



## Legislation Text

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**File #:** 2202-2021, **Version:** 2

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**Rezoning Application: Z21-039**

**APPLICANT:** River Oaks Apartment Management, LLC; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Lot split for an existing apartment complex.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on August 12, 2021.

**WEST SCIOTO AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned L-AR-12, Limited Apartment Residential District and developed with an apartment complex. The requested L-ARLD, Limited Apartment Residential District will conform existing conditions within the apartment complex to facilitate a lot split of five acres on the eastern side of the site, with the future parcel not subject to this rezoning request. The five-acre piece will still be zoned under Z95-056A, which limits its use to green space, and is not subject to this rezoning request. The limitation text commits to a site plan and includes provisions for density, setbacks, traffic commitments, and building design. The site is within the boundaries of the *Trabue-Roberts Area Plan* (2011), which recommends "Medium-High Density Mixed Residential" land uses at this location. The Plan also states that new development, redevelopment, and expansion proposals should be consistent with the subarea's proposed land use map. The Plan's land use map at this location recommends the five acre tract to remain as green space. As this request will only facilitate a lot split with no other changes proposed for the new parcel, and the use remains consistent with the recommendations of the *Trabue-Roberts Area Plan*, staff is in support.

To rezone **2299 RIVER OAKS DRIVE (43228)**, being 19.09± acres located at the northeast corner of River Oaks Drive and Dublin Road, **From:** L-AR-12, Limited Apartment Residential District, **To:** L-ARLD, Limited Apartment Residential District (Rezoning #Z21-039) **and to declare an emergency.**

**WHEREAS**, application #Z21-039 is on file with the Department of Building and Zoning Services requesting rezoning of 19.09± acres, From: L-AR-12, Limited Apartment Residential District, To: L-ARLD, Limited Apartment Residential District; and

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

**WHEREAS**, the West Scioto Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of said zoning change because this request will facilitate a lot split with no other changes proposed, and remains consistent with the recommendations of the *Trabue-Roberts Area Plan*;

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance necessary to facilitate an immediate transfer of the property pursuant to underlying contractual obligations 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:

**2299 RIVER OAKS DRIVE (43228)**, being 19.09± acres located at the northeast corner of River Oaks Drive and Dublin Road, and being more particularly described as follows:

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Virginia Military District Survey No. 544, being the remainder out of an original 24.336 acre tract as conveyed to River Oaks Apartment Management, LLC by deed of record in Instrument Number 201207020094482, all references herein are to records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows;

Begin for reference at a railroad spike found on the centerline of Old Dublin Road at the southeasterly corner of said original 24.336 acre tract, a common corner to a 0.926 acre tract as conveyed to the City of Columbus by deed of record in Instrument Number 201709150129334;

Thence South 65°25'22" West, a distance of 237.12 feet, along the southerly line of said original 24.336 acre tract a line common to said 0.926 acre tract and an original 9.078 acre tract as conveyed to Quarry Lofts Partners, LLC by deed of record in Instrument Number 201610280149060, passing a 3/4 inch iron pipe found on line at 31.32 feet, to a 5/8 inch rebar set, the Point of True Beginning for the herein described tract;

Thence South 65°25'22" West, a distance of 1018.29 feet, passing a 3/4 inch iron pipe found at 1003.64 feet, continuing along the line common to said original 24.336 acre and 9.078 acre tracts to a 3/4 inch iron pipe found at the southwesterly corner of said original 24.336 acre tract a common corner with said 0.926 acre tract on the easterly right-of-way line of Dublin Road (width varies);

Thence along the easterly right-of-way of Dublin with an arc of a curve to the right having a central angle of 12°12'07", a radius of 914.93 feet, an arc length of 194.85 feet, with a chord bearing of North 69°39'23" West, and a chord length of 194.48 feet, to a ¾ inch iron pipe found;

Thence the following seven (7) courses and distances along the lines common to said original 24.336 acre tract and "Limestone Pointe, Section 2, Part 1" a subdivision of record Plat Book 89, Page 24 and "Limestone Pointe, Section 2, Part 2" a subdivision of record in Plat Book 89, Page 25:

1. Along a curve to the right having a central angle of 90°00'00", a radius of 25.00 feet, an arc length of 39.27 feet, a chord which bears North 13°33'26" West, a chord distance of 35.36 feet, to a 3/4 inch iron pipe found;
2. North 31°26'34" East, a distance of 75.00 feet, to a 3/4 inch iron pipe found;
3. Along a curve the right having a central angle of 90°00'00", a radius of 25.00 feet, an arc length of 39.27 feet, a chord which bears North 76°26'34" East, a chord distance of 35.36 feet, to a 3/4 inch rebar found;
4. South 58°33'26" East, a distance of 72.17 feet, to a magnetic nail set;
5. North 28°59'54" East, a distance of 366.58 feet, to a 3/4 inch iron pipe found;
6. North 65°24'50" East, a distance of 387.77 feet, to a 3/4 inch iron pipe found;
7. North 24°35'10" West, a distance of 976.00 feet, to a railroad spike found at the northwesterly corner of said original 24.336 acre tract on the centerline of Old Dublin Road, a line common to the said 2.019 acre tract;

Thence the following two (2) courses and distances along the lines common to said original 24.336 acre and 2.019 acre tracts and the centerline of Old Dublin Road;

1. South 87°18'15" East, a distance of 709.34 feet, to a railroad spike found at a point of curvature;
2. Along the arc of a curve to the right having a central angle of 02°48'37", a radius of 287.51 feet, an arc length of 14.10 feet, with a chord bearing of South 85°53'52" East, and a chord length of 14.10 feet, to a magnetic nail set;

Thence South 06°52'08" East, a distance of 1071.50 feet, across the said original 24.336 acre tract to the Point of True Beginning, containing 19.336 acres, more or less.

Excepting therefrom a 0.249 acre tract conveyed to the City of Columbus, Ohio by deed of record in Instrument Number 199805270127476, records of the Recorder's Office, Franklin County, Ohio;

Being further described as follows:

Begin, for reference, at an iron pin found on a curve in the northerly right-of-way line of Dublin Road at a common corner of said original 24.336 acre tract and a 0.926 acre tract as conveyed to City of Columbus by deed of record in Instrument Number 201709150129334;

Thence the following two (2) courses and distances along said northerly right-of-way line of Dublin Road:

1. Northwesterly along arc of a curve to the right having a radius of 914.93 feet, a central angle of 01°55'22", an arc length of 30.70 feet, with a chord bearing North 69°39'23" West, and a chord distance of 30.70 feet, to an iron pin set, being the Point of True Beginning of the herein described tract;
2. Continue northwesterly along arc of a curve to the right having a radius of 914.93 feet, a central angle of 08°22'38", an arc length of 133.77 feet, with a chord bearing North 64°38'46" West, and a chord distance of 133.65 feet, to an iron pin set on a curve;

Thence the following five (5) courses and distances across said original 24.336 acre tract:

1. Northeasterly along arc of a curve to the left having a radius of 25.00 feet, a central angle of 94°29'30", an arc length of 41.23 feet, with a chord bearing of north 72°18'01" east, a chord distance of 36.71 feet, to an iron pin set at the point of tangency;
2. Thence North 25°03'03" East, a distance of 57.14 feet, to an iron pin set at the point of curvature to the left;
3. Thence northwesterly along arc of said curve having a radius of 25.00 feet, a central angle of 62°12'15", an arc length of 27.14 feet, a chord bearing of North 06°03'04" West, a chord distance of 25.83 feet, to an iron pin set at the point of tangency;
4. Thence North 37°09'12" West, a distance of 43.38 feet, to an iron pin set at the point of curvature of a curve to the left;
5. Thence northwesterly along arc of a curve having a radius of 125.00 feet, a central angle of 01°24'31", a chord bearing of North 37°51'27" West, a chord distance of 3.07 feet, to an iron pin set on a curve of the original 24.336 acre tract, being a corner of Lot 42 of said "Limestone Pointe" on the right-of-way line of Longspur Drive (50 feet in width);

Thence the following three (3) courses and distances along the lines common to said original 24.336 acre tract and "Limestone Pointe Section 2 Part 1":

1. Southeasterly along arc of a curve to the right having a radius of 25.00 feet, a central angle of 26°01'31", a chord bearing of south 71°33'59" east, and a chord distance of 11.26 feet, to a 3/4 inch iron pipe found at the point of tangency;
2. Thence South 58°33'26" East, a distance of 72.17 feet, to a magnetic nail set;
3. Thence North 28°59'54" East, a distance of 18.96 feet, to a 5/8 inch rebar set at southwesterly corner of Lot 43 of said "Limestone Pointe";

Thence the following four (4) courses and distances across said original 24.336 acre tract:

1. Thence South 37°09'12" East, a distance of 13.97 feet, to a 5/8 inch rebar set at a point of curvature of a curve to the right;
2. Thence southeasterly along arc of a curve having a radius of 71.00 feet, a central angle of 62°12'15", an arc length of 77.08 feet, a chord bearing South 06°03'04" East, and a chord distance of 73.35 feet, to a 5/8 rebar set at the point of tangency;
3. Thence South 25°03'03" West, a distance of 44.42 feet, to a 5/8 inch rebar set at the point of curvature of a curve to the left;
4. Thence southeasterly along arc of said curve having a radius of 25.00 feet, a central angle of 93°53'08", an arc length of 40.97 feet, a chord bearing South 21°53'31" East, and a chord distance of 36.53 feet, to the Point of True Beginning, containing 0.249 acres, more or less.

Leaving 19.087 acres after exception. Being subject to all easements and restrictions and rights-of-way of record. Franklin County Auditor Tax Parcel 560-239130.

**To Rezone From:** L-AR-12, Limited Apartment Residential 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 in the office of the Department of Building and Zoning Services and shall register a copy 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 Section 3370.03 of the Columbus City Codes, said plan titled, "**SITE PLAN**," and said text titled, "**LIMITATION TEXT**," both dated August 13, 2021, and signed by Eric Zartman, Attorney for the Applicant, said text reading as follows:

#### **LIMITATION TEXT**

APPLICATION: Z21-039

Location: 2299 RIVER OAKS DRIVE (43228), being 19.09± acres located at the northeast corner of River Oaks Drive and Dublin Road

(560-239130; West Scioto Area Commission).

Existing Zoning: L-AR-12, Limited Apartment Residential District.

Request: L-ARLD, Limited Apartment Residential District (H-35).

Proposed Use: Conform existing apartment complex to facilitate a lot split.

Applicant(s): River Oaks Apartment Management, LLC; c/o David Hodge,

Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

Property Owner(s): Lawrence S. Connor, Trustee, et al. 10510 Springboro Pike;

Miamisburg, OH 45342.

Date: August 13, 2021

## **I. Introduction.**

The subject property ("Site") is approximately 19.09± acres and located between Dublin Road on the west and Old Dublin Road on the east. The Site is zoned currently L-AR-12 and already developed with a multifamily residential development. Adjacent properties on the north, east, and south are zoned M. Adjacent properties on the west are zoned L-R2.

The site is not located within a commercial overlay, planning overlay, and is not specifically a historic property. The site is situated within the boundary of the West Scioto Area Commission and the Trabue-Roberts Area Plan. The plan recommends Medium-High Density Mixed Residential use for the site.

This Applicant proposes rezoning the site to L-ARLD to allow for a proposed lot split. The proposed lot split will create a new property line on the east side of the site's existing residential development.

## **II. Permitted Uses:**

The permitted uses for Subarea C shall be those uses contained in Section 3333.02.

## **III. Development Standards:**

Except as otherwise listed herein or depicted on the Site Plan, the development standards for Subarea C shall be those contained in Chapter 3333 of the Columbus City Code.

### **A. Density, Height, Lot and/or Setback Requirements:**

A Director of the Department of Building and Zoning Services or his/her designee upon submission of the appropriate information regarding the 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.**