018,** and text titled, “**DEVELOPMENT TEXT,**” **dated February 6, 2018,** all signed by David Perry, Agent for the Applicant, and Donald Plank, attorney for the Applicant, ~~and dated January 12, 2018~~ and the text reading as follows:

#### DEVELOPMENT TEXT

EXISTING ZONING: R, Rural

PROPOSED DISTRICT: L-AR-12, Limited Apartment Residential

PROPERTY ADDRESS: 5049 Sunbury Road, Columbus, OH 43230

OWNER: Charles L. and Cynthia S. Herndon, 110 Laylin Lane, Kelleys Island, OH 43438

APPLICANT: Homeport c/o 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

DATE OF TEXT: ~~January 12~~ **February 6, 2018**

APPLICATION NUMBER: Z17-045

#### INTRODUCTION:

The subject property is 5.035 +/- acres located on the west side of Sunbury Road, 473 +/- feet south of Hidden Ridge Drive. Applicant proposes to develop the site with three (3) apartment buildings with a total of 60 dwelling units. The site plans titled “Homeport, 5049 Sunbury Road, Zoning Site Plan”; **and** “Homeport, 5049 Sunbury Road, Architectural Site”, hereafter the “Site Plans”, **dated February 6, 2018,** and building renderings titled “Homeport, 5049 Sunbury Road, Building A”, “Homeport, 5049 Sunbury Road, Building B”, and “Homeport, 5049 Sunbury Road, Building C”, hereafter “Building Renderings”, ~~all dated January 12, 2018,~~ and referenced in Section 2.G. of this text, depicts the proposed site development and proposed apartment buildings. Council Variance application CV17-075 is a companion ordinance with this rezoning.

1. PERMITTED USES: Uses of Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, which are hereby specifically limited to a maximum of 60 dwelling units and accessory uses.

2. DEVELOPMENT STANDARDS: Except as specified herein and in CV17-075, 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. Council variance application CV17-075 is a companion ordinance to this rezoning and modifies certain development standards, as itemized in the variance ordinance.

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

1. There shall be a maximum of 60 dwelling units.
2. Subject to CV17-075, the Sunbury Road building setback line shall be 25'.
3. Subject to CV17-075, the Sunbury Road parking setback line shall be reduced to permit maneuvering across the 25' parking setback line within the driveway.

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

1. Developer shall dedicate right of way totaling fifty (50) feet from centerline of Sunbury Road, if not already dedicated.
2. Vehicular access shall be as depicted on the Site Plans.
3. A northbound left turn lane shall be provided in accordance with the approved access study. A 175' northbound left turn lane shall be provided from Sunbury Road to the site.

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

1. Open space corresponding to the Alum Creek tributary Stream Corridor Protection Zone (SCPZ) shall be preserved in its natural state, as noted by "Preservation Area" on the Site Plans, and shall remain undisturbed, except if the City of Columbus requires a main-line sanitary sewer extension to provide future sanitary sewer service to the south.

2. Street trees shall be provided, by either new tree planting or preservation of existing trees, along Sunbury Road in the 25' building setback, at the rate of one (1) tree per 50 lineal feet. With preservation of existing trees, trees may be grouped.

3. In the north twenty (20) foot landscaped setback along the east 380 +/- feet of the north property line from Sunbury Road right of way to the point where the Stream Corridor Protection Zone (SCPZ) intersects the north property line:

a. Developer shall make every reasonable effort to preserve existing live trees of two (2) inch caliper or greater other than:

1) excavation to cross the setback for access to the sanitary sewer main, which is located in a City of Columbus sanitary sewer easement adjacent to the site in Creek Ridge Subdivision.

2) for existing trees near the south edge of the 20 foot setback that may be effected by site grading outside of the 20 foot setback.

3) dead, dying and/or diseased trees may be removed.

b. Developer shall place a six (6) foot tall 90% opaque wood fence, with fence boards located within six (6) inches of the ground, along or near the north property line adjacent to the site development area, meaning the east 380 +/- feet of the north property line, but not including within the 25' Sunbury Road building setback, with exact location to be field adjusted based on the location of existing trees.

c. Developer shall plant the following new plant material:

1) Six (6) foot tall columnar evergreen plant material, such as arborvitae, in two (2) staggered rows six (6) feet apart and with individual plants six (6) feet on center, with the north row 3 +/- feet from the north property line and the second staggered row 12 feet +/- from the north property line. Spacing may be adjusted based on location of existing trees.

2) South of the two (2) rows of arborvitae, applicant shall plant a 50/50 mix of evergreen trees (6 feet at planting) and deciduous shade trees selected for a mature height of 30 - 50 feet. A minimum of 18 trees, the sum of both evergreen and deciduous plant material, shall be planted, at approximately 20 feet on center, with spacing adjusted as needed based on the location of existing trees.

**4. The parking lot between Building B and Building C shall be screened along the south side of the parking lot with evergreen plant material (3', 75% opacity), as depicted on the Site Plan.**

**5. The pond shall be fenced with a four (4) foot tall welded steel decorative fence on the north side of Building C and the east side of the pond, west of the parking lot, as depicted on the Site Plan.**

**6. A play area shall be located south of Building A and east of Building B, as depicted on the Site Plan. The play area shall be fenced with a six (6) foot tall welded steel open decorative fence and screened with evergreen plant material to a height of three (3) feet and 75% opacity.**

**7. A wood split-rail fence with three horizontal rails shall be installed between Buildings "B" and "C" and from building "C" around the west perimeter of the retention pond to delineate the development area of the site from the Stream Corridor Protection Zone (SCPZ), as depicted on the Site Plan.**

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

Primary exterior building materials shall consist of lap siding (fiber cement siding, such as Hardi-Plank, and vinyl siding with accents of other materials including manufactured stone veneer, and asphalt shingle roofing).

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

**N/A Parking lot lighting shall be a maximum of 14 feet tall.**

F. Graphics and Signage Commitments.

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the AR-12, Apartment Residential District. All 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. There shall be a community room, a fitness room, and an onsite leasing office at the apartment complex. These areas will be shown in the plan set for the Site Compliance Plan.**

**23.** The site plans titled "Homeport, 5049 Sunbury Road, Zoning Site Plan"; **and** "Homeport, 5049 Sunbury Road, Architectural Site" **dated February 6, 2018**, and building renderings titled "Homeport, 5049 Sunbury Road, Building A", "Homeport, 5049 Sunbury Road, Building B", and "Homeport, 5049 Sunbury Road, Building C" **all** dated January 12, 2018, and signed by David B. Perry, Agent for applicant, and Donald Plank, Attorney for applicant, depicts the planned site development and buildings. These plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development, engineering and architectural 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.

3. See also CV17-075.

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