



Legislation Text

File #: 0411-2021, **Version:** 2

Rezoning Application: Z18-065

APPLICANT: Blauser Capital Ltd.; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, #460; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on May 9, 2019.

WESTLAND AREA COMMISSION RECOMMENDATION: Disapproval.

BIG DARBY ACCORD ADVISORY PANEL RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is used predominantly for agricultural purposes and zoned in the R, Rural District. It is known as the "Blauser Tract" which was subject of Rezoning Application #Z05-065, a mixed-use development proposal that received a recommendation of approval from the Development Commission at the January 10, 2008 meeting. The application was ultimately withdrawn due to unresolved traffic issues. The applicant requests the CPD, Commercial Planned Development, PUD-6, Planned Unit Development, and L-AR-12, Limited Apartment Residential districts for a mixed-use development that is similar to the 2008 proposal. The submitted plans depict the intended development and open space areas. The CPD district is 30.4± acres, and proposes a maximum of 150,000 square feet of limited C-4, Commercial District uses on Subarea 1, and C-2, Commercial District uses on Subarea 2. The PUD-6 district consists of 63.2± acres and proposes 191 single-unit dwellings on public streets. The L-AR-12 district consists of 32.7± acres and proposes 260 apartment units. 37.7 acres of open space are provided throughout the site, and will be maintained by an owner's association or dedicated to the City of Columbus. The Development text includes provisions for setbacks, maximum square footage of commercial space, access and roadway improvements, sidewalks, landscaping and screening, low impact development features, open space, natural resource preservation, single-unit dwelling size and garage requirements, building materials, and lighting and graphics controls. The site is within the planning area of the *Big Darby Accord Watershed Master Plan* (2006) which recommends Commercial, Residential Suburban (3-5 units/acre), and Tier 1 and Tier 3 Environmental Conservation zones for this location. The Big Darby Accord Advisory Panel voted to recommend approval of the proposed development by a 7-0 vote, and their conditions of support have been incorporated into the proposal. The request complies with aspects of the *Big Darby Accord Watershed Master Plan* with regard to recommended density, improvements in water quality, groundwater recharge, and preservation of wooded areas and wetland and stream corridors. The request also includes substantial open space and preservation areas with pedestrian connections to the adjacent parkland. The developer is required to participate in the Big Darby Accord Revenue Program which will generate funds for Big Darby Accord purposes (e.g. stream restoration and parkland acquisition).

To rezone **6145 W. BROAD ST. (43119)**, being 126.3± acres located on the south side of West Broad Street, southeast of the intersection with Alton Darby Creek Road, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District, PUD-6, Planned Unit Development District, and L-AR-12, Limited Residential District (Rezoning #Z18-065).

WHEREAS, application #Z18-065 is on file with the Department of Building and Zoning Services requesting rezoning of 126.3± acres from R, Rural District, to CPD, Commercial Planned Development, PUD-6, Planned Unit Development,

and L-AR-12, Limited Apartment Residential districts; and

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

WHEREAS, the Westland Area Commission recommends disapproval of said zoning change; and

WHEREAS, the Big Darby Accord Advisory Panel recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development, PUD-6, Planned Unit Development, and L-AR-12, Limited Apartment Residential districts will permit a mixed-use development consistent with the land use recommendations of the *Big Darby Accord Watershed Master Plan*. The request includes substantial open space and preservation areas with pedestrian connections to adjacent parkland, and will also generate funds for the Big Darby Accord Revenue Program; 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:

6145 W. BROAD ST. (43119), being 126.3± acres located on the south side of West Broad Street, southeast of the intersection with Alton Darby Creek Road, and being more particularly described as follows:

SUBAREA 1 - CPD

24.615 Acres

Situated in the State of Ohio, County of Franklin, Prairie Township, City of Columbus, Virginia Military Survey Number 5243 and being part of a tract conveyed to Blauser Capital Ltd., an Ohio Limited Liability Company by Instrument Number 200812300185485 of said county records and bounded and described as follows:

COMMENCING at the northeast corner of said Blauser lands on the south existing right of way of West Broad Street (U.S. 40);

Thence on the south existing right of way of West Broad Street (U.S. 40), South 87 degrees 15 minutes 27 seconds West, a distance of 620.25 feet to the POINT OF BEGINNING;

Thence through said Blauser lands, the following six (6) courses:

1. South 01 degrees 14 minutes 03 seconds West, a distance of 300.75 feet to a point;
2. South 11 degrees 48 minutes 25 seconds West, a distance of 100.00 feet to a point;
3. South 35 degrees 12 minutes 30 seconds West, a distance of 100.00 feet to a point;
4. South 04 degrees 23 minutes 48 seconds West, a distance of 276.49 feet to a point;
5. South 40 degrees 44 minutes 01 seconds West, a distance of 237.95 feet to a point;
6. South 89 degrees 47 minutes 45 seconds West, a distance of 969.32 feet to an angle point in the west line of said Blauser lands and the east line of Franklin County Auditor's Parcel 010-287785- 00, conveyed to the City of Columbus, Ohio;

Thence on the west line of said Blauser lands and the east line of said parcel 010-287785-00, North 03 degrees 09 minutes 26 seconds West, a distance of 879.78 feet to the south existing right of way of West Broad Street (U.S. 40);

Thence on the south existing right of way of West Broad Street (U.S. 40), North 87 degrees 15 minutes 27 seconds East, a distance of 1280.30 feet to the Point of Beginning, containing 24.615 acres and being part of Franklin County Auditor's Parcel Number 010-256886-00.

To Rezone From: R, Rural District,

To: CPD, Commercial Planned Development District.

SUBAREA 2 - CPD

5.817 Acres

Situated in the State of Ohio, County of Franklin, Prairie Township, City of Columbus, Virginia Military Survey Number 5243 and being part of a tract conveyed to Blauser Capital Ltd., an Ohio Limited Liability Company by Instrument Number 200812300185485 of said county records and bounded and described as follows:

COMMENCING at the northeast corner of said Blauser lands on the south existing right of way of West Broad Street (U.S. 40);

Thence on the south existing right of way of West Broad Street (U.S. 40), South 87 degrees 15 minutes 27 seconds West, a distance of 1900.55 feet to the west line of said Blauser lands and the east line of Franklin County Auditor's Parcel 010-287785-00, conveyed to the City of Columbus, Ohio;

Thence on the west line of said Blauser lands and the east line of said parcel 010-287785-00, South 03 degrees 09 minutes 26 seconds East, a distance of 879.78 feet to a point;

Thence continuing on the west line of said Blauser lands and the east line of said parcel 010-287785-00, North 89 degrees 47 minutes 45 seconds East, a distance of 201.62 feet to the POINT OF BEGINNING;

Thence through said Blauser lands, the following four (4) courses:

1. North 89 degrees 47 minutes 45 seconds East, a distance of 457.82 feet to a point;
2. South 00 degrees 12 minutes 15 seconds East, a distance of 413.83 feet to a point;
3. South 42 degrees 55 minutes 54 seconds West, a distance of 327.50 feet to a point;
4. North 76 degrees 08 minutes 26 seconds West, a distance of 132.81 feet to the west line of said Blauser lands and the east line of Franklin County Auditor's Parcel 010-270666-00, conveyed to the City of Columbus, Ohio; Thence on the west line of said Blauser lands and the east line of said parcel 010-270666-00, North 00 degrees 00 minutes 00 seconds East, a distance of 118.82 feet to the northeast corner of said parcel 010-270666-00;

Thence on the north line of said parcel 010-270666-00, continuing on the west line of said Blauser lands, North 90 degrees 00 minutes 00 seconds West, a distance of 102.61 feet to the southeast corner of Franklin County Auditor's Parcel 010-287785-00, conveyed to the City of Columbus, Ohio;

Thence on the east line of said parcel 010-287785-00, continuing on the west line of said Blauser lands, North 00 degrees 31 minutes 59 seconds West, a distance of 501.37 feet to the Point of Beginning, containing 5.817 acres and being part of Franklin County Auditor's Parcel Number 010-256886-00.

To Rezone From: R, Rural District,

To: CPD, Commercial Planned Development District.

PUD-6 TRACT 1

52.081 Acres

Situated in the State of Ohio, County of Franklin, Prairie Township, City of Columbus, Virginia Military Survey Number 5243 and being part of a tract conveyed to Blauser Capital Ltd., an Ohio Limited Liability Company by Instrument Number 200812300185485 of said county records and bounded and described as follows:

COMMENCING at the northeast corner of said Blauser lands on the south existing right of way of West Broad Street (U.S. 40);

Thence on the east line of said Blauser lands and the west line of Summerlyn Subdivision Sections 4, 5 and 6, South 01 degrees 14 minutes 03 seconds West, a distance of 1841.47 feet to the POINT OF BEGINNING;

Thence continuing on the east line of said Blauser lands and the west line of Summerlyn Subdivision Sections 4, 5 and 6, South 01 degrees 14 minutes 03 seconds West, a distance of 50.00 feet to a point;

Thence through said Blauser lands, the following five (5) courses:

1. North 87 degrees 38 minutes 42 seconds West, a distance of 516.54 feet to a point;
2. Southwesterly, an arc distance of 358.67 feet on the arc of a curve deflecting to the left, having a central angle of 43 degrees 50 minutes 22 seconds, a radius of 468.76 feet and a chord that bears South 71 degrees 52 minutes 16 seconds West, a distance of 349.99 feet to a point;
3. South 69 degrees 20 minutes 42 seconds East, a distance of 105.73 feet to a point;
4. Southeasterly, an arc distance of 234.72 feet on the arc of a curve deflecting to the right, having a central angle of 56 degrees 56 minutes 22 seconds, a radius of 236.19 feet and a chord that bears South 28 degrees 36 minutes 18 seconds East, a distance of 225.18 feet to a point;
5. South 00 degrees 01 minutes 09 seconds East, a distance of 866.24 feet to a point to the south line of said Blauser lands and the north line of Franklin County Auditor's Parcel 010-258726-00, conveyed to Broadlawn Realty;

Thence on the south line of said Blauser lands and the north line of said parcel 010-258726-00, South 81 degrees 05 minutes 33 seconds West, a distance of 1419.89 feet to the southwest corner of said Blauser lands, on the east line of Franklin County Auditor's Parcel 240-004921-00, conveyed to Ernest V. Whittington;

Thence on the west line of said Blauser lands, the east line of said parcel 240-004921-00 and the east line of Franklin County Auditor's Parcel 240-00196-00, conveyed to the City of Columbus, Ohio, North 02 degrees 36 minutes 30 seconds East, a distance of 877.95 feet to an angle point in the south line of Franklin County Auditor's Parcel 010-270666-00, conveyed to the City of Columbus, Ohio;

Thence on the south line of said parcel 010-270666-00 and continuing on the west line of said Blauser lands, North 86 degrees 28 minutes 21 seconds East, a distance of 374.93 feet to the southeast corner of said parcel 010-270666-00;

Thence on the east line of said parcel 010-270666-00 and continuing on the west line of said Blauser lands, the following three (3) courses:

1. North 00 degrees 00 minutes 00 seconds East, a distance of 674.18 feet to a point;
2. North 90 degrees 00 minutes 00 seconds East, a distance of 130.00 feet to a point;
3. North 00 degrees 00 minutes 00 seconds East, a distance of 136.69 feet to a point;

Thence through said Blauser lands, the following thirteen (13) courses:

1. South 76 degrees 08 minutes 26 seconds East, a distance of 132.81 feet to a point;
2. North 42 degrees 55 minutes 54 seconds East, a distance of 327.50 feet to a point;
3. North 00 degrees 12 minutes 15 seconds West, a distance of 413.83 feet to a point;
4. North 89 degrees 47 minutes 45 seconds East, a distance of 309.88 feet to a point;
5. North 40 degrees 44 minutes 01 seconds East, a distance of 237.95 feet to a point;
6. South 27 degrees 32 minutes 58 seconds East, a distance of 202.37 feet to a point;
7. South 07 degrees 46 minutes 35 seconds East, a distance of 197.48 feet to a point;
8. South 15 degrees 58 minutes 14 seconds West, a distance of 200.00 feet to a point;
9. South 38 degrees 35 minutes 58 seconds West, a distance of 178.00 feet to a point;
10. South 46 degrees 04 minutes 20 seconds East, a distance of 226.33 feet to a point;
11. South 01 degrees 14 minutes 03 seconds West, a distance of 170.43 feet to a point;
12. Northeasterly, an arc distance of 45.59 feet on the arc of a curve deflecting to the right, having a central angle of 04

degrees 58 minutes 31 seconds, a radius of 525.00 feet and a chord that bears North 89 degrees 51 minutes 33 seconds East, a distance of 45.57 feet to a point;

13. South 87 degrees 38 minutes 45 seconds East, a distance of 526.96 feet to the Point of Beginning, containing 52.081 acres and being part of Franklin County Auditor's Parcel Number 010-256886-00.

To Rezone From: R, Rural District,

To: PUD-6, Planned Unit Development District.

PUD-6 TRACT 2
11.127 Acres

Situated in the State of Ohio, County of Franklin, Prairie Township, City of Columbus, Virginia Military Survey Number 5243 and being part of a tract conveyed to Blauser Capital Ltd., an Ohio Limited Liability Company by Instrument Number 200812300185485 of said county records and bounded and described as follows:

BEGINNING at the northeast corner of said Blauser lands on the south existing right of way of West Broad Street (U.S. 40);

Thence on the east line of said Blauser lands and the west line of Summerlyn Subdivision Sections 4, 5 and 6, South 01 degrees 14 minutes 03 seconds West, a distance of 1841.47 feet to a point;

Thence through said Blauser lands, the following eleven (11) courses:

1. North 87 degrees 38 minutes 45 seconds West, a distance of 280.05 feet to a point;
2. North 01 degrees 14 minutes 03 seconds East, a distance of 210.53 feet to a point;
3. North 88 degrees 45 minutes 57 seconds West, a distance of 20.00 feet to a point;
4. North 01 degrees 14 minutes 03 seconds East, a distance of 250.00 feet to a point;
5. South 88 degrees 45 minutes 57 seconds East, a distance of 20.00 feet to a point;
6. North 01 degrees 14 minutes 03 seconds East, a distance of 615.00 feet to a point;
7. South 88 degrees 45 minutes 57 seconds East, a distance of 122.05 feet to a point;
8. Northwesterly, an arc distance of 196.94 feet on the arc of a curve deflecting to the left, having a central angle of 11 degrees 17 minutes 01 seconds, a radius of 1000.00 feet and a chord that bears North 08 degrees 48 minutes 38 seconds West, a distance of 196.62 feet to a point;
9. North 14 degrees 27 minutes 08 seconds West, a distance of 237.57 feet to a point;
10. Northwesterly, an arc distance of 204.37 feet on the arc of a curve deflecting to the right, having a central angle of 11 degrees 42 minutes 35 seconds, a radius of 1000.00 feet and a chord that bears North 08 degrees 35 minutes 51 seconds West, a distance of 204.02 feet to a point;
11. North 02 degrees 44 minutes 33 seconds West, a distance of 116.58 feet to the south existing right of way of West Broad Street (U.S. 40);

Thence on the south existing right of way of West Broad Street (U.S. 40) North 87 degrees 15 minutes 27 seconds East, a distance of 300.12 feet to the Point of Beginning, containing 11.127 acres and being part of Franklin County Auditor's Parcel Number 010-256886-00.

To Rezone From: R, Rural District,

To: PUD-6, Planned Unit Development District.

L-AR-12 PHASE 1
15.433 Acres

Situated in the State of Ohio, County of Franklin, Prairie Township, City of Columbus, Virginia Military Survey Number

5243 and being part of a tract conveyed to Blauser Capital Ltd., an Ohio Limited Liability Company by Instrument Number 200812300185485 of said county records and bounded and described as follows:

COMMENCING at the northeast corner of said Blauser lands on the south existing right of way of West Broad Street (U.S. 40); Thence on the south existing right of way of West Broad Street (U.S. 40), South 87 degrees 15 minutes 27 seconds West, a distance of 300.12 feet to the POINT OF BEGINNING;

Thence through said Blauser lands, the following twenty two (22) courses:

1. South 02 degrees 44 minutes 33 seconds East, a distance of 116.58 feet to a point;
2. Southeasterly, an arc distance of 204.37 feet on the arc of a curve deflecting to the left, having a central angle of 11 degrees 42 minutes 35 seconds, a radius of 1000.00 feet and a chord that bears South 08 degrees 35 minutes 51 seconds East, a distance of 204.02 feet to a point;
3. South 14 degrees 27 minutes 08 seconds East, a distance of 237.57 feet to a point;
4. Southeasterly, an arc distance of 196.94 feet on the arc of a curve deflecting to the right, having a central angle of 11 degrees 17 minutes 01 seconds, a radius of 1000.00 feet and a chord that bears South 08 degrees 48 minutes 38 seconds East, a distance of 196.62 feet to a point;
5. North 88 degrees 45 minutes 57 seconds West, a distance of 122.05 feet to a point;
6. South 01 degrees 14 minutes 03 seconds West, a distance of 615.00 feet to a point;
7. North 88 degrees 45 minutes 57 seconds West, a distance of 20.00 feet to a point;
8. South 01 degrees 14 minutes 03 seconds West, a distance of 250.00 feet to a point;
9. South 88 degrees 45 minutes 57 seconds East, a distance of 20.00 feet to a point;
10. South 01 degrees 14 minutes 03 seconds West, a distance of 210.53 feet to a point;
11. North 87 degrees 38 minutes 45 seconds West, a distance of 246.91 feet to a point;
12. Southwesterly, an arc distance of 45.59 feet on the arc of a curve deflecting to the left, having a central angle of 04 degrees 58 minutes 31 seconds, a radius of 525.00 feet and a chord that bears South 89 degrees 51 minutes 33 seconds West, a distance of 45.57 feet to a point;
13. North 01 degrees 14 minutes 03 seconds East, a distance of 170.43 feet to a point;
14. North 46 degrees 04 minutes 20 seconds West, a distance of 226.33 feet to a point;
15. North 38 degrees 35 minutes 58 seconds East, a distance of 178.00 feet to a point;
16. North 15 degrees 58 minutes 14 seconds East, a distance of 200.00 feet to a point;
17. North 07 degrees 46 minutes 35 seconds West, a distance of 197.48 feet to a point;
18. North 27 degrees 32 minutes 58 seconds West, a distance of 202.37 feet to a point;
19. North 04 degrees 23 minutes 48 seconds East, a distance of 276.49 feet to a point;
20. North 35 degrees 12 minutes 30 seconds East, a distance of 100.00 feet to a point;
21. North 11 degrees 48 minutes 25 seconds East, a distance of 100.00 feet to a point;
22. North 01 degrees 14 minutes 03 seconds East, a distance of 300.75 feet to the south existing right of way of West Broad Street (U.S. 40);

Thence on the south existing right of way of West Broad Street (U.S. 40), North 87 degrees 15 minutes 27 seconds East, a distance of 320.13 feet to the Point of Beginning, containing 15.433 acres and being part of Franklin County Auditor's Parcel Number 010-256886-00.

To Rezone From: R, Rural District,

To: L-AR-12, Limited Apartment Residential District.

L-AR-12 PHASE 2
17.235 Acres

Situated in the State of Ohio, County of Franklin, Prairie Township, City of Columbus, Virginia Military Survey Number 5243 and being part of a tract conveyed to Blauser Capital Ltd., an Ohio Limited Liability Company by Instrument Number 200812300185485 of said county records and bounded and described as follows:

COMMENCING at the northeast corner of said Blauser lands on the south existing right of way of West Broad Street (U.S. 40);

Thence on the east line of said Blauser lands and the west line of Summerlyn Subdivision Sections 3, 4, 5 and 6, South 01 degrees 14 minutes 03 seconds West, a distance of 1891.49 feet to the POINT OF BEGINNING;

Thence on the east line of said Blauser lands and the west line of Summerlyn Subdivision Section 3, South 01 degrees 14 minutes 03 seconds West, a distance of 1092.27 feet to the southeast corner of said Blauser lands and the southwest corner of Summerlyn Subdivision Section 3, on the north line of Franklin County Auditor's Parcel 010-258726-00, conveyed to Broadlawn Realty;

Thence on the south line of said Blauser lands and the north line said parcel 010-258726-00, South 81 degrees 05 minutes 33 seconds West, a distance of 625.71 feet to a point;

Thence through said Blauser lands, the following five (5) courses:

1. North 00 degrees 01 minutes 09 seconds West, a distance of 866.24 feet to a point;
2. Northwesterly, an arc distance of 234.72 feet on the arc of a curve deflecting to the left, having a central angle of 56 degrees 56 minutes 22 seconds, a radius of 236.19 feet and a chord that bears North 28 degrees 36 minutes 18 seconds West, a distance of 225.18 feet to a point;
3. North 69 degrees 20 minutes 42 seconds West, a distance of 105.73 feet to a point;
4. Northeasterly, an arc distance of 358.67 feet on the arc of a curve deflecting to the right, having a central angle of 43 degrees 50 minutes 22 seconds, a radius of 468.76 feet and a chord that bears North 71 degrees 52 minutes 16 seconds East, a distance of 349.99 feet to a point;
5. South 87 degrees 38 minutes 42 seconds East, a distance of 516.54 feet to the Point of Beginning, containing 17.235 acres and being part of Franklin County Auditor's Parcel Number 010-256886-00.

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 CPD, Commercial Planned Development, PUD-6, Planned Unit Development, and L-AR-12, Limited Apartment Residential districts 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 Commercial Planned Development District, PUD-6, Planned Unit Development District and L-AR-12, Limited Apartment Residential District and Application among the records of the Department of Building and Zoning Services as required by Sections 3311.09, 3311.12, and 3370.03 of the Columbus City Codes; said plans being titled, "**DEVELOPMENT PLAN BLAUSER FARM,**" and "**PUD-6 DEVELOPMENT PLAN BLAUSER FARM,**" dated September 27, 2020, and "**ARCHITECTURAL SITE PLAN,**" and "**ELEVATIONS SHEETS A-200 - A-203,**" dated **October 7, 2021**, and said text being titled "**COMMERCIAL PLANNED DEVELOPMENT, PUD AND LIMITATION OVERLAY TEXT,**" dated ~~January 27~~ **October 4, 2021**, all signed by Jeffrey L. Brown, Attorney for the Applicant, and the text reading as follows:

(SEE ATTACHMENT FILE TITLED, "ORD0411-2021_ AMENDED DEVELOPMENT TEXT")

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