



## Legislation Text

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**File #:** 1902-2022, **Version:** 1

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### Explanation

#### Rezoning Application Z22-010

**APPLICANT:** JBM Development, LLC c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, Ohio 43054.

**PROPOSED USE:** Multi-unit residential development.

**DEVELOPMENT COMMISSION RECOMMENDATION:** Approval (6-0) on June 9, 2022.

**GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 15.99± acre site consists of one parcel developed with a single-unit dwelling and associated farm buildings zoned in the R, Rural District. The requested L-ARLD, Limited Apartment Residential District will permit the construction of a multi-unit residential development with up to 198 apartment units (12.38 du/ac). The site is located within the *South East Land Use Plan* (2018), which recommends several land uses for this site including low density residential (4-6 dense units/acre), low-medium density residential (6-10 dense units/acre), and open space. Area Specific Policy (ASP) #1 regarding agricultural land also applies, in addition to *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). The limitation text establishes permitted uses and supplemental development standards that address maximum number of units, setbacks, site access, and landscaping. The text includes a commitment to a site plan which reflects a new public sidewalk along the site frontage, landscaping, and parking lot expansion areas to provide additional parking as well as traffic related commitments including access, right-of-way dedication, and a northbound left turn lane. The ASP interprets use recommendations generally, and may consider support for higher densities if proposals demonstrate a high level of design, natural resource preservation, or parkland dedication. Staff notes the density of 12.38 dense units/acre is clustered toward the eastern portion of the site including a significant open space provision, with preservation of sensitive wetland and flood plain areas consistent with ASP and C2P2 guidelines, as well as previously reviewed building elevations that are consistent with C2P2 design guidelines.

To rezone **5141 EBRIGHT RD. (43110)**, being 15.99± acres located on the west side of Ebright Road, 890± feet north of US-33, **From:** R, Rural District, **To:** L-ARLD, Limited Apartment Residential District (H-35) (Rezoning #Z22-010).

**WHEREAS**, application #Z22-010 is on file with the Department of Building and Zoning Services requesting rezoning of 15.99± acres from R, Rural District, to L-ARLD, Limited Apartment Residential District; and

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

**WHEREAS**, the Greater South East Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval of said zoning change because the requested L-ARLD, Limited Apartment Residential District is consistent with Area Specific policies of the *South East Land Use Plan* and C2PC

Design Guidelines for considerations of higher density. The proposal demonstrates a high level of design, natural resource preservation, and parkland dedication; 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:

**5141 EBRIGHT RD. (43110)**, being 15.99± acres located on the west side of Ebright Road, 890± feet north of US-33, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Madison, being located in Section 15, Township 11, Range 21, Congress Lands East of the Scioto River, being part of that 35.075 acre tract conveyed to **James R. Cloyes, C.P.A., LLC** by the instrument filed as **Instrument Number 201211150174323**, 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 the southeasterly most corner of said 35.075 acre tract, said corner being on the original centerline of right-of-way for Ebright Road (variable width - public);

Thence **North 86 degrees 30 minutes 05 seconds West**, along a southerly line of said 35.075 acre tract, a distance of **28.22 feet** to a point on the existing west right-of-way line for said Ebright Road, being the corporation line between the City of Columbus and Madison Township, said point being the **TRUE POINT OF BEGINNING** for this description;

Thence **North 86 degrees 20 minutes 31 seconds West**, continuing along said southerly line, a distance of **170.88 feet** to a point, said point being a southeast corner of said 35.075 acre tract;

Thence **South 04 degrees 42 minutes 07 seconds West**, along a southeasterly line of said 35.075 acre tract, a distance of **115.92 feet** to a point, said point being a southeast corner of said tract, being on the southerly most line of said tract;

Thence **North 86 degrees 03 minutes 00 seconds West**, along the south line of said 35.075 acre tract, a distance of **837.91 feet** to a point, said point being the southwest corner of said tract, being also on the existing northeast right-of-way line for U.S. Route 33 (variable width - public);

Thence **North 54 degrees 47 minutes 43 seconds West**, along the southwest line of said 35.075 acre tract, the northeast right-of-way line for said U.S. Route 33, a distance of **74.25 feet** to a point;

Thence **North 49 degrees 31 minutes 07 seconds West**, continuing along said southwest line of the 35.075 acre tract, said northeast right-of-way line for U.S. Route 33, a distance of **835.86 feet** to a point;

Thence **North 58 degrees 02 minutes 48 seconds East**, crossing through said 35.075 acre tract, a distance of **522.57 feet** to a point, said point being on an easterly line of said tract;

Thence **South 04 degrees 42 minutes 11 seconds West**, along said easterly line of the 35.075 acre tract, a distance of **318.57 feet** to a point, said point being a northeast corner of said tract;

Thence **South 85 degrees 49 minutes 58 seconds East**, along a northerly line of said 35.075 acre tract, a distance of **955.23 feet** to a point, said point being a northeast corner of said tract;

Thence **South 01 degrees 41 minutes 24 seconds West**, along an easterly line of said 35.075 acre tract, a distance of **186.57 feet** to a point, said point being a northeast corner of said tract;

Thence **South 86 degrees 34 minutes 45 seconds East**, along a northerly line of said 35.075 acre tract, a distance of

**340.21 feet** to a point, said point being on the existing west right-of-way line for said Ebright Road, being the corporation line between the City of Columbus and Madison Township;

Thence **South 03 degrees 05 minutes 35 seconds East**, crossing through said 35.075 acre tract, along the existing west right-of-way line for said Ebright Road, the corporation line between the City of Columbus and Madison Township, a distance of **194.58 feet** to a point;

Thence **South 04 degrees 34 minutes 37 seconds West**, continuing through said 35.075 acre tract, along the existing west right-of-way line for said Ebright Road, the corporation line between the City of Columbus and Madison Township, a distance of **27.19 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total area of **15.990 acres**, all of which are located within Franklin County Auditor's parcel number 180-005121.

Bearings are based on Grid North, NAD 83, per the Franklin County GIS.

This description is intended for zoning purposes only and does not represent an actual field survey of the premises.

Property Address: 5141 Ebright Road, Columbus, Ohio 43110

Parcel Number: 180-005121

**To Rezone From:** R, Rural 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 change on the said original zoning map 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 plans being titled, "**PRELIMINARY SITE PLAN**," "**PERSPECTIVES OPTION 1**," and "**PERSPECTIVES OPTION 2**," all signed by Eric Zartman, Attorney for the Applicant, and dated June 13, 2022, and text titled, "**LIMITATION TEXT**," signed by David Hodge, Attorney for the Applicant, and dated June 20, 2022, and the text reading as follows:

#### **LIMITATION TEXT**

**Application:** Z22-010

**Location:** 5141 EBRIGHT RD. (43110), being 15.99± acres located on the west side of Ebright Road, 890± feet north of US-33. (180-005121; Greater South East Area Commission).

**Existing Zoning:** R, Rural.

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

**Proposed Use:** Multi-unit residential development.

**Applicant(s):** JBM Development, LLC

**Property Owner(s):** James R. Cloyes

**Attorney:** David Hodge, Underhill and Hodge

**Date:** June 20, 2022

I. Introduction:

This parcel was recently annexed from Madison Township to the City of Columbus. The entire 34.9 acre parcel was annexed; however, this application only concerns a 15.99-acre portion of that parcel. The Applicant proposes rezoning the 15.99-acre site from R, Rural to L-ARLD and the 18.91-acre remainder is to keep the R, Rural zoning classification.

The property was most recently used for single-family residential and agricultural uses. The property is bordered by Madison Township residential property on the north, Madison Township property used for self-storage on the south, and US33 on the west.

The property is located within the boundaries of Greater South East Area Commission and the South East Land Use Plan (C2P2). The Plan recommends low-medium density residential uses at 6-10 dwelling units per acre.

The Applicant proposes development of the 15.99-acre site with 198 apartment units. The plan includes residential amenities such as a community building, pool, dog park, and a path through the remainder tract. The technical density for this 15.99 acre tract is 12.38 dwelling units per acre. However, if the remainder of this parcel were considered, the effective density of the 34.9 acre tract is 5.67 dwelling units per acre.

## II. Permitted Uses:

Those uses permitted in Sections 3333.02, ARLD Use, of the Columbus City Zoning Code shall be permitted.

## III. Development Standards:

Unless otherwise indicated in this text or Zoning Exhibit, the applicable development standards are contained in Chapter 3333, Apartment Districts, of the Columbus City Code.

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

1. The minimum building setback from the Ebright Road right-of-way shall be 40 feet.
2. The maximum number of units shall be 198.

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

1. Access to the site shall be limited to a single, full-access point on Ebright Road located a minimum of 87 feet from the north property line (corresponding to a minimum centerline-to-centerline spacing of 125 feet from the proposed access point to Ebright Road associated with the Cobleton Development Traffic Impact Study and rezoning application Z21-065), subject to review and approval by the Department of Public Service.
2. Right-of-way dedication of 40' from centerline along the Ebright Road frontage shall be dedicated to the appropriate jurisdiction.
3. The Developer shall provide a 185 feet long northbound left turn lane (inclusive of a 60 feet diverging taper) on Ebright Road at the proposed site access, subject to review and approval by the Department of Public Service.

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

1. The site's perimeter and internal landscaping shall generally conform to the landscaping depicted on the Site Plan.
2. The development shall provide a sidewalk along Ebright Road frontage.

### D. Building Design and/or Exterior Treatment Commitments:

The building design and exterior treatments shall generally conform to the depiction on Perspectives Option 1 and/or 2.

E. Lighting and/or other Environmental Commitments: N/A

F. Graphics and/or Signage Commitments:

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the Apartment Residential District. Any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous:

The site shall be developed in general conformance with the submitted Site Plan titled, "Preliminary Site Plan". Building Design and Exterior Treatments shall generally conform to Perspectives Option 1 and/or 2. The plan or architecture may be adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the plans or architecture shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a 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.