



Legislation Text

File #: 0228-2020, Version: 1

Rezoning Application: Z19-075

APPLICANT: Community Housing Network; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (3-2) on January 9, 2020.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two undeveloped parcels in the L-M-2, Limited Manufacturing District. The applicant requests the L-AR-1, Limited Apartment Residential District to permit a multi-unit residential development with a maximum total of 100 dwelling units. The proposal will be constructed in two phases on two separate parcels. The limitation text establishes use restrictions and supplemental development standards that address the maximum number of dwelling units permitted, minimum building setbacks, vehicular access, pedestrian access, fencing, landscaping, street trees, building materials, and parking lot lightning. The site is within the planning boundaries of the *TriSouth Neighborhood Plan* (2003), which recommends mixed-use land uses at this location, a designation which includes multi-unit residential uses. Staff finds the proposed L-AR-1, Limited Apartment Residential District to be consistent with the Plan's land use recommendations while also committing to sufficient buffering and screening from neighboring properties, building materials, and a site plan within the limitation text. A concurrent Council Variance (Ordinance #0229-2020; CV19-094) has been filed to reduce the minimum number of parking spaces required, reduce the required minimum side yard permitted, to permit maneuvering and parking spaces to cross parcel lines, and eliminate fronting requirements for Phase 2 of the proposed development because the site will be maintained as two separate parcels.

To rezone **2565 LOCKBOURNE RD. (43207)**, being 6.38± acres located on the west side of Lockbourne Road, 850± feet south of State Route 104, **From:** L-M-2, Limited Manufacturing District, **To:** L-AR-1, Limited Apartment Residential District (Rezoning #Z19-075).

WHEREAS, application #Z19-075 is on file with the Department of Building and Zoning Services requesting rezoning of 6.38± acres from L-M-2, Limited Manufacturing District, to the L-AR-1, Limited Apartment Residential District; and

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

WHEREAS, the Far South Columbus Area Commission recommends disapproval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested L-AR-1, Limited Apartment Residential District is consistent with the *TriSouth Neighborhood Plan's* recommendation for mixed-use land uses at this location, and includes sufficient buffering and screening from neighboring properties, building materials, and a site plan commitment in the limitation text; 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:

2565 LOCKBOURNE RD. (43207), being 6.38± located on the west side of Lockbourne Road, 850± feet south of State Route 104 and being more particularly described as follows:

Situated in the State of Ohio, in the County of Franklin, and in the City of Columbus, bounded and described as follows:

Being in Section 3, Township 4, Range 22, Congress Lands, containing 6.594 acres of land, more or less, out of First Tract and Third Tract, as the same are described in a Certificate of Transfer to Julia Koenig, of record in Deed Book 2641, Page 240, (all references to Deed Books and Plat Books in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 6.594 acres of land being more particularly described as follows:

Beginning at a point in the southerly line of said First Tract, a northerly line of Second Tract as the same is described in a Certificate of Transfer to Julia Koenig, of record in Deed Book 2641, Page 240, the southwesterly corner of that 0.364-acre tract of land as described in a deed to the City of Columbus, of record in Deed Book 3170, Page 572;

Thence N. 86 degrees 47' 12" W., with the southerly line of said First Tract the northerly line of said Second Tract, the northerly line of that 1.684-acre tract of land as described in a deed to Clair O'Hara and Mary L. O'Hara, of record in Deed Book 3073, Page 686, a distance of 605.15 feet to the southwesterly corner of said First Tract, the northwesterly corner of said 1.684-acre tract;

Thence N. 3 degrees, 41' 18" E., with the westerly line of said First Tract, the westerly line of said Third Tract, a distance of 535.16 feet to the northwesterly corner of said Third Tract;

Thence S. 86 degrees, 18' 03" E., with the northerly line of said Third Tract, a distance of 472.81 feet to the northeasterly corner of said Third Tract, a northwesterly corner of that tract of land as described in a Certificate of Transfer to Mary G. Johnson, of record in Deed Book 2289, Page 140;

Thence S. 3 degrees, 48' 30" W., with the easterly line of said Third Tract, a westerly line of said Mary G. Johnson tract, a distance of 264.00 feet to the southeasterly corner of said Third Tract, a southwesterly corner of said Mary G. Johnson tract, a point in the northerly line of said First Tract;

Thence S. 86 degrees, 47' 12" E., with a southerly line of said Mary G. Johnson tract, the northerly line of said First Tract, a distance of 132.00 feet to the northwesterly corner of said 0.364-acre tract;

Thence S. 3 degrees, 30' 00" W., with the westerly line of said 0.364-acre tract, parallel with the centerline of Lockbourne Road and 60.00 feet westerly therefrom (as measured at right angles) a distance of 267.15 feet to the point of beginning and containing 6.594 acres of land, more or less.

Less and exception the following described real estate:

Situated in the State of Ohio, in the County of Franklin, and in the City of Columbus, and being a 20-foot wide parcel of real estate currently a part of a 6.594-acre tract belonging to Ezzo Sausage Company, of record in Official Record 16788 I14 at the Franklin County Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning for reference at an iron pin found at the southeastern corner of Lot 1 of Chrietian Muller's Lockbourne Road Subdivision of record in Plat Book 10, page 149 at said recorder's office, in the western right of way line of Lockbourne Road [40 feet wide], and at the northeastern corner of a 1.16-acre tract belonging to Annabelle Fisher of record in Official Record 05595 H18 at said recorder's office;

Thence along the southern boundary of said Lot 1, and the northern boundary of said 1.16-acre tract N 86° 18' 03" W., a

distance of 172.80 feet to an iron pin found at the northwestern corner of said 1.16-acre tract, in said southern boundary of Lot 1, in a northeastern corner of said 6.594-acre tract, and at The True Point of Beginning for herein described 20 foot wide easement;

Thence along the western boundary of said 1.16-acre tract, and an eastern boundary of said 6.594-acre tract, S., 03° 48' 30" W., a distance of 20.00 feet to a point in the western boundary of said 1.16-acre tract, and an eastern boundary of said 6.594-acre tract;

Thence crossing said 6.594-acre tract, N. 86° 18' 03" W., a distance of 472.77 feet to a point in the western boundary of said 6.594-acre tract, and in the eastern boundary of McDowell's Wilson Avenue Block of Lots [an unrecorded subdivision];

Thence along the western boundary of said 6.594-acre tract, and in said eastern boundary of McDowell's Wilson Avenue Block of Lots, N. 03° 41' 18" E., a distance of 20.00 feet to a point, in said eastern boundary of McDowell's Wilson Avenue Block of Lots, at the northwestern corner of said 6.594-acre tract, and at the southwestern corner of said Lot 1;

Thence along said southern boundary of Lot 1, and a northern boundary of said 6.594-acre tract, S 86° 18' 03" E., a distance of 472.81 feet to The True Point of Beginning containing 0.2171 acres of land, more or less, and being subject to all other easements, restrictions, and rights of way [if any] of previous record.

The attached legal description was prepared from information obtained during the actual field survey of the premises in August of 1993. The basis of bearings for the attached legal description is the northern boundary of said 6.594-acre tract belonging to Ezzo Sausage Company of record in Official Record 16788 I14 at said recorder's office.

Parcel Numbers: 010-112094 & 010-112364
Property Address: 2565 Lockbourne Rd., Columbus, OH 43207

To Rezone From: L-M-2, Limited Manufacturing District

To: L-AR-1, Limited Apartment Residential District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-AR-1, 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-1, 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 text titled, "**LIMITATION TEXT**," and site plan titled "**COMMUNITY HOUSING NETWORK TOUCHSTONE FIELD PLACE**," both signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated January 10, 2020, and the text reading as follows:

LIMITATION TEXT

EXISTING ZONING: L-M-2, Limited Manufacturing (Z91-009)
PROPOSED DISTRICT: L-AR-1, Limited Apartment Residential
PROPERTY ADDRESS: 2565 Lockbourne Road, Columbus, OH 43230
OWNER: 2561 Lockbourne Property, LLC c/o Sean Mirfendereski, 30 Orange Hill Circle, Chagrin Falls, OH 44022
APPLICANT: Community Housing Network 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 10, 2020

APPLICATION NUMBER: Z19-075

1. INTRODUCTION: The subject property is 6.38 +/- acres located on the west side of Lockbourne Road, directly west of the terminus of Koebel Road at Lockbourne Road. The property is zoned L-M-2 (Z91-009). Applicant proposes to develop the site with up to 100 dwelling units. The site is presently two (2) parcels (PID: 010-112094, 010-112364) and will remain so with development of the two (2) phases. The first phase on the south parcel will be a maximum of 56 dwelling units and the second phase on the north parcel will be a maximum of 44 dwelling units. The maximum total number of dwelling units with both phases is 100 dwelling units. The phases will be built and financed separately. Separate parcels are required. The common interior property line of the two (2) parcels may need to be adjusted slightly by lot split where the two (2) buildings, one for each phase, will be connected at the common interior property line. Subject to variance (CV19-094), there will be zero (0) side yard at the common interior property line between the two (2) phases where the buildings are connected. If there is a lot split for the connection of the Phase 1 and Phase 2 buildings, there will be a minor change in the area of the phases. The Site Plan titled "Community Housing Network Touchstone Field Place" dated January 10, 2020 and referenced in Section 2.G.2 of this text, depicts the proposed site development. Council Variance application CV19-094 is a companion ordinance with this rezoning.

2. 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 100 dwelling units on the site (PID: 010-112094, 010-112364) and accessory uses.

3. DEVELOPMENT STANDARDS: Except as specified herein and in CV19-094, 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 CV19-094 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. The site will be developed in two (2) phases. The maximum total number of dwelling units with both phases shall not exceed 100.

2. The minimum building setbacks shall be as follows, and as depicted on the Site Plan.

a. East: 260 feet from current east property line adjacent to Lockbourne Road, 250 feet from east property line adjacent to Lockbourne Road net of 10 feet Lockbourne Road right of way dedication; and building setback 125 feet from east property line of PID: 010-112364.

b. South: 75 feet from south property line of PID: 010-112094 (Phase 1), except refuse collection may be located 15 feet from the south property line.

c. West: 80 feet from west property line (both phases).

d. North: 50 feet from north property line of PID: 010-112364 (Phase 2).

e. Adjacent interior property line of the two (2) phases: 0 feet, subject to CV19-094.

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

1. Right of way conveyance to City of Columbus totaling fifty (50) feet from centerline of Lockbourne Road shall be provided in conjunction with the Final Site Compliance Plan process for Phase 1 (south parcel, PID: 010-112094).

2. Vehicular access shall be as depicted on the Site Plan. There shall be one (1) vehicular access to the site from

Lockbourne Road.

3. Vehicular access to the site driveway from PID's 010-112202 (2581 Lockbourne Road) and 010-102433 (2585 Lockbourne Road) shall be permitted, subject to:

- a. Access shall only be permitted with redevelopment of PID's 010-112202 and 010-102433 for new residential use(s) not existing.
- b. Access to site driveway only permitted within 190 feet from Lockbourne Road.
- c. City of Columbus approval of location and design of access to site driveway.
- d. Owner of 2565 Lockbourne Road approval of location and design of access to site driveway.
- e. Applicable easement(s), maintenance and indemnity or use of site driveway.
- f. Access being for passenger vehicles only.
- g. Owner of 2565 Lockbourne Road shall not be responsible for any cost related to connection of driveways to site driveway; access being only for vehicles associated with the new residential use(s).
- h. The 6 foot privacy fence along the south property line of site (PID: 010-112094) may be modified to permit connecting driveway from the south.

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

1. Street trees shall be provided on-site or in the Lockbourne Road right of way at the rate of one (1) tree per 40 lineal feet, adjusted as needed for driveway spacing.
2. Developer shall place a six (6) foot tall wood privacy fence along the east, west and south property lines, as noted on the Site Plan, except no fence is required along the east property line adjacent to Lockbourne Road, and except where there is an existing comparable fence.
3. The on-site entrance driveway shall have a minimum five (5) street trees planted on the north side of the driveway, as depicted on the Site Plan.
4. Other landscaping is depicted on the Site Plan to depict code compliance with parking lot landscaping, screening, and required trees per 10 dwelling units. The depicted landscaping is intended to illustrate general compliance with applicable code required landscaping and screening, but is subject to change with development of specific landscaping plan specifications in conjunction with a final Site Compliance Plan.
5. Specific landscaping is shown on the Site Plan along the east property line of PID: 010- 112364, where adjacent to the west side of 2533 and 2559 Lockbourne Road; along the north property line of PID: 010-112094, where adjacent to the south side of 2559 Lockbourne Road; and along the west property line of PID's: 010-112094 (Phase 1) and 010-112364 (Phase 2), where adjacent to the east property lines of PID's: 010-115509, 010-115511, 010-115512, and 010-115513, all parcels fronting on Wilson Avenue located to the west. Landscaping shall be provided in these areas as depicted on the Site Plan and as follows: Along and parallel to the property lines evergreen and deciduous trees with six (6) staggered evergreens at ten (10) feet on center, with a deciduous tree between each row of six (6) staggered evergreens. Plant material size at time of planting shall comply with Section 3321.13(C), General Landscaping Standards.
6. A paved pedestrian path shall be provided from Lockbourne Road to the Phase 1 building and there shall be other on-site walks connecting the two (2) phases, parking areas and for pedestrian circulation.

7. There shall be a patio, walking path and open space for residents located behind the buildings in the U-shaped area created by the buildings.

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 and may include accents of other materials including manufactured stone veneer or brick along with an asphalt shingle roof.

E. Dumpsters, Lighting, Outdoor Display Areas and/or Environmental Commitments: Parking lot lighting shall be a maximum of 16 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-1, 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-1, 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 Codes.

2. The Site Plan titled "Community Housing Network Touchstone Field Place" dated January 10, 2020 and signed by David B. Perry, Consultant for applicant, and Donald Plank, Attorney for applicant, depicts the planned site development and minimum building setbacks. The building footprint is illustrative. The Site Plan 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 CV19-094.

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